



MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

May 23, 2018 at 9:00 a.m.
University of North Carolina System Office
Center for School Leadership Development, Board Room
Chapel Hill, North Carolina

AGENDA

OPEN SESSION

- A-1. [Approval of the Minutes of March 22 and April 13, 2018](#) Steve Long
- A-2. [UNC Press Board of Governors Nominations](#) Ann Maxwell
- A-3. [Umstead Review Panel Nominations](#) Steve Long
- A-4. [Proposed Policies and Policy Revisions Related to Campus Safety and Security](#) Tom Shanahan
- A-5. [Duties and Authorities of Boards of Trustees](#)
 - a. Comparison to Other Public Systems Andrea Poole
 - b. Survey Results Andrea Poole
 - c. Committee Discussion Steve Long
- A-6. [UNC Pembroke Board of Trustees Nomination](#) Steve Long

CLOSED SESSION

- A-7. Approval of the Closed Session Minutes
of March 22 and April 13, 2018 Steve Long
- A-8. Legal Affairs Report Tom Shanahan

OPEN SESSION

- A-9. Other Business Steve Long
- A-10. Adjourn

Additional Information Available

- A-5. [UNC Boards of Trustees Governance Survey Written Responses](#)

DRAFT MINUTES

March 22, 2018
University of North Carolina Wilmington
Burney Center, Ballroom A
Wilmington, North Carolina

This meeting of the Committee on University Governance was presided over by Chair Steve Long. The following committee members, constituting a quorum, were also present in person: Phil Byers, Frank Grainger, Ann Maxwell, David Powers, Randy Ramsey, and William Webb.

Chancellors participating were Robin Cummings, Alison Morrison-Shetlar, and Todd Roberts.

Staff members present included Andrea Poole, Tom Shanahan, and others from the UNC System Office.

1. Call to Order and Approval of OPEN Session Minutes (Item A-1)

Chair Long called the meeting to order at 9:33 a.m. on Thursday, March 22, 2018 and called for a motion to approve the open session minutes of January 25, 2018.

MOTION: Resolved, that the Committee on University Governance approve the open session minutes of January 25, 2018.

Motion: Phil Byers

Motion carried

2. Section 302 B of *The Code*, Officers of Standing Committees (Item A-3)

The chair called on Mr. Powers to explain the proposed amendment to Section 302 B of *The Code*. Mr. Powers explained that the proposed change states that no chair or vice chair of a standing committee could serve as a chair or vice chair of another standing committee.

MOTION: Resolved, that the Committee on University Governance approve Item A-3 and recommend it to the full Board of Governors for a vote at the next meeting.

Motion: Ann Maxwell

Motion carried

3. Elections Policy (Item A-2)

The chair called on Mr. Webb to provide the committee with an overview of the proposed amendments to Section 200.2 of the UNC Policy Manual. Mr. Webb and Mr. Shanahan explained that the proposed changes simplify the nomination and election process to occur entirely during the Board's last regular meeting before July 1 in each even-numbered year and that these procedures are consistent with *Robert's Rules of Order*. Discussion by the committee followed.

MOTION: Resolved, that the Committee on University Governance approve Item A-2 and recommend it to the full Board of Governors for a vote through the consent agenda at the next meeting.

Motion: Phil Byers
Motion carried

4. Nomination to the Vidant Medical Center Board of Trustees (Item A-5)

The chair provided background information to the committee on the nomination as well as the roles, responsibilities, and duties of the Vidant Medical Center Board of Trustees.

MOTION: Resolved, that the Committee on University Governance approve Item A-5 and recommend it to the full Board of Governors for a vote.

Motion: William Webb
Motion carried

5. Nomination to the North Carolina Arboretum Board of Directors (Item A-4)

The chair provided background information to the committee on the nomination as well as the roles, responsibilities, and duties of the North Carolina Arboretum Board of Directors. Alison Morrison-Shetlar, Acting Chancellor of Western Carolina University and nominee to the North Carolina Arboretum Board of Directors left the room during the discussion.

MOTION: Resolved, that the Committee on University Governance approve Item A-4 and recommend it to the full Board of Governors for a vote.

Motion: Frank Grainger
Motion carried

6. Closed Session

MOTION: Resolved, that the Committee on University Governance move into closed session to prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes. And, to consult with our attorney to protect the attorney-client privilege; and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial

action for the following case: *Carcaño, et al. v. Cooper, et al.* This is pursuant to North Carolina General Statute 143-318.11(a)(1) and (3).

Motion: Ann Maxwell

Motion carried

THE MEETING MOVED INTO CLOSED SESSION.

(The complete minutes of the closed session are recorded separately.)

MOTION: Resolved, that the Committee on University Governance return to open session.

Motion: David Powers

Motion carried

THE MEETING RESUMED IN OPEN SESSION.

7. Other Business (Item A-8)

The chair called on Ms. Poole to provide the committee with an update on the survey of the boards of trustees on duties and authorities and on the timeline of feedback from the boards of trustees. The chair asked the committee about supporting University organizations and called on Mr. Shanahan to explain the regulations they are to adhere to. Discussion by the committee followed. The chair called on Ms. Poole to speak about the boards of trustees' appointment schedule and the legislative process the committee would need to follow should any change be requested to the appointment schedule. Discussion by the committee followed. The committee concluded that it would not be worth pursuing a change to the appointment timing at this time. Lastly, the chair updated the committee on upcoming vacancies on.

There being no further business, the meeting adjourned at 10:12 a.m.

Ann Maxwell, Secretary



MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

DRAFT MINUTES

April 13, 2018
University of North Carolina System Office
Spangler Center, Conference Room C
Chapel Hill, North Carolina

This meeting of the Committee on University Governance was presided over by Chair Steve Long. The following committee members, constituting a quorum, were present by phone: Phil Byers, Frank Grainger, Ann Maxwell, David Powers, Randy Ramsey, and William Webb.

Staff members present included Tom Shanahan, Andrea Poole, and others from the UNC System Office.

1. Call to Order and Motion to Enter Closed Session (Item A-1)

Chair Long called the meeting to order at 9:30 am on Friday, April 13, 2018 and called for a motion to enter closed session

MOTION: Resolved, that the Committee on University Governance move into closed session to prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes pursuant to Chapter 143-318.11(a)(1) and (3) of the North Carolina General Statutes.

Motion: Ann Maxwell
Motion carried

THE MEETING MOVED INTO CLOSED SESSION.

(The complete minutes of the closed session are recorded separately.)

MOTION: Resolved, that the Committee on University Governance return to open session.

Motion: Frank Grainger
Motion carried

THE MEETING RESUMED IN OPEN SESSION.

There being no further business, the meeting adjourned at 9:41 am.

Ann Maxwell, Secretary

AGENDA ITEM

A-2. UNC Press Board of Governors NominationsAnn Maxwell

Situation: UNC Press has three vacancies on its Board of Governors with five-year terms beginning July 1, 2018 and ending June 30, 2023.

Background: The UNC Press Board of Governors has 15 elected members who serve five-year terms and may be reelected for successive terms up to a service limit of three full terms. Fourteen of the current members actively hold an academic position at universities including Appalachian State University, North Carolina Central University, North Carolina State University, University of North Carolina at Chapel Hill, and University of North Carolina at Greensboro.

According to its by-laws, the UNC Press Board of Governors creates a nominating committee and submits a slate to the chancellor of UNC-CH who transmits it to the president of the UNC System, who presents it to the Board of Governors.

Assessment: Following the recommendation of UNC Press and UNC-CH Chancellor Folt, President Spellings nominates Dr. Claude Clegg for a new appointment, and Dr. Lisa Levenstein and Dr. Timothy J. Smith for reappointment.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda.

Claude Clegg

Claude Clegg's work focuses on African American history as well as the African diaspora of the Atlantic world, exploring the ways in which people of African descent have created and imagined communities and identities outside Africa. He is the author of three books, including *An Original Man: The Life and Times of Elijah Muhammad* (St. Martin's Press, 1997), *The Price of Liberty: African Americans and the Making of Liberia* (University of North Carolina Press, 2004), and *Troubled Ground: A Tale of Murder, Lynching, and Reckoning in the New South* (University of Illinois Press, 2010). He is currently writing a book that examines the ways that African Americans imagined, experienced, and interpreted the presidency of Barack Obama. He received his M.A. and Ph.D. in history at the University of Michigan at Ann Arbor. He received his bachelor's degree in Political Science and Afro-American Studies at the University of North Carolina at Chapel Hill.

Claude Clegg teaches courses in African American and U.S. history. He holds the Lyle V. Jones Distinguished Professorship in the Department of African, African American, and Diaspora Studies at the University of North Carolina at Chapel Hill. He also has an appointment in the History department of UNC-Chapel Hill.

Lisa Levenstein

Lisa Levenstein is Associate Professor of History and Director of the Humanities Network and Consortium at the University of North Carolina at Greensboro. She is the author of *A Movement Without Marches: African American Women and the Politics of Poverty in Postwar Philadelphia* (UNC Press, 2009), which was a co-winner of the Kenneth Jackson Book Award from the Urban History Association and received an Honorable Mention for the Frederick Jackson Turner Award from the Organization of American History. Levenstein has also written award-winning articles on women's activism and the state in the postwar United States. She has held fellowships from the American Association of University Women, the Center for African American Urban Studies and the Economy, the National Humanities Center, and the American Council of Learned Societies. Her current book project is on multiracial US feminism in the 1990s and beyond (under contract with Basic Books).

Timothy J. Smith

Timothy J. Smith is associate professor and chair of Anthropology at Appalachian State University. Before coming to Appalachian State in the fall of 2008, he was visiting assistant professor of Humanities and American Studies at the University of South Florida, where he was also associate director of the Institute for the Study of Latin America and the Caribbean as well as Graduate Studies Advisor. At the University of Illinois at Urbana-Champaign, he was Associate Director of the Center for Latin American and Caribbean Studies as well as the Graduate Studies Advisor. In 2012, he was in residence at Princeton University as a visiting assistant professor in the Department of Anthropology and as visiting research scholar for the program in Latin American Studies. He also held a guest appointment with the Office of Population Research.

Dr. Smith received his M.A. and PhD at the University of Albany - SUNY. His areas of research include the critical examination of community participation, linguistic revival and change, violence and conflict, development, human rights, citizenship and the state, environmental conservation, and grassroots indigenous politics in Latin America (Guatemala and Ecuador).

AGENDA ITEM

A-3. Umstead Review Panel Nominations Steve Long

Situation: The Umstead Review Panel has three vacancies to be appointed by the Board of Governors, for the term beginning July 1, 2018 and ending June 30, 2022.

Background: The Umstead Act, G.S. 66-58, was enacted in 1929 to prohibit state agencies from unfairly competing with private business. The exemptions to the act are longer than the act itself, and historical UNC System exemptions range from operating utility plants to selling ice cream. In 2005, additional exemptions were added to G.S. 66-58(b). These new exceptions were to confirm that the UNC System is not in competition with private businesses when it engages in activities that further its mission, and to allow for activities that serve the UNC System community and the communities in which UNC System institutions are located.

The 2005 exemptions were conditioned upon the Board of Governors establishing the Umstead Review Panel. The panel was established in 2006 and the procedures are contained in Section 100.4 of the UNC Policy Manual. The panel is composed of nine individuals: three appointed by the Board; two by the governor; two by the president pro tempore of the North Carolina Senate; and two by the speaker of the North Carolina House of Representatives. The term for all three current members of the panel appointed by the Board ends on June 30, 2018.

Assessment: It is recommended that former UNC Board of Governors members Roger Aiken, Therence O. Pickett, and Raiford G. Trask III each be appointed for a four-year term.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda.

Roger Aiken

Roger Aiken, of Asheville, served on the UNC Board of Governors from 2013-2017, including service as the Vice Chair from 2016-2017. During his time on the Board, Aiken served on the Committee on Audit, Risk Management, and Compliance, the Committee on Budget and Finance, and the Committee on Strategic Initiatives. Aiken also served on the Public Service Award Committee, on the O. Max Gardner Committee, and the University Award Committee.

A graduate of Appalachian State University, Aiken has over three decades of experience in the financial services industry. Aiken currently serves on the Eblen Charities Board of Directors and previously served on the Asheville Chamber of Commerce, and on the Buncombe County Board of Education, including two terms as chairman.

Therence O. Pickett

Therence O. Pickett, of Greensboro, served on the UNC Board of Governors from 2013-2017. During his time on the Board, Pickett served on the Committee on Educational Planning, Policies, and Programs, the Committee on Personnel and Tenure, and the Committee on Strategic Initiatives. Pickett also served as Vice Chair on the 2015 Presidential Search Committee.

Pickett is a graduate of North Carolina State University and received his J.D. from Duke University. Pickett has served as a member of the Central Virginia Foodbank, a member of Pew Partnership's Greensboro Civic Entrepreneurship Initiative, a member of the North Carolina Zoological Society, and as a volunteer for the Big Brothers/Sisters Program.

Raiford G. Trask III

Raiford. G. Trask III, of Wilmington, served on the UNC Board of Governors from 2011-2015. During his time on the Board, Trask served on the Committee on Budget and Finance, the Committee on Educational Planning, Policies, and Programs, and the Committee on Public Affairs. Trask also served on the Committee on the James E. Holshouser, Jr. Award for Excellence in Public Service and on the Special Committee on Military Affairs.

A graduate of UNC-Chapel Hill, Trask previously served on Wilmington's Unified Development Ordinance Steering Committee (and participated in crafting the City of Wilmington Future Land Use Plan), the NC Coastal Land Trust, the Cape Fear Community College Foundation Board of Directors, the Board of Directors of the Greater Wilmington Chamber of Commerce, and the Board of Trustees for Thalian Hall.

AGENDA ITEM

A-4. Proposed Policies and Policy Revisions Related to Campus Safety and Security.....Tom Shanahan

Situation: The Board has for its consideration a proposed Policy on Providing Safety and Security Presentations to University Boards, to be numbered 1300.9 in the UNC Policy Manual. In addition, the Board has for its consideration proposed amendments relating to appeals of student expulsions, the requirements for which are in Chapter 502 D of *The Code of the University of North Carolina* and Section 700.4.1 of the UNC Policy Manual.

Background: The proposed new policy (1300.9) results from a recommendation from the UNC Campus Security Initiative that boards of trustees and the Board of Governors should receive information at least annually concerning safety and security matters.

The proposed changes to *The Code* and the policy on student discipline procedures result from the work of the Title IX working group, which recommended that the University streamline appeal policies for student conduct matters so that the Board of Governors will no longer hear appeals of student conduct matters. Governor Webb served as the Board of Governors liaison to the working group.

Assessment: The proposed Policy on Providing Safety and Security Presentations to University Boards provides for annual presentations to the boards of trustees and the Board of Governors on campus safety- and security-related efforts and resource needs. This proposed policy is consistent with Recommendation 1 of the Campus Security Initiative Report.

The proposed amendments to Chapter 502 D of *The Code* and Section 700.4.1 of the UNC Policy Manual streamline appeal rights, such that student appeals of conduct matters will end at the board of trustees level.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda at the next meeting.

**Policy on Providing Safety and Security Presentations to
University Boards**

- I. Purpose. The Board of Governors adopts this policy to assure that University and constituent institution boards receive campus safety and security presentations on a regular basis to inform their decision making on policy matters related to safety and security at their institutions.
- II. Annual Presentations to Boards of Trustees. The chancellor of each constituent institution or the chancellor's designee shall provide an annual presentation to the constituent institution's board of trustees with relevant data and information concerning campus security, the safety of students and others, sexual assault, alcohol and drug use, risk management, and associated institutional policies.
- III. Annual Presentation to the Board of Governors. The president or the president's designee shall provide an annual campus safety and security presentation to the Board of Governors, which may include information presented to boards of trustees and any other relevant information.
- IV. Other Matters
 - A. Effective Date. The requirements of this policy shall be effective on the date of its adoption by the Board of Governors.
 - B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.
 - C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

CHAPTER V - OFFICERS OF THE UNIVERSITY

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SECTION 502. CHANCELLORS OF CONSTITUENT INSTITUTIONS.

502 A. General Authority.

The administrative and executive head of each constituent institution shall be the chancellor, who shall exercise complete executive authority therein, subject to the direction of the president. The chancellor shall be responsible for carrying out policies of the Board of Governors and of the board of trustees. [See G.S. 116-34(a)]

....

502 D. Relation of the Chancellor to the Constituent Institution.

(1) Subject to policies established by the Board of Governors, the institutional board of trustees, or the president, the chancellor shall be the leader of and the official spokesperson for the institution; shall promote the educational excellence and general development and welfare of the institution; shall define the scope of authority of faculties, councils, committees, and officers of the institution; and all projects, programs, and institutional reports to be undertaken on behalf of the institution shall be subject to the chancellor's authorization and approval.

(2) The chancellor shall be a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any legislative bodies of the faculties of the institution.

The chancellor shall be responsible for ensuring that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. The general faculty, however, which shall include at least all full-time faculty and appropriate administrators, may function as the council or senate. The faculty shall be served by a chair elected either by the general faculty or by the council or senate. However, the chancellor may attend and preside over all meetings of the council or senate. The council or senate may advise the chancellor on any matters pertaining to the institution that are of interest and concern to the faculty.

In addition to ensuring the establishment of a council or senate, the chancellor shall ensure the establishment of appropriate procedures within the institution to provide members of the faculty the means to give advice with respect to questions of academic policy and institutional governance, with particular emphasis upon matters of curriculum, degree requirements, instructional standards, and grading criteria. The procedures for giving advice may be through the council or senate, standing or special committees, or other consultative means.

(3) Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds:

~~1(a)~~ A violation of due process; or

~~(b2)~~ A material deviation from the Minimum Substantive and Procedural Standards for Student Disciplinary Procedures, Section 700.4.1 ~~adopted by the Board of Governors of the UNC Policy Manual.~~

Where the sanction is suspension or expulsion, an appeal may be made to the board of trustees. No appeal to the president or Board of Governors is permitted. ~~When the sanction is expulsion, the final campus decision is appealable to the Board of Governors.~~

Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings

The purpose of this policy is to establish legally supportable, fair, effective and efficient procedures for student disciplinary proceedings. The minimum standards for these proceedings are set out below. These minimum standards exceed the requirements of due process and therefore complying with requirements will also result in providing due process.

I. Elements of Policy. The two kinds of standards that must be followed are procedural standards and substantive standards.

II. Procedural. The procedural standards require notice and an opportunity for a hearing. The formality of these provisions will vary depending on the seriousness of the offense. (See sections V., and VI., below.)

III. Substantive. Substantive standards require that the decision reached be neither arbitrary nor capricious. Generally this means that there is some evidence to support the decision reached.

IV. Code of Student Conduct. Each constituent institution must adopt a code of student conduct that:

 ~~(a)~~A. ~~i~~s applicable to all students;

 ~~(b)~~B. ~~d~~efines what conduct is prohibited; and

 ~~(c)~~C. ~~s~~pecifies the types of sanctions that may be imposed for each category of prohibited conduct. Ranges of violations and ranges of sanctions are permissible.

 Progressive sanctions for multiple violations are also legitimate. A periodic review of the code should be undertaken to ensure it remains in compliance with applicable laws, policies and regulations.

V. Requirements for Minor Violations. A minor violation is one for which the possible sanctions are less than suspension and expulsion.

A. Procedural Requirements.

1. A constituent institution may receive and, in its discretion, investigate reports of incidents of student misconduct. A student may be accused of a violation of the code of student conduct only by a designated university official with a formal charge initiating a disciplinary proceeding. A determination to initiate a disciplinary proceeding accusing a student of a violation of the code of student conduct should be made by a designated university official within a reasonable period of time after the constituent institution receives the report.

2. If a charge is to be pursued, it is then referred to a hearing official or body. The student must be notified in writing of the alleged violation(s), the referral and the hearing date. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice, unless the student agrees to an earlier hearing date. A committee member or the hearing official who has a conflict with, bias about or interest in the case should recuse himself. If the committee member or the hearing official refuses to recuse himself, a designated university official shall make the recusal decision.

3. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with section IV., above. The waiver and acceptance must be in writing and signed by the student.

4. If a hearing is held, it may occur as a meeting between the hearing committee/official and the student. It will be a closed meeting. The institution shall assure that students have the capability to present their evidence and defenses at the meeting or hearing. Witness testimony and documents may be received from both the designated university official and the student, who will both be present during all of the evidentiary presentation. At the end of the hearing, the committee/official will determine whether the designated university official has shown by a preponderance of the evidence that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing or meeting. The committee/official will also determine the appropriate sanction within the ranges specified in the definitions in Section IV, above.

5. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed ~~forty-five (45)~~ calendar days after the date of the hearing. The final administrative decision must be transmitted to the student in writing within ~~ten (10)~~ calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

6. Appeal rights must be specified in the decision letter. At least one level of administrative appeal must be permitted and the time in which to appeal and the permitted grounds for the appeal must be articulated. Further appellate opportunities shall be governed by ~~the Section 502 D(3), of The~~ Code ~~[502-D(3)]~~ of the University of North Carolina.

B. Substantive Requirements. In each case there must be sufficient evidence supporting the decision and the sanction.

VI. Serious Violations. A serious violation is one for which the possible sanctions include suspension or expulsion.

A. Procedural Requirements:

1. A constituent institution may receive and, in its discretion, investigate reports of incidents of student misconduct. A student may be accused of a violation of the code of student conduct only by a designated university official with a formal charge initiating a disciplinary proceeding. A determination to initiate a disciplinary proceeding accusing a student of a violation of the code of student conduct should be made by a designated university official within a reasonable period of time after the constituent institution receives the report.
2. Written notice to the student must be provided if a decision is made to issue a formal charge against the student. The notice should specify the offense(s) charged, the possible sanctions, and a brief recitation of the factual allegations supporting the charge. For all charged offenses which could result in expulsion, the notice must include this possibility and must specify that expulsion precludes matriculation at any UNC constituent institution.
3. A formal charge is then referred to a hearing official or body. The student must be notified in writing of the referral. This notice may include a hearing date. The hearing date may not be scheduled for at least ~~ten~~(10) calendar days after the student receives notice of the referral, unless the student agrees to an earlier hearing date. Reasonable extensions of time for either party to prepare for the hearing should be allowed.
4. If a hearing date is not set in the notice of the charge, written notice of the hearing date must be sent to be received by the student not less than five calendar days before the proceeding is scheduled for hearing.
5. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with Section IV., above. The designated university official must determine that the waiver and acceptance is voluntary and that the charge and sanction have factual support. The waiver and acceptance must be in writing and signed by the student and the designated university official.
6. Prior to the hearing, the student must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.
7. A committee member or hearing official who has a conflict with, bias about or an interest in a case must recuse himself. If the committee member refuses to recuse himself, a designated university official will make the recusal decision. The student must also be given the opportunity to challenge a committee member or hearing official on these grounds. The decision on the challenge must be made by the committee or official within five calendar days. If necessary, a substituted committee member or hearing official will be appointed.
8. The institution shall assure that students have the capability to present their evidence and defenses at the hearings. The method for assuring this capability may vary depending on the nature of the case and on the nature of the representation of the

institution or the charging party. Each institution must have a policy delineating the participation or prohibition of attorneys and non-attorney advocates. Representation or assistance by attorneys or non-attorney advocates at the hearing is neither required nor encouraged.

9. The hearing will be closed to the public, unless a constituent institution's policy provides otherwise.

10. A transcript or other verbatim record of the hearing (but not of the deliberations) will be prepared. The institution will be responsible for the costs of this record.

11. At the hearing, a designated university official must present sufficient witness and/or documentary evidence to establish the violation. The student must be given an opportunity to question this evidence, either by direct questions or inquiries transmitted through the committee or hearing official.

12. The student must be given the opportunity to present any witness or documentary evidence that ~~he~~ the student offers, provided that the evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students.

13. At the conclusion of the evidence, the committee/official will determine whether the charging official has shown by a preponderance of the evidence, or by such higher standard as the institution may adopt, that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing. The committee or official will also determine the appropriate sanction within the ranges specified in accordance with section IV., above.

14. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed ~~forty-five (45)~~ calendar days after the hearing is completed. The final administrative decision must be transmitted in writing to the student within ten (10) calendar days of the date the decision is made and must contain a brief summary of the evidence upon which the decision is based.

15. A vice chancellor or ~~his~~ the vice chancellor's delegate must make the final administrative determination in all suspension cases. The delegation may be to a student committee or a student/employee committee.

16. The chancellor or a vice chancellor must make the final administrative decision in all expulsion cases.

17. Appeal rights must be specified in the final decision letter. At least one level of institutional appeal must be permitted, and the time limits in which to appeal and the permitted grounds for appeal must be articulated.

18. Further appeals shall be governed by ~~the~~ The Code of the University of North Carolina.

B. Substantive Requirements. In each case there must be sufficient evidence supporting the decision and the sanction.

VII. Special Cases

A. If the formal charge is also the subject of pending criminal charges, the institution must, at a minimum, allow an attorney advisor to accompany the student to the hearing.

B. Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents to such a proceeding.

C. In cases of alleged sexual misconduct, both parties are entitled to the same opportunities to have others present during a disciplinary proceeding.¹

D. Victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.²

E. When a student with a disability is charged with an offense, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

VIII. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of its adoption by the Board of Governors and shall apply to all disciplinary proceedings initiated on or after August 1, 2018.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.

C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

~~Effective Date: This policy applies to all offenses committed on or after August 23, 2013.~~

¹ The term "sexual misconduct" includes sexual assault, sexual battery, sexual coercion, rape, stalking, sexual violence and other forms of sexual misconduct. Furthermore, "both parties" refers specifically to the individual who claims to have been the victim of the sexual misconduct and the student who is alleged to have engaged in sexual misconduct.

² The disciplinary records of high school students at the North Carolina School of Science and Mathematics described in sections VII.C., and D., of this policy may not be disclosed without appropriate consent. [CFR 99.31(a)(13)]

AGENDA ITEM

A-5. Duties and Authorities of Boards of TrusteesAndrea Poole

Situation: The Committee on University Governance is examining duties and authorities of boards of trustees and requested that each board of trustees respond to respond to a survey regarding which duties and authorities might be more appropriately exercised by the boards of trustees.

Background: At the November meeting, the committee began a discussion the duties and authorities of the boards of trustees. By statute, each constituent institution of the University has a board of trustees that serves both as an advisor to the Board of Governors on matters pertaining to its institution and as advisor to the chancellor concerning the management and development of the institution. The powers and duties of the boards of trustees are defined and delegated by the Board of Governors, consistent with state law. These delegations are codified in The Code, including Appendix I, and throughout the UNC Policy Manual.

Assessment: Survey results have been collected and a summary, as well as the individual responses, is attached. Additionally, information is also provided on the governance structures of other public university systems.

Action: This item is for discussion only.

Comparison of Governing Authorities of Select Public University Systems

System	System Size (# schools)	Board Size (# voting)	Tuition	Fees	Enrollment	Campus CEO Hiring	Capital Projects	Salary Approvals	Academic Programs	Issue Debt
University of North Carolina	17	28	▲	▲	▲	▲	*	*	▲	▲
<u>Without Institutional Governing Boards</u>										
University of California	10	26	▲	▲	▲	▲	▲	▲	*	▲
California State University	23	24	▲	▲	▲	▲	▲	*	*	▲
University System of Georgia	26	19	▲	▲	▲	▲	▲	*	▲	▲
University of South Carolina System	8	20	▲	▲	▲	▲	▲	*	▲	▲
State University of New York (SUNY)	64	16	▲	▲	▲	▲	▲	*	*	*
University of Tennessee System	7	23	▲	*	▲	▲	*	▲	▲	*
Texas A&M University System	11	9	*	▲	*	▲	▲	▲	*	▲
University of Texas System	14	9	*	▲	*	▲	▲	▲	*	▲
<u>With Institutional Governing Boards</u>										
State University System of Florida	12	17	▲	▲	■	▲	▲	■	■	*
Massachusetts System of Public Higher Education	29	11	*	■	▲	■	▲	■	▲	■
University System of Ohio	14	9	*	■	*	■	■	■	■	■
Oregon Higher Education Coordinating Commission	7	9	*	■	■	*	■	■	*	■
Virginia System of Higher Education	14	13	*	■	■	■	■	■	▲	*

▲ System Governing Board

■ Institution Governing Board

* Other (joint authority, other entity, etc.)

Most Frequent UNC System Board of Trustees Survey Responses (by committee of jurisdiction)

Committee on Budget and Finance

- Increased authority (at different thresholds) for boards of trustees on capital improvement projects
- Tuition and fees
- Single approval by Board of Governors for self-liquidating projects
- Increased authority over the leasing and acquisition/disposition of real property

Committee on Educational Planning, Policies, and Programs

- Authority over academic program establishment and discontinuation
- Increased authority over institutional mission statement revisions

Committee on Personnel and Tenure

- Removal of special legislative provision for Board salary and position monitoring
- Approval of compensation increases for all EHRA (excluding chancellor) and SHRA positions that exceed campus-based authority under existing Board policy
- Increased authority on chancellor search committee and review process
- Increased authority over the faculty disciplinary review process and final actions

Committee on University Governance

- Increased authority on BOT appointments
- Increased authority to conduct appellate review of student expulsions
- Increased authority over litigation settlements

Committee on Budget and Finance

Institution	Issue	Citation
Increased authority on tuition and fees		
NCSU	Delegate annual approval of tuition and fees to BOTs after providing overarching guidance	Policy 1000.1.1 G.S. 116-11(7)
UNCA	Tuition and fees information earlier in the year	Policy 1000.1.1
UNCA	In-state residency for athletes	G.S. 116-143.6
UNCG	Acquire or dispose of real property at certain thresholds	Policy 400.1.2; Regulation 400.1.1[R]
UNCSA	Tuition and fees: BOG to provide BOT ranges within which to work when determining tuition and fees for subsequent academic years and the authority to set tuition and fees within the ranges	Policy 1000.1.1; G.S. 116-11(7)
UNCW	Provide authority for the boards of trustees, either as a whole or for those constituent institutions that apply for such authority, regarding the setting of tuition and fees, within guidelines and parameters established by the General Assembly and the Board of Governors	Policy 1000.1.1; G.S. 116-11(7)
Increased authority (at different thresholds) for boards of trustees on capital improvement projects		
ECU	Delegate to the Chancellors approval of capital improvement projects with scope of up to \$2M	Policy 600.1.1
ECU	Delegate to the System Office authority to increase capital project authority by 10% on any project provided that non-general fund funding funds the increase of authority and the increase does not impose any additional financial responsibilities to the state	Policy 600.1.1
NCSSM	Greater authority for approving capital and repair and renovation projects	Policy 600.1.1
NCSU	Increase BOT delegated authority to approve capital improvement projects	Policy 600.1.1
NCSU	Increase permissible carry forward of funds to a minimum of 5%	G.S. 116-30.3
UNC-CH	Delegation of approval authority to the BOT or System Office to increase capital project authority by up to 10% on any non-general fund project that does not impose any additional financial responsibilities on the state	Policy 600.1.1
UNC-CH	Increase delegation of approval authority to the BOT for capital improvement projects from \$300K to \$2M	Policy 600.1.1; Regulation 600.1.4[R]; Appendix 1 (VI)
UNCC	Delegate authority to BOT or chancellors to approve capital improvement projects funded from all sources for amounts up to \$1M	Policy 600.1.1
UNCC	Delegate authority to BOT to increase capital project authority by 10% on any project, provided that the campus has identified the necessary funding	Policy 600.1.1
UNCC	Allow general funds for capital improvement projects to carry over from one fiscal year to the next if the funds are obligated by an executed construction contract	G.S. 116-30.3
UNCG	Approval of capital improvement projects with a scope of up to \$2M	Policy 600.1.1
UNCG	Conditional authority to increase capital project authority by 10% on any project	Policy 600.1.1
UNCP	Approval of capital projects up to \$500K	Policy 600.1.1
UNCW	Reinstate delegation of authority to the Chancellor to undertake repair and renovation projects under \$1,000,000, with funds available to the university, which do not revert at the end of the fiscal year	Policy 600.1.1

Committee on Budget and Finance

Institution	Issue	Citation
UNCW	Authorize the boards of trustees and chancellors of the constituent institutions to carry forward operating funds, up to 10% of their total general funds	G.S. 116-30.3
Increased authority (at different thresholds) for boards of trustees on capital improvement projects (cont.)		
WCU	BOT: approval of capital projects between \$500K and \$2M; Chancellor: approval of capital projects at \$500K or less	Policy 600.1.1
WSSU	Increased authority for allocation of certain capital and repair and renovation projects	Policy 600.1.1; Appendix 1 (VI)
Increased authority over leasing and acquisition/disposition of real property		
NCCU	Leasing and acquisition/disposition of real property from \$50,000 to \$100,000	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R]; Appendix 1 (VI)
UNC-CH	Delegation of authority to the BOT regarding advertising requirements for leases	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R]
UNC-CH	Delegation of authority to the BOT regarding acquisition or disposition of real property by lease transactions	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R]; Regulation 600.1.4[R]
UNC-CH	Delegation of approval authority to the BOT for acquisition or disposition of real property at certain thresholds	Regulation 600.1.4[R]
UNC-CH	Clarify UNC System policies governing real estate management	N/A
UNCA	Leasing and acquisition/disposition of real property from \$50,000 to \$100,000	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R];
UNCC	Increase BOT authority to approve a proposal to acquire or dispose of an interest in real estate up to \$500K	Policy 600.1.1; Regulation 600.1.4[R]
UNCW	Delegate authority to the BOT for the acquisition or disposition of real property by lease, up to \$150,000, with authority delegated to the chancellor, up to \$50,000	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R]; Regulation 600.1.4[R]
WCU	BOT: ability to lease transactions at \$250K and a maximum of lease term of ten years; Chancellor: ability to lease transactions at \$250K or less and a maximum lease term of three years	Policy 600.1.3; Policy 600.1.3.1; Regulation 600.1.3.1[R]
WCU	BOT: property transactions between \$250K and \$1M; Chancellor: property transactions at \$250K or less	Appendix 1 (VI)

Committee on Budget and Finance

Institution	Issue	Citation
Single approval by BOG for self-liquidating projects		
ECU	Single approval by Board of Governors for self-liquidating projects	
UNC-CH	Single approval by Board of Governors for self-liquidating projects	
UNCC	Single approval by Board of Governors for self-liquidating projects	
UNCG	Single approval for self-liquidated projects	
Other Budget and Finance items		
UNCC	Delegate authority to the chancellors to approve amendments to Distinguished Professorship plans.	Policy 600.2.3
UNCW	Authorize the BOT, through the chancellor, to submit requests for approval by the Board to exceed the 18% cap on non-resident students in the freshman class, in advance of the recruitment and enrollment of that class	Policy 700.1.3

Committee on Educational Planning, Policies, and Programs

Institution	Issue	Citation
Authority over academic program establishment and discontinuation		
N.C. A&T	Authority to review and approve undergraduate and master's programs	Code Section 203A(3)
UNCC	Delegate authority to BOT to approve the establishment and discontinuation of academic programs, with notification given to the System Office	Policy 400.1.2; Regulation 400.1.1[R]
UNCG	Academic program discontinuation	Policy 400.1.2
WCU	Academic program discontinuation	Policy 400.1.2; G.S. 116-11(3)
Increased authority over institutional mission statement revisions		
UNCC	Delegate authority to BOT to approve the revision of mission statement revisions, with notification to the president	Regulation 400.2.1.1[R]
UNCG	Institutional mission statement revisions	Regulation 400.2.1.1[R]
WCU	Institutional mission statement revisions	Regulation 400.2.1.1[R]
Other Educational Planning items		
ECSU	Grant authorization to extend the Minimum Admissions Requirements pilot program	Policy 700.1.1
WCU	Naming of school within an institution	Appendix 1

Committee on Personnel and Tenure

Institution	Issue	Citation
Increased authority over faculty disciplinary review process and final actions		
N.C. A&T	Authority over faculty discharge decisions (UNC Code 603)	Code 603
N.C. A&T	Authority over tenure denials and review of non-reappointment (UNC Code 604 D)	Code 604; Policy 101.3.1
UNCC	Delegate authority to BOT to conduct final appellate review of faculty disciplinary and non-reappointment actions	Code 603 and Code 604; Policy 101.3.1
UNCG	Appellate review of certain campus actions and decisions involving faculty	Code 603 and Code 604; Policy 101.3.1
Removal of special legislative provision for BOG salary and position monitoring		
N.C. A&T	Remove BOG reporting and consultation requirements for increases of 5% or greater for salaries greater than \$100,000	G.S. 116-17.3
NCSSM	Approve salary increases of more than 5% for employees making more than \$100,000	G.S. 116-17.3
NCSU	Eliminate P&T approval authority completely to reduce regulatory burden	G.S. 116-17.3; Policy 200.6(A)
NCSU	Remove BOG reporting and consultation requirements for increases of 5% or greater for salaries greater than \$100,000	G.S. 116-17.3
NCSU	Remove BOG reporting and consultation requirements for new positions with annual salaries of \$70,000 or greater	G.S. 116-17.3
UNC-CH	Removal or clarification to the process for the special legislative provision for BOG salary monitoring	G.S. 116-17.3
UNCC	Consultation with BOG to create any new position where the associate budgeted salary is \$70K or greater	G.S. 116-17.3
UNCC	Consultation with BOG for all cumulative salary adjustments fiscal year-to-date of 5% or greater for proposed salaries that are \$100K or greater	G.S. 116-17.3
UNCP	Removal of special legislative provision for BOG salary monitoring	G.S. 116-17.3
UNCP	Removal of special legislative provision for BOG position monitoring	G.S. 116-17.3
UNCW	Restore the previously existing delegation of authority to the BOT and from the BOT to the chancellor for salary increases of less than \$15,000 or less than 20%, including employees whose resulting salaries would exceed \$100,000; restore the chancellor's authority to create positions with salaries that exceed \$70,000	G.S. 116-17.3
WSSU	Authority to approve all cumulative salary adjustments fiscal year-to-date of 5% or greater for salaries that are \$100,000 or greater (or would become \$100,00 or greater with the salary action)	G.S. 116-17.3

Committee on Personnel and Tenure

Institution	Issue	Citation
Approval of compensation increases for all EHRA (excluding chancellor) and SHRA positions that exceed campus-based authority under existing BOG policy		
NCCU	Authority for promotion and compensation recommendations for tenured faculty and senior administrative positions within BOG guidelines	Policy 200.6(A)
UNCG	Salary Actions by increasing the BOG approval parameters	Policy 200.6(A); G.S. 116-17.3
UNCSA	Authority for chancellor to approve EHRA salaries (except SAAO Tier 1 employees) that are warranted over the 9.9% threshold	Policy 200.6(A)
WCU	Approval of compensation increases for all EHRA (excluding chancellor) and SHRA positions that exceed campus-based authority under existing BOG policy	Policy 200.6(A)
WSSU	Authority to approve SHRA salary actions that exceed 20%, which currently require president's approval	Policy 200.6(A)
Increased authority on chancellor search committee and review process		
ECSU	Chancellor search committee chaired by BOT chair or designee submit a slate of up to 3 nominees to the president	Policy 200.8; G.S. 116-11.(4)
FSU	Provide a ranked list of chancellor candidates to the president	Policy 200.8; G.S.116-11.(4)
NCCU	BOT should be delegated the authority to approve chancellors appointment	Policy 200.8; G.S.116-11.(4)
NCSU	Allow the BOT to nominate one preferred candidate to the president for consideration	Policy 200.8; G.S. 116-11.(4)
Other Personnel and Tenure items		
ECSU	Request a shorter, non-comprehensive chancellor evaluation conducted annually	Policy 200.4
UNCG	Coach or athletic director contracts that contain non-standard elements	Policy 1100.3

Committee on University Governance

Institution	Issue	Citation
Increased authority on BOT appointments		
N.C. A&T	Ability to recommend to BOG and converse about appointments to BOT	Code 400 A.; GS 116-31
UNCA	Full disclosure of BOT authorities and responsibilities during recruitment to BOT	Policy 200.4 (II)
WSSU	Authority to elect individuals to the BOT	Code 400 A.; G.S. 116-31
Increased authority to conduct appellate review of student expulsions		
UNCA	All student conduct appellate rights end at the campus level	Code 609; Code 502 D(3)
UNCC	Delegate authority to BOT to conduct appellate review of student expulsions	Code 609; Code 502 D(3)
UNCSA	Authority for final appellate review and decision of student expulsions	Code 609; Code 502 D(3)
Increased authority over litigation settlements		
UNCG	Initiation and settlement of litigation and pending litigation in circumstances where that authority has not otherwise been delegated	Policy 200.5
WCU	BOT: authority of litigation settlements between \$150K and \$500K; Chancellor: authority of litigation settlements at \$150K or less	Policy 200.5
Other Governance items		
FSU	BOT would like to provide a liaison to the new committees on military/veterans and HBCUs	N/A
NCSU	Allow BOT to request waivers from specific policies, regulations, and guidelines established by the BOG or president	Code Section 203A(2)

AGENDA ITEM

A-6. UNC Pembroke Board of Trustees Nomination Steve Long

- Situation:** The University of North Carolina at Pembroke (UNCP) Board of Trustees has one partial-term vacancy effective June 30, 2018 and ending on June 30, 2021.
- Background:** UNCP Board of Trustees chair, Dr. James 'Jim' Jones, submitted his resignation from the board of trustees effective June 30, 2018. Dr. Jones began serving on the UNCP Board of Trustees in 2013 and was reappointed for a second term in 2017.
- Assessment:** Ms. Karen Sampson is recommended for appointment to fill this partial term.
- Action:** This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda.

Karen Sue (Lowry) Sampson

Karen Sue (Lowry) Sampson was born and raised in Pembroke and graduated in 1974 from Pembroke Senior High School. She went on to graduate from the University of North Carolina at Pembroke (then Pembroke State University) in 1976, finishing *cum laude* with a bachelor of science in early childhood education. While at UNC Pembroke, Karen was active in various student activities, such as the Indianhead Yearbook and marching band, and was named to the Who's Who in Colleges and Universities list.

After graduation, Karen was a kindergarten teacher at Southside-Ashpole Elementary School in Rowland, NC, and then taught first grade at Tanglewood Elementary School in Lumberton, NC. In 1979, Karen married Kelvin Sampson (current head men's basketball coach for the University of Houston). The two then moved to East Lansing, MI, where Kelvin was enrolled in graduate school.

Karen has been involved with P.E.O. (Philanthropic Educational Organization) for over 25 years. In 1993, Karen chaired the committee for the Washington State Games opening ceremonies, which featured Dan O'Brien, 1996 Olympic gold-medalist in men's decathlon, as the keynote speaker. She was also a member of the Assistance League in Norman, OK. At UNC Pembroke, the Sampsons helped establish the John W. (Ned) and Eva B. Sampson Endowed Men's Basketball Scholarship for deserving young basketball players.

Karen resides in Houston, TX with her husband, but frequently visits North Carolina. They have two adult children, Kellen and Lauren.