

COMMITTEE ON UNIVERSITY GOVERNANCE

Thursday, October 12, 2006

Draft Minutes

The Committee on University Governance met Thursday, October 12, 2006, at 4:00 p.m. in the Executive Conference Room of the General Administration Building. Committee members present included Vice Chair Key, Mr. Mills, Mrs. Robinson, Mr. Ruffin, and Mr. Souza. Chairman Phillips joined the meeting as did the following Board of Governors members: Mr. Barringer, Mrs. Blank, Mr. Bowden, Mr. Broadwell, Mr. Dixon, Mr. Farris, Mrs. Gage, Mr. Hans, Mr. Mercer, Mr. Norwood, Mrs. Owen, and Mr. Young. Other attendees included: LeAnn Rhodes, Special Deputy Attorney General; Patricia Crawford, Associate Vice Chancellor and Senior University Counsel, and Sidney Stone, Facilities Planning, both from UNC Chapel Hill; Eileen Goldgeier, the UNC Wilmington General Counsel (by telephone); John Scherer, Assistant Attorney General; Dr. Brenda Killingsworth and Dr. Judith Wegner, both officers of the UNC Faculty Assembly; and Stephen Moore from the UNC Association of Student Government. Vice President Winner and Mr. Corgnati attended as staff.

Approval of Minutes

Upon motion of Mr. Ruffin and seconded by Mrs. Robinson, the committee voted to approve the minutes of the September 7, 2006, meeting of the committee.

Policy Delegation Authority

Chairman Phillips reminded the committee of his request to consider proposed delegations of authority from the Board of Governors to the president. Upon motion of Mr. Ruffin and seconded by Mrs. Robinson, the committee approved the draft of potential delegations and agreed to bring the draft policy to the Board of Governors for consideration at its November meeting. See Appendix A.

Discussion of Vacancies on Boards and Councils

The committee discussed vacancies on councils and boards of trustees.

Committee on University Governance
Thursday, October 12, 2006
Minutes

There is a partial term ending June 30, 2007, on the University of North Carolina at Greensboro Board of Trustees. Upon motion of Mr. Souza and seconded by Mr. Mills, the committee voted to recommend the election of James Norman Smith of Greensboro to serve on the University of North Carolina at Greensboro Board of Trustees. Mr. Smith's biography is presented as Appendix B.

There is a partial term ending June 30, 2007, on the North Carolina School of Science and Mathematics Board of Trustees, representing Congressional District 12. Action was deferred.

2007 Trustee Selection Process

Dr. Key updated the committee on the 2007 trustee selection process, noting that correspondence has been sent to the chancellor and the chair of the Board of Trustees of each of the sixteen constituent institutions officially seeking nominations for the committee to consider, and published the due date for recommendations as December 1st. Mr. Ruffin reviewed the status of each of his assigned Boards of Trustees. Chairman Phillips Jim Phillips asked the committee to consider developing a set of "best practices" for the campus boards.

UNC Health Care System Board of Directors

The committee received President Bowles' appointment of Reverend Robert Seymour of Chapel Hill to serve as an at-large member of the UNC Health Care System Board of Directors. Upon motion and duly seconded, the committee voted to recommend the ratification of the president's appointment to the Board of Governors. Reverend Seymour's vita is presented as Appendix C.

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 Mr. Ruffin and seconded by Mr. Mills, the committee voted to recommend approval of Dr. Luebke's request to continue serving as a member of Committee on

University Governance
Thursday, October 12, 2006
Minutes

the North Carolina House of Representatives during the Spring Semester 2007 and to gain a full leave of absence, without pay, during this period. For Dr. Luebke's petition, see Appendix D.

Pursuant to the North Carolina General Statutes Section 143-318.11(a) (3), the committee moved and duly seconded to go into closed session (upon consideration of Mrs. Robinson and seconded by Mr. Souza) to consult with our attorney to consider and give instructions regarding judicial actions titled: (1) The North Carolina School of the Arts in the name of The University of North Carolina v. Lyndon Property Insurance Company; (2) Southern Site & Environmental Corporation v. T. A. Loving and the University of North Carolina at Chapel Hill; and (3) The Board of Governors on behalf of the University of North Carolina at Wilmington v. South Brunswick Water and Sewer Authority.

CLOSED SESSION

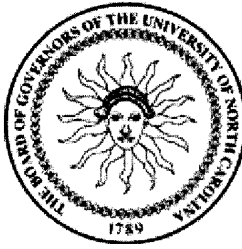
Upon motion of Mrs. Robinson and seconded by Mr. Mills, the committee voted to return to open session.

OPEN SESSION

Other Business

Dr. Key emphasized the importance of Board of Governors members' attendance at the upcoming campus winter commencements.

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



POLICIES

The University of North Carolina *Board of Governors*

200.6

Adopted --/--/--

A. Pursuant to NCGS §116-11(13), and notwithstanding *The Code* or any other Board of Governors policy¹, the Board of Governors delegates the following authorities to the President of the University:

1) Personnel

- a) Authority to appoint and set the salaries of Senior Academic and Administrative Officers (§300.1.1 and §600.3.4) and other employees exempt from the State Personnel Act (§300.2.1) serving within the UNC General Administration.
- b) Authority to set salary ranges for Senior Academic and Administrative Officers of the constituent institutions of University (§600.3.4).
- c) Authority to approve conferrals of tenure and to set salaries of faculty, Senior Academic and Administrative Officers, except the chancellors, and other employees exempt from the State Personnel Act at campuses that do not have Management Flexibility to Appoint and Fix Compensation as long as those salaries are within the established salary ranges and are not raises in excess of 15% and \$10,000 higher than the salary in effect at the end of the last fiscal year. (§§300.1.1 and 600.3.4; *Code* §602).
- d) Authority to approve all actions relating to the administration of the Optional Retirement Program (G.S. §135-5.1) and the Phased Retirement Program (§300.7.2).

2) Governance

- a) The authority to approve the initiation of a lawsuit in the name of the University if the action is for monetary relief and the amount in controversy is less than \$250,000. (§200.5)
- b) The authority to settle a lawsuit that has been filed by or against a constituent institution or the University of North Carolina, if the settlement is solely for monetary

¹ The Secretary of the University is authorized to annotate the referenced policies and regulations to cross-reference these delegations.

- relief and the amount the University is to pay pursuant to the settlement is less than \$250,000 or, if the University is to receive a payment, the amount the University claimed is less than \$250,000. (§200.5)
- c) Authority to approve the political activities of employees of the University who are candidates for or serving in public office (§300.5.1).
- 3) Reports
- a) The authority to approve and submit any report the University or the Board of Governors is required to submit to the General Assembly, the State Board of Education or any other State agency or officer.
- 4) Real Property
- a) Authority to approve leases with at least \$50,000² but less than \$350,000 annual rental for a term of up to five years, subject to approval by the Department of Administration and the Governor and Council of State (§§600.1.4 and 600.1.4[R]).
- b) Authority to approve acquisition or disposition of an interest in real property, other than a lease, for an amount of at least \$50,000 but less than \$500,000 (§§600.1.4 and 600.1.4[R]).
- c) Authority to approve capital improvement projects that are projected to cost \$500,000 or less. The President must provide notice of projects the president intends to approve under this provision to the Committee on Budget and Finance at least one week prior to authorizing the project. (§600.1.1).
- B. The President will report all actions taken under the authority of these delegations to the appropriate Committee of the Board of Governors either in writing before the next regular meeting of the Board of Governors or at the next regular meeting of the Board of Governors.
- C. These delegations will remain in effect unless and until the Board of Governors rescinds them in whole or in part.

² Note that leases with annual rent less than \$50,000 may be approved by the boards of trustees or the chancellors without further approval by the Board of Governors or the President. See Regulation §600.1.4[R].

JAMES NORMAN SMITH (Smitty) was born 12/28/1944 in Goldsboro, NC and received his formal education in the public schools of Brooklyn, New York.

Smitty went into the U.S. Marine Corps. September 1963. Following basic training, he served 4 years in the military of which 2 years were spent in Viet Nam and he was Honorably discharged as an E-5 Sergeant.

Upon his discharge from the Marine Corps, Smitty enrolled at Federal City College in Washington, DC (now the University of the District of Columbia) majoring in business management. In June 1971 he started a career with McDonald's Corporation. After working with McDonald's Corporation for 13 years he decided to become an entrepreneur. He has owned and operated McDonald's restaurants in Houston, Texas as well as Los Angeles, California. He currently owns and operates 4 restaurants in Greensboro, NC.

**DeJas Management (DBA) McDonald's @
Cone/Battleground; Friendly Shopping Center; and Summit Ave, Eden N.C.**

My Mission is to serve as a positive role model to African-American Youth of the Greensboro, North Carolina Community. To also provide the business vehicle available through my company employing community youth emphasizing the proper work ethic needed to succeed in the business world, and the importance of education and knowledge for which many doors are opened.

Smitty's community involvement is as follows: Served on United Way Board, Sickle Cell of the Triad Board, Lunch Buddy Program for 7th Graders, Eastern Music Festival Financial Committee, EMF Board of Directors, Hayes-Taylor YMCA Board of Management, and received the NAACP Corporate Humanitarian Award, 1995. International civil right center and Museum Board, President of GSO Men's Club.

**Honors: Certificate of Appreciation, A.K.A. of North Carolina 7/94
Outstanding Business Award, Houston, Texas 8/87
Certificate of Recognition from Senator Diane E. Watson 28th District
Extraordinary Civic Service 9/89
County of L.A. Commendation from Kenneth Hahn Board of Supervisors 6/90**

Smitty is a member of Providence Baptist Church where he serves as Vice-Chairman of the Trustee Board, member of the Usher Board, and member of the Male Chorus. Past President of the Greensboro Men's Club (2001-2002), member of Forward Greensboro Board, Thirty-Third Degree Mason (G.I.G.), Past Master of C.W. Lawrence Lodge #837 Free and Accepted Masons, member Southeast Economic Development (SEEDS) Board, member of Frank Forum, member of the Greensboro Chamber of Commerce, and a lifetime member of NAACP. He serves on the Board for the National Black McDonald's Operators Association, and is Past President of the N.C. Black McDonald's Operators Assoc.

He is married to the former Debra F. Cousins of Bluefield, WV. Debra is Vice-President/ Treasurer of DeJas MGMT. They have two children: Adrian T. Smith, a graduate of Florida A & M with a Degree in Business Administration, and Danielle S. Washington, a graduate of NC A&T with a Degree in Nursing.

McDonald's

1984-Present **Owner/Operator, CEO**
DeJas Management dba McDonald's.

Present Locations in Greensboro, N.C.

- Friendly Shopping Center
- Cone/Battleground
- Summit Avenue
- Eden, NC

2002-2004 **2nd V.P. NBMOA East Division**
2005- **1st V.P. NBMOA East Division**
1998-2002 **Chairman, Raleigh Impact Committee**
1996-2001 **President, Raleigh BMOA (Black McDonald's Operators Assoc.)**
1994 **Certificate of Appreciation, AKA of North Carolina**

1987-1993 **McDonald's Restaurants (two) Los Angeles, CA**
 Triple "A" store award 1991
Certificate of Recognition from Senator Diane E. Watson, 28th District
Extraordinary Civic Service Award
County of L.A. Commendation from Kenneth Hahn, Board of Supervisors
1990-1993 **Vice President, Los Angeles BMOA**
 Purchasing Committee

1984-1987 **McDonald's Restaurant (one) Houston, TX**
 Triple "A" store award 1985
1986-1987 **President, Houston BMOA**
 Chairperson, Black Consumer Media Committee
1986 **Outstanding Business Award from the Houston Business and Professional Men's Club**

1976 -1984 **McDonald's Corporation, Oak Brook, IL**
 - Field Service Department
 - Operations Manager

1971 -1976 **McDonald's Corporation, Washington, D.C.**
 - All levels of Management

1968 - 1971 **Washington, DC. Bus Driver**

1963 - 1968 **U S Marine Corp**

ROBERT EDWARD SEYMOUR, JR.
750 Weaver Dairy Road #219
Chapel Hill, NC 27514

Appendix C

EDUCATION:

B.A. Duke University 1945
B.D. Yale Divinity School 1948
Ph.D. University of Edinburgh, Scotland 1955

PROFESSIONAL EXPERIENCE:

Assistant to Minister, Myers Park Baptist Church, Charlotte 1948-49
Pastor, Warrenton Baptist Church, Warrenton, NC 1950-54
Pastor, Mars Hill Baptist Church, Mars Hill, NC 1955-58
Pastor, Binkley Memorial Baptist Church, Chapel Hill, NC 1958-88
Interim Minister, First Baptist Church, Beckley, W.Va. 1989

LEADERSHIP EXPERIENCE:

First President of Interfaith Council, Chapel Hill
First President, Chapel Hill Public School Foundation
Founder of Chapel Hill Senior Center
Chairman, founding Task Force for Community Shelter
Founding Board, Chapel Hill YMCA
Founding Board, People of Faith against the Death Penalty
Founding Board of American Baptist Churches of the South
President, North Carolina Editorial Forum
Trustee, Mars Hill College
Chairman, Social Service Committee, N. C. Council of Churches
Chairman, Peace Committee, NC Council of Churches
Board, Chapel Hill Home Health Agency
Board, Triangle International Visitors Center
Board, Center for Peace Education
Board, ACLU (Local and State)
Board, Carol Woods Retirement Community
Board, Friends of Residents in Long Term Care
Review Board of Triangle Community Foundation
Board, North Carolina Consumer Council
Board, Orange County Human Relations Commission
Board, Visions
Board, Second Journey
Advisory Board, Orange County Habitat
Advisory Board, Charles House
Advisory Board, Folkmoot
Interviewer for Special Hour, WCHL

PUBLICATIONS:

Professional articles in THE CHRISTIAN CENTURY
Professional articles in THE CHRISTIAN MINISTRY
Sermons in MASTER SERMONS
Columnist in CHAPEL HILL NEWS
Columnist in THE CHAPEL HILL HERALD

BOOKS:

CELEBRATION OF CHRISTMAS AS CHRISTIANS
Walworth Press, 1989
WHITES ONLY Judson Press, 1991
AGING WITHOUT APOLOGY Judson Press 1995
A VILLAGE VOICE – Chapel Hill Press
WHEN LIFE BECOMES WORTHWHILE – Chapel Hill Press
(Sermons and papers North Carolina Historical Collection, UNC)

HONORS:

25 Year Leadership Award WCHL
Senior Citizen of the Year, Jaycees, 1991
Outstanding Kiwanian Award
Community Makers Award. Chapel Hill Herald, 1992
George Maddox Award, NC Department of Human Resources
Establishment of Seymour Symposium, Binkley Church
New YMCA youth building to be named THE ROBERT AND
PEARL SEYMOUR BUILDING
Alumni Award for Distinction in Ordained Ministry, Yale
Divinity School –2004
New Senior Center to be named THE ROBERT AND PEARL
SEYMOUR CENTER
New Chapel at Binkley Church to be named THE SEYMOUR
CHAPEL

FAMILY:

Born in Greenwood, South Carolina
Wife – Pearl Francis Seymour, Professional Organist
Son – Robert E. Seymour, III, of Morrisville, Physician, Wake
Medical Center
Daughter – Frances Jane Seymour, of Bogar, Indonesia, Director
of Center for International Forestry Research
Grandchildren – Robert E. Seymour IV, Leigh Seymour, and
Macy Elizabeth Seymour

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:

Period of Proposed Campaign Activity:

(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: 2007 - 08

Period of Employment Affected: Spring 2007

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

() 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:

(xx) 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:

() 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.

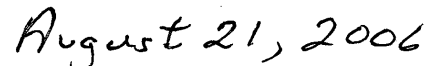
() If my request to maintain full-time employment or to be granted a partial leave is denied, to take full leave of absence, without pay, for the period _____ (dates of leave); in support of my request, I have provided/attached:

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.



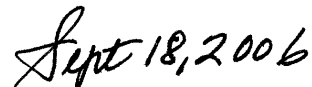
Signature of Petitioner



Date Submitted



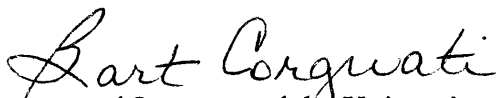
Signature of Chancellor



Date received by Chancellor

September 20, 2006

Date Submitted to Office of the President



Signature of Secretary of the University



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

Spring 2007
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.) | _____ | _____ |
| Instructional preparation | _____ | _____ |
| Counseling students | _____ | _____ |
| Other instructional responsibilities | _____ | _____ |
| Evaluating student performance | _____ | _____ |
| Research and writing | _____ | _____ |
| Institutional committee service | _____ | _____ |
| Administrative service | _____ | _____ |
| Current professional development | _____ | _____ |
| Other (Specify): (LEAVE WITHOUT PAY) Spring 2007 | _____ | 100% |
| Totals: | _____ | 100% |
| | Hours/Week | |