

# COMMITTEE ON UNIVERSITY GOVERNANCE

Tuesday, April 11, 2006

## Draft Minutes

The Committee on University Governance met Tuesday, April 11, 2006, at 1:00 p.m. in the Dogwood Room of the Elliott University Center on the University of North Carolina at Greensboro campus. Committee members present included Chairman Grainger, Mr. Davis, Mr. Dixon, Dr. Gilchrist, Dr. Key, Mr. Lail, and Mr. Mills. Dr. Roseman also attended. Mr. T. Brock Winslow, Mr. William P. H. Cary, and President Gerald Boarman attended, representing the North Carolina School of Science and Mathematics. Dr. Brenda Killingsworth, Chair of the UNC Faculty Assembly was in attendance. Vice President Winner and Mr. Corgnati attended as staff. Jamie Schuman of the *Durham Herald Sun* and Kavita Pillai of *The Daily Tar Heel* attended as members of the media.

### Approval of Minutes

Upon motion of Dr. Key and seconded by Dr. Gilchrist, the committee voted to approve the minutes of the February 9, 2006, meeting of the committee.

### Discussion of Vacancies on Boards and Councils

The committee discussed vacancies on councils and boards of trustees.

There are six terms ending June 30, 2010, on the University of North Carolina Center for Public Television Board of Trustees. The incumbents are Phillip J. Kirk, Jr., Janet Smith Moore, Constance N. Parker, Donald L. Porter, Margaret Harrison Suppler, and Gary York. All except Ms. Parker are eligible for reappointment. These vacancies will be announced.

There are three terms ending June 30, 2011, on the University of North Carolina Press Board of Governors. Upon motion of Mr. Mills and seconded by Dr. Key, the committee voted to recommend the appointment of Nina Stromgren Allen, professor at North Carolina State University; Gillian T. Cell of Pittsboro, former dean of the College of Arts and Sciences at UNC Chapel Hill; and the reappointment of Hiroshi Motomura, professor at UNC Chapel Hill to serve on the UNC Press Board of Governors. Their resumes are presented as Appendices A, B, and C.



Committee on University Governance  
Tuesday, April 11, 2006  
Minutes

Hunt Institute Board of Directors

The Committee considered a slate of appointments to the James B. Hunt, Jr., Institute for Educational Leadership and Policy Board of Directors made by President Bowles. The slate includes the reappointment of Joel Fleishman, Kati Haycock, Governor Holshouser, Bob Ingram, Tom Lambeth, William Raspberry, Diane Ravitch, Ed Rust, and Bob Wehling and the appointment of Bud Baker, Bob Eaves, Sam Houston, Howard Lee, and G. Allen Mebane. Upon motion of Mr. Davis and seconded by Dr. Key, the committee voted to recommend ratification of this slate to the Board of Governors. The slate is presented as Appendix D.

Review of Umstead Act Policies

Vice President Winner presented a review of Umstead Act policies. Upon motion of Dr. Key and seconded by Mr. Mills, the committee voted to approve a proposed new policy and to bring it to the Board of Governors for consideration at the May meeting. The policy is presented as Appendix E.

North Carolina School of Science and Mathematics Governance

The committee considered proposed changes to the governance of the North Carolina School of Science and Mathematics. Following a report given by Vice President Winner and thorough discussion, and upon motion of Dr. Gilchrist and seconded by Mr. Lail, the committee voted to approve the request from NCSSM Board of Trustees to become a constituent institution of the University of North Carolina. The committee also recommended that the Committee on Public Affairs amend the non-budget legislative priorities to seek legislation to make the School of Science and Mathematics a high school constituent institution, effective July 1, 2007.

Other Business

Chairman Grainger named two subcommittees to hear upcoming appeals. Mr. Davis will serve as the chairman of one subcommittee along with Mr. Dixon and Dr. Gilchrist. Dr. Key will serve as the chairman of the second subcommittee along with Mr. Lail and Mr. Mills.

Upon motion and duly seconded, the committee voted to adjourn.



**Nina Strömberg Allen****Professor, Department of Botany****North Carolina State University, Box 7612, Raleigh, North Carolina 27695****Education**

B.S. - 1957 - Zoology - University of Wisconsin, Madison, WI, USA

M.S. - 1970 - Botany - University of Maryland, College Park, MD, USA

Ph.D.- 1973 - Plant Physiology - University of Maryland, College Park, MD, USA

**Professional Positions**

1995-Present	Professor, Botany Department & Director, Cellular and Molecular Imaging Facility, Director, Graduate Program in Botany, North Carolina State University
1993-1994	Professor, Biology Department, Wake Forest University
1984-1992	Associate Professor, Biology Department, Wake Forest University
1990-1991	NSF Visiting Professorship for Women, Biological Sciences Department, Stanford University (with Sharon Long)
1976-1983	Assistant Professor, Biological Sciences Department, Dartmouth College
1975-1976	Visiting Assistant Professor and Research Associate, Biological Sciences Department, Dartmouth College
1973-1975	NIH funded Research Assistant, Biological Sciences, SUNY-Albany
1969-2004	Student, Investigator, Summer Researcher, Course Director, Visiting Scientist, Marine Biological Laboratory, Woods Hole, MA
1967-1970	NIH Predoctoral Fellow, University of Maryland
1965-1967	Teaching Assistant, Botany Department, University of Maryland
1958-	Child rearing; children now ages 45,45,43,40,32
1959-	Teaching Assistant, Botany Department, University of Wisconsin

**Research**

Professor Allen is internationally famous for her work in the imaging of living cells and for her pioneering efforts (with R.D. Allen and in parallel with S. Inoue) in the development of a real-time video imaging system for biological systems. As director of the Cellular and Molecular Imaging Facility at NCSU, she continues to develop imaging methods and new biosensors as well as conducting research into signal transduction and the cytoskeleton. In recent years she has concentrated on the early responses of plant cells to changes in the gravity vector and the development of nanobiological methods. Research into early signals from *Rhizobium* to plants have led to the discovery that nematodes use part of the bacterial signaling pathway to alter plant development to their favor.

**Teaching**

Dr. Allen currently teaches Plant Cell Biology, Confocal Microscopy and Video Microscopy. She has taught Plant Physiology, Phycology, Cell Motility, Cell Biology, Photobiology, Cell Physiology, Plant Systematics, Microscopy. In 1976 she started the Marine Biological Laboratory Short Course "Optical Microscopy in the Biomedical Sciences" with Robert Allen and was the Director for some years.

**Honors**

Phi Beta Kappa, Mortarboard, Phi Sigma, Sigma Xi

Fellow, AAAS, 1990.

**Service and Professional Experiences**

Cell Motility, Editorial Board, 1980-1985

Plant Biology, Alan R. Liss, Inc. Series Editor and Founder. (12 volumes) 1985-

BioTechniques, Editorial Board, 1989-1996

Journal of Eukaryotic Microbiology (formerly Protozoology), Editorial Board, 1995-2001.

Microscopy Research and Technique, Editorial Board, 1995-2000.

Study Sections. NSF Biological Centers Panel, 1987. Center, Site Visit, 1988. Presidential Young Investigator Awards Panel, 1991. ILI Panel, 1993. Instrumentation Panel, 1994-1999. VPW panel. IGERT panel 2002 NIH. Biomedical Research Technology Review Committee. Ad Hoc reviewer. 1988. Study Section Member, 1989-1993. Instrumentation Study Section, Ad Hoc Reviewer, 1990, 1995, 1997.

Minorities Program, Program Study Review 1993.



Other. Marine Biological Laboratory, Corporation Member, Trustee, Executive Committee. Public Affairs Committee Chair, ASGSB, 1997-2001, AWIS President, RTP chapter, 1998-. Biological Sciences Section, AAAS, 1998-2001;2004. Committee on Council, AAAS, elected 1999. Session Chair, AAAS Symposium "Biology into Space", 2001. elected Biological Section, 2004-2008. Women in Cell Biology. Vice-Chair, 1983-84; Chair, 1984-85, Society of Protistology; Elected Board Member, 2001-present., Cornell University; Nanobiotechnology Center, Advisory Board, 2000-present. Chair-elect, NCState Faculty. Corporation Member, Trustee, Executive Committee, Marine biological Laboratory, Woods Hole, MA.

#### **Representative Publications**

- Gupton SL, Collings DA, Allen NS. 2006. Endoplasmic reticulum targeted GFP reveals ER organization in tobacco NT-1 cells during cell division. *Plant Physiology and Biochemistry*. In press.
- Moyer-Henry K, Silva I, Macfall J, Johannes E, Allen N, Goldfarb B, Rufty T. 2005. Accumulation and localization of aluminium in root tips of loblolly pine seedlings and the associated ectomycorrhiza *Pisolithus tinctorius*. *Plant Cell Environ* 28, 111-120
- Vincent P., M. Chua, F. Nogue, A. Fairbrother, H. Mekheel, Y.Xu, N. Allen, T. Bibikova, S. Gilroy, V. A. Bankaitis. 2005. A Sec14p-nodulin-domain phosphatidylinositol transfer protein polarizes membrane growth of Arabidopsis root hairs. *J. Cell Bio*. In press.
- Weerasinghe R, Bird DM, Allen N.S. 2005. Root-knot nematodes and bacterial Nod factors elicit common signal transduction events in *Lotus japonicus* root hair cells. *PNAS* 102:2147.
- Katherine A. Turner, Tim L. Sit, Anton S. Callaway, Nina S. Allen, Steven A. Lommel. 2004. Red Clover Necrotic Mosaic Virus Replication Proteins Accumulate at the Endoplasmic Reticulum. *Virology*. April issue. Cover photo.
- Ravisha R. Weerasinghe, David A. Collings, Eva Johannes, Nina Strömberg Allen. 2003. The distributional changes and role of microtubules in Nod factor challenged *Medicago sativa* root hairs. *Planta* 218:276-287.
- N.Strömberg Allen P. Chattaraj, D. Collings, and E. Johannes. 2003. Gravisensing: Ionic Responses, Cytoskeleton and amyloplast behavior. *Advances in Space Science. Res.* 32:163-167.
- W. Pline, KL Edmisten, T Oliver, JW Wilcut, R Wells, NS Allen. 2002. Use of digital image analysis, viability stains, and germination assays to estimate conventional and glyphosphate-resistant cotton pollen viability. *Crop Science* 42:2193-2200. Cover photo.
- Johannes E, Collings DA, Rink JC, Allen NS. 2001. Cytoplasmic pH dynamics in Maize Pulvinal Cells Induced by Gravity Vector Changes. *Plant Phys*: 127:119-130.
- Collings DA, Zsuppan, G, Allen, NS, Elison B. Blancaflor. 2001. Demonstration of prominent actin filaments in the root columella. *Planta* 212:392-403.
- Collings, D.A. and Allen, N.S. 2000. Cortical actin interacts with the plasma membrane and microtubules. In: "Actin: A Dynamic Framework For Multiple Plant Cell Functions." eds Baluska F, Barlow, PW, Staiger CJ & Volkmann D. Kluwer pp. 145-163.
- Collings DA, Carter, CN, Rink JC, Scott, AC, Wyatt, SE, Allen, NS. 2000. Plant Nuclei contain Extensive Cytoplasmic Grooves and Invaginations. *Plant Cell*:12:2425-2440.
- Silver I, Smyth TJ, Moxley DF, Carter TE, Allen NS, Rufty, TW. 2000. Aluminum Accumulation at Nuclei of Cells in the Root Tip: Fluorescence Detection Using Lumogallion and Confocal Laser Scanning Microscopy. *Plant Phys* 123:543-552.
- Scott, A.C., and N.S. Allen. 1999. Changes in cytosolic pH within Arabidopsis Root Columella Cells Play a Key Role in the Early Signaling Pathway for Root Gravitropism. *Plant Physiol* 121:1291-98.
- Scott, A.C., S. Wyatt, P. Tsou, N. Robertson, and N.S. Allen. 1999. A model system for plant cell biology: GFP imaging in living onion epidermal cells. *BioTechniques* 26:1125-1132. (with cover photo voted best cover of 1999).
- Nancy L. Jones, Nina S. Allen, Mark C. Willingham, and Jon C. Lewis. 1999. Modified LDLs induce and bind to membrane ruffles on macrophages. *The Anatomical Record* 255:44-56.
- Collings, D.A., Winter, H., Wyatt, S.E. and Allen, N.S. 1998. Growth dynamics and cytoskeleton organization during stem maturation and gravity-induced stem bending in *Zea mays* L. *Planta* 207:246-258.



- Collings, D.A., Asada, T.A., Allen, N.S. and Shibaoka, S. 1998. Plasma membrane-associated actin in tobacco BY-2 cells: evidence for interaction with microtubules. *Plant Physiol.* 118:917-928.
- Holzwarth, G., Webb, S.J., Kubinski, D.J., N.S. Allen. 1997. Improving DIC Microscopy with Polarization Modulation. *Jour. of Microscopy* 188:249-254.
- Allen, N.S. and M.N. Bennett. 1996. Electro-optical imaging of F-actin and endoplasmic reticulum in living and fixed plant cells. Invited Chapter, reviewed and accepted for volume resulting from the 14th Pfefferkorn Conference.
- Allen, N.S., M.N. Bennett, D.N. Cox, A. Shipley, D.W. Ehrhardt, S.R. Long. 1994. Effects of Nod Factors on Alfalfa Root Hair  $\text{Ca}^{++}$  and  $\text{H}^+$  Currents and on Cytoskeletal Behavior. *In* *Advances in Molecular Genetics of Plant-Microbe Interactions*. Vol. 3. M.J. Daniels, J.A. Downie, and A.E. Osbourn (eds.) Kluwer Academic, Netherlands.
- Allen, R.D. and N.S. Allen. 1983. Video-enhanced microscopy with a computer frame memory. *Jour. of Microscopy*. 129:3-18.
- U.S. Patent #4,412,246. R.D. Allen and N.S. Allen. For the development of AVEC (Allen video enhanced contrast) light microscopic methods. October 25, 1983.

**Collaborators:**

From NCSU: Wendy Boss, Christopher Brown, David Collings, Eric Davies, George Allen, Steve Huber, Eva Johannes, Hans Hallen, Steve Lommel, John Love, Dana Moxley, Troy Nagle, Greg Parsons, Imara Perera, Niki Robertson, Tom Rufty, Phil Russell, Bill Thompson, Sarah Wyatt. At Wake Forest U: Carole Browne, George Holzwarth, Nancy Jones, Gloria Muday, Michael Tytell, Mark Willingham. At Duke: Xiniang Dong, At UNC-Chapel Hill, Paul Maddox, Edward Salmon. At Georgia Tech: Mohan Srinivasarao.

**Advisors:**

MS, Ph.D, University of Maryland. John Terborgh. Now Duke University.

Postdoctoral Adviser. SUNY-Albany. Robert Day Allen. Deceased.

**Recent Graduate Students and Postdoctoral Fellows:** Postdocs: David Collings, Eva Johannes Graduate students: Marty Bennett, Dennis Kubinski, Amie Scott, Ethan Brown, Ravisha Weerasinghe, Parna Chattaraj, Katherine Turner, Shantha Sumanasinghe







## GILLIAN TOWNSEND CELL

24 W. Madison  
1152 Fearington Post  
Pittsboro, NC 27312  
(919) 542-6622

### DEGREES

D. Litt. (Hon.), Memorial University of Newfoundland, 1988  
Ph. D. History, University of Liverpool, England, 1964  
B.A., with First Class Honours, University of Liverpool, 1959

### EMPLOYMENT

*The College of William and Mary*  
Provost and Professor of History, 1993-2003

*Lafayette College*  
Provost and Professor of History, 1991-93

*University of North Carolina at Chapel Hill*  
Dean, College of Arts and Sciences and General College, 1985-91  
Professor of History, 1978-91  
Associate Professor, 1970-78  
Assistant Professor, 1966-70  
Instructor, 1965-66

### OTHER ADMINISTRATIVE EXPERIENCE

*University of North Carolina at Chapel Hill*  
President, Arts and Sciences Foundation, 1985-91  
Chair, Department of History, 1983-85  
University Affirmative Action Officer, 1981-83  
Associate Dean of the Graduate School, 1976-77, 1978-81  
Director of Graduate Studies, History, 1972-76

### BOOKS

*Newfoundland Discovered: English Attempts at Colonisation, 1610-1630* (Hakluyt Society, 2<sup>nd</sup> ser., CLX; at the Cambridge University Press, 1982)  
*English Enterprise in Newfoundland, 1577-1660* (University of Toronto Press, 1969)



Gillian T. Cell  
Page 2

## ARTICLES

"Sir Bernard Drake," *New Dictionary of National Biography*, Oxford University Press  
2004

"The Cupids Cove Settlement: A Case Study of the Problems of Early Colonisation," in  
G. Story, ed., *Early European Settlement in Atlantic Canada* (St. John's, Nfld,  
1982)

Multiple entries, *Dictionary of Canadian Biography*, vol. 1, 1966

"The Newfoundland Company: A Study of Subscribers to a Colonising Company,"  
*William and Mary Quarterly*, XXII, 1965

## HONORS AND AWARDS

Jefferson Award, The College of William and Mary, 2003

Honorary Member of the Society of the Alumni, The College of William and Mary, 2003

Distinguished Service Medal, General Alumni Association, UNC-CH, 1991

Carmichael Award for Outstanding Service to Women Students, 1984

Kenan Research Leave, UNC-CH, 1977-78

American Philosophical Society, Grant-in-Aid, 1976

Research Council Grants, UNC-CH, 1976, 1973, 1968

Commonwealth Fellowship, 1962-63 (declined)

Fellow, Institute of Historical Research, University of London, 1961-62

Leverhulme Foundation Traveling Fellowship, 1960

State [Graduate] Scholarship, 1959-61

County Major Scholarship, 1955-59

## INSTITUTIONAL SERVICE (selected)

### *William and Mary*

Chair, Budget and Policy Advisory Committee, 1995-2003

Chair, Personnel Policy Committee, 1993-2003

Chair, Strategic Planning Committee, 1993-94

Chair, President's Taskforce on Community Service, 1993-94

### *Lafayette College*

Chair, Strategic Planning Committee, 1992-93

### *University of North Carolina at Chapel Hill*

Chancellor's Taskforce on the University's Mission, 1990-91

Search Committee, Vice Chancellor for Business and Finance, 1988-89



Search Committee, Vice Chancellor for Research and Dean of the Graduate School, 1986-87  
 Chair, Committee on Undergraduate Admissions, 1985-91  
 Chancellor's Advisory Council, 1985-91  
 Campus Development Committee, 1985-91  
 Committee on University/Industry Relations, 1985-91  
 University Planning Committee, 1985-88  
 Committee on University Governance, 1980-85  
 Chair, Committee on the Status of Women, 1979-80

### **PROFESSIONAL ACTIVITIES (selected)**

*American Bar Association*: Member, Site Evaluation Team, Harvard Law School, 2005, Columbia Law School, 2004, Boston University Law School, 2003, University of Minnesota Law School, 2002  
*UNC-CH*: review of the Honors Program, 2004  
*South-Eastern Universities Research Association (SURA)*: Trustee, 1993-2003; Member of Executive Committee and Chair of the Finance Committee, 1999-2003; Member of the Finance Committee, 1995-99  
*Omohundro Institute of Early American History and Culture*: Member, Executive Board, 1993-2003, 2005-  
*Governor's Taskforce on the Higher Education Summit*: Resource Person, 2002  
*Newfoundland Studies*, Member, Editorial Advisory Committee, 1994-2002  
*American Council on Education*: Selection Committee, ACE Fellows Program, 2000  
*Kenan Charitable Trust*: Member Evaluation Committee to review Ethics Program at Duke University, 1998-99  
*Rhodes Scholars Program*: Chair, District III Committee, 1996, 1997; Chair, North Carolina Committee, 1985-89; Member, North Carolina Committee, 1976, 1978-81, 1983  
*Getty Art History Information Program, ACLS, Coalition for Networked Information, Council on Library Resources, and the Research Library Group*: Invited Participant, 1999  
*National Endowment for the Humanities*: Panelist, 1991  
*The Alliance for Undergraduate Education*: Board of Governors, 1986-91; Co-Chair, Executive Committee, 1990-91; Member, Executive Committee, 1997-91  
*Council of Colleges of Arts and Sciences*: Board of Directors, 1987-91; Chair, Membership Committee, 1988-89; Chair Resolutions Committee, 1987-88  
*The Morehead Foundation* (Chapel Hill, NC): Central Selection Committee, 1989-91  
*Microelectronics Center of North Carolina (MCNC)*: Deans Advisory Council, 1985-91; Chair, 1987-88  
*American Association of University Professors*: Member, National Committee W, 1983-86; President, Local Chapter, 1984-85; Chair, Local Chapter, Committee W, 1978-79.  
*The Mellon Foundation*: Graduate Fellowship Program Regional Committee, 1985-86



*Reader and Reviewer* for journals including: *Journal of Interdisciplinary History*,  
*William and Mary Quarterly*, *English Historical Review*, *Acadiensis: Journal of*  
*the History of the Atlantic Region*, *Canadian Historical Review*

### **SPEECHES AND PRESENTATIONS (selected)**

“Science in the Liberal Arts Setting,” Knight Foundation Conference on Excellence in  
 Undergraduate Education, 1993

“The Future of the Profession,” Plenary Address, The Lilly Endowment’s Teaching  
 Fellows Conference, November 1992

### **COMMUNITY SERVICE**

*Williamsburg Talks*, A Community Project on Race Relations: Board member

Child Care Networks: Board member, Chapel Hill and Carrboro, NC, 1983-85

Human Service Advisory Committee of Orange County, NC: Member, Sub-Committee  
 on Child Care, 1982-93



**HIROSHI MOTOMURA**

University of North Carolina School of Law  
CB #3380  
100 Ridge Road  
Chapel Hill, North Carolina 27599-3380  
phone: (919) 962-4126  
fax: (919) 962-1277  
e-mail: motomura@email.unc.edu

School of Law, University of North Carolina, Chapel Hill  
Kenan Distinguished Professor of Law (2005-present)  
Associate Dean for Faculty Affairs (2005-present)  
Dan K. Moore Distinguished Professor of Law (2003-2005)

Courses and Seminars:

Immigration and Citizenship  
Immigrants' Civil/Political Rights  
Refugees and Asylum  
Civil Procedure

Primary research area: Immigration and Citizenship

*Prior positions and education*

School of Law, University of Colorado at Boulder (1982-2003)  
Nicholas Doman Professor of International Law (1997-2003)  
President's Teaching Scholar (since 1997)  
(Associate Professor 1982-1991; tenure granted 1987; Professor 1991-2003)

Visiting Professor, School of Law, University of North Carolina at Chapel Hill: Spring 2001

Visiting Professor, University of Michigan Law School, Ann Arbor, Michigan: Fall 1989

Fulbright Lecturer, Faculty of Law, Hokkaido University, Sapporo, Japan: 1987-88

Attorney-at-law, Hogan & Hartson, Washington, D.C.: 1979-82

University of California, Berkeley: J.D. 1978

Order of the Coif (top ten percent of graduating class)

Notes and Comments Editor, Industrial Relations Law Journal

Yale University: B.A. 1974

Universität Hamburg, Germany: 1972-73

Elementary and secondary schools in San Francisco

*Awards, grants, fellowships, and guest professorships*

Martin Institute Visiting Scholar, Stonehill College, Easton, Massachusetts, November 2-3, 2005

Lloyd Cutler Fellow (Berlin Prize Fellowship), American Academy in Berlin, Fall 2004

Lifetime Achievement Award, Colorado Chapter, American Immigration Lawyers Association, 2003

Outstanding Career Achievement Award, Student Bar Association, University of Colorado School of Law: 2003



Faculty Fellowship, University of Colorado at Boulder: 2002

Robert F. Boden Distinguished Professor, Marquette University Law School: November 7-9, 2001

Elmer Fried Excellence in Teaching Award, American Immigration Lawyers Association: 2000

Guest Professor, University of Konstanz and Research Center for International and European Immigration and Asylum Law: June 1997

Visitor-in-Residence, Center for Law and Public Policy, St. John's University School of Law: March 24-25, 1997

President's Teaching Scholar, University of Colorado: named 1997 (this is the University's highest teaching distinction)

Faculty Fellowship, University of Colorado at Boulder: 1994-95

Faculty Article Award, University of Colorado at Boulder: 1993

Boulder Faculty Assembly Teaching Award, University of Colorado at Boulder: 1992

Teaching Excellence Award, University of Colorado School of Law: 1992

Guest Professor, American Law Introductory Courses, Universität des Saarlandes and the Friedrich Ebert Foundation, Saarbrücken, Germany: August 1990, August 1992

German Academic Exchange Service Fellowship, Max Planck Institute for Foreign and Private International Law, Hamburg, Germany: Summer 1986

Research Fellowship, Institute for European and International Economic Law, Munich, Germany: Summer 1982

German Academic Exchange Service Fellowship, Max Planck Institute for Foreign and Private International Law, Hamburg, Germany: 1978-79

*Work in progress*

The Law of Forced Migration (coauthors: T. Alexander Aleinikoff, David A. Martin, & Maryellen Fullerton) (book under contract with West Group)

We Wanted Workers, but Families Came: Time, Law, and the Family in Immigration and Citizenship, for a symposium at the University of Virginia, March 31, 2006

Revision (6th edition) of Immigration and Citizenship: Process and Policy (coauthors: T. Alexander Aleinikoff & David A. Martin) (book under contract with West Group)

*Work in press*

Americans in Waiting: The Lost History of Immigration and Citizenship (Oxford University Press forthcoming fall 2006)

*Publications (sole authorship except as indicated)*

*Books (including teaching materials)*

T. Alexander Aleinikoff, David A. Martin, & Hiroshi Motomura, Immigration and Citizenship: Process and Policy (West Publishing Co. 5th ed. 2003) (with Teacher's Manual and 2005 Update)



T. Alexander Aleinikoff, David A. Martin, & Hiroshi Motomura, *Immigration and Citizenship: Process and Policy* (West Group 4th ed. 1998) (with Teacher's Manual and 2001 Supplement)

T. Alexander Aleinikoff, David A. Martin, & Hiroshi Motomura, *Immigration: Process and Policy* (West Publishing Co. 3d ed. 1995) (with Teacher's Manual and 1996 and 1997 Supplements)

*Edited books*

*Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms* (T. Alexander Aleinikoff, David A. Martin, & Hiroshi Motomura, eds., West Group 2005, 2004, 2003, 2002, 2001, 2000, 1999, 1998, 1997, 1995) (statutory supplement to *Immigration and Citizenship: Process and Policy*)

*Immigration Controls: The Search for Workable Solutions in the United States and Germany* (Kay Hailbronner, David A. Martin, & Hiroshi Motomura, eds.) (Berghahn Books 1998) (paperback also 1998)

*Immigration Admissions: The Search for Workable Solutions in the United States and Germany* (Kay Hailbronner, David A. Martin, & Hiroshi Motomura, eds.) (Berghahn Books 1997) (paperback 2000)

*Articles and review essays*

*Immigration Law and Federal Court Jurisdiction Through the Lens of Habeas Corpus*, 91 *Cornell Law Review* 459 (2006)

*Immigration and "We the People" After September 11*, 66 *Albany Law Review* 413-29 (2003)

*Judicial Review in Immigration Cases After AADC: Lessons From Civil Procedure*, 14 *Georgetown Immigration Law Journal* 385-452 (2000)

*Federalism, International Human Rights, and Immigration Exceptionalism*, 70 *University of Colorado Law Review* 1361-94 (1999)

*Alienage Classifications in a Nation of Immigrants: Three Models of Permanent Residence*, in *Immigration and Citizenship in the Twenty-First Century* 191-220 (N. Pickus ed. Rowman & Littlefield 1998)

*Whose Immigration Law?: Citizens, Aliens, and the Constitution*, 97 *Columbia Law Review* 1567-1603 (1997) (review essay)

*Whose Alien Nation?: Two Models of Constitutional Immigration Law*, 94 *Michigan Law Review* 1927-52 (1996) (review essay)

*The Family and Immigration: A Roadmap for the Ruritania Lawmaker*, 43 *American Journal of Comparative Law* 511-44 (1995)

*Immigration and Alienage, Federalism and Proposition 187*, 35 *Virginia Journal of International Law* 201-16 (1994)

*Haitian Asylum Seekers: Interdiction and Immigrants' Rights*, 26 *Cornell International Law Journal* 695-717 (1993)

*The Curious Evolution of Immigration Law: Procedural Surrogates for Substantive Constitutional Rights*, 92 *Columbia Law Review* 1625-1704 (1992)

*Immigration Law After a Century of Plenary Power: Phantom Constitutional Norms and Statutory Interpretation*, 100 *The Yale Law Journal* 545-614 (1990)



Arbitration and Collateral Estoppel: Using Preclusion to Shape Procedural Choices, 63 Tulane Law Review 29-83 (1988)

Using Judgments as Evidence, 70 Minnesota Law Review 979-1056 (1986)

Preclearance Under Section Five of the Voting Rights Act, 61 North Carolina Law Review 189-246 (1983)

Protecting Outside Shareholders in a Corporate Subsidiary: A Comparative Look at the Private and Judicial Roles in the United States and Germany, 1980 Wisconsin Law Review 61-104

Hans-Joachim Bartels & Hiroshi Motomura, Haftungsprinzip, Haftungsbefreiung und Vertragsbeendigung beim internationalen Kauf, 43 *Rabels Zeitschrift für ausländisches und internationales Privatrecht* 649-707 (1979)

Employees and Independent Contractors Under the National Labor Relations Act, 2 *Industrial Relations Law Journal* 278-307 (1977)

*Shorter pieces*

*Brown v. Board of Education*, Immigrants, and the Meaning of Equality, 49 N.Y. L. Sch. L. Rev. 1145-53 (2004-05)

Sharp Profiles: How Immigration Law is being Misused as Anti-Terrorism Law, 9 *The Berlin Journal* 12-17 (Fall 2004)

Widening the Circle, 27 *Boston Review* 18 (No. 6, Dec. 2002/Jan. 2003)

Immigration and Citizenship Law: A Very Brief Overview, in *Defending Non-Citizens in Immigration Proceedings* 1-5 (L. Ari Weitzhandler ed., 2002)

Work, Migration, & Identity: An Introduction to the Symposium, N.C. J. Int'l L. & Com. Reg. 389-92 (2002)

Immigration and Citizenship Law: A Very Brief Overview, in *Defending Non-Citizens in Immigration Proceedings* 1-4 (L. Ari Weitzhandler ed., 2001)

The Year Is 2020: Looking Back on the Elian Gonzalez Case (A Fantasy), 77 *Interpreter Releases* 853-59 (2000)

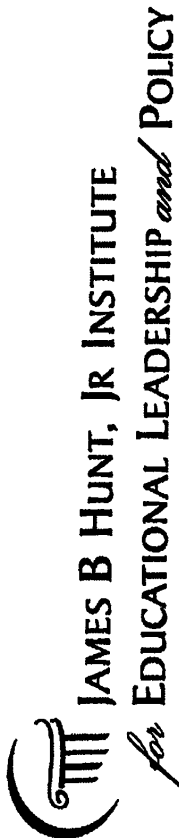
Immigration and Citizenship Law: A Very Brief Overview, in *Defending Non-Citizens in Immigration Proceedings* 1-4 (L. Ari Weitzhandler ed., 2000)

Family Reunification In U.S. Immigration Law: Recent Developments: Financial Responsibility and Discretionary Relief, in *Proceedings of the Meeting of Experts on Family Reunification in the European Union and the U.S.A.*, June 28-29, 1999, Konstanz (1999)

Family Reunification in United States Immigration Law and Policy: The Limits of Congressional Power, in *Einwanderungskontrolle und Menschenrechte* 83-95 (Kay Hailbronner & Eckart Klein, ed.) (C.F. Müller Verlag 1999)

Introduction to Immigration Admissions: The Search for Workable Solutions in the United States and Germany (Kay Hailbronner, David A. Martin, & Hiroshi Motomura, eds.) (Berghahn Press 1997) and Immigration Controls: The Search for Workable Solutions in the United States and Germany (Kay Hailbronner, David A. Martin, & Hiroshi Motomura, eds.) (Berghahn Press 1998)





Proposed 2006 Hunt Institute Board of Directors  
 Gov. James B. Hunt, Jr., Chairman  
 Erskine Bowles, President, University of North Carolina, *ex officio*  
 Brad Wilson, Chair, Board of Governors, *ex officio*

**Cohort nominated by Governor Hunt**

<i>Re-appointed Members</i>	<i>New Members</i>
Senator Evan Bayh (May 1, 2006-April 30, 2007)	Gov. Roy Barnes (May 1, 2006-April 30, 2007)
Representative Mike Castle (May 1, 2006-April 30, 2007)	Randy Best (May 1, 2006-April 30, 2009)
Gov. John Engler (May 1, 2006-April 30, 2007)	Gov. Mitch Daniels (May 1, 2006-April 30, 2009)
Sandy Kress (May 1, 2006-April 30, 2007)	Gov. Janet Napolitano (May 1, 2006-April 30, 2009)
Carol Reich (May 1, 2006-April 30, 2008)	Gov. Charles Turbull (May 1, 2006-April 30, 2008)
Joe Reich (May 1, 2006-April 30, 2008)	Shawntel Wuersch (May 1, 2006-April 30, 2009)

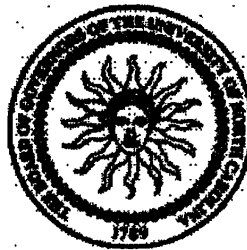
**Cohort nominated by President Bowles**

<i>Re-appointed Members</i>	<i>New Members</i>
Joel Fleishman (May 1, 2006-April 30, 2007)	Bud Baker (May 1, 2006-April 30, 2009)
Kati Haycock (May 1, 2006-April 30, 2008)	Bob Eaves (May 1, 2006-April 30, 2008)
Gov. James Holshouser (May 1, 2006-April 30, 2009)	Sam Houston (May 1, 2006-April 30, 2008)
Bob Ingram (May 1, 2006-April 30, 2007)	Howard Lee (May 1, 2006-April 30, 2007)
Tom Lambeth (May 1, 2006-April 30, 2007)	G. Allen Mebane (May 1, 2006-April 30, 2009)
William Raspberry (May 1, 2006-April 30, 2008)	
Diane Ravitch (May 1, 2006-April 30, 2008)	
Ed Rust (May 1, 2006-April 30, 2009)	
Bob Wehling (May 1, 2006-April 30, 2008)	









# POLICIES

## The University of North Carolina *Board of Governors*

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**Policy 100.4**  
**Adopted xx/xx/06**

### **REVIEW OF UMSTEAD ACT EXCEPTIONS**

**Introduction:** The Umstead Act contains numerous exceptions for UNC to the Act's general prohibition of State agencies' selling goods or providing services to the public that are ordinarily and customarily provided by private enterprises. G.S. §66-58(a). Three of those exceptions, contained in G.S. §66-58(b)(8)m., n., and o., require that the Board of Governors establish a panel to determine whether the University is authorized to undertake questioned activities in competition with an existing or proposed nongovernmental entity. The purpose of this policy is to establish this panel and to establish procedures for it to use in making its determinations, as required by G.S. §66-58(i) and (j).

**Definitions:** The following definitions apply to this policy:

1. "An affected party" is a nongovernmental person or entity in the State that is in or proposes to be in the same, a similar, or competing business.
2. "The Exceptions" are the exceptions to the Umstead Act created by G.S. §66-58(b)(8)m., n., and o.
3. "The Panel" is the UNC Umstead Review Panel.
4. "The Registry" is the registry required by G.S. §66-58(j)(2) and established by Part II of this Policy.
5. "The Umstead Act" is N.C.G.S. §66-58.
6. The "University" means The University of North Carolina.



## **V. Jurisdiction of the Panel**

- A. The Panel may make a determination under G.S. §66-58(b)(8)m. or n. as to whether a proposed or ongoing University activity is unauthorized competition.
- B. The Panel may make a determination under G.S. §66-58(b)(8)o. as to whether a proposed or ongoing University activity is unauthorized competition or is unfair competition.
- C. The Panel may not make determinations under any of the other exceptions to the Umstead Act. If the University claims that a proposed or ongoing activity is allowable under any other exception to the Umstead Act, the Panel is without jurisdiction to consider the activity.
- D. The Panel does not have the authority to overrule a prior determination of the Attorney General.

## **VI. Initiation of Proceedings**

- A. Any person or nongovernmental entity in the State that is in or proposes to be in the same, a similar, or competing business is an affected party that may initiate a Panel proceeding by submitting a request to the Panel Staff that the Panel make a determination as to whether a specified activity of the University is justified by one of the Exceptions.
- B. A constituent institution or other University entity that proposes to engage in an activity may initiate a Panel proceeding by submitting a request to the Panel Staff that the Panel make a determination as to whether the activity is justified by one or more of the specified Exceptions.
- C. A request must include at least the following:
  - 1. The name, address, e-mail address (if any), and phone number of the affected party making the request.
  - 2. If an entity is making the request, the name, address, e-mail address (if any), and phone number of the contact person for the entity.
  - 3. A short and plain statement of the proposed or ongoing activity about which the affected party requests that the Panel make a determination and the name of the constituent institution or University entity engaged in or proposing to engage in the activity.
  - 4. If an affected party is making the request, a short and plain statement as to why the party claims the activity is not justified by one of the Exceptions and the nature and location of the same, similar or competing business in which the affected party engages or proposes to engage.
  - 5. If a University entity is making the request, a short and plain statement of why it claims that the activity is justified by a designated one or more of the Exceptions.
- D. A request is deemed filed with the Panel when it is received by the Panel Staff at the University Office of the President.
- E. Within seven days after receiving the request, the Panel Staff shall give electronic notice of all requests to initiate proceedings to the persons who



whether the specified activity is justified by one of the Exceptions. These deliberations may be by teleconference or other means of simultaneous communication as long as the requirements of North Carolina's Open Meetings Law are observed. The determination will be made based on the evidence and arguments presented at the hearing and shall state the basis for the determination.

- G. The written determination of the Panel will be made within 15 days after the close of the hearing and will be transmitted to the persons and entities that participated in the hearing and, electronically, to the persons and entities who have requested to be included in the Registry.

#### **IX. Effect of Determination**

- A. The University will be bound by the Panel's determination that a proposed or ongoing activity is not justified by one of the Exceptions.
- B. Pursuant to G.S. §66-58(k), the University and its employees may rely on a determination made by the Panel that an activity is justified by one of the Exceptions.
- C. Once the Panel has determined a matter, neither the party requesting the initial determination, nor any party on the Registry at the time the Registry was notified of the proceeding, may request another Panel determination on the same matter unless the party shows that there has been a material change in circumstances.