



MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

September 15, 2021 at 2:00 p.m.
Via Videoconference and PBS North Carolina Live Stream
University of North Carolina System Office
Center for School Leadership Development, Room 128
Chapel Hill, North Carolina

AGENDA

OPEN SESSION

- A-1. Approval of the Open Minutes of July 21, 2021Terry Hutchens
- A-2. 2020-21 Committee on University Governance Annual Report.....Terry Hutchens
- A-3. Resolution on Security Clearance RequirementsTerry Hutchens
- A-4. Free Speech and Free Expression Survey Andrew Kelly
- A-5. Report on Free Speech and Free Expression
Within the University of North Carolina System Andrew Tripp
- A-6. Vidant Medical Center Board of Trustees Appointments.....Terry Hutchens

CLOSED SESSION

- A-7. Approval of the Closed Session Minutes of July 21, 2021Terry Hutchens
- A-8. Legal Affairs Report..... Andrew Tripp

OPEN SESSION

- A-9. Adjourn



Closed Session Motion

Motion to go 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.
- Consult with our attorney to protect attorney-client privilege; and

To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action for the following cases:

- *Staton v. East Carolina University*
- *Hwang v. UNC, et al.*
- *Kadel, et al. v. Folwell, et al.*

Pursuant to: G.S. 143-318.11(a)(1) and (3).

DRAFT OPEN MINUTES

July 21, 2021

Via Videoconference and PBS North Carolina Live Stream
University of North Carolina System Office
Center for School Leadership Development, Room 128

This meeting of the Committee on University Governance was presided over by Chair David Powers. The following committee members, constituting a quorum, were present either in person or via videoconference: Pearl Burris-Floyd, N. Leo Daughtry, Mark Holton, and Terry Hutchens.

Chancellors participating in person: Karrie Dixon and Philip Rogers. Wesley Burks was not present for this meeting.

Staff members present included Andrew Tripp, Meredith McCullen, and others from the UNC System Office.

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

The chair called the meeting to order at 2:15 p.m. on Wednesday, July 21, 2021.

Chair Powers reminded all members of the committee of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest. The chair asked if there were any conflicts or appearances of conflict with respect to any matter coming before the committee. No members identified any conflicts at the time.

The chair next called for a motion to approve the open session minutes of May 26, 2021.

MOTION: Resolved, that the Committee on University Governance approve the open session minutes of May 26, 2021, as distributed.

Motion: N. Leo Daughtry

Motion carried

2. North Carolina Teaching Fellows Commission Appointments (Item A-2)

The chair provided background information to the committee on the seven two-year-term nominations to the North Carolina Teaching Fellows Commission as well as the criteria to service, responsibilities, and duties of the commission.

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

Motion: Pearl Burris-Floyd

Motion carried

3. PBS North Carolina Board of Trustees Appointment (Item A-3)

The chair provided background information to the committee on the one partial-term nomination to the UNC Press Board of Trustees as well as the roles, responsibilities, and duties of the board.

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

Motion: Terry Hutchens

Motion carried

4. Delegations of Authority (Item A-4)

The chair called on Mr. Tripp to provide a brief history on the delegations of authority and the progress of information collected by the System Office from constituent institutions. After the presentation, a resolution (Attachment A) was provided to the committee members to consider. Following a discussion amongst committee members, chancellors, and Board members, a motion was made to approve the resolution.

MOTION: Resolved, that the Committee on University Governance approve the resolution entitled, “Resolution to Amend and Restate Constituent Institution Board of Trustees Delegations” and recommend it to the full Board of Governors for a vote.

Motion: N. Leo Daughtry

Motion carried

5. Amendments to Section 301 of *The Code* (Item A-5)

The chair called on Mr. Tripp to review proposed amendments to Section 301 of *The Code*. Mr. Tripp provided a brief overview of recommended changes to Section 301, most importantly, the name changes of the Committee on Public Affairs and the Committee on Personnel and Tenure. In addition to the name change for the Committee on Public Affairs to the Committee on Military and Public Affairs, proposed amendments to that committee include increasing the number of members allowed to serve on the committee and expansion of the jurisdiction to include military-related functions.

As to the Committee on Personnel and Tenure, it was recommended that the committee be renamed to the Committee on University Personnel and to clarify the jurisdiction of that committee.

MOTION: Resolved, that the Committee on University Governance approve proposed amendments to Section 301 of *The Code* and recommend approval by the full Board through the consent agenda at its next meeting.

Motion: Pearl Burris-Floyd

Motion carried

6. Closed Session

Chair Powers called on Mr. Holton for the closed session motion. Mr. Holton moved that the committee go 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; to consult with our attorney to protect attorney-client privilege; and to consider and give

instructions concerning a potential or actual claim, administrative procedure, or judicial action for the following cases: *Kadel, et al. v. Folwell, et al.* and *Staton v. East Carolina University*. Pursuant to G.S. 143-318.11(a)(1) and (3).

Motion: Mark Holton

Motion carried

THE MEETING MOVED INTO CLOSED SESSION AT 3:15 P.M.

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

7. Adjourn

There being no further business and without objection, the meeting adjourned at 3:27 p.m.

Mark Holton, Secretary



THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH CAROLINA

*RESOLUTION TO AMEND AND RESTATE
CONSTITUENT INSTITUTION BOARD OF TRUSTEES DELEGATIONS
July 22, 2021*

WHEREAS, the 17-campus University of North Carolina System leads the nation in delivering excellent higher education to students from all over the world;

WHEREAS, the Board of Governors is responsible for the general determination, control, supervision, management and governance of all affairs of the constituent institutions including assessment and mitigation of enterprise risks facing the University;

WHEREAS, the boards of trustees of the constituent institutions have a duty to serve as advisors to the Board of Governors on matters pertaining to the constituent institutions;

WHEREAS, in delegating authorities to the boards of trustees, it is incumbent upon the Board of Governors to define the authorities and responsibilities it vests in the boards of trustees of the constituent institutions, and any such delegation of authority by the Board of Governors carries with it the responsibility and authority of the Board of Governors to monitor and oversee the use of such authority;

WHEREAS, the boards of trustees of the constituent institutions may further delegate their authority in order to achieve the proper function of the constituent institution, provided such delegation is consistent with the North Carolina General Statutes, University policy, and *The Code of the Board of Governors of the University of North Carolina*;

WHEREAS, the Board of Governors has delegated certain authority to the boards of trustees of the constituent institutions in areas that include, but are not limited to: (1) academic programs and affairs; (2) administrative and academic personnel; (3) budget, finance, and administration; (4) endowments and trust funds; (5) student affairs; and (6) university governance;

WHEREAS, the boards of trustees of the constituent institutions have in many instances further delegated these authorities to committees, the chancellor, constituent institution administration and staff, or other bodies via operating bylaws, constituent institution policy, resolution, enactment, or other direction;

WHEREAS, critical to the success of managing enterprise risks associated with clarity and consistencies in university governance and decision-making and to ensure proper delegations by the boards of trustees consistent with the North Carolina General Statutes, University policy, and *The Code of the Board of Governors of the*

University of North Carolina is to engage in regular reviews of campus decision-making authority and documenting its delegations; and

WHEREAS, in furtherance of its commitment to empowering the campuses and managing the enterprise risks facing the University of North Carolina, the Board of Governors believes it prudent to direct each board of trustees of the constituent institutions to identify and restate in one binding resolution all instances in which the board of trustees of the constituent institution has delegated all or some of its delegated authority from whatever source to any committee, person, agency, or entity;

NOW THEREFORE, BE IT RESOLVED, that the Board of Governors adopts the following directive to each board of trustees of constituent institutions of the University of North Carolina:

Notwithstanding any enactment, policy, regulation, or guideline of the Board of Governors or an institutional board of trustees to the contrary, by October 1, 2021, each board of trustees of the constituent institutions shall adopt a proposed resolution amending and restating in detail all delegations of authority by the board of trustees of that institution to any board of trustees committee, the chancellor, or other campus entity, employee, officer, or agent – including any and all sub-delegations of authority – and providing that any authority not delegated expressly by such resolution is vested immediately in the board of trustees of that constituent institution.

Such proposed resolution shall be reviewed and, if acceptable in his discretion, approved by the President and returned to the board of trustees of the constituent institution for final adoption before November 1, 2021. The President shall promptly forward a copy of any proposed resolution he approves to the Board of Governors' Committee on University Governance.

In the event that a board of trustees of a constituent institution does not act in accordance with this resolution, then, effective November 1, 2021, all authority previously delegated by a campus board of trustees to any board of trustees committee, the chancellor, or other campus entity, employee, officer, or agent vests back in the board of trustees, such that only the board of trustees may exercise the authority it has been delegated pursuant to law or policy.

This the _____ day of _____ 2021.

Randall C. Ramsey, Chair

Meredith R. McCullen, Secretary



AGENDA ITEM

A-2. 2020-21 Committee on University Governance Annual Report Terry Hutchens

- Situation:** Each standing committee submits an annual report of its activities to the Board of Governors.
- Background:** Pursuant to Section 302 E of *The Code*, "Each standing committee shall make a written report to the Board of Governors at least annually, reviewing the work of the committee during the preceding year."
- Assessment:** The annual report on the activities of the Committee on University Governance for fiscal year 2020-21 is ready for review and submission.
- Action:** This item requires a vote by the committee to accept the report for submission to the Board of Governors.

DUTIES AND MEMBERSHIP

The Committee on University Governance is responsible for reviewing and making recommendations for proposed changes to the UNC Policy Manual, including *The Code*, and the delegations of duty and authority involving University governance; for nominating individuals for election to the 17 institutional boards of trustees and other University-related boards; and for authorizing the initiation and settlement of litigation and pending litigation in circumstances where that authority has not otherwise been delegated. This report summarizes the work of the committee from July 2020 through June 2021.

The committee was composed of the following Board members: Pearl Burris-Floyd, C. Philip Byers, N. Leo Daughtry, Mark Holton, Terry Hutchens, and David Powers. Mr. Powers served as chair, Mr. Hutchens served as vice chair, and Mr. Byers served as secretary.

Dr. Wesley Burks (UNCHCS), Interim Chancellor Mitchelson (ECU, September through February), Chancellor Rogers (ECU, April through June), Chancellor Sartarelli (UNCW), also served on the committee.

ACTIONS

Between July 1, 2020, and June 30, 2021, the Committee on University Governance met in eight regularly scheduled meetings. The major actions of the committee are summarized as follows:

Appointments to Boards for Affiliated Entities

Pursuant to the committee's recommendations for affiliated entities to the University, the Board of Governors made the following appointments or confirmations:

Name of Board	Member	Term Ending
Litigation Insurance Trust Fund	Andrew Tripp	N/A
Litigation Insurance Trust Fund	Will Bryant	N/A
NC Teaching Fellows (partial term)	Donnell D. Cannon	June 30, 2021
NC Teaching Fellows (partial term)	Malishai Woodbury	June 30, 2021
PBS North Carolina (f/k/a UNC-TV)	Don Curtis	June 30, 2024
The North Carolina Arboretum (partial term)	Kelli Brown	June 30, 2023
The North Carolina Arboretum	Janet A. Leath	June 30, 2025
The North Carolina Arboretum	Karen LeVert	June 30, 2025
The North Carolina Arboretum	Leah McGrath	June 30, 2025
The North Carolina Arboretum	Rodney Swink	June 30, 2025
UNC Greensboro (partial term)	Margaret P. Benjamin	June 30, 2021
UNC Health Care System	Samuel Bowles	October 31, 2024
UNC Health Care System	Tracy A. Leinbach	October 31, 2024
UNC Health Care System	Deborah Murray	October 31, 2024
UNC Health Care System	C. Howard Nye	October 31, 2024

UNC Press	Kim Smith	June 30, 2025
UNC Press	Elizabeth Engelhardt	June 30, 2026
UNC Press	Linda Hanley-Bowdoin	June 30, 2026
Vidant Medical Center	Anthony Cannon	February 28, 2025
Vidant Medical Center	Donald Thompson	February 28, 2025

2021 Boards of Trustees Appointments and Reappointments

Every two years, one-half of the Board of Governors-appointed board of trustee positions require either new appointments or reappointments. The Committee on University Governance, working with the institutions and members of the Board of Governors, identifies candidates, reviews candidates, and makes recommendations to the full Board of Governors for election. For the 2021 cycle, the committee considered nominees at both its April and May 2021 meetings. Attachment A of this report provides a complete list of appointments and reappointments that were approved by the full Board of Governors based on the committee’s recommendations.

Campus Liaison Assignments

Each constituent institution and selected affiliated entities were assigned a “liaison” from the Board. The 2021-21 campus liaisons were:

Ms. Burris-Floyd	N.C. A&T State University North Carolina Central University UNC Asheville North Carolina Arboretum
Mr. Byers	Appalachian State University Western Carolina University Winston-Salem State University
Mr. Daughtry	East Carolina University Fayetteville State University North Carolina School of Science and Mathematics
Mr. Holton	UNC Charlotte UNC School of the Arts UNC Wilmington
Mr. Hutchens	North Carolina State University UNC Greensboro PBS North Carolina
Mr. Powers	Elizabeth City State University UNC-Chapel Hill UNC Health Care UNC Pembroke Other Appointments

Review of *The Code*, UNC Policy Manual (Policies, Regulations, and Guidelines)

The committee is responsible for reviewing and making recommendations for proposed changes to *The Code* and the UNC Policy Manual, and the delegations of duty and authority involving University

governance. During the 2020-21 period, the following policy items were considered or reviewed by the committee:

1. **UNC Policy Manual**

- a. **Adoption of Section 700.3.2.** Section 700.3.2, *Policy on Student Government Elections*, was brought to the committee at its July 2020 meeting, based on recommendations of the Student Working Group. The Student Working Group was created in the spring of 2020 and was composed of student body presidents, chancellors, campus staff, System Office staff, and members of boards of trustees and the Board of Governors. The working group's mission was to ensure that adequate anti-tampering procedures were put in place to preserve the integrity of student elections and each constituent institution. Based on the information collected, the working group determined that campus student government election policies could be improved by incorporating several common elements and additional provisions regarding oversight of elections. The policy was adopted by the full Board of Governors at its September 17, 2020, meeting.
- b. **Amendments to Section 200.7.** Section 200.7, *Policy on Duties, Responsibilities, and Expectations of Board Members*, details the duties and responsibilities of members of the Board of Governors, boards of trustees of constituent institutions, and the boards of University-affiliated organizations. The policy also establishes the bases and procedures for board member sanctions, including removal or recommendation for removal. The draft revisions to Section 200.7 of the UNC Policy Manual expanded and clarified the duties and responsibilities of board members. The changes also established a more-detailed process for receipt, review, and consideration of complaints against board members. The revisions clarified the Board's authority to impose sanctions, including removal or recommendation for removal, within the Board's discretion. The policy was scheduled to be approved by the committee at its September meeting, however after further review, staff was asked to clarify some proposed language in the policy. Clarifying language was provided and the policy was approved by the full Board at its October 22, 2020, meeting.
- c. **Amendments to Section 200.5.** Section 200.5, *Policy on Legal Affairs; Initiating and Settling Potential and Pending Litigation*, details the capacity and authority to initiate litigation, as well as to settle potential and pending litigation, in the name of the University of North Carolina and on behalf of the constituent institutions. Because of recently passed revisions to G.S. 116-11(13b), the committee voted to delegate to the president the authority to approve the designation of lead legal counsel and the engagement and expenditure of funds for legal counsel. The revision to the statute and the delegation to the president necessitated revisions to Section 200.5. The proposed revisions were brought to the committee in October and approved by the full Board at its November 19, 2020, meeting.
- d. **Repeal of Section 300.1.3.** Section 300.1.3, *Attorney Licensing*, required every person employed by the University of North Carolina or any of its constituent institutions to be licensed attorneys in North Carolina. Amendments to Section 200.5, noted above, included the insertion of language previously set forth separately in Section 300.1.3. Since the stand-alone language was unnecessary and duplicative to language in 200.5, the committee voted to repeal Section 300.1.3. The full Board approved the repeal at its February 18, 2021, meeting.

2. Technical Corrections to the UNC Policy Manual

Section 100.2 VI.D. of the UNC Policy Manual authorizes the secretary of the University, in consultation with the senior vice president and general counsel, to make technical changes to the UNC Policy Manual. Technical changes are defined as including:

- Correction of typographical errors;
- Updates to names, titles, statutory, and regulatory references, and other designations;
- Correction of inconsistencies among policies that may result due to a more recent policy adoption, amendment, or rescission;
- Assurance that board delegations and resolutions are accurately reflected throughout *The Code* and the UNC Policy Manual; and
- Annotation of policies, regulations, and guidelines to cross-reference other provisions of the UNC Policy Manual.

Pursuant to this policy, which requires technical corrections to be summarized and reported in writing to the chair of the Board of Governors and the Committee on University Governance, Attachment B of this report provides all the technical corrections that were completed during the 2020-21 year.

Department of Defense Classified Research

The committee passed a resolution on Clearance Requirements, which is an annual requirement related to Department of Defense contracts. The Department of Defense requires the UNC System to maintain Facility Security Clearance. Department of Defense regulations permit the exclusion from the personnel clearance requirements of certain members of the Board and other officers, provided that this action is recorded in the corporate minutes. This resolution was included on the Thursday, September 17, 2020, consent agenda.

Litigation Requests/Settlements

The committee considered and approved a range of requests to settle legal matters and heard updates on pending disputes from its counsel.

Free Speech and Free Expression

G.S. 116-301 requires that the Board designate a standing committee to act as the Committee on Free Expression and report annually to the public, the Board, the Governor, and the General Assembly on issues related to free speech and free expression within the University. The Board has designated the Committee on University Governance to fulfill these responsibilities. As part of its duties, the committee received the annual report and hosted two presentations surrounding free speech and free expression.

1. **Annual Report.** As required by state law and Section 1300.8 of the UNC Policy Manual, the Committee on University Governance is responsible for preparing an annual report on free speech and free expression within the University that addresses at least the following topics:

- Any barriers to or disruptions of free expression within the University's constituent institutions;
- The administrative handling and discipline relating to disruptions or barriers to free expression;
- Any substantial difficulties, controversies, or successes in meeting the requirements of maintaining institutional neutrality as provided in the law and Section 1300.8 of the UNC Policy Manual; and

- Any assessments, criticisms, commendations, or recommendations the committee sees fit to include.

The report reviewed free speech and free expression within the University for the period of time between July 1, 2019, and June 30, 2020. The report finds that constituent institutions are committed to promoting and protecting free speech and free expression; disruptions and interference at scheduled speaking or expressive events have been minimal over the past year; and the Foundation for Individual Rights in Education (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 11 UNC System constituent institutions. The report details steps that constituent institutions are taking to inform campus constituencies about rights and responsibilities, as well as recommendations for improving free expression across the University.

2. **Presentations.** The Committee on University Governance had two presentations surrounding free speech and free expression at UNC System constituent institutions during the 2020-21 year. The presentations provided opportunities for the constituent institutions to showcase their commitment to promoting and protecting free speech; their efforts at informing students, faculty, and staff about rights and responsibilities; and their strategies for seeking and implementing recommendations to improve free expression across the System.
 - a. **Presentation One – Free Expression and Constructive Dialogue at UNC-Chapel Hill.** Professors Jennifer Larson, Mark McNeilly, and Timothy Ryan from UNC-Chapel Hill gave a presentation on the results of a survey randomly sent to UNC-Chapel Hill undergraduate students. The students were asked questions regarding the campus promotion of free expression and constructive dialogue. In addition to providing the Committee on University Governance the results of the survey, Professors Larson, McNeilly, and Ryan discussed recommendations for both students and faculty on the importance of free expression.
 - b. **Presentation Two – Panel Discussion on Free Speech and Free Expression from Two Perspectives: Chancellors and Students.** For the second presentation on free speech and free expression, a panel was brought together to discuss points of view from both students’ perspective and a chancellors’ perspective. Guest panel members were Chancellor Karrie Dixon, Elizabeth City State University; Chancellor Jose Sartarelli, UNC Wilmington; Dalton George, immediate-past president of the College Democrats at Appalachian State University; and John Waugh, immediate-past president of the College Republicans at UNC Charlotte. Each individual provided remarks related to the topic before an open discussion began with committee members.

2021 Boards of Trustees Appointments and Reappointments

Appalachian State University

Joseph Jeffries Chesson

Martha Fairley Bell Cook

Scott Kevin Lampe (Reappointment)

Eileen Bonnie Schaefer (Reappointment)

East Carolina University

Cassandra Burt

David G. Fussell, Jr.

J. Fielding Miller (Reappointment)

Robert E. "Jason" Poole, II (Reappointment)

Elizabeth City State University

Phyllis N. Bosomworth (Reappointment)

Stephen Friedrich (Reappointment)

Stephanie D.B. Johnson (Reappointment)

Tiffany Jones

Johnny L. Tillett (Partial Appointment)

Fayetteville State University

Stuart Augustine (Reappointment)

Kimberly Jeffries Leonard

Brandon Phillips (Reappointment)

Gregory A. Pinnix

North Carolina A&T State University

William A. Dudley (Reappointment)

Joseph R. Parker, Jr. (Reappointment)

Hilda Pinnix-Ragland (Reappointment)

Lynn Perry Wooten

North Carolina Central University

John A. Herrera (Reappointment)

Kevin M. Holloway (Reappointment)

James E. Mitchell, Jr.

Cornell Slade

North Carolina School of Science and Mathematics

Warwick Arden (Reappointment)

Stephanie Bass (Reappointment)

Eric J. Bergevin

Garikai Campbell

Michelle Ellwanger

Genevia Fulbright (Reappointment)

Christina Hammock Koch

Sally Kornbluth (Reappointment)

Erin Locklear

Beryl McEwen (Reappointment)

Scott Millar

Ursula Dudley Oglesby

Nathan Ramsey (Reappointment)

Ray V. Spain

Erik Troan (Reappointment)

North Carolina State University

David Herring

Timothy Humphrey

Raymond T. Odierno

Edward "Ed" Weisiger, Jr. (Reappointment)

University of North Carolina at Asheville

Karen K. Brown (Reappointment)

Stephen G. De May

George Groome

Patrice A. Harris

University of North Carolina at Chapel Hill

Robert "Rob" Bryan, III

Perrin Jones

Malcolm Turner

Ramsey White

University of North Carolina at Charlotte

Wendy Joanne Grubbs

James Brett Keeter (Reappointment)

Alexander "Sasha" J. Weintraub

Dontá Lamar Wilson

University of North Carolina at Greensboro

Anita Hughes Bachmann

Margaret P. Benjamin (Reappointment)

Ernest J. Grant

R. Timothy "Tim" Rice

University of North Carolina at Pembroke

Allen Jamerson (Reappointment)

Randall S. Jones

Kenneth Robinette

Karen Sampson (Reappointment)

University of North Carolina School of the Arts

Jeffery Norman Bullock

Albert Robert Crawford, III

Rhonda "Rhoda" Griffis Freer

Paul Gregory Tazewell

University of North Carolina Wilmington

Jeffrey Clark

Malcomb Decarlo Coley

H. Carlton Fisher (Reappointment)

James "Chip" Mahan, III

Western Carolina University

Haden Boliek (Reappointment)

Casey Cooper (Reappointment)

Robert C. Roberts (Reappointment)

Timothy "Jake" Robinson

Winston-Salem State University

William U. Harris (Reappointment)

Kathleen Kelly (Reappointment)

Bill Miller, Jr.

Drewry Hanes Nostitz (Reappointment)

2020-21 Annual Report on Technical Corrections

<i>The Code/UNC Policy Manual</i>	UNC Policy Manual - Chapter	Policy/Regulation/Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	Policy	101.3.2, Grievances Filed Pursuant to Section 607 of <i>The Code</i>	Technical corrections made to align with the UNC Style Guide and later amendments to the UNC Policy Manual.	8.11.2020
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Chapter II, The Board of Governors	Technical correction related to membership of the Board (change 32 to 24). Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> and UNC Policy Manual.	11.10.2020
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Chapter III, Committees of the Board of Governors	Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> and UNC Policy Manual.	11.10.2020
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Chapter V, Officers of the University	Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> .	11.10.2020
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Appendix I, Delegations of Duty and Authority to Boards of Trustees	Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> and UNC Policy Manual; update reference to the State Human Resources Act; update	11.10.2020

<i>The Code/UNC Policy Manual</i>	UNC Policy Manual - Chapter	Policy/Regulation/Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
				statutory references to remove repealed cite.	
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Section 700, Finances, Property, and Financial Obligations	Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> and UNC Policy Manual; update reference to the State Human Resources Act.	01.04.2021
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	<i>The Code</i>	Section 800, Matters Involving Nonpublic Institutions	Technical corrections made to align with the UNC Style Guide and later amendments to <i>The Code</i> and UNC Policy Manual; update reference to the State Human Resources Act.	01.06.2021
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	Policy	101.3.2, Policy on Grievances Filed Pursuant to Section 607 of <i>The Code</i>	Technical corrections in section VI., Other Matters, incorrectly refers to "regulation" rather than "policy" in standard language insertion used for policies.	2.24.2021
UNC Policy Manual	Chapter 400, Academic Programs	Policy	400.3.6, University Teaching Awards	Style Guide corrections consistent with later amendments to the UNC Policy Manual	2.24.2021
UNC Policy Manual	Chapter 400, Academic Programs	Guideline	400.3.6.1[G], Guidelines on University Teaching Awards	Update teaching award amount from \$7,500 to \$12,500 to align with Section 400.3.6 II.B., of the UNC Policy Manual; other Style Guide corrections consistent with later amendments to the UNC Policy Manual.	2.24.2021

<i>The Code/UNC Policy Manual</i>	UNC Policy Manual - Chapter	Policy/Regulation/Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
UNC Policy Manual	Chapter 1000, Tuition and Fees	Policy	1000.2.2, Policy on the Waiver of Tuition and Fees for Faculty and Staff	Update reference to “General Administration” and other Style Guide corrections consistent with later amendments to the UNC Policy Manual.	5.6.2021
UNC Policy Manual	Chapter 1000, Tuition and Fees	Regulation	1000.2.2.1[R], Regulations on the Waiver of Tuition and Fees for Faculty and Staff	Style Guide corrections consistent with later amendments to the UNC Policy Manual	5.6.2021



AGENDA ITEM

A-3. Resolution on Security Clearance Requirements Terry Hutchens

Situation: A resolution is required annually of the Board of Governors by the United States Department of Defense.

Background: The Department of Defense requires the UNC System to maintain a Facility Security Clearance in the performance of classified contracts. In connection with this Facility Clearance, certain senior management officials must obtain an individual security clearance. This resolution is required to exempt members of the Board of Governors and senior officers of the UNC System from the requirement to obtain individual security clearances.

Assessment: This is an annual resolution to be adopted by the Board of Governors.

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



**RESOLUTION OF THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH CAROLINA
AUTHORIZING SECURITY CLEARANCE**

WHEREAS, current Department of Defense Regulations contain a provision making it mandatory that the chair of the Board and principal officers meet the personnel clearance requirements established for a contractor's facility clearance; and

WHEREAS, said Department of Defense Regulations permit the exclusion from the personnel clearance requirements of certain members of the Board of Governors and other officers, provided that this action is recorded in the corporate minutes.

NOW, THEREFORE, BE IT DECLARED that the chair of the Board, the president of the University of North Carolina, Insider Threat Program Senior Official, and the University's Facility Security Officer and Assistant Facility Security Officer at the present time do possess, or will be processed for, the required security clearance; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as chair of the Board, the president of the University of North Carolina, Insider Threat Program Senior Official, or as the University's Facility Security Officer or Assistant Facility Security Officer, such individual shall immediately make application for the required security clearance; and

BE IT FURTHER RESOLVED that the following members of the Board of Governors and other officers shall not require, shall not have, and can be effectively excluded from access to **CLASSIFIED** information in the possession of the corporation and do not occupy positions that would enable them to affect adversely corporate policies or practices in the performance of classified contracts for the Department of Defense or the User Agencies of its Industrial Security Program.

NAME	TITLE
Norma Reid Houston	Chief of Staff
Jonathan Charles Pruitt	Senior Vice President and Chief Operating Officer
Jennifer Healy Haygood	Senior Vice President for Finance and Administration and Chief Financial Officer
Kimberly Philpot van Noort	Senior Vice President for Academic Affairs and Chief Academic Officer
Andrew Patrick Kelly	Senior Vice President for Strategy and Policy
Scott Bartley Goodson	Senior Vice President of Government Affairs

NAME	TITLE
Matthew Scott Brody	Senior Vice President and Chief Human Resources Officer
Andrew Tillman Tripp	Senior Vice President and General Counsel
Thomas Alvester Walker, Jr.	Senior Advisor to the President for Economic Development and Military Affairs
Winston Louis Bissette, Jr.	Member, <i>ex officio</i>
Kellie Hunt Blue	Member
Kirk Jackson Bradley	Member
Pearl Burris-Floyd	Member
Charles Philip Byers	Member
Jimmy Dean Clark	Member
Carolyn Lloyd Coward	Member
Namon Leo Daughtry	Member
Joel Douglas McClure Ford	Member
John Alfred Fraley	Member
Thomas Cowart Goolsby	Member
Reginald Ronald Holley	Member
James Leroy Holmes, Jr.	Member
Martin Luther Holton, III	Member
Hilton Terry Hutchens	Member
John Alexander Mitchell	Member
Wendy Floyd Murphy	Member
Anna Spangler Nelson	Member
Sonja Phillips Nichols	Member
Raymond Theodore Palma	Member, <i>ex officio</i>
James Arthur Pope	Member
David Murphy Powers	Member
Lee Harriss Roberts	Member
Orris Temple Sloan, III	Member
William Leighton Williford	Member

The foregoing resolution was duly adopted by the Board of Governors at a regular meeting of the Board on the 16th day of September 2021.

STATE OF NORTH CAROLINA)
)
COUNTY OF ORANGE)

SS:

SECRETARY'S CERTIFICATE
OF AUTHORIZATION

I, Meredith R. McCullen, assistant vice President and Secretary of the University of North Carolina, *DO HEREBY CERTIFY* that (1) the foregoing is a full, true and correct copy of the approving resolution adopted by the Board of Governors of the University of North Carolina at its regular meeting on September 16, 2021, and appearing in the minutes of such meeting; (2) notice of the meeting of the Board of Governors of the University of North Carolina held on September 16, 2021, was sent to each member of the Board; and (3) a quorum was present at the meeting on September 16, 2021, at which time the foregoing resolution was adopted.

WITNESS, my hand and the seal of the University of North Carolina this 16th day of September 2021.

[SEAL]

Meredith R. McCullen
Assistant Vice President and Secretary
The University of North Carolina

AGENDA ITEM

A-4. Free Speech and Free Expression Survey Andrew Kelly

Situation: Last November 2020, the committee began its series of presentations on free expression and free speech with an informative discussion on the state of free expression. The committee was joined by three members of the faculty from the University of North Carolina at Chapel Hill: Mark McNeilly, Jennifer Larson, and Timothy Ryan. The speakers presented findings from a survey of students at UNC-Chapel Hill on free expression issues. The presentation highlighted student perceptions of the role played by faculty and other students in promoting free expression, the lack of evidence-based analysis as it relates to free expression and civil discourse, and the need to create an more informed national conversation on these issues. Following the discussion, President Hans, the research team, and System Office staff developed a plan to replicate the UNC-Chapel Hill survey at additional universities.

Background: G.S. 116-301 requires that the Board designate a standing committee to act as the Committee on Free Expression and report annually to the public, the Board, the Governor, and the General Assembly on issues related to free speech and free expression within the University. The Board has designated the Committee on University Governance to fulfill these responsibilities.

Assessment: With support from the System Office, the research team will replicate and expand the UNC-Chapel Hill study to a broader group of institutions. The original research team from UNC-Chapel Hill will partner with faculty from seven additional campuses to survey 500 students at each university. Each survey will include both core items that are common across all institutions, as well as survey questions that can be customized to each institution. The survey will be fielded in January 2022, with results presented in May of 2022. Included with the materials is a table of the institutions, the instructions, and a sample letter, sent to UNC Wilmington.

Action: This item is for information only.

Institutions Participating in the Survey
UNC Chapel Hill
UNC Greensboro
UNC Wilmington
North Carolina Central University
UNC Asheville
UNC Pembroke
Appalachian State University
UNC Charlotte

FREE EXPRESSION AND CONSTRUCTIVE DIALOGUE AT THE UNIVERSITY OF NORTH CAROLINA

Call for Research Partners

Higher education has the potential to ameliorate political division. At their best, college campuses are places where students discard preconceptions, test out new points of view, and engage with people whose ideas differ from theirs. Of course, current circumstances—as characterized by social media platforms that fuel adversity and a multigenerational peak in political polarization—present abundant challenges for achieving these goals. What experiences do college students have as they try to navigate this rapidly changing landscape? How are the University of North Carolina campuses preparing their students for citizenship in the 21st Century—and how can they do better?

We are seeking partners to help us answer these questions. In 2019, an interdisciplinary team surveyed UNC-Chapel Hill students to better understand the campus climate for free expression and constructive dialogue. Our ensuing [report](#) detailed points of strength, as well as areas for potential improvement. We seek to build on this work by collecting data from several UNC institutions during the 2021-2022 academic year.

Project scope

The main focus for the 2021-2022 academic year is surveying students at several UNC constituent institutions to better understand local and system-wide issues. We plan to survey 500 students at each institution. This survey is tentatively slated to be fielded in January 2022, with results to be presented to the UNC Board of Governors in May of 2022.

Topics to be covered

We seek to better understand UNC students' daily experiences as they pertain to free expression. Some of the questions this research will help answer include:

- How do students perceive their instructors' posture toward political expression in class?
- How do students interact with their peers who express political views with which they disagree?
- What free expression challenges do particular segments of the student population face?
- What opportunities to have constructive conversations about contentious political issues are being missed?
- How can UNC campuses go farther in cultivating a culture that welcomes people who hold a wide swath of perspectives while also supporting a vigorous contest of ideas?

Our existing [report](#) provides examples of how we investigated these questions at UNC-Chapel Hill, as well as what we found.

Expectations for participating institutions

The chancellor of each participating institution will appoint an on-campus liaison to secure permissions and solicit input from the campus community about how this research can address significant local topics. Each on-campus liaison will also communicate research findings to the institution's leadership.

Benefits to participating institutions

Institutional participation provides a rare opportunity to better understand the campus culture for free expression for three reasons: first, the UNC System is providing financial support to incentivize participation from a random sample of students at each participating institution; second, institutional partners will be invited to provide feedback on the core (cross-institutional) survey content; third, there will be space reserved on the survey instrument for each participating institution to add content suited to understand local free expression issues.

On-campus liaisons will also receive a modest honorarium.

The research team is open to cooperating with campus partners on additional scholarly output, such as articles for peer-reviewed journals.

Timeline

We aim to enlist a slate of campus partners and to draft cross-institutional survey content by September 10, 2021. Partner institutions should provide draft institution-specific content by October 15, 2021. We plan to apply for IRB approval by November 1, 2021 and to field surveys in January 2022. Analysis and writeup of results will occur in February, March, and April 2022, with summary results to be presented to the UNC Board of Governors in May of 2022.

Research Team

Principal investigator: Timothy J. Ryan, Ph.D. (UNC-Chapel Hill)

Co-investigators: Andrew Engelhardt, Ph.D. (UNC-Greensboro)
Jennifer Larson, Ph.D. (UNC-Chapel Hill)
Mark McNeilly (UNC-Chapel Hill)

Questions?

For questions, please contact the PI, Timothy Ryan, tjr@unc.edu.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

Peter Hans
President
PO Box 2688 | Chapel Hill, NC 27515
(919) 962-6983 | president@northcarolina.edu

August 25, 2021

Via Electronic Mail

Dear Chancellor Sartarelli:

Free expression and productive discourse are fundamental to the mission of public higher education. At their best, universities embrace the competition of ideas, encourage constructive engagement across difference, and teach students to think critically and approach hard questions with an open mind. That was certainly my experience of college, and I think it's something our students and our citizens expect us to deliver.

I also recognize that it has become more challenging. All of us, from campus leaders to individual students, are subject to intense scrutiny and an online ecosystem that relishes conflict as a form of entertainment. Sincere, good-faith engagement with contentious issues — a hallmark of university life for centuries — is both harder and more necessary in our polarized age.

One of the ways we can push against that cultural tide is to speak from a common set of facts about the state of free expression on our campuses. How do students interact with peers who express different political views? How well do instructors encourage diverse political expression in class? Do students even want to engage in political dialogue with others? In the absence of good information, conversations about free expression get sidetracked by anecdotes, social media outrages, and the well-worn talking points of political partisans — what the education writer Amanda Ripley calls “conflict entrepreneurs.”

I want us to light the way in having a more constructive debate. A group of scholars at UNC Chapel Hill took it upon themselves a few years ago to conduct an independent survey of Carolina students, rigorously designed to provide substantive insight into campus culture and attitudes about free expression. The result was [a fascinating study](#) that did not align with anyone's pre-existing talking points. I strongly encourage you to read the full findings, which helped guide a more productive discussion among UNC Chapel Hill faculty and administrators about the best way to encourage student engagement across lines of difference.

We are going to build on this work, and I'd like your campus to be part of it. With support from the System Office, we hope to replicate and expand the Carolina study to a broader group of institutions. The original research team from Carolina will partner with faculty from seven additional campuses to survey 500 students at each university. Each survey will include both core items that are common across all institutions, as well as survey questions that can be customized to your institution. It's a great opportunity to examine issues of particular importance or relevance to your campus.

While this effort has funding and logistical support from the System Office, the survey itself will be independently overseen by the faculty researchers, with findings made public at the conclusion of the work. The project will launch this fall with the development of the survey items (with input from the

participating institutions). The survey will be fielded in January 2022, with results published and presented in May of 2022.

The project team will work closely with your campuses. Please see the attached Call for Research Partners for additional information from the research team at UNC Chapel Hill. You will be asked to name an institutional liaison to gather input from the campus community and share findings from the study with institutional leadership. Liaisons will receive a modest honorarium. **Please send the contact information for your campus liaison to Andrew Kelly, Senior Vice President for Strategy and Policy (apkelly@northcarolina.edu), by September 7th**, along with any logistical questions you may have about the project.

I think this is a great opportunity for North Carolina to make a valuable, substantive contribution to an issue of national importance, and for all of us to lead by example when it comes to encouraging respectful, evidence-based discussion of challenging topics. I'm excited to work with all of you as we show that higher education can fulfill its mission to promote civic engagement and support a rising generation of democratic citizens.

Warm regards,

A handwritten signature in cursive script that reads "Peter Hans".

Peter Hans
President

cc: Bradley Ballou
James Winebrake

AGENDA ITEM

A-5. Report on Free Speech and Free Expression within the
University of North Carolina SystemAndrew Tripp

Situation: As required by state law and Section 1300.8 of the UNC Policy Manual, the report on free speech and free expression provides information annually on the following subjects:

1. Any barriers to or disruptions of free expression within the UNC constituent institutions;
2. The administrative handling and discipline relating to disruptions or barriers to free expression;
3. Any substantial difficulties, controversies, or successes in meeting the requirements of Section 1300.8 of the UNC Policy Manual; and
4. Any assessments, criticisms, commendations, or recommendations the committee sees fit to include.

The UNC System Office staff worked with constituent institutions' responsible officers to compile information on the required topics and other issues related to campus speech activity.

Background: G.S. 116-301 requires that the Board designate a standing committee to act as the Committee on Free Expression and report annually to the public, the Board, the Governor, and the General Assembly on issues related to free speech and free expression within the University. The Board has designated the Committee on University Governance to fulfill these responsibilities.

Assessment: This report addresses free speech and free expression at the constituent institutions for the period of time between July 1, 2020, and June 30, 2021. The report finds that constituent institutions are committed to promoting and protecting free speech and free expression, and that disruptions and interference at scheduled speaking or expressive events have been minimal over the past year. The report details steps that constituent institutions are taking to inform campus constituencies about rights and responsibilities, as well as recommendations for improving free expression across the University.

Action: This item requires a vote by the committee.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

REPORT:

2020-21 Report on Free Speech and Free Expression Within the University

September 15, 2021

**University of North Carolina System
Chapel Hill, North Carolina**

UNC Board of Governors

Committee on University Governance, acting as the designated Board Committee on Free Expression 2020-21 Report on Free Speech and Free Expression Within the University

I. Executive Summary

This report addresses free speech and free expression at the constituent institutions¹ of the University of North Carolina System (“UNC System” or “the University”) for the period of time between July 1, 2020, and June 30, 2021, as required by the [Restore/Preserve Campus Free Speech Act](#) (“the Act”).² In preparing and publishing this report, the UNC System Board of Governors Committee on University Governance (“committee”), as the designated Committee on Free Expression,³ was guided primarily by the elements required by the Act.⁴ Additionally, the committee relied on information provided by the constituent institutions, information shared with the president and/or members of the Board of Governors, and on relevant articles and media stories published in the past year.

The committee’s intent in issuing this annual free expression report is to address the specific categories of information identified in the Act, assess institutional compliance with [Section 1300.8](#) of the UNC Policy Manual, survey the expressive events that took place at the UNC System constituent institutions during the relevant period, review progress since last year’s report, and provide recommendations for the upcoming academic year.

With the requirements of the Act in mind, this report provides background on and context for free speech and free expression at UNC System constituent institutions, highlights experiences at our institutions over the past year, identifies some key findings by the committee, and offers recommendations that are aimed at providing more awareness and transparency on issues related to free speech and free expression.

Specifically, as will be further detailed in the report, the committee found that:

¹ Because of the additional protections afforded to K-12 institutions under the First Amendment, the North Carolina School for Science and Math, the University of North Carolina School of the Arts for its high school students, and any lab schools operated by a constituent institution are not included within the scope of the report. Even so, these institutions are expected to comply with Article 36 of Chapter 116 to the extent there is not a conflict with relevant First Amendment jurisprudence applicable to K-12 institutions.

² The Restore/Preserve Campus Free Speech Act was enacted in 2017 as [S.L. 2017-196](#) and is codified in the North Carolina General Statutes as Article 36 of Chapter 116.

³ The Act requires the Board of Governors to establish a Committee on Free Expression. [N.C. Gen. Stat. § 116-301](#) (hereinafter G.S.). Section 10.3 of [S.L. 2018-5](#) (“Current Operations Appropriations Act of 2018”) amended G.S. 116-301 to allow the chair of the Board of Governors to designate a standing or special committee of the Board as the Committee on Free Expression.

⁴ [G.S. 116-301\(c\)](#) articulates specific information to be provided in the annual report. See Section IV., herein, for more information.

1. The constituent institutions remain committed to promoting and protecting free speech and free expression;
2. Disruptions and interference at scheduled expressive events have been minimal, especially because most events reported this year have occurred virtually;
3. Constituent institutions have developed and utilized mechanisms for receiving, investigating, and resolving complaints regarding alleged free expression policy violations;
4. The constituent institutions are regularly providing information to campus constituencies about rights and responsibilities associated with expression on campus through policies, training, and other outreach;
5. The Foundation for Individual Rights in Education (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 11 UNC System constituent institutions.⁵ FIRE’s “green light” rating is held by only 56 institutions nationwide. The University of North Carolina School of the Arts has worked throughout the year to raise its rating from FIRE and may soon achieve that goal. Similarly, the University of North Carolina at Asheville is working with FIRE to achieve the same goal;
6. No reporting constituent institutions have incurred expected and unexpected financial costs related to security surrounding speakers or expressive events on campus; and
7. Constituent institutions continue to accept the recommendations for improvement contained in last year’s report by taking actions, such as thematic branding of free and open discourse; working to update and improve policies and ensuring that all student groups needing faculty or staff support can have it; and creating and maintaining “one stop” destination websites for fostering free expression on campus.

The committee acknowledges that the UNC System’s constituent institutions have a long record of hosting events without significant disruption or interference, and that many successful events tend not to garner significant publicity or public attention. Even with the COVID-19 pandemic, this past year was no exception.

⁵ See Foundation for Individual Rights in Education’s Speech Code Rating Database, https://www.thefire.org/resources/spotlight/?x=&speech_code=Green&y=NC&institution_type=Public&speech_code_advanced=Green&y_advanced=NC#search-results. UNC constituent institutions that have been awarded a “green light” rating are Appalachian State University, East Carolina University, Fayetteville State University, North Carolina Central University, NC State University, UNC-Chapel Hill, UNC Charlotte, UNC Greensboro, UNC Pembroke, UNC Wilmington, and Western Carolina University.

In addition to work happening on each individual campus, the University's collection of Responsible Officers, which are designated to ensure compliance with [Section 1300.8](#) of the UNC Policy Manual, have also engaged cooperatively to create and improve resources regarding free expression within the University system. The UNC System Office continues to maintain and update a webpage dedicated to providing information and resources related to free speech and free expression within the University.⁶ Finally, new initiatives are underway Systemwide. The committee is pleased to inform the General Assembly, the Governor, and the public about certain Board- and System Office-level efforts underway to foster and facilitate free and open debate across the UNC System in accordance with the law.

II. Background

A. *University Commitment to Free Speech and Free Expression*

As the nation's first public university, the University of North Carolina System affirms its long-standing commitment to free speech and free expression for its students, faculty members, staff employees, and visitors under the First Amendment of the U.S. Constitution and Article 1, Section 14 of the North Carolina Constitution. The University and its constituent institutions protect and promote these freedoms, consistent with First Amendment jurisprudence.⁷ Through its policies, the University has expressly established that no employment decision or academic decision shall be based on the exercise of these constitutional rights.⁸

The University's mission includes the transmission and advancement of knowledge and understanding, the pursuit of which is dependent upon the ability of our faculty and students to remain free to inquire, to study and to evaluate, to gain new maturity and understanding.⁹ The University supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.¹⁰ The University has explicitly stated that faculty and students of the University share the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each

⁶ See UNC System Office "Campus Speech and Free Expression" website <https://www.northcarolina.edu/campus-free-speech>.

⁷ See, e.g., Sections 601, 604, and 608 of *The Code of the University of North Carolina ("The Code")*. See also Sections 101.3.1, 300.1.1., 300.2.1, 700.4.2, and 1300.8 of the UNC Policy Manual.

⁸ See Sections 601, 604, and 608 of *The Code*. See also Sections 101.3.1, 300.1.1, 300.2.1, 700.4.2 of the UNC Policy Manual.

⁹ See *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

¹⁰ Section 600(1) of *The Code*. See also Section 700.4.2 of the UNC Policy Manual.

member of the academic community are respected.¹¹ Academic freedom has indeed been acknowledged by the Supreme Court as “of transcendent value to all of us” and “a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”¹²

B. Restore/Preserve Campus Free Speech Act

Through statute, the North Carolina General Assembly has affirmed that the primary function of the University of North Carolina System and each of its constituent institutions is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, each constituent institution must strive to ensure the fullest degree of intellectual freedom and free expression. According to G.S. 116-300(2), “it is not the proper role of any constituent institution to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.”¹³

The General Assembly has also established several requirements for the Board of Governors, the University of North Carolina System, and its constituent institutions regarding free expression. In response, the Board of Governors has designated a Committee on Free Expression¹⁴ and adopted a University-wide free expression policy which, among other elements, maintains institutional neutrality.¹⁵ A copy of the policy is linked [here](#). Additionally, the University meets its statutory obligations by providing training for institutional officers and administrators charged with responsibilities for compliance with the Act and coordinating campus-based training (“Responsible Officers”) and publishing this annual report. A list of current Responsible Officers is available at this [link](#).

III. Discussion of Free Speech and Free Expression at the University During the 2020-21 Academic Year and Committee Findings

¹¹ Section 600(3) of *The Code*. See also Section 700.4.2 of the UNC Policy Manual.

¹² *Keyishian v. Board of Regents, State Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

¹³ [G.S. 116-300\(2\)](#).

¹⁴ Section 10.3 of [S.L. 2018-5](#) (Current Operations Appropriations Act of 2018), which became law on June 12, 2018, amended the requirements for the committee to allow the chair of the Board of Governors to designate a standing or special committee of the Board as the Committee on Free Expression. See <https://www.ncleg.net/Sessions/2017/Bills/Senate/PDF/S99v6.pdf>. The chair of the Board of Governors has designated the Committee on University Governance as the statutorily mandated Committee on Free Expression.

¹⁵ In this context, “institutional neutrality” specifically means only that “the constituent institution may not take action, as an institution, on the public policy controversies of the day in such a way as to require students, faculty, or administrators to publicly express a given view of social policy.” [G.S. 116-300\(3\)](#).

Pursuant to the Act, the University’s policy, and Board’s interest in a broad review of free expression across the University, the committee received information from responding constituent institutions in 9 areas. The questions and summaries of the institutional responses are provided below.

<p style="text-align: center;">QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS</p>	<p style="text-align: center;">SUMMARY OF INSTITUTIONAL RESPONSES</p>
<p>(1) A description of any barriers to or disruptions of free expression within the constituent institution, including specific incidents and/or particularized complaints.¹⁶</p>	<ul style="list-style-type: none"> • No constituent institution reported an institutional barrier or disruption of free expression during the academic year. • Institutional responses referenced the disruption to campus operations created by the COVID-19 pandemic. Despite these challenges and fewer on-campus events, institutions developed methods to continue free expression opportunities. • One institution reported an October 2020 incident where a threat was communicated to the campus that resulted in a 12-hour “shelter in place” order.
<p>(2) A description of the administrative handling and discipline relating to disruption or barriers identified in response to (1).¹⁷</p>	<ul style="list-style-type: none"> • Apart from the institution reporting the October 2020 incident, no responding institutions had administrative action to report.

¹⁶ [G.S. 116-301\(c\)\(1\)](#) and Section 1300.8, VIII.C.1 of the UNC Policy Manual.

¹⁷ [G.S. 116-301\(c\)\(2\)](#) and Section 1300.8, VIII.C.2 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
<p>(3) Identification and description of any difficulties, controversies, and successes in maintaining a posture of administrative and institutional neutrality about political or social issues.¹⁸</p>	<ul style="list-style-type: none"> • The responding institutions reported consistently that the work of free expression went on notwithstanding the continued shift to virtual events. East Carolina University presses ahead with its #ECUnited initiative and other programmed conversations among campus stakeholders. • The responding institutions consistently reported steady and regular efforts to foster a culture of free expression. Things like employee training at Winston-Salem State University and the University of North Carolina Wilmington’s Freedom of Expression Work Group appear as good examples of an institutional commitment to the goal of fostering free expression.
<p>(4) Any assessments, criticisms, commendations, or recommendation the constituent institution would like the committee to consider in preparing the annual report.¹⁹</p>	<ul style="list-style-type: none"> • None reported.
<p>(5) Confirmation of whether the institution fulfilled the University policy requirements to disseminate information about institutional policies during the 2020-21 academic year.</p>	<ul style="list-style-type: none"> • All responding institutions indicated that they had disseminated information as required by policy.

¹⁸ [G.S. 116-301\(c\)\(3\)](#) and Section 1300.8, III and VIII.C.3 of the UNC Policy Manual.

¹⁹ [G.S. 116-301\(c\)\(4\)](#) and Section 1300.8, VIII.C.4 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(6) Identification of representative institutional policies that reinforce commitment to free speech and free expression (e.g., academic freedom, tenure regulations, facilities use, etc.).	<ul style="list-style-type: none"> • Many institutions reported amending or adopting policies, including facilities use policies, student codes of conduct, and student organization policies or referenced back to having previously undertaken those efforts in prior years. • UNCOSA and UNC Asheville report efforts underway to work closely with FIRE to improve those institutions' respective ratings.
(7) Examples of speakers or other events that have been held at the institution during the 2020-21 academic year.	<ul style="list-style-type: none"> • Institutions provided representative samplings of events and all institutions reported multiple speakers or free expression events during the academic year. • Several institutions reported instances of speakers engaging in free expression on campus without invitation or registration.
(8) Identification of communications, trainings, or other educational outreach regarding free speech and free expression that have been provided during the 2020-21 academic year.	<ul style="list-style-type: none"> • All institutions identified that free expression communications, trainings, or outreach that had taken place during the academic year.
(9) Information about security and other costs associated with protecting and affirming free expression on campus.	<ul style="list-style-type: none"> • Institutions report either no or minimal additional security costs associated with expressive events.

As a result of the information gathered, it appears again this year that (1) the constituent institutions remain committed to promoting and protecting free speech and free expression; (2) disruptions and interference at scheduled speaking or expressive events have been minimal over the past year; (3) the constituent institutions continue to work to provide information to various campus constituencies about rights and responsibilities associated with speech and expression on campus

through policies, training, and other outreach; (4) the Foundation for Individual Rights in Education (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 11 UNC System constituent institutions and two institutions are continuing to work to achieve that highest rating; and (5) no constituent institutions have reported incurring meaningful additional costs related to security surrounding speakers or expressive events on campus, likely due to the use of virtual platforms.

IV. Implementation of Past Report Recommendations

Constituent institutions reported a variety of processes and resources that have been introduced or improved to implement recommendations from the committee’s 2020-21 free expression annual report.

V. New Initiatives & Committee Recommendations for 2020-21

The committee recognizes that there are always opportunities for improving the University’s commitment to free speech and free expression. Specifically, the System Office is proudly moving forward under President Peter Hans’ leadership with the expansion of an earlier study of free expression by a trio University of North Carolina at Chapel Hill professors entitled “[Free Expression and Constructive Dialogue at the University of North Carolina at Chapel Hill](#).” The researchers surveyed students at UNC-Chapel Hill about the state of free expression on-campus. Last month, President Hans invited the chancellors at seven additional campuses to join with him and the System Office in extending the UNC-Chapel Hill study to other places during academic year 2021-22. An example of President Hans’ letter inviting a campus to join is linked [here](#). In President Hans’ own words, “[i]n the absence of good information, conversations about free expression get sidetracked by anecdotes, social media outrages, and the well-worn talking points of political partisans — what the education writer Amanda Ripley calls “conflict entrepreneurs.” The committee is pleased that President Hans’ efforts pursue the type of “good information” needed to ensure healthy discourse.

The committee itself has redoubled its efforts to foster free expression and proudly hosted two events discussing the climate of discourse on UNC System campuses at two of its regular meetings. At its November 18, 2020 meeting, the committee began to receive a series of presentations surrounding free speech and free expression at UNC System constituent institutions. The inaugural event involved a presentation from the UNC-Chapel Hill professors who directed the study referenced in the preceding paragraph. It was this presentation that provided an inspiration for the large-scale survey being undertaken by President Hans and the researchers at UNC-Chapel Hill during academic year 2021-22.

At its February 17, 2021 meeting, the committee offered its second installment of presentations surrounding free speech and free expression at UNC System constituent institutions. At that meeting, the committee participated in a discussion with two student representations of on-campus political organizations and Chancellor Dixon of Elizabeth City State University and Chancellor Sartarelli of the University of North Carolina Wilmington. That discussion provided opportunities for direct, “on the ground” feedback to the committee on the state of discourse in the UNC System. The committee hopes to schedule even more presentations regarding free expression because these sorts of discussions and presentations foster the kind of healthy discourse that the law requires.

This annual report provides a welcome opportunity to consider options that will demonstrate our System-wide leadership and action in support of free speech and free expression. The committee therefore offers these recommendations for consideration for implementation by the UNC System Office:

1. Continue to foster opportunities for free speech and free expression among campus communities that are geographically disconnected due to social distancing guidelines.
2. Continue to adapt traditional free expression expectations within increased virtual instruction and online interaction.
3. Continue to provide training to constituent institution administrators who have transitioned into the Responsible Officer title.
4. Continue to foster a culture of conversation among all stakeholders about the importance of free expression. High repetition of low intensity reminders appears to be underway among responding institutions, e.g., #ECUnited. That frequency pays dividends in the way that all campus stakeholders consider the importance of free expression in their daily lives.

V. Conclusion

The committee continues to support the UNC System Office’s and the constituent institutions’ work and efforts in promoting and protecting free speech and free expression, increasing awareness and understanding of the broad protections for speech and expressive activities on campus, and taking action, when needed, to prevent substantial disruption or interference in scheduled events.

Our constituent institutions offer a range of speakers, topics, and outreach, and we recognize the efforts of our faculty, administrators, and students to invite different, and even unpopular, views and opinions on important issues.

This report is the latest in a series of reports required by law, and its contents reinforce that the transparency and accountability required by the originating legislation are having their desired effect.

While the content of this report remains consistent generally year over year, the report serves as an annual “well visit” for the state of discourse at the University. The reporting and survey responses from campuses — even amidst the operational challenges of COVID-19 — document that the importance of free expression is at the fore of our responding campuses’ minds and creating neutral forums in which diverse thought is fostered has become a habit at our campuses and within the committee itself.

Accepted by the UNC System Board of Governors Committee on University Governance, the designated Board Committee on Free Expression on September 15, 2021.

AGENDA ITEM

A-6. Vidant Medical Center Board of Trustees Appointments..... Terry Hutchens

Situation: There are two vacancies on the Vidant Medical Center (VMC) Board of Trustees: Seat 2 and Seat 18.

Background: Pursuant to the amended affiliation agreement between the University, East Carolina University, and VMC, the Board of Governors of the UNC System is responsible for appointing nine of the 20 total seats on VMC’s Board of Trustees. The VMC Nominating Committee, consisting of VMC board chair Carlester Crumpler, Bob Greczyn, Chancellor Phillip Rogers, and Dean Michael Waldrum met on August 26, 2021, regarding the Board of Governor’s upcoming vacancy for Seat 18.

Assessment: The nominating committee recommends Roger LaVern Davenport for appointment to Seat 18 for a five-year term ending on February 28, 2026.

On July 1, 2021, East Carolina University named Dr. Michael Waldrum dean of the Brody School of Medicine. By virtue of his service as dean, Dr. Waldrum will occupy Seat Number Two serving as an ex officio, voting member for an initial five-year term ending February 28, 2026.

Biographical information is included in the materials.

Action: This item requires a vote by the committee and a vote by the full Board of Governors.

Michael Waldrum

Dr. Michael Waldrum, a Nashville, Tennessee native, was appointed dean of the Brody School of Medicine in July 2021. He was named chief executive officer (CEO) of Vidant Health in June 2015. He has significant expertise and experience managing the clinical operations of hospitals and clinics. Before coming to eastern North Carolina, he served as the president and chief executive officer of The University of Arizona Health Network. Prior to that he was the CEO of the University of Alabama Hospital at Birmingham (UAB) and vice president of the UAB Health system. He also served as chief operating officer and chief information officer of the UAB Health System.

Waldrum serves on the board of the Association of American Medical Colleges and was named chair-elect of the Council of Teaching Hospitals and Health Systems for the association in 2020.

Waldrum is a specialist in critical care medicine and pulmonology and is trained in internal medicine. He has expertise in clinical effectiveness, information system and healthcare management in academic organizations.

Waldrum graduated from the University of The South Sewanee in Tennessee with a BA in English and the University of Alabama at Birmingham School of Medicine. He completed his residency at the Mayo Clinic in Minnesota, received a master's degree in epidemiology from Harvard School of Public Health and earned his MBA from the University of Michigan.

Roger LaVern Davenport

Roger LaVern Davenport is a partner at NovaQuest Capital Management and has extensive executive experience in building and transforming health care technology and services companies. Prior to joining NovaQuest Capital, Davenport was CEO and board member at Medfusion. Davenport's previous experience also includes his time as president, Allscripts; CEO, Misys Healthcare; general manager and executive vice president, Kodak Health Group (now Carestream Health), and executive leadership roles at Siemens and Shared Medical Systems. Davenport started his career at IBM where he spent 11 years in sales, sales leadership, and executive management positions. Davenport most recently served on the East Carolina University Board of Trustees from 2013-21. Davenport holds a Bachelor of Science and Master of Business Administration from East Carolina University.