

# COMMITTEE ON UNIVERSITY GOVERNANCE

Thursday, May 11, 2006

## Draft Minutes

The Committee on University Governance met Thursday, May 11, 2006, at 4:30 p.m. in Conference Room B of the General Administration Building. Committee members present included Chairman Grainger, Mr. Davis, Mr. Dixon, Dr. Gilchrist, Dr. Key, Mr. Lail, and Mr. Mills. Dr. Roseman also attended. President Bowles, Vice President Winner, Associate Vice President Bunting, Associate Vice President Waldrup, Mr. Johnson, and Mr. Corgnati attended as staff.

### Approval of Minutes

Upon motion of Mr. Dixon and seconded by Dr. Gilchrist, the committee voted to approve the minutes of the April 11, 2006, meeting of the committee.

### Discussion of Vacancies on Boards and Councils

The committee discussed vacancies on councils and boards of trustees.

There is a partial term ending June 30, 2007, on the University of North Carolina at Greensboro Board of Trustees. Upon motion of Mr. Grainger and seconded by Dr. Key, the committee voted to recommend the election of Gwynn Swinson of Raleigh to serve on the University of North Carolina at Greensboro Board of Trustees. For Ms. Swinson's resume, see Appendix A.

There are six terms ending June 30, 2010, on the University of North Carolina Center for Public Television Board of Trustees. Upon motion of Dr. Gilchrist and seconded by Mr. Lail, the committee voted to recommend the appointment of Linwood Britton of Winston-Salem and the reappointment of Phillip J. Kirk, Jr., Janet Smith Moore, Donald L. Porter, Margaret Harrison Suppler, and Gary York to serve on the University of North Carolina Center for Public Television Board of Trustees. For Mr. Britton's resume, see Appendix B.

There is a term ending June 30, 2010, on the State Advisory Council on Indian Education. Upon motion of Mr. Grainger and seconded by Mr. Lail, the committee voted to recommend the reappointment of James Daniel Bell, Jr., of Chapel Hill to serve on the State Advisory Council on Indian Education.

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There is a term ending June 30, 2009, on the State Building Commission. Upon motion of Dr. key and seconded by Dr. Gilchrist, the committee voted to recommend the reappointment of Kevin J. MacNaughton of North Carolina State University to serve on the State Building Commission.

There is a term ending June 30, 2009 on the North Carolina Center for Nursing Board of Directors. Cherry Maynor Beasley of Lumberton currently serves and is eligible for reappointment. This vacancy will be announced.

Political Activity Petition

The committee considered the political activity petition of Dr. Paul Luebke, a sociology professor at the University of North Carolina at Greensboro. Upon motion by Dr. Gilchrist and seconded by Mr. Lail, the committee voted to recommend approval of Dr. Luebke's request to maintain his full-time University employment while campaigning for reelection to the North Carolina House of Representatives and continuing to serve in the House during the Fall Semester 2006. For Dr. Luebke's petition, see Appendix C.

Upon motion of Mr. Davis and seconded by Dr. Gilchrist, the committee voted to go into closed session in accordance with NCGS 143-318.11(a) (6) to hear or investigate a complaint, charge, or grievance by or against a public officer or employee.

CLOSED SESSION

Upon motion of Mr. Lail and seconded by Mr. Davis, the committee voted to return to open session.

OPEN SESSION

Amendments to *The Code*

Ms. Winner presented the background regarding proposed amendments to Section 301 of *The Code*. These amendments would change the status of the Audit Committee to that of a standing committee and clarifies the recent amendment that made the Committee on Public Affairs a standing committee. Upon motion of Mr. Mills and seconded by Mr. Dixon, the committee voted to

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approve the proposed amendments and to bring them to the Board of Governors for consideration at the June meeting. These amendments are presented as Appendix F.

Other Business

Dr. Roseman engaged the committee in a discussion regarding the appointment procedures for the University of North Carolina Health Care System Board of Directors. Staff was asked to research this issue.

President Bowles addressed his concerns regarding governance issues surrounding the Center for School Leadership Development.

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

**Gwynn T. Swinson**  
2413 Silver Lake Trail  
Raleigh, North Carolina 27606  
(919) 851-4190  
[gtshappy2bee@yahoo.com](mailto:gtshappy2bee@yahoo.com)  
[www.doa.state.nc.us](http://www.doa.state.nc.us)

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## PROFESSIONAL HISTORY

**2001- present    Secretary of the North Carolina Department of Administration**

*Appointed by the Governor of North Carolina to serve as Cabinet Secretary and the State's Chief Administrative Officer. Administers a departmental budget of \$136 million annually with 750 employees.*

*Provides leadership and management direction to ensure the delivery of critical services throughout state government in the following areas:*

*Construction (projects valued at \$5.7 billion annually); purchasing and contracts (transactions valued at over \$1.5 billion annually); real property (transactions valued at \$135 million by deed), motor fleet (inventory of approximately 8,000 passenger vehicles), facility management, parking and mail services.*

*Responsible for the State Capitol Police, Agency for Public Telecommunications, Office of Historically Underutilized Businesses, Veterans Affairs, State Energy Office, and Non-Public Education.*

*Responsible for the following advocacy programs: Human Relations Commission, Governor's Advocacy Council for Persons with Disabilities, Commission of Indian Affairs, Youth Advocacy and Involvement Office, and the Council for Women/Domestic Violence Commission.*

*Chairs the North Carolina Deferred Compensation (457) Plan Board of Trustees (investment portfolio of over \$500 million); the State Energy Policy Council and the 2004/2005 State Employees Combined Campaign.*

*Serves on numerous other boards and commissions.*

**2004 - present    State Government Radio  
Curtis Media Group  
WDNZ 570 AM**

*Featured on "The DOA Secretary Reports." Provides weekly commentary on services and programs provided by the Department of Administration and other state agencies.*

**1996 - present    Adjunct Associate Professor  
University of North Carolina School of Law,  
Chapel Hill, N. C.**

*Teaches Trial Advocacy.*

- 1997 – 2001**      **Special Deputy Attorney General  
Administration/Citizens' Rights Section  
North Carolina Department of Justice, Raleigh, N. C.**
- Advised and assisted the Attorney General on designated matters. Established the Office of Inspector General and oversaw the Citizens' Rights Section. Assisted the Deputy Attorney General for Administration in overseeing departmental affairs and implementing administrative policies.*
- 1994 – 1997**      **Special Assistant Attorney General,  
Citizens' Rights Section, Citizens' Rights Division.  
North Carolina Department of Justice, Raleigh, N. C.**
- Handled special projects with primary emphasis on hate crimes and policy issues involving the elderly. Established statewide task forces on elder abuse and church burnings. Drafted appellate briefs in criminal cases involving juvenile law and child abuse.*
- 1993 – 1994**      **Assistant Attorney General  
Health & Public Assistance Section, Administrative Division  
North Carolina Department of Justice, Raleigh, N. C.**
- Conducted litigation and provided legal services for the Divisions of Social Services and Medical Assistance of the North Carolina Department of Human Resources. Drafted appellate briefs in criminal cases involving juvenile law and child abuse. Provided legal representation to the North Carolina Certification Board for Social Work.*
- 1991 – 1992**      **Lecturer, Kyoto Comparative Law Center  
Kyoto, Japan**
- Lectured Japanese attorneys and business executives on select topics of American law, including torts and contracts.*
- 1986 – 1991**      **Associate Dean for Admissions and Student Affairs  
Senior Lecturer in Law  
Duke University School of Law, Durham, N. C.**
- Member of Governing Faculty. Directed offices of admissions and student affairs, including financial aid. Launched several new joint degree programs. Designed and implemented a minority student recruitment initiative. Taught Trial Practice and Professional Responsibility.*
- 1982 – 1985**      **Assistant Dean for Admissions  
John S. Bradway Teaching Fellow  
Duke University School of Law, Durham, N. C.**
- Directed Office of Admissions. Taught Trial Practice and Professional Responsibility while taking graduate law courses.*
- 1982 – 1984**      **Visiting Professor, NCCU School of Law**
- Taught Torts in the evening program.*

- 1980 – 1981      Assistant Branch Director  
Commercial Litigation Branch, Civil Division  
U. S. Department of Justice, Washington, D. C.**
- Supervised and coordinated the work of trial attorneys in the preparation and trial of cases. Personally handled complex civil litigation.*
- 1978 – 1980      Trial Attorney  
Commercial Litigation Branch, Civil Division,  
U. S. Department of Justice, Washington, D. C.**
- Represented the federal government in lawsuits involving money and property. In addition to trial work, prepared appellate briefs and argued cases in U. S. Courts of Appeals. Assisted in recruiting, interviewing and hiring attorneys for the Civil Division.*
- 1976 – 1978      Trial Attorney  
Federal Programs Branch (formerly the Economic Litigation Section)  
Civil Division U. S. Department of Justice, Washington, D. C.**
- Handled cases involving the enforcement and defense of federal regulatory programs. Primary clients were the Department of Housing and Urban Development and the Department of Energy. Commenced employment at the Department of Justice in September 1976 through the Honor Law Graduate Program.*

## **EDUCATION**

**Duke University School of Law, Durham, N. C.**  
Master of Laws Degree, December 1986

**Antioch School of Law, Washington, D. C.**  
Juris Doctor Degree, May 1976

**Antioch College, Yellow Springs, OH**  
Bachelor of Arts Degree, June 1973

## **AWARDS & HONORS**

- Ellis Island Medal of Honor - 2005
- Distinguished Visiting Lecturer, Doshisha University School of Law, Kyoto, Japan - 2004
- US Presidential Rank Award Review Board - 2004
- Women in Business Award, Triangle Business Journal – 2003
- Carolinian of the Week, News Channel 14, Time Warner Cable – 2003
- YWCA Academy of Women Inductee – 2002
- STENNIS Center for Public Service, Pacesetter Honoree - 2002
- Distinguished Service Award, Law School Admission Council - 1992
- Outstanding Service Award, Black Law Students Association, Duke Law School - 1990
- US Department of Justice Outstanding Achievement Award, Attorney General Benjamin Civiletti - 1980
- US Department of Justice Civil Division Outstanding Performance Award, Asst. Attorney General Alice Daniel - 1980
- US Department of Justice Meritorious Service Award, Attorney General Benjamin Civiletti - 1980

- US Department of Justice Meritorious Service Award, Attorney General Benjamin Civiletti - 1979
- US Department of Justice Meritorious Service Award, Attorney General Griffin Bell - 1978

## **PROFESSIONAL AND CIVIC ORGANIZATIONS**

- National Association of State Chief Administrators
- National Association of Government Defined Contribution Administrators
- North Carolina in the World Advisory Board
- Board of Directors, British American Business Council, Triangle Chapter
- American Bar Association
- North Carolina State Bar
- District of Columbia Bar Association
- North Carolina Association of Black Lawyers
- National Institute for Trial Advocacy
- The Links, Inc., Triangle Park Chapter
- American Association of Public Welfare Attorneys, 1993 - 1999
- Board of Directors, Raleigh Chamber Music Guild, 1998 – 1999
- Board of Directors, Triangle Youth Philharmonic Association, 1996-1998
- Board of Directors, SAFEchild, 1995 – 1998
- Board of Directors, Ravenscroft School, 1993-1995
- Board of Directors, Law School Admission Services, 1990-1992
- Board of Trustees, Law School Admission Council, 1989-1992
- Board of Directors, North Central Legal Assistance Program, 1984-1986

## **BOARDS AND COMMISSIONS (by Executive Order or statutory appointment)**

- Executive Branch Ethics Committee
- Agency for Public Telecommunications
- Domestic Violence Commission
- NC State Commission of Indian Affairs
- NC Internship Council
- Veterans Affairs Commission
- State Advisory Council on Juvenile Justice and Delinquency Prevention
- Legislative Study Commission on Children and Youth
- NC Geographic Information Coordinating Council
- Information Resource Management Commission  
(Abolished by the General Assembly in 2004)
- Governor's Efficiency Commission  
(Commission expired on December 31, 2003)

## **REFERENCES PROVIDED UPON REQUEST**

**Linwood P. Britton, III**  
**110 S. Stratford Road, Suite 402**  
**Winston-Salem, NC 27104**

**Experience:**

- A Founding Partner and Managing Director of The Orr Group, LLC, a Winston-Salem, NC investment banking firm that has completed \$3 billion of mergers and acquisitions with both publicly traded and privately held companies throughout the US. The company has been ranked nationally for both the number and value of transactions it has completed (1995-present).
- Vice President of Marketing for Krispy Kreme Doughnut Corporation (1993-1995).
- Vice President of Corporate Banking for First Union Corporation (1985-1991).

**Education:**

- BA, University of North Carolina, Chapel Hill, NC (1984).
- MBA, Kenan-Flagler School of Business, University of North Carolina, Chapel Hill, NC (1993).

**Affiliations:**

- Director, Finance Committee Chair and Executive Committee Member of the United Way of Forsyth County, the highest rated United Way in NC and ranked in the top 10% in the US.
- Trustee, Finance Committee and Lower School Committee Member of Summit School, a Winston-Salem, NC Jr. K. through 9<sup>th</sup> grade school with the largest endowment of its in-state peers.
- Trustee of Centenary United Methodist Church, a 4,000 member congregation.
- Director, Hospice of Forsyth County.
- Former Director of Henley Corporation, a High Point, NC, privately held regional distributor of printing paper and packaging products.
- Volunteer for Samaritan Ministries, Ezekiel Project, Second Harvest Food Bank, YMCA and Little League Baseball.

## PETITION REGARDING POLITICAL ACTIVITY

**FROM:**     **Name:**                 Dr. Paul Luebke  
              **Institution:**       The University of North Carolina at Greensboro  
              **Position Held:**     Associate Professor of Sociology

**TO:**         **Committee on University Governance**  
              **UNC Board of Governors**  
              **c/o Office of the President**  
              **The University of North Carolina**  
              **Post Office Box 2688**  
              **Chapel Hill, North Carolina 27515-2688**

**SUBJECT:**   Request for review of proposed political candidacy or officeholding

**A. In accordance with The University of North Carolina policy regarding political activities of its employees, this petition concerns:**

☐ **( ) My intention to campaign for election to a full-time or major part-time political office**

**Title of Office:**       North Carolina House of Representatives

**Primary or General Election Date:**   General: November 2006

**Period of Proposed Campaign Activity:**     Fall 2006

☒ **(XX) My intention to occupy a full-time or major part-time political office, either elective or appointive**

**Title of Office:**       North Carolina House of Representatives

**Term of Office:**             2005-06

**Period of Employment Affected:**   Fall 2006

**B. With respect to my candidacy for election to political office, I request permission:**

☒ **(X) To maintain my full-time University employment while campaigning; in support of my request, I have provided/attached:**

1.   **A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)**
2.   **An explanation of proposed campaign activity, demonstrating how such activity will be limited to available personal time, so as not to interfere with the satisfactory performance of full-time employment responsibilities (Attachment B)**
3.   **The written concurrence of my supervisors and the Chancellor in the conclusion that engagement in campaign activities will not interfere with the satisfactory performance of my full-time employment responsibilities**

( ) If my request to maintain full-time employment is denied, to take a partial leave of absence, with corresponding reduction in pay, for the period \_\_\_\_\_ (dates of leave); in support of my request, I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. An explanation of proposed campaign activity (Attachment B)
3. Identification of those employment responsibilities that I propose not to meet, consistent with such a partial leave of absence, and calculation of percentage reduction in employment time (Attachment C)
4. Assurances by my supervisors and the Chancellor that granting such a leave is practicable and that alternative arrangements can be made to insure performance by others of the employment responsibilities for which I otherwise would be responsible.

( ) If my request to maintain full-time employment or to be granted a partial leave is denied, to take a full leave of absence, without pay, for the period \_\_\_\_\_ (dates of leave); in support of my request, I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. Assurances by my supervisors and the Chancellor that granting such a leave is practicable and that alternative arrangements can be made to insure performance by others of the employment responsibilities for which I otherwise would be responsible.

**C. With respect to my occupancy of a full-time public office:**

( ) I request permission to be granted a full leave of absence, without pay, as distinguished from resigning my University employment; I understand that the maximum period of such leave allowed by University policy is two years; in support of my request, I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. Assurances by my supervisors and the Chancellor that granting such a leave is practicable and that alternative arrangements can be made to insure performance by others of the employment responsibilities for which I otherwise would be responsible.

**D. With respect to my occupancy of a major part-time office, I request permission:**

(XX) To maintain my full-time University employment while holding office; in support of my request I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. An explanation of the time requirements associated with holding the public office, demonstrating how such activity will be limited to available personal time, so as not to interfere with the satisfactory performance of my full-time employment responsibilities (Attachment D)

3. The written concurrence of my supervisors and the Chancellor in the conclusion that the time requirements associated with holding the public office will not interfere with the satisfactory performance of my full-time employment responsibilities.

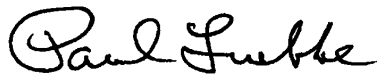
( ) If my request to maintain full-time employment is denied, to take a partial leave of absence, with corresponding reduction in pay, for the period of officeholding; in support of my request, I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. An explanation of the time requirements associated with holding the public office (Attachment D)
3. Identification of those employment responsibilities that I propose not to meet, consistent with such a partial leave of absence, and calculation of percentage reduction in employment time (Attachment C)
4. Assurances by my supervisors and the Chancellor that granting such leave is practicable and that alternative arrangements can be made to insure performance by others of the employment responsibilities for which I otherwise would be responsible.

( ) If my request to maintain full-time employment or to be granted a partial leave is denied, to take full leave of absence, without pay, for the period \_\_\_\_\_ (dates of leave); in support of my request, I have provided/attached:

1. A detailed account of my anticipated normal employment responsibilities during the affected period of employment (Attachment A)
2. Assurances by my supervisors and the Chancellor that granting such leave is practicable and that alternative arrangements can be made to insure performance by others of the employment responsibilities for which I would otherwise be responsible.

E. With respect to any request embodied in this petition, the petitioner should offer any additional explanation or information that in his or her judgment would assist supervisors, the Chancellor, or the Board of Governors in making a decision whether to grant the request.



Signature of Petitioner

*April 6, 2006*

Date Submitted



Signature of Chancellor

*4/18/06*

Date received by Chancellor

April 19, 2006

Date Submitted to Office of the President



Signature of Secretary of the University

*4/28/06*

Date received by Secretary

**Petition Attachment A**

Detailed account of anticipated normal employment responsibilities during the affected period of employment; the information to be provided presupposes a standard eight-hour work day and a forty-hour work week and requires a demonstration of how that amount of employment time is accounted for and scheduled; the petitioner may supplement this form with a narrative account that further explains employment obligations and time commitments.

Dr. Paul Luebke  
Name of Petitioner

Fall 2006  
Employment Period Affected

1. Non-faculty employees (for those employees who regularly follow a standard eight-hour day and forty-hour week)

Length of required work day (number of hours):

Hours of work: from \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

Days of Week to Which Scheduled Work Applies:

2. Faculty employees (and other employees who do not necessarily follow a standard schedule of eight-hour days and forty-hour weeks)

<u>Duties</u>	<u>Hours per Week (Average)</u>	<u>% of Total</u>
Teaching (classroom, laboratory, etc.)	<u>3</u>	<u>6</u>
Instructional preparation	<u>6</u>	<u>12</u>
Counseling students	<u>12</u>	<u>22</u>
Other instructional responsibilities	_____	_____
Evaluating student performance	<u>6</u>	<u>12</u>
Research and writing	<u>12</u>	<u>22</u>
Institutional committee service	<u>3</u>	<u>6</u>
Administrative service	_____	_____
Current professional development	<u>10</u>	<u>20</u>
Other (Specify):	_____	_____
Totals:	<u>52</u> Hours/Week	<u>100%</u>

**Petition Attachment B**

**Explanation of nature, extent, and schedule of proposed campaign activity**

I am running unopposed in the November 2006 election. There will be no campaign that could conflict with my UNCG responsibilities.

**Petition Attachment C**

**Identification of employment responsibilities not to be performed pursuant to partial leave of absence**

**Duties to be eliminated or reduced**

**Hours Per Week (Average)**

**Totals:**

\_\_\_\_\_  
**Hours/Week**

**Percentage reduction in weekly employment time:** \_\_\_\_\_

**Note:** Policies of the Board of Governors do not permit partial or full leaves of absence, for a portion of a semester, that would affect adversely the instructional services available to students, e.g., substituting another instructor for the petitioner to teach a course for a portion of the academic term (as distinguished from such substitution for a full term).

## **Petition Attachment D**

### **Explanation of nature, extent, and schedule of required duties as officeholder**

The General Assembly is expected to adjourn in mid-July. Should that not be the case, I will only attend legislative sessions if they do not interfere with my UNCG teaching responsibilities.

When the General Assembly adjourns, no additional legislative meetings are expected during the Fall semester.

**SECTION 301. THE STANDING COMMITTEES' JURISDICTION.**

**301 A.** The standing committees of the Board of Governors shall be: the Committee on Budget and Finance; the Committee on Educational Planning, Policies, and Programs; the Committee on Personnel and Tenure; the Committee on University Governance, and the Committee on Public Affairs, and the Audit Committee.

**301 F.** The Committee on Public Affairs shall consist of a number of voting members to be determined by the chair of the board. A voting member serving on this committee shall also serve on ~~another standing committee~~ one or more other standing committees. The Committee on Public Affairs shall assist the President in maintaining a positive relationship with the Governor, the North Carolina General Assembly, the United States Congress, and other governmental entities which affect the ability of the University to carry out its mission. The committee will review all state and federal non-budget legislative priorities of the University.

**301 G.** The Audit Committee shall consist of a number of voting members to be determined by the chair of the board. A voting member serving on this committee shall also serve on one or more other standing committees. The Audit Committee shall develop and maintain a system wide code of ethics, review annual and other audit reports of the constituent institutions and affiliated entities of the University, review a summary of the internal audit plans and work of the audit committees of the constituent institutions, review annual financial audit reports and management letters on University associated entities, meet with the State Auditor annually, and take such other actions as are necessary or appropriate to assure the integrity of the finances of the University.