

April 7, 2022 at 9:00 a.m.
Via Videoconference and PBS North Carolina Live Stream
A.K. Hinds University Center, Grand Room (3rd Floor)
Western Carolina University
Cullowhee, North Carolina

AGENDA

OPEN SESSION

1. Invocation Mr. Roberts
2. Roll Call..... Secretary Burris-Floyd
3. Western Carolina University Video Presentation Chair Ramsey
4. President's Report President Hans
5. Consent Agenda Chair Ramsey

Minutes

- a. Minutes (Open) of February 24, 2022

Committee on Budget and Finance

- b. 2022-23 Non-Appropriated Capital Improvement Projects
- c. Additional 2021-22 State Capital and Infrastructure Fund (SCIF) R&R Allocations
- d. Capital Improvement Projects
- e. Disposition of Property by Demolition – Fayetteville State University
- f. Disposition of Property by Lease – North Carolina State University
- g. Acquisition of Property by Lease – UNC-Chapel Hill
- h. Section 600.1.6, *Policy on Millennial Campuses* (adopt) (approved February 22, 2022)
- i. Section 600.2.1, *Endowment Funds* (amend) (approved February 22, 2022)
- j. Section 600.2.2, *Endowment Fund of The University of North Carolina Center for Public Television* (repeal) (approved February 22, 2022)

Committee on Educational Planning, Policies, and Programs

- k. North Carolina Area Health Care Education Centers (NC AHEC) Annual Report on Primary Care Physicians
- l. UNC System Academic Degree Program Actions
- m. Section 700.1.3, *Policy on Out-of-State Undergraduate Enrollment* (supersede) (approved February 23, 2022)

Committee on University Personnel

- n. Section 200.6, *Policy on Delegation of Authority to the President* (amend) (approved February 23, 2022)

- o. Section 600.3.4, *Policy on the Granting of Management Flexibility to Appoint and Fix Compensation* (amend) (approved February 23, 2022)
- 6. Report from the Association of Student Governments Mr. Palma
- 7. Report of Budget and Finance Mr. Holmes
 - a. Proposed Funding Model
 - b. 2022-23 Short Session Budget Priorities
- 8. Report of the Committee on Educational Planning, Policies, and ProgramsMr. Sloan
 - a. Waiver to Section 700.1.1 of the UNC Policy Manual
- 9. Report of the Committee on University PersonnelMrs. Blue
 - a. UNC Staff Assembly Update Ms. Woods
- 10. Report of the Committee on University GovernanceMr. Powers
 - a. Vidant Medical Center Board of Trustees Appointments
- 11. Report of the Committee on Military and Public AffairsMr. Byers
- 12. Report of the Committee on Strategic Initiatives Mrs. Coward
- 13. Report of the Subcommittee on Laboratory SchoolsMr. Byers
- 14. Chair’s Report Chair Ramsey

CLOSED SESSION

- 15. Approval of Minutes (Closed) of February 24, 2022..... Chair Ramsey
- 16. Legal Report Mr. Tripp
- 17. Report of the Committee on University PersonnelMrs. Blue

OPEN SESSION

- 18. Report of the Committee on University PersonnelMrs. Blue
 - a. Delegated Authorities Regarding the Senior Administrative Officer and Senior Athletic Employee Retirement Programs
- 19. Adjourn

The next regularly scheduled meeting of the Board of Governors is Thursday, May 26, 2022, at the UNC System Office, 140 Friday Center Drive, Chapel Hill.

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.
- Prevent the premature disclosure of an honorary award or scholarship.
- 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. ECU*
 - *Christopher Soderlund, et al. v. North Carolina School of the Arts, et al.*
 - *UNC School of the Arts and University of North Carolina Tort Claims Affidavits*
 - *David Derkits v. East Carolina University and UNC Board of Governors*
- Consider the qualifications, competence, performance, or condition of appointment of a public officer or employee or prospective public officer or employee.

Pursuant to: G.S. 143-318.11(a)(1), (2), (3), and (6).

The following policy changes to the UNC Policy Manual were recommended at prior committee meetings to be considered by the full Board of Governors on April 7, 2022:

1. Approval of proposed amendments to Section 200.6, *Policy on Delegation of Authority to the President* (University Personnel).
2. Adoption of Section 600.1.6, *Policy on Millennial Campuses* (Budget and Finance).
3. Approval of proposed amendments to Section 600.2.1, *Endowment Funds* (Budget and Finance).
4. Repeal of Section 600.2.2, *Endowment Fund of The University of North Carolina Center for Public Television* (Budget and Finance).
5. Approval of proposed amendments to Section 600.3.4, *Policy on the Granting of Management Flexibility to Appoint and Fix Compensation* (University Personnel).
6. Approval of proposed amendments (supersede) to Section 700.1.3, *Policy on Out-of-State Undergraduate Enrollment* (Educational Planning, Policies, and Programs).

DRAFT

The UNC Policy Manual

200.6

Adopted 11/13/06

Amended 06/08/07

Amended 04/08/11

Amended 08/10/12

Amended 10/11/12

Amended 07/29/16

Amended 10/14/16

Amended 05/22/19

Amended 11/19/20

Amended 05/27/21

Technical Corrections 09/22/21

Technical Correction 01/13/22

Amended / /22

Policy on Delegation of Authority to the President

I. Pursuant to N.C.G.S. § 116-11(13) (G.S.), and other North Carolina law as referenced herein, and notwithstanding *The Code* or any other Board of Governors policy,¹ the Board of Governors delegates the following authorities to the president of the University of North Carolina (UNC) System:

A. Human Resources

1. Authority to establish and administer a human resources program for employees exempt from the North Carolina Human Resources Act.²

a. "Human resources program" shall include such personnel actions related to the establishment of positions and the administration of salary ranges; recruitment, appointments, salaries, ~~and base salary adjustments, and temporary~~ salary adjustments; promotion and tenure; leave programs; performance management; non-faculty discontinuation, discipline, and discharge; and non-faculty grievance and appeals processes.³

b. The president may approve management flexibility plans for special responsibility constituent institutions and may delegate limited authority for human resources actions to constituent institutions that are not authorized as special responsibility constituent institutions.⁴

c. Notwithstanding the above provisions, unless otherwise delegated:

(1) The Board of Governors shall retain authority over the appointments ~~and~~ compensation, and salary adjustments for: the president, ~~for~~ the chancellors of the constituent institutions, except as provided in paragraph F. of this policy, ~~for~~ the chief executive officer of the UNC Health Care System, ~~and for the~~ chief executive officer of the UNC Center for Public Media ~~director~~.⁵

(2) The Board of Governors shall retain authority over certain contract terms for athletic directors and head coaches of the constituent institutions.⁶

(3) The Board of Governors shall retain authority over non-promotional⁷ salary increases for Tier I Senior Academic and Administrative Officers of the constituent institutions that both exceed 10 percent of the June 30 base salary as of the most recent fiscal year and exceed the 75th percentile of the applicable salary range.

(34) The president shall consult with the Board's Committee on University Personnel on appointments~~and~~, compensation, ~~and salary adjustments~~ for the senior officers of the UNC System Office who report directly to the president.

(4) — The Board of Governors shall retain authority over adjustments to base salary for permanent faculty and for employees exempt from the State Human Resources Act when the proposed amount (1) exceeds the established salary range or (2) exceeds 25 percent and twenty five thousand dollars (\$25,000) of the compensation in effect at the end of the last fiscal year.

(5) The president shall consult with the chair of the Committee on University Personnel and may then approve an emergency retention salary increase for a Tier I Senior Academic and Administrative Officer of the constituent institutions in lieu of any required pre-approval by the Committee as set forth in section I.A.1.C. of this policy when necessary to avoid loss of any key senior officer to an external offer of employment. The details of such an action shall be reported to the committee at its next regularly scheduled meeting.

d. Based on demonstrated institutional need and research activity, the president may authorize constituent institutions with special authority to directly create and/or modify EHRA non-faculty instructional, research, and information technology (IRIT) positions in accordance with UNC System Office classification procedures and guidelines. All such positions must fall within salary ranges established by the UNC System Office.

e. All other approvals for human resources actions are delegated to the President, who may further delegate actions to the boards of trustees for the constituent institutions or the boards of trustees may further delegate such actions to the chancellors as provided in Section 600.3.4 of the UNC Policy Manual.

2. Authority to approve all actions relating to the administration of the Optional Retirement Program⁸ and the Phased Retirement Program.⁹

3. The president shall report in writing on actions taken under the authority of these delegations to the appropriate committee of the Board of Governors no less than annually, or as otherwise requested by the chair of the Board of Governors or the chair of the Committee on University Personnel.

B. Governance

1. 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 \$250,000.¹⁰
2. The authority to settle potential or pending litigation by or against a constituent institution or the University of North Carolina System, if the settlement is solely for monetary 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 \$250,000.¹¹
3. Authority to approve the political activities of employees of the UNC System who are candidates for or serving in public office.¹²

C. Reports. The authority to approve and submit any report the UNC System or the Board of Governors is required to submit to the General Assembly, the State Board of Education, or any other state or federal agency or officer.

D. Real Property

1. The power to authorize acquisition or disposition of the following interests in real property without obtaining approval of the Board of Governors, subject to any necessary approvals from state officials and agencies:
 - a. Any interest in real property, other than a leasehold, with a value less than \$750,000; and
 - b. A leasehold interest in real property with annual value less than \$750,000 and a term of not more than 10 years.

The president's authority may be exercised on behalf of the UNC System Office, affiliated entities, or the constituent institutions in the president's discretion.¹³

2. Authority to approve capital improvement projects funded entirely with non-General Fund money¹⁴ that are projected to cost less than \$750,000.¹⁵
3. Authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund money.

E. Institutional Trust Funds. Authority to delegate to the chancellors management of institutional trust funds.¹⁶

F. Chancellors' Incentive Compensation Program

1. Authority to establish and implement an incentive compensation program to provide the president an opportunity to award performance-based compensation to the chancellors.
2. Authority to grant performance-based compensation awards to the chancellors as provided under the incentive compensation program. Awards granted under this

authority shall be one-time payments per year, cannot exceed 20 percent of the chancellor's base salary, and are the responsibility of the constituent institution to fund.

3. Authority to modify the incentive compensation program as necessary to maintain alignment between performance goals established by the Board of Governors for the president and those established by the president for the chancellors.

II. The president will report all actions taken under the authority of the delegations in sections I.B., through I.F., above, 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.

III. These delegations will remain in effect unless and until the Board of Governors rescinds them in whole or in part.

IV. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption of this policy by the Board of Governors.

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

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

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

²G.S., Chapter 126.

³Sections 300.1.1, 300.1.2, and 300.2 of the UNC Policy Manual.

⁴Section 600.3.4 of the UNC Policy Manual.

⁵Section 500 of *The Code*; Sections 300.1.1 and 1200.1 of the UNC Policy Manual; and G.S. 116-37(c) and 37.1(c).

[The use of "UNC Center for Public Media" in the statute refers to PBS North Carolina.](#)

⁶Section 1100.3 of the UNC Policy Manual.

[⁷For the purposes of this policy, the term "non-promotional" means salary actions that do not relate to assuming an entirely new position but rather adjusting the salary of the existing position for reasons such as labor market, equity, retention, additional duties, reclassification, and other permitted miscellaneous reasons.](#)

⁸G.S.135-5.1

⁹Section 300.7.2 of the UNC Policy Manual.

¹⁰Section 200.5 of the UNC Policy Manual.

¹¹Section 200.5 of the UNC Policy Manual.

¹² Sections 300.5.1 and 300.5.2 of the UNC Policy Manual.

¹³The Board of Governors may delegate additional authority to the president or boards of trustees for real property transactions consistent with Sections 600.1.3 and 600.1.3[R] of the UNC Policy Manual.

¹⁴This delegation shall be interpreted consistent with G.S. 143C-8-12.

¹⁵The Board of Governors may delegate additional authority to the president or boards of trustees for approval of capital improvement projects consistent with Section 600.1.1 of the UNC Policy Manual.

¹⁶Sections 600.2.4 and 600.2.4.1 of the UNC Policy Manual.

Policy on Millennial Campuses

I. Authority. Pursuant to its authority under the Centennial Campus, the Horace Williams Campus, and the Millennial Campus Financing Act (the “Act”)¹ the Board of Governors (“Board”) adopts the following policy regarding the designation and use of the Centennial Campus located at North Carolina State University, the Horace Williams Campus located at the University of North Carolina at Chapel Hill, and any Millennial Campus as defined by G.S. 116-198.33(4b)² (collectively herein, a “Millennial Campus”).

II. Approval of Millennial Campus Designation. G.S. 116-198.34(8a), (8b) provides the Board authority to designate the real property and appurtenant facilities to be included as part of a Millennial Campus. Millennial Campus Designation requests may be approved by the Board of Governors where a constituent institution has:

A. Demonstrated, in a manner to be prescribed by the president or the president’s designee, it has the administrative and fiscal capability to create and maintain such identified property or appurtenant facilities;

B. Demonstrated, in a manner to be prescribed by the president or his designee, the identified property or appurtenant facilities’ designation will enhance the institution’s research, teaching, and service missions as well as enhance the economic development of the region served by the institution; and

C. Submitted to the president or his designee, all request application information (such information may include, but not be limited to, maps, strategic planning documents, etc.) in a manner prescribed by the president.

Receiving a Millennial Campus designation for real property and appurtenant facilities does not relieve a constituent institution of its obligation to receive Board approval for any further action related to the use of such real property, including bond issuance, acquisition or disposition of real property, leases, capital projects, Millennial Campus Projects (as defined in Section V herein), or other actions. Any expansion or change in designated Millennial Campus property must also be approved by the Board. The Board reserves the right to revoke any Millennial Campus designations, in whole or in part, at its sole discretion.

III. Approval of Issuing Bonds. G.S. 116-198.34(2) and G.S. 116-198.35 provides the Board authority to issue revenue bonds to pay all or any part of the cost of any Project or Projects, and to fund or refund any project or projects with a term not to exceed 40 years. Constituent institution requests for the Board approval of issuing bonds or other debt to pay for any Project or to fund the acquisition of real property shall be submitted to the president or his designee in a manner prescribed by the president.

IV. Approval of Acquisitions and Dispositions of Real Property on Millennial Campus. G.S. 116-198.34(5), (8b) provides the Board authority to acquire, hold, lease, and dispose of real and personal property in the exercise of its power and the performance of its duties under the Act. Constituent institution requests for approval of acquisitions and dispositions of real property by easement, lease, or

rental agreement on a Millennial Campus shall comply with the policy and procedures set forth in Sections 600.1.3 and 600.1.3[R] of the UNC Policy Manual. Notwithstanding the foregoing, acquisitions of real property on a Millennial Campus for a period of 10 years or less and dispositions of real property by easement, lease, or rental agreement on a Millennial Campus for a period of 99 years or less shall not require the approval of the governor and the North Carolina Council of State. However, the Board shall report the acquisitions or dispositions provided herein to the Department of Administration for inclusion in the inventory maintained by the Department pursuant to G.S. 143-341(4)a. and b.

V. Approval of Millennial Campus Projects. G.S. 116-198.34(1) provides the Board authority to determine the location and character of any project or projects on a Millennial Campus. Approval authority of projects or real property transactions undertaken by a constituent institution on a Millennial Campus shall be consistent with the approval authority defined in section VIII of this policy. The word "Project" shall mean and shall include any one or more buildings, structures, administration buildings, libraries, research or instructional facilities, housing maintenance, storage, or utility facilities, and any facilities related thereto or required or useful for conducting of research or the operation of the a Millennial Campus, including roads, water, sewer, power, gas, greenways, parking, or any other support facilities essential or convenient for the orderly conduct of a Millennial Campus.

Projects undertaken by a constituent institution exceeding the authority delegated to a constitution institution as provided in section VIII of this policy must be approved by the Board prior to publicly fundraising, financing, soliciting, executing a memorandum of understanding, or otherwise announcing any Project activity on a Millennial Campus property.

VI. Approval of Public Private Partnerships (P3). Public Private Partnerships (P3s) shall be defined as capital improvement projects undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements, including paving, grading, utilities, infrastructure, reconstruction, or repair, and may include both public and private facilities, and where there is a financial obligation or material occupancy guarantee to a private partner by a constituent institution. All Public Private Partnership agreements that exceed a constituent institution's delegated authority must be approved by the Board. Requests for Board approval of any P3 shall be submitted to the president or the president's designee in a manner prescribed by the president. Any material modifications or amendments to a P3 agreement, including its financing or maintenance and operating agreements, must be approved by the Board.

VII. Annual Millennial Campus Reporting. Each constituent institution who has received any Board approval(s) pursuant to this policy shall annually submit a comprehensive report on its Millennial Campus activities to the Board through its Committee on Budget and Finance. The format of the report shall be determined by the president or the president's designee and shall include at least the following:

- A. A map indicating the location and acreage of all designated Millennial Campus property;
- B. A summary of any existing debt issuance on a Millennial Campus property;
- C. A summary of all real property transactions on a Millennial Campus since the last reporting period;
- D. A list of all buildings located on a Millennial Campus including their square footage, date of construction, and use;

- E. A status update of all current and completed Projects since the last reporting period;
- F. A status update of any P3 agreements; and
- G. A current financial statement of the constituent institution's Millennial Campus trust fund.

VIII. Delegated Authority. Notwithstanding any other provision of this policy, the delegated authority provided to constituent institutions under Sections 600.1.1, 600.1.1.1[G], 600.1.3, and 600.1.3[R] of the UNC Policy Manual shall apply to acquisitions and dispositions of real property on a Millennial Campus and other Millennial Campus Projects (as defined in section V of this policy).

IX. Other Matters

- A. Effective Date. The requirements of this policy shall be effective on the date of adoption by the Board of Governors.
- B. Relation to State and Federal Laws; Contracts. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern the activities of the University of North Carolina System and its public officials and employees. The foregoing policy shall only apply to approvals following the effective date of the policy and does not purport to modify, terminate, or cancel any existing University or constituent institution contractual obligations.
- C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such procedures, regulations, and guidelines as may be adopted from time to time by the president or the president's designee.

¹G.S. 116-198.31, *et seq.*

²Section IV of this policy shall also apply to the North Carolina Research Campus at Kannapolis, as authorized by G.S. 116-198.34(5).

Policy on Endowment Funds

IA. Purpose~~Authority~~. G.S. 116-36 provides the Board of Governors with authority to prescribe such terms and conditions under which each of the board of trustees of each constituent institution shall establish and maintain an endowment fund for the constituent institution. Pursuant to and consistent with its authority under the North Carolina General Statutes, including G.S. 116-36, the Board of Governors adopts the following policy regarding the establishment and maintenance of endowment funds.

II. Regulations—Endowment Property Exclusively for the Benefit of One Constituent Institution

1A. Under the provisions of ~~N.C.~~G.S. ~~§~~116-36, ~~as amended by Chapter 506, 1977 Session Laws,~~ and pursuant to ~~these regulations~~this policy, uniformly applicable to all constituent institutions, the ~~b~~Board of ~~t~~Trustees of each constituent institution shall establish and maintain an endowment fund for the constituent institution.

B2. It is not the statutory intent underlying ~~these~~this policy ~~regulations~~—that the proceeds from any endowment fund shall take the place of state appropriations or any part thereof, but it is the statutory intent underlying ~~these~~this policy ~~regulations~~—that those proceeds shall supplement the state appropriations to the end that the constituent institution may improve and increase its functions, may enlarge its area of service, and may become more useful to a greater number of people.

C3. Pursuant to ~~these regulations~~this policy each ~~Board of Trustees~~board of trustees shall appoint an investment board to be known as the “Board of Trustees of the Endowment Fund of” _____” (here shall be inserted the name of the constituent institution).

D4. The ~~Board of Trustees~~board of trustees of the endowment fund shall consist of no fewer than six members and no more than nine members, as determined by the ~~Board of Trustees~~board of trustees of the constituent institution. One member of the ~~Board of Trustees~~board of trustees of the endowment fund shall be the chair~~man~~ of the ~~Board of Trustees~~board of trustees of the constituent institution, one member shall be the chancellor of the constituent institution, and a third ex officio member shall be designated by the ~~Board of Trustees~~board of trustees of the constituent institution from among the officers of that board or of the committees of that board. The remainder of the members may be (but need not be) members of the ~~Board of Trustees~~board of trustees of the constituent institution and shall be elected by the ~~Board of Trustees~~board of trustees of the constituent institution for overlapping terms of three years each. The terms of the three elected members of the ~~Board of Trustees~~board of trustees shall be initially for one, two, and three years each. All elections thereafter shall be for a regular term of three years, except that any person elected by the ~~Board of Trustees~~board of trustees to fill a vacancy created otherwise than by the expiration of a term shall be elected to serve the remainder of the term of the person whom he or she succeeds. The chair~~man~~ of the ~~Board of Trustees~~board of trustees of

the constituent institution shall be *ex officio* the chairman of the ~~Board of Trustees~~board of trustees of the endowment fund of that institution. The ~~Board of Trustees~~board of trustees of the endowment fund may establish procedures, consistent with ~~these regulations~~this policy, for executing business and shall at least establish a quorum and a necessary vote for the transaction of business and require the keeping of minutes for meetings of the endowment board.

~~E5.~~ The trustees of the endowment fund may receive and administer as part of the endowment fund gifts ~~and devises, devises, and bequests~~ and any other property of any kind that may come to them from the Board of Governors of the University of North Carolina or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from state appropriations and from tuition and fees collected from students and used for the general operation of the institution.

~~F6.~~ Any gift, ~~or devise, or bequest~~ of real or personal property to the constituent institution shall be presumed, nothing to the contrary appearing, a gift ~~or devise, devise, or bequest~~, as the case maybe, to the endowment fund of the constituent institution. This presumption shall not apply to property made available to the institution prior to June 8, 1977.

~~G7.~~ Property shall not be deemed a part of the corpus of the endowment fund until it has been presented by the chancellor of the institution through written description of the property to the trustees of the endowment fund and has been acknowledged in writing as received by the trustees of the endowment fund. Property expressly or presumptively made available to the constituent institution for its endowment fund shall be presented by the chancellor to the trustees of the endowment fund as provided in this paragraph unless the chancellor finds that the property: (1) though presumptively made available to the institution for its endowment fund, was in fact made available to the institution for some other purpose; (2) has been made available to the institution under conditions which make its acceptance or use illegal; or (3) is unsuitable for use as property of the endowment fund.

~~H8.~~ The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested. Provided, however, that Chapter 36E of the North Carolina General Statutes shall apply to the endowment fund.

~~I9.~~ The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging their credit or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143, 143C, and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the ~~Advisory Budget Commission~~General Assembly by the ~~b~~Board of ~~t~~Trustees of the endowment fund through successive endorsements by the ~~B~~Board of ~~t~~Trustees of the institution and the Board of Governors; and provided further that, unless approved by the Board of Governors, any acquisition, disposition, or capital project shall not materially alter the value or functionality of any State property; and provided further that, any gratuitous transfer of property or funds from

the endowment fund shall be only upon direction of the ~~b~~Board of ~~t~~Trustees of the institution upon recommendation of the chancellor. Notwithstanding any other provision of this policy, any real property transaction or capital project that contemplates the use of state funds, tuition revenue, or student fees must be approved in advance by the Board of Governors. Requests for Board of Governors' approval shall be made in a manner as prescribed by the president, or designee, and may include the redaction of trade secret or other confidential or proprietary information not considered a public record within the meaning of Chapter 132 of the General Statutes and may be considered in closed session, as permitted by applicable law.

~~10J.~~ The ~~b~~Board of ~~t~~Trustees of the endowment fund may appoint a fiscal agent or agents having all the privileges, powers, and immunities set forth in paragraph ~~A.9.II.I.~~, to the trustees of the endowment fund except that no fiscal agent shall have authority to approach the ~~Advisory Budget Commission~~General Assembly as otherwise provided in paragraph ~~A.9II.I.~~ The ~~b~~Board of ~~t~~Trustees of the endowment fund may from time to time change its appointed fiscal agent or agents.

~~11K.~~ In the process of prudent investment of the fund (including the acquisition and maintenance of property for the fund) or to realize the intent underlying ~~these endowment regulations~~this policy, the ~~b~~Board of ~~t~~Trustees of the endowment fund or a fiscal agent appointed pursuant to paragraph ~~A.10II.J.~~ may expend or use interest and principal of gifts ~~and devises, devises, and bequests~~; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used nor violate the provisions of paragraph ~~A.9II.I.~~

~~12L.~~ To realize the statutory intent underlying ~~these endowment regulations~~this policy, the ~~b~~Board of ~~t~~Trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the constituent institution; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer; and provided further that, such transfer be executed only by direction of the ~~b~~Board of ~~t~~Trustees of the institution and for the purpose identified by the ~~b~~Board of ~~t~~Trustees of the institution, upon recommendation of the chancellor.

~~13M.~~ Whenever any property of the endowment fund is disposed of or otherwise transferred from the endowment fund to the constituent institution or to any other recipient, any instrument of transfer shall indicate that the donor, grantor, seller, lessor, lender, or transferor, as the case may be, is the ~~b~~Board of ~~t~~Trustees of the endowment fund

~~14N.~~ The ~~Board of Trustees~~board of trustees of the endowment fund shall annually submit a comprehensive report on the endowment fund through the ~~Board of Trustees~~board of trustees of the institution to the Board of Governors. The annual comprehensive report shall include at least a consolidated financial statement, list of current real estate holdings, and current funding commitment for capital projects.

~~15O.~~ The ~~Board of Trustees~~board of trustees of each constituent institution shall within a reasonable time establish an endowment fund as provided in ~~this policy~~these regulations.

~~16P.~~ After a constituent institution has established an endowment fund as provided in ~~these regulations~~this policy, the ~~Board of Trustees~~board of trustees of the institution shall direct that the chancellor inventory, consider, and present for placement in the endowment fund, as provided in paragraph ~~A.7II.G.~~, all property that reposes in any institutional endowment, trust, or

account as endowment property. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under ~~N.C.G.S. §-116-3.~~

~~17Q.~~ When the trustees of the endowment fund acknowledge in writing receipt of property pursuant to paragraph ~~II.P A.16.~~, the provisions of the "Policy on Endowments" of April 11, 1974, of the Board of Governors and any resolution of the Board of Governors made in consequence of the "Policy on Endowments" shall be deemed inoperative with respect to the pertinent constituent institution; provided that, the transfer of title to any property by the Board of Governors to the endowment fund of the constituent institution shall be deemed to have continued in effect. ~~These regulations shall be effective upon their enactment by the Board of Governors.~~

~~BIII.~~ ~~Regulations~~-Endowment Property for the Benefit of the University of North Carolina (UNC) as a Whole or for the Benefit of Two or More Constituent Institutions

~~A1.~~ Under the provisions of ~~N.C.G.S. §-116-36, as amended by Chapter 506, 1977 Session Laws,~~ and pursuant to ~~these regulationsthis policy,~~ uniformly applicable to all constituent institutions, the UNC Board of Governors ~~of the University of North Carolina~~ hereby establishes an endowment fund for all endowment funds now held or hereafter acquired by the University of North Carolina ~~for the benefit of the University as a whole, or for the joint benefit of any two or more constituent institutions of the University.~~

~~B2.~~ It is not the statutory intent underlying ~~these regulationsthis policy~~ that the proceeds from the endowment fund shall take the place of state appropriations or any part thereof, but it is the statutory intent underlying ~~these regulationsthis policy~~ that those proceeds shall supplement the state appropriations to the end that ~~University-UNC~~ and its constituent institutions may improve and increase their functions, may enlarge their areas of service, and may become more useful to a greater number of people.

~~C3.~~ The Committee on Budget and Finance of the UNC Board of Governors~~of the University of North Carolina~~ shall constitute the ~~Board of Trustees~~board of trustees of all endowment funds now held or hereafter acquired by the University of North Carolina for the benefit of the University System as a whole or for the joint benefit of any two or more constituent institutions of the University, to be known as the "Board of Trustees of the Endowment Fund of the University of North Carolina." The ~~chairman~~chair of the Committee on Budget and Finance shall be *ex officio* the ~~chairman~~chair of the board of trustees of the endowment fund. Procedure for the conduct of business by the ~~Board of Trustees~~board of trustees of the endowment fund shall be consistent with Section 302C of ~~The Code of The University of North Carolina.~~

~~D4.~~ The trustees of the endowment fund may receive and administer as part of the endowment fund gifts and devises, ~~devises, and bequests~~ and any other property of any kind that may come to them from the UNC Board of Governors~~of the University of North Carolina~~ or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from state appropriations and from tuition and fees collected from students and used for the general operation of the institution.

~~E5.~~ Any gift or devise, ~~devise, or bequest~~ of real or personal property to the University of North Carolina System shall be presumed, nothing to the contrary appearing, a gift or devise,

~~devise, or bequest~~, as the case may be to the endowment fund. This presumption shall not apply to property made available to the University of North Carolina prior to June 8, 1977.

~~F6.~~ Any gift ~~or devise, devise, or bequest~~ of real or personal property to the University of North Carolina for the benefit of the University as a whole or for the joint benefit of any two or more constituent institutions that reposes in any endowment, trust, or account as endowment property shall be inventoried, considered, and presented by the president for placement in the endowment fund as provided in paragraph ~~B-8.II.H~~. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under ~~N.C.G.S. § 116-3~~.

~~G7.~~ Any gift ~~or devise, devise, or bequest~~ of real or personal property jointly to two or more constituent institutions shall be presented through written description of the property by the chancellors of the beneficiary institutions to the president for his consideration and action as provided in paragraph ~~B-8.II.H~~. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under ~~N.C.G.S. § 116-3~~.

~~H8.~~ Property shall not be deemed a part of the corpus of the endowment fund until it has been presented by the president through written description of the property to the trustees of the endowment fund and has been acknowledged in writing as received by the trustees of the endowment fund. Property expressly or presumptively made available to the endowment fund shall be presented by the president to the trustees of the endowment fund as provided in this paragraph unless the president finds that the property:

~~(1)1.~~ ~~I~~though presumptively made available to the University of North Carolina ~~System~~ for its endowment fund, was in fact made available to the University for some other purpose;

~~(2)2.~~ ~~H~~as been made available under conditions which make its acceptance or use illegal; or

~~(3)3.~~ ~~I~~s unsuitable for use as property of the endowment fund.

~~9I.~~ The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested. Provided, however, that Chapter 36E of the North Carolina General Statutes shall apply to the endowment fund.

~~10J.~~ The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging their credit or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143, ~~143C~~, and 146 of the General Statutes, provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the ~~Advisory Budget Commission~~General Assembly by the ~~Board of Trustees~~board of trustees of the

endowment fund upon the endorsement of the Board of Governors; and provided further that, unless approved by the Board of Governors, any acquisition, disposition, or capital project shall not materially alter the value or functionality of any State property; and provided further that, any gratuitous transfer of property or funds from the endowment fund shall be only upon direction of the Board of Governors ~~of the University of North Carolina~~ upon recommendation of the president. Notwithstanding any other provision of this Policy, any real property transaction or capital project that contemplates the use of state funds, tuition revenue, or student fees must be approved in advance by the Board of Governors. Requests for Board of Governors' approval shall be made in a manner as prescribed by the president, or designee, and may include the redaction of trade secret or other confidential or proprietary information not considered a public record within the meaning of Chapter 132 of the General Statutes and may be considered in closed session, as permitted by applicable law.

~~11K.~~ The ~~Board of Trustees~~board of trustees of the endowment fund may appoint a fiscal agent or agents having all the privileges, powers, and immunities set forth in paragraph ~~B-10II.J.~~ relative to the trustees of the endowment fund except that no fiscal agent shall have authority to approach the ~~Advisory Budget Commission~~General Assembly as otherwise provided in paragraph ~~B-10II.J.~~ The ~~Board of Trustees~~board of trustees of the endowment fund may from time to time change its appointed fiscal agent or agents.

~~12L.~~ In the process of prudent investment of the fund (including the acquisition and maintenance of property for the fund) or to realize the intent underlying ~~these endowment regulations~~this policy, the ~~Board of Trustees~~board of trustees of the endowment fund or a fiscal agent appointed pursuant to paragraph ~~B-11II.K.~~ may expend or use interest and principal of gifts ~~and devises, devises, and bequests;~~ provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used nor violate the provisions of paragraph ~~B-10II.J.~~

~~13M.~~ To realize the statutory intent underlying ~~these endowment regulations~~this policy, the ~~Board of Trustees~~board of trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the University of North Carolina or to constituent institutions provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer, and provided further that, such transfer be executed only by direction of the UNC Board of Governors of the ~~University of North Carolina~~ and for the purpose identified by the Board of Governors, upon recommendation of the president.

~~14N.~~ Whenever any property of the endowment fund is disposed of or otherwise transferred from the endowment fund to the University of North Carolina, to a constituent institution, or to any other recipient, any instrument of transfer shall indicate that the donor, grant or, seller, lessor, lender, or transferor, as the case may be, is the ~~Board of Trustees~~board of trustees of the endowment fund.

~~15-O~~ The trustees of the endowment fund shall maintain discrete accounts for property received into the endowment fund identified as to those institutions made beneficiaries of the respective properties by their donors; and, upon distribution, the income and other proceeds from the various properties shall be provided only to those beneficiary institutions intended by the donor and in the proportion intended by the donor.

~~16P.~~ The ~~Board of Trustees~~board of trustees of the endowment fund shall annually submit a comprehensive report on the endowment fund to the Board of Governors. The annual comprehensive report shall include at least a consolidated financial statement, list of current real estate holdings, and current funding commitment for capital projects.

~~17Q.~~ The president shall inventory, consider, and present for placement in the endowment fund, as provided in paragraph ~~B-8II.H.~~, all property that presently reposes in any endowment, trust, or account as endowment property for the benefit of the University of North Carolina as a whole or for the benefit of two or more constituent institutions. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under ~~N.C.G.S. §-116-3.~~

~~18R.~~ When the trustees of the endowment fund acknowledge in writing receipt of property pursuant to paragraph ~~B-17II.Q.~~, the provisions of the "Policies on Endowments" of April 11, 1974, of the Board of Governors concerning endowment funds for the benefit of the University as a whole or for the joint benefit of any two or more constituent institutions shall be deemed inoperative.

~~19. — These regulations shall be effective upon their enactment by the Board of Governors.~~

€IVH. Endowment Property for the Benefit of The University of North Carolina Press-

~~1A.~~ Under the provisions of ~~N.C.G.S. §-116-36,~~ as amended by Chapter 506, 1977 Session Laws, and pursuant to ~~these regulationsthis policy~~, uniformly applicable to all constituent institutions, the UNC Board of Governors ~~of the University of North Carolina~~ hereby establishes an endowment fund for all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Press.

~~2B.~~ It is not the statutory intent underlying ~~these regulationsthis policy~~ that the proceeds from the endowment fund shall take the place of state appropriations or any part thereof, but it is the statutory intent underlying ~~these regulationsthis policy~~ that those proceeds shall supplement the state appropriations to the end that the University of North Carolina Press may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people.

~~3C.~~ The Board of Governors of the University of North Carolina Press shall constitute the ~~Board of Trustees~~board of trustees of all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Press, to be known as "the Board of Trustees of the Endowment Fund of the University of North Carolina Press." The ~~chairman~~chair of the Board of Governors of the University of North Carolina Press shall be *ex officio* the ~~chairman~~chair of the ~~Board of Trustees~~board of trustees of the endowment fund. Procedures for the conduct of business by the ~~Board of Trustees~~board of trustees of the endowment fund shall be consistent with procedures for the conduct of business by the Board of Governors of the University of North Carolina Press, Incorporated.

~~D4.~~ The trustees of the endowment fund may receive and administer as part of the endowment fund gifts ~~and devises, devises, and bequests~~ and any other property of any kind that may come to them from the UNC Board of Governors ~~of the University of North Carolina~~ or that may come to the trustees of the endowment fund from any other source, excepting always the

moneys received from state appropriations and from tuition and fees collected from students and used for the general operation of the University.

E5. Any gift ~~or devise, devise, or bequest~~ of real or personal property to the University of North Carolina Press shall be presumed, nothing to the contrary appearing, a gift ~~or devise, devise, or bequest~~, as the case may be, to the endowment fund of the University of North Carolina Press. This presumption shall not apply to property made available to the University of North Carolina Press prior to June 8, 1977.

F6. Property shall not be deemed a part of the corpus of the endowment fund until it has been presented by the president of the ~~University of North Carolina~~ UNC System through written description of the property to the trustees of the endowment fund and has been acknowledged in writing as received by the trustees of the endowment fund. Property expressly or presumptively made available to the University of North Carolina Press for its endowment fund shall be presented by the president of the University of North Carolina to the trustees of the endowment fund as provided in this paragraph unless the president, in consultation with the ~~d~~Director of the University of North Carolina Press, finds that the property: (1) though presumptively made available to the University of North Carolina Press for its endowment fund, was in fact made available to the Press for some other purpose; (2) has been made available under conditions which make its acceptance or use illegal; or (3) is unsuitable for use as property of the endowment fund.

G7. The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested. Provided, however, that Chapter 36E of the North Carolina General Statutes shall apply to the endowment fund.

H8. The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging the credit of the State of North Carolina or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143, 143C, and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the ~~Advisory Budget Commission~~ General Assembly by the ~~Board of Trustees~~ board of trustees of the endowment fund upon the endorsement of the UNC Board of Governors ~~of the University of North Carolina~~; and provided further that, unless approved by the Board of Governors, any acquisition, disposition, or capital project shall not materially alter the value or functionality of any State property; and provided further that, any gratuitous transfer of property or funds from the endowment fund shall be only upon direction of the Board of Governors of the University of North Carolina Press upon recommendation of the president. Notwithstanding any other provision of this policy, any real property transaction or capital project that contemplates the use of state funds, tuition revenue, or student fees must be approved in advance by the Board of Governors. Requests for Board of Governors' approval shall be made in a manner as prescribed by the president, or designee, and may include the redaction of trade secret or other confidential

or proprietary information not considered a public record within the meaning of Chapter 132 of the General Statutes and may be considered in closed session, as permitted by applicable law.

19. The ~~Board of Trustees~~board of trustees of the endowment fund may appoint a fiscal agent or agents having all the privileges, powers, and immunities set forth in paragraph ~~C-8-III.H.~~, relative to the trustees of the endowment fund except that no fiscal agent shall have authority to approach the ~~Advisory Budget Commission~~General Assembly as otherwise provided in paragraph ~~C-8-III.H.~~ The ~~Board of Trustees~~board of trustees of the endowment fund may from time to time change its appointed fiscal agent or agents.

10J. In the process of prudent investment of the fund (including the acquisition and maintenance of property for the fund) or to realize the intent underlying ~~these endowment regulation~~this policy, the ~~Board of Trustees~~board of trustees of the endowment fund or a fiscal agent appointed pursuant to paragraph ~~C-9-III.I.~~, may expend or use interest and principal of gifts ~~and devises, devises, and bequests~~; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used nor violate the provisions of paragraph ~~C-8-III.H.~~

11K. To realize the statutory intent underlying these ~~endowment regulation~~this policy, the ~~Board of Trustees~~board of trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the University of North Carolina Press; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer; and provided further that, such transfer be executed only by direction of the Board of Governors of the University of North Carolina Press and for the purpose identified by the Board of Governors of the University of North Carolina Press, upon recommendation of the president.

12L. Whenever any property of the endowment fund is disposed of or otherwise transferred from the endowment fund to the University of North Carolina Press or to any other recipient, any instrument of transfer shall indicate that the donor, grantor, seller, lessor, lender, or transfer or, as the case may be, is the ~~Board of Trustees~~board of trustees of the endowment fund.

13M. The ~~Board of Trustees~~board of trustees of the endowment fund shall annually submit a comprehensive report on the endowment fund to the ~~UNC Board of Governors of the University of North Carolina~~, through the president. The annual comprehensive report shall include at least a consolidated financial statement, list of current real estate holdings, and current funding commitment for capital projects.

14N. The president shall inventory, consider, and present for placement in the endowment fund, as provided in paragraph ~~C-6-III.F.~~, all property that presently reposes in any endowment, trust, or account as endowment property for the benefit of the University of North Carolina Press. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under ~~N.C.G.S. §-116-3~~ or the University of North Carolina Press, Incorporated.

15O. When the trustees of the endowment fund acknowledge in writing receipt of property pursuant to paragraph ~~C-14-III.N.~~, the provisions of the ~~"Policies on Endowments"~~ of April 11, 1974, of the Board of Governors of the University of North Carolina concerning endowment funds for the benefit of the University of North Carolina Press shall be deemed inoperative.

~~16P.~~ When the trustees of the endowment fund acknowledge in writing receipt of property pursuant to paragraph ~~C-14III.N.~~, the resolution of May 10, 1974, of the Board of Governors of the University of North Carolina concerning property held for the use and benefit of the University of North Carolina Press shall be deemed inoperative; provided that, the transfer of title to property under Section 1 of the resolution of May 10, 1974, to the Board of Governors of the University of North Carolina Press shall be deemed to have continued in effect.

~~17. — These regulations shall be effective upon their enactment by the Board of Governors of the University of North Carolina.~~

V. ~~Policy on~~ Endowment Property for the Benefit of the University of North Carolina Center for Public Media

A. Under the provisions of G.S. 116-36, and pursuant to this policy, uniformly applicable to all constituent institutions, the UNC Board of Governors hereby establishes an endowment fund for all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Center for Public Media.

B. It is not the statutory intent underlying this policy that the proceeds from the endowment fund shall take the place of state appropriations or any part thereof, but it is the statutory intent underlying this policy that those proceeds shall supplement the state appropriations to the end that the University of North Carolina Center for Public Media may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people.

C. The Board of Trustees of the University of North Carolina Center for Public Media shall constitute the board of trustees of all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Center for Public Media, to be known as “the Board of Trustees of the Endowment Fund of the University of North Carolina Center for Public Media.” The chair of the Board of Trustees of the University of North Carolina Center for Public Media shall be *ex officio* the chairman of the board of trustees of the endowment fund. Procedures for the conduct of business by the board of trustees of the endowment fund shall be consistent with procedures for the conduct of business by the Board of Trustees of the University of North Carolina Center for Public Media.

D. The trustees of the endowment fund may receive and administer as part of the endowment fund gifts and devises and any other property of any kind that may come to them from the UNC Board of Governors or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from state appropriations and from tuition and fees collected from students and used for the general operation of the University.

E. Any gift or devise of real or personal property to the University of North Carolina Center for Public Media shall be presumed, nothing to the contrary appearing, a gift or devise, as the case may be, to the endowment fund of the University of North Carolina Center for Public Media. This presumption shall not apply to property made available to the University of North Carolina Center for Public Media or its functional predecessor prior to May 28, 1979.

F. Property shall not be deemed a part of the corpus of the endowment fund until it has been presented by the president through written description of the property to the trustees of

the endowment fund and has been acknowledged in writing as received by the trustees of the endowment fund. Property expressly or presumptively made available to the University of North Carolina Center for Public Media for its endowment fund shall be presented by the president to the trustees of the endowment fund as provided in this paragraph unless the president, in consultation with the director of the University of North Carolina Center for Public Media finds that the property:

1. Though presumptively made available to the University of North Carolina Center for Public Media for its endowment fund, was in fact made available to the center for someother purpose;
2. Has been made available under conditions which make its acceptance or use illegal; or
3. Is unsuitable for use as property of the endowment fund.

G. The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested. Provided, however, that Chapter 36E of the North Carolina General Statutes shall apply to the endowment fund.

H. The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging the credit of the State of North Carolina or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143, 143C, and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the General Assembly by the board of trustees of the endowment fund upon the endorsement of the UNC Board of Governors –Systemand provided further that, unless approved by the Board of Governors, any acquisition, disposition, or capital project shall not materially alter the value or functionality of any State property; and provided further that, any gratuitous transfer of property or funds from the endowment fund shall be only upon direction of the board of trustees of the University of North Carolina Center for Public Media upon recommendation of the president. Notwithstanding any other provision of this Policy, any real property transaction or capital project that contemplates the use of state funds, tuition revenue, or student fees must be approved in advance by the Board of Governors. Requests for Board of Governors' approval shall be made in a manner as prescribed by the president, or designee, and may include the redaction of trade secret or other confidential or proprietary information not considered a public record within the meaning of Chapter 132 of the General Statutes and may be considered in closed session, as permitted by applicable law.

I. The board of trustees of the endowment fund may appoint a fiscal agent or agents having all the privileges, powers, and immunities set forth in paragraph IV.H relative to the trustees of the endowment fund except that no fiscal agent shall have authority to approach the General Assembly as otherwise provided in paragraph IV.H. The board of trustees of the

endowment fund may from time to time change its appointed fiscal agent or agents.

J. In the process of prudent investment of the fund (including the acquisition and maintenance of property for the fund) or to realize the intent underlying this policy, the board of trustees of the endowment fund or a fiscal agent appointed pursuant to paragraph IV.I may expend or use interest and principal of gifts and devises; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used nor violate the provisions of paragraph IV.H.

K. To realize the statutory intent underlying this policy, the board of trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the University of North Carolina Center for Public Media; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer; and provided further that, such transfer be executed only by direction of the board of trustees of the University of North Carolina Center for Public Media and for the purpose identified by the board of trustees of the University of North Carolina Center for Public Media upon recommendation of the president.

L. Whenever any property of the endowment fund is disposed of or otherwise transferred from the endowment fund to the University of North Carolina Center for Public Media or to any other recipient, any instrument of transfer shall indicate that the donor, grantor, seller, lessor, lender, or transferor, as the case may be, is the board of trustees of the endowment fund.

M. The board of trustees of the endowment fund shall annually submit a comprehensive report on the endowment fund to the UNC Board of Governors, through the president. The annual comprehensive report shall include at least a consolidated financial statement, list of current real estate holdings, and current funding commitment for capital projects.

N. The president shall inventory, consider, and present for placement in the endowment fund, as provided in paragraph IV.F, all property that presently reposes in any endowment, trust, or account as endowment property for the benefit of the University of North Carolina Center for Public Media. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identity other than under G.S. 116-3.

IV. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption of this policy of the Board of Governors.

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

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

**Endowment Fund of
The University of North Carolina Center for Public Television**

1. Under the provisions of N.C.G.S. § 116-36, as amended by Chapter 506, 1977 Session Laws and by Chapter 649, 1979 Session Laws, and pursuant to these regulations, uniformly applicable to all constituent institutions, the Board of Governors of the University of North Carolina hereby establishes an endowment fund for all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Center for Public Television.

2. It is not the statutory intent underlying these regulations that the proceeds from the endowment fund shall take the place of state appropriations or any part thereof, but it is the statutory intent underlying these regulations that those proceeds shall supplement the state appropriations to the end that the University of North Carolina Center for Public Television may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people.

3. The Board of Trustees of the University of North Carolina Center for Public Television shall constitute the board of trustees of all endowment funds now held or hereafter acquired for the benefit of the University of North Carolina Center for Public Television, to be known as "The Board of Trustees of the Endowment Fund of The University of North Carolina Center for Public Television." The chairman of the Board of Trustees of the University of North Carolina Center for Public Television shall be *ex officio* the chairman of the Board of Trustees of the endowment fund. Procedures for the conduct of business by the Board of Trustees of the endowment fund shall be consistent with procedures for the conduct of business by the Board of Trustees of the University of North Carolina Center for Public Television.

4. The trustees of the endowment fund may receive and administer as part of the endowment fund gifts, devises, and bequests and any other property of any kind that may come to them from the Board of Governors of the University of North Carolina or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from state appropriations and from tuition and fees collected from students and used for the general operation of the University.

5. Any gift, devise, or bequest of real or personal property to the University of North Carolina Center for Public Television shall be presumed, nothing to the contrary appearing, a gift, devise, or bequest, as the case may be, to the endowment fund of the University of North Carolina Center for Public Television. This presumption shall not apply to property made available to the University of North Carolina Center for Public Television or its functional predecessor prior to May 28, 1979.

6. Property shall not be deemed a part of the corpus of the endowment fund until it has been presented by the President of the University of North Carolina through written description of the property to the trustees of the endowment fund and has been acknowledged in writing as received by the trustees of the endowment fund. Property expressly or presumptively made available to the University of North Carolina Center for Public Television for its endowment fund shall be presented by the President of the University of North Carolina to the trustees of the endowment fund as provided in

this paragraph unless the President, in consultation with the director of the University of North Carolina Center for Public Television finds that the property:

- (1) though presumptively made available to the University of North Carolina Center for Public Television for its endowment fund, was in fact made available to the center for some other purpose;
- (2) has been made available under conditions which make its acceptance or use illegal; or
- (3) is unsuitable for use as property of the endowment fund.

7. The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested.

8. The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging the credit of the State of North Carolina or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143 and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the Advisory Budget Commission by the Board of Trustees of the endowment fund upon the endorsement of the Board of Governors of the University of North Carolina; and provided further that, any gratuitous transfer of property or funds from the endowment fund shall be only upon direction of the Board of Trustees of the University of North Carolina Center for Public Television upon recommendation of the President.

9. The Board of Trustees of the endowment fund may appoint a fiscal agent or agents having all the privileges, powers, and immunities set forth in paragraph 8 relative to the trustees of the endowment fund except that no fiscal agent shall have authority to approach the Advisory Budget Commission as otherwise provided in paragraph 8. The Board of Trustees of the endowment fund may from time to time change its appointed fiscal agent or agents.

10. In the process of prudent investment of the fund (including the acquisition and maintenance of property for the fund) or to realize the intent underlying these endowment regulations, the Board of Trustees of the endowment fund or a fiscal agent appointed pursuant to paragraph 9 may expend or use interest and principal of gifts, devises, and bequests; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used nor violate the provisions of paragraph 8.

11. To realize the statutory intent underlying these endowment regulations, the Board of Trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the University of North Carolina Center for Public Television; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer; and provided further that, such transfer be executed only by direction of the Board of Trustees of the University of North Carolina Center for Public Television and for the purpose identified by the Board of Trustees of the University of North Carolina Center for Public Television upon recommendation of the President.

12. Whenever any property of the endowment fund is disposed of or otherwise transferred from the endowment fund to the University of North Carolina Center for Public Television or to any other recipient, any instrument of transfer shall indicate that the donor, grantor, seller, lessor, lender, or transferor, as the case may be, is the Board of Trustees of the endowment fund.

13. The Board of Trustees of the endowment fund shall annually submit a comprehensive report on the endowment fund to the Board of Governors of the University of North Carolina, through the President.

14. The President shall inventory, consider, and present for placement in the endowment fund, as provided in paragraph 6, all property that presently reposes in any endowment, trust, or account as endowment property for the benefit of the University of North Carolina Center for Public Television. The provisions of this paragraph shall not apply to property reposing in any endowment, trust, or foundation that has corporate identify other than under N.C.G.S. § 116-3.

15. These regulations shall be effective upon their enactment by the Board of Governors of the University of North Carolina.

DRAFT

The UNC Policy Manual

600.3.4

Adopted 01/11/02

Amended 07/12/02

Amended 01/09/04

Amended 02/11/05

Amended 07/01/07

Amended 07/29/16

Amended 03/23/18

Technical Corrections 09/22/21

Amended / /22

Policy on the Delegations of Authority and Granting of Management Flexibility ~~to Appoint and Fix Compensation~~ on Human Resources Matters

I. Purpose

A. Pursuant to N.C.G.S. 116-11(13) (G.S.), and other North Carolina law as referenced herein, and in an effort to enhance the administrative efficiency of the University, the Board of Governors has delegated to the president the authority to establish a human resources program and to approve management flexibility plans at constituent institutions for faculty and EHRA non-faculty (those employees exempt from various provisions within Chapter 126 of the North Carolina General Statutes).¹

B. In accordance with this authority, the president may further delegate authority for approving human resources matters ~~within the UNC System Office. Section II of this policy describes authorities that may be delegated by the president for human resources actions to the boards of trustees of all the constituent institutions. Section III delineates such delegations that are reserved solely for institutions with management flexibility (special responsibility constituent institutions as per UNC Policy Manual 600.3.1).~~

~~C. Also in accordance with this authority, the president hereby further delegates the authority to administer certain human resources actions as described in section II of this policy to the boards of trustees for all constituent institutions.~~

~~D. Also in accordance with this authority, the president hereby further delegates additional authority to administer certain human resources actions as described in section III of this policy to the boards of trustees for institutions with management flexibility (special responsibility constituent institutions).~~

~~E.~~ The authority granted by the Board of Governors through the president is subject to *The Code* of the University of North Carolina (*The Code*), policies of the Board of Governors, and all applicable federal and state laws, policies, regulations, and rules.² Along with any other rules and regulations the Board of Governors and/or the president adopt, this policy requires each constituent institution to comply with all rules and regulations concerning equal employment opportunity; to act in recognition of funding availability and constraints within each institution's

budget; and to take into account the actions of the Governor, the Office of State Budget and Management, and the North Carolina General Assembly.

II. Authority Delegated to All Constituent Institutions (With or Without Management Flexibility)

A. The president delegates to the ~~board-boards~~ of trustees for ~~each-all~~ constituent ~~institution institutions~~ the authority to execute the following personnel actions for ~~faculty and EHRA non-faculty instructional, research, and public service (IRPS)-EHRA~~ employees:

1. Permanent and temporary appointments³ ~~and salaries within the salary ranges established by the UNC System Office, excluding Tier I Senior Academic and Administrative Officers (Tier I SAAOs).~~

2. ~~Promotion, including faculty rank changes but excluding tenure.~~

3. ~~Permanent and temporary salary increases or stipends.~~

2. ~~Permanent non-promotional⁴ salary adjustments within the salary ranges established by the UNC System Office for all EHRA non-faculty employees excluding Tier I and Tier II SAAOs and head coaches, associate coaches, and assistant coaches for which delegations are otherwise specified herein.~~

3. ~~Permanent non-promotional salary adjustments within the salary ranges established by the UNC System Office for Tier II SAAOs up to a new base salary of \$125,000 and that do not exceed 10 percent of the June 30 base salary as of the most recent fiscal year or that do not exceed the 75th percentile of the salary range regardless of amount of increase.~~

4. ~~Non-promotional salary increases for head coaches, associate coaches, and assistant coaches that do not exceed 25 percent of the June 30 base salary as of the most recent fiscal year and do not exceed \$25,000.~~

5. ~~Temporary salary actions for the duration of an appointment as an academic department chair or academic department head not greater than \$50,000 annually above the total compensation in effect at the end of the last fiscal year. For clinical department chair, clinical department head, or clinical division head appointments within a School of Medicine or Dentistry, this delegated authority is not greater than \$75,000 annually for the duration of such appointment.~~

6. ~~All other temporary salary adjustments related to interim, acting, or other time-limited assignments or appointments with a duration of up to 36 months or up to \$50,000 annually above the base salary in effect at the end of the last fiscal year, excluding such actions for Tier I SAAOs. This delegated authority does not permit exceeding the relevant salary range established by the UNC System Office for the position in which an individual is serving in an interim or acting capacity.~~

7. ~~Faculty rank promotions but excluding conferral of tenure. All such faculty rank promotions must fall within the established salary range for the role.~~

B. The president further authorizes the boards of trustees for the constituent institutions to delegate any of these actions to their chancellors, or to specific designees of the chancellor by title, as they deem appropriate, excluding actions for Tier I SAAOs.

C. Notwithstanding the ~~delegations above provisions in sections II.A. and II.B.,~~ the president may ~~establish regulations and guidelines that modify, suspend, or limit delegation for certain actions (for example, salary adjustments) within these categories~~ one or more of the aforementioned delegations of authority at the president's discretion by administrative memorandum or duly authorized regulation.

III. Delegation of Authority to Boards of Trustees of Institutions with Management Flexibility

A. Simultaneous with the president's authorization of an institution's management flexibility plan, the board of trustees of that institution is delegated the authority to execute the following additional personnel actions in addition to those enumerated in section II.A. of this policy, which it shall not delegate further unless the president or the Board of Governors shall allow permit.⁵

1. Upon recommendation of the chancellor, appoint all permanent and temporary appointments⁶ and ~~fix the salary and~~ non-salary compensation⁷ for all ~~vice chancellors and other Tier 1 senior academic and administrative officers (as defined in Section 300.1.1 I.A. of the UNC Policy Manual)~~ Tier I SAAOs, with the exclusion of the chancellor, within the salary ranges established by the UNC System Office.

2. ~~Approve appointments and salary changes for SAAO Tier 1 appointments, with the exclusion of the chancellor.~~

3. ~~Upon recommendation of the chancellor, establish salary ranges for SAAO Tier 2 positions, consistent with both the salary ranges and the policies established by the Board of Governors and the regulations and guidelines established by the president. The institution may otherwise elect to adopt salary ranges established by the UNC System Office for these positions.~~

42. Upon recommendation of the chancellor, and consistent with the approved tenure policies and regulations of each institution, confer permanent tenure.

3. Upon recommendation of the chancellor, all permanent non-promotional salary adjustments for Tier I SAAOs within the salary ranges established by the UNC System Office that do not exceed either 10 percent of the June 30 base salary as of the most recent fiscal year or that do not exceed the 75th percentile of the salary range regardless of amount of increase. Any Tier I SAAO actions transmitted for approval by the president and/or Board of Governors must receive prior formal endorsement by the institution's board of trustees.

B. Simultaneous with the president's authorization of an institution's management flexibility plan, the board of trustees of that institution is also delegated the authority for the following personnel actions, which it may further delegate to the chancellor and may authorize the chancellor to further delegate ~~on a limited basis to specific designees of the chancellor by title, as they deem appropriate.~~⁸

~~1. Establish faculty salary ranges within different academic disciplines, based on relevant data.~~

21. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors.

~~32. Establish IRPS positions and salary ranges. When authorized by the president or the president's designee, establish faculty salary ranges within different academic disciplines, based on relevant market data. These salary ranges shall be subject to review and approval by the UNC System Office upon request. Absent such an authorization by the president, the constituent institutions shall utilize faculty salary ranges established by the UNC System Office.~~

C. ~~Salaries and salary ranges shall be consistent with salary ranges established or authorized by the UNC System Office and consistent with guidelines established by the president. Notwithstanding the delegations above and the provisions of any existing approved management flexibility plan, the Board of Governors and/or in sections III.A. and III.B., the president may establish policies, regulations, or guidelines that modify, suspend, or limit delegation for certain actions (such as establishing mandatory salary ranges or salary adjustments) within the delegations listed in III.A., and III.B. one or more of the aforementioned delegations of authority at his or her discretion by administrative memorandum or duly authorized regulation.~~

IV. Responsibility of the Board of Governors and the President

A. The Board of Governors ~~shall~~:

~~1. Issue~~ Shall issue a resolution each year that ~~(a) interprets legislative action regarding University employee salaries and (b) sets annually or delegates such authority by resolution as it deems appropriate to the president.~~

~~2. Shall set every other year, or more frequently as it shall decide,~~ the salary range for the president and, in consultation with the president, the salary ranges for the chancellors. These ranges will be based upon relevant available market data.

~~23. Authorize~~ Shall authorize the president's salary and, based on recommendations from the president, the chancellors' salaries.

~~34. Authorize~~ Shall authorize appointments and employment contracts for the chancellors, the president, the chief executive officer of the UNC Center for Public Media⁹ ~~director~~, and the chief executive officer of the UNC Health Care System as well as authorize certain contract terms and conditions for athletic directors and head coaches at constituent institutions as defined in Section 1100.3 of the UNC Policy Manual.

~~5. May authorize permanent salary adjustments for the president and chancellors, regardless of amount. The president will continue to consult with the Board on salary adjustments for the president's senior team.~~

6. May authorize all non-promotional salary increases for head coaches, associate coaches, and assistant coaches that exceed 25 percent of the base salary in effect at the end of the last fiscal year and exceed \$25,000.

7. May authorize all other salary actions for Tier I SAAOs that are not otherwise delegated to the boards of trustees of the constituent institutions or to the president.

B. The president or president's designees shall:

1. ~~Establish~~ Will review and approve the establishment of all SAAO Tier 1 and SAAO Tier 2 positions and their salary ranges, with the exclusion of those defined in IV.A., above. In addition, the president will consult with the Board's Committee on University Personnel for appointments and compensation for senior officers who report directly to the president and may approve emergency retention salary adjustments for Tier I SAAOs of the constituent institutions and of the UNC System Office in consultation with the chair of the committee. Any such emergency retention salary adjustments will be reported to the Committee on University Personnel at its next scheduled meeting.

2. ~~The president may~~ May authorize any significant changes in the organizational structure of a constituent institution, such as re-organization resulting in the creation of a new vice chancellor, dean, or equivalent administrative position.

3. ~~Review~~ Will review annually the faculty salaries set by the medical schools at the University of North Carolina at Chapel Hill and East Carolina University to ensure that the salaries are coordinated and are consistent with relevant data in a national medical labor market.

4. ~~Provide~~ Will provide at least annually to the constituent institutions guidelines regarding EHRA appointments and salary actions.

~~5. Provide periodic faculty salary studies based on peer data.~~

5. Will provide faculty salary ranges by rank and discipline to the constituent institutions for their use unless an institution is authorized by the president or president's designee to develop such ranges independently subject to UNC System Office review.

6. ~~Withdraw~~ May withdraw or further limit the delegation of management flexibility from any institution that does not adhere to the policies and procedures set forth in this policy. The president will notify the institution of the discrepancies, and if these are not adequately addressed in the judgment of the president, then the president shall withdraw the delegation. The president may reinstate delegation or remove restrictions to a constituent institution upon further review and following the requirements established in section V., of this policy.

7. Will establish classification categories and salary ranges for EHRA IRIT positions.

8. May approve temporary salary adjustments for EHRA employees that exceed the authority granted to constituent institution boards of trustees and not otherwise retained by the Board of Governors.

9. May authorize Tier I SAAO non-promotional salary increases for institutions with management flexibility that exceed 10 percent of the June 30 base salary as of the most recent fiscal year or the 75th percentile of the salary range regardless of amount of increase. Any Tier I SAAO actions transmitted for approval by the president must receive prior formal endorsement by the institution's board of trustees.

10. May authorize Tier I SAAO non-promotional salary increases for institutions without management flexibility that do not exceed 10 percent of the base salary in effect at the end of the last fiscal year and the 75th percentile of the salary range. Any Tier I SAAO actions transmitted for approval by the president must receive prior formal endorsement by the institution's board of trustees.

11. May authorize all Tier II SAAO non-promotional salary increases not otherwise delegated to the boards of trustees of the constituent institutions.

C. The Board of Governors and/or the president shall:

1. Conduct performance audits on policies, practices, and other matters related to delegation of management flexibility.

2. For institutions without management flexibility, the president and the Board of Governors shall have the same responsibilities and authority as set forth in Section 300.6.1 of the UNC Policy Manual, *Policy on Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions*.¹⁰

V. Submitting Institutional Plans for Management Flexibility for Personnel Appointments. The president has the authority to approve institutional management flexibility plans for personnel appointments. Upon approval, the board of trustees of a special responsibility constituent institution¹¹ shall have the authority delegated by this policy. An institutional plan shall include the following:

A. Policies and procedures for promotion and tenure of faculty.

1. An institutional policy for promotion and tenure¹² that complies with *The Code* of the University of North Carolina System, complies with current federal and state law, and provides clear requirements for promotion and the conferral of permanent tenure.

2. A schedule and process for periodic review of promotion and tenure policies, including a process for amending promotion and tenure policies subject to review by the president or president's designee.

B. Policies and procedures for salary administration and recruitment and selection of senior academic and administrative officers (SAAO) and EHRA non-faculty.

~~1. Policies and procedures for establishing salary ranges for SAAO Tier 2 and for instructional, research, and public service (IRPS) EHRA non-faculty positions, consistent with the salary ranges and the policies established by the Board of Governors and the regulations and guidelines established by the president. The institution may otherwise elect to adopt salary ranges established by the UNC System Office for these positions.~~

~~2. Policies and procedures for the recruitment and selection of senior academic and administrative officers and other EHRA non-faculty positions.~~

C. Policies and procedures for compensation policies for faculty and EHRA non-faculty.

1. An institutional policy on non-salary compensation of faculty and EHRA non-faculty, and on compensation from non-state sources such as grants, endowment funds, practice plan funds, etc.

2. Documentation of comprehensive salary studies that establish salary ranges for tenured faculty within different disciplines based on relevant ~~data and for EHRA non-faculty, including methodology and relevant data~~ market data in the event the constituent institution is delegated authority to establish such ranges by the UNC System Office.¹³

3. Documentation of EHRA salary-setting guidelines provided to institutional management.

D. Policies and procedures for audits and accountability.

1. Documentation that the institution has not had audit findings related to personnel practices, salary, or payroll for the previous three years or, if there have been audit findings in this period, documentation supporting that any findings have been remedied.

2. Documentation of appropriate accountability procedures ~~in the event that if~~ the board of trustees delegates the authority granted pursuant to this policy to the chancellor.

VI. Implementation of the Delegated Authority under Management Flexibility. The president shall determine the effective date of the delegation authorized by this policy upon approval of the institution's management flexibility plan.

VII. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption of this policy by the Board of Governors.

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

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

¹Section 200.6 of the UNC Policy Manual.

²See Section 200.6 of the UNC Policy Manual for limitations on the president's delegated authority.

³For the purpose of this policy, the term “appoint” means the initial appointment, reappointment, or an appointment that constitutes a formal promotion.

⁴For the purpose of this policy, the term “non-promotional” means salary actions that do not relate to assuming an entirely new position but rather adjusting the salary of the existing position for reasons such as labor market, equity, retention, additional duties, reclassification, and other permitted miscellaneous reasons.

⁵The delegation authorized by this policy is in addition to the delegation by the Board of Governors to the boards of trustees contained in the Appendix 1 to *The Code*.

⁶~~For the purpose of this policy, the term “appoint” means the initial appointment reappointment, or an appointment that constitutes a promotion or a significant change in position responsibilities.~~

⁷Throughout this policy, all actions of a board of trustees of a special responsibility constituent institution to “fix the compensation” of employees are subject to the limitations contained in sections II and III of this policy; the policies of the Board of Governors; guidelines and regulations established by the president; and institutional plans, policies, and procedures.

⁸The chancellor may delegate authority only to the executive vice chancellor, provost, chief financial officer/chief business officer, and/or chief human resources officer, or any other director-level or senior officer with responsibility for campus-wide EHRA human resources actions.

⁹Use of “UNC Center for Public Media” in statute refers to PBS North Carolina.

¹⁰See in particular Section 600.3.1.A.2.

¹¹In order for an institution to have management flexibility for personnel appointments, the institution must be designated and maintain the status of a special responsibility constituent institution.

¹²As applied to the North Carolina School of the Arts and the North Carolina School of Science and Mathematics, the terms “tenure policy” or “policy for promotion and tenure,” as used herein, refer to the institution’s policy governing the appointment of faculty.

¹³When used in this policy, the phrase “relevant data” indicates that the institution shall draw comparisons to peer institutions as approved by the Board of Governors. Data from peer institutions will be used when available except in instances in which a campus can demonstrate legitimate labor market differences that justify the use of a supplemental or alternative set of peer institutions.

Policy on Non-Resident Undergraduate Enrollment

I. Purpose. To ensure that constituent institutions maintain a level of non-resident undergraduate enrollment consistent with historical University policy and tradition, and one consistent with strong and balanced educational programs, this policy defining non-resident undergraduate student enrollment has been promulgated by the Board of Governors.² Each constituent institution has, since 1988, limited the proportion of students classified as a non-resident for tuition purposes³ in the entering fall first-time undergraduate class.⁴

II. Requirements. Effective with the fall semester 2022, the following caps are established for students classified as non-residents for tuition purposes in the fall first-time undergraduate class. The cap shall be equal to the percentage of the total number of first-time undergraduate students enrolled in the fall of the prior academic year.

A. The cap shall be 18 percent for Appalachian State University, East Carolina University, North Carolina State University at Raleigh, University of North Carolina at Asheville, University of North Carolina at Chapel Hill, University of North Carolina at Charlotte, University of North Carolina at Greensboro, University of North Carolina at Pembroke, University of North Carolina Wilmington, and Western Carolina University.

B. The cap shall be 25 percent for Fayetteville State University and Winston-Salem State University.

C. The cap shall be 35 percent for North Carolina Agricultural and Technical State University⁵ and North Carolina Central University.

D. The cap shall be 50 percent for Elizabeth City State University.

III. Penalties. Any constituent institution that exceeds their non-resident enrollment cap prescribed in section II., above, for two consecutive fiscal years shall have its State operating budget reduced. This reduction shall be made in the second fiscal year in which the two consecutive fiscal year condition is violated; the reduction shall be made, on a non-recurring basis, immediately after the Board of Governors reviews final fall semester enrollment figures. The budget reduction shall be based on the number of non-resident students for tuition purposes in the entering fall first-time class enrolled in excess of the specified institutional percent limitation and the established method used for calculating the operating requirements for regular term enrollment changes.

IV. Pilot Programs. The Board of Governors may, on the president's recommendation, authorize enrollment pilot programs that are exempt from the requirements of sections II., and III., of this policy.

V. Academic Competitiveness. It is the Board's expectation that institutions will admit only academically well-qualified out-of-state students. In any year in which the average combined SAT score or ACT composite score for students classified as first-time non-residents for tuition purposes are below that for students classified as first-time residents for tuition purposes, the president shall require a written report from the chancellor.

VI. Other Matters

- A. Effective Date. The requirements of this policy shall be effective as of the 2022-23 academic year.
- B. Relation to Federal and State laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.
- C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

¹Supersedes Section 700.1.3, originally adopted March 14, 1986, and last amended April 22, 2021.

²The North Carolina School of Science and Mathematics, the constituent high school, may not admit or enroll out-of-state students, and therefore is not subject to this policy G.S. 116-235. The University of North Carolina School of the Arts non-resident enrollment levels shall not exceed 50 percent, per S.L. 1985-479, Sec. 73, and therefore is not subject to this policy.

³See G.S. 116-143.1 for the definition of non-resident student for tuition purposes.

⁴As reported by the institution to the UNC System Office and the U.S. Department of Education as defined by the Integrated Postsecondary Education Data System (IPEDS).

⁵Does not include undergraduate engineering students enrolled at North Carolina A&T State University per Board of Governors action, January 11, 2002.