



ANNUAL REPORT TO THE BOARD OF GOVERNORS
Committee on University Governance
July 1, 2021, through June 30, 2022

DUTIES AND MEMBERSHIP

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

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

Dr. Wesley Burks (UNC Health Care System), Chancellor Dixon (Elizabeth City State University), and Chancellor Rogers (East Carolina University) also served on the committee.

ACTIONS

Appointments to Boards for Affiliated Entities

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

Name of Board	Member	Term Ending
Appalachian State University BOT (partial term)	Anita B. Greene	June 30, 2023
Litigation Insurance Trust Fund	Latonya Brown	N/A
North Carolina Central University BOT (partial term)	Alexandra Valladares	June 30, 2025
North Carolina School of Science and Mathematics (ex officio)	Tonya Smith-Jackson	June 30, 2025
NC Education Assistance Authority BOD	Tim Montgomery	January 15, 2026
NC Teaching Fellows Commission	Donnell D. Cannon	June 30, 2023
NC Teaching Fellows Commission	Lisa M. Chapman	June 30, 2023
NC Teaching Fellows Commission	Erin Lisi	June 30, 2023
NC Teaching Fellows Commission	Nancy Bell Ruppert	June 30, 2023
NC Teaching Fellows Commission	Joy Turnheim Smith	June 30, 2023
NC Teaching Fellows Commission	Bo Somers	June 30, 2023
NC Teaching Fellows Commission	Malishai L. Woodbury	June 30, 2023
NC State University BOT (partial term)	Erik Dixon	June 30, 2025
PBS North Carolina	Culley C. Carson, IV	June 30, 2026

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PBS North Carolina	Anne Mayo Evans	June 30, 2026
PBS North Carolina	Brenda Gibson	June 30, 2026
PBS North Carolina	James Broughton	June 30, 2026
PBS North Carolina	James Cain	June 30, 2026
PBS North Carolina	Bill R. West	June 30, 2026
Project Kitty Hawk, Inc.	Nancy J. Cable	January 31, 2023
Project Kitty Hawk, Inc.	Ray Carey	January 31, 2023
Project Kitty Hawk, Inc.	Susan Cates	January 31, 2024
Project Kitty Hawk, Inc.	John Comly	January 31, 2024
Project Kitty Hawk, Inc.	Courtney Crowder	January 31, 2023
Project Kitty Hawk, Inc.	Franklin D. Gilliam, Jr.	January 31, 2024
Project Kitty Hawk, Inc.	Philip G. Rogers	January 31, 2024
State Building Commission	Katherine C. Lynn	June 30, 2022
UNC Health Care System	Hayden Pappas Kirby	October 31, 2025
UNC Health Care System	William Winkenwerder Jr.	October 31, 2026
UNC Pembroke BOT (partial term)	James E. Lockemy	June 30, 2023
UNC Press	Osamudia James	June 30, 2026
UNC Press (Partial Term)	Angela K. Miles	June 30, 2024
UNC Press	Matthew Booker	June 30, 2027
UNC Press	Anita Brown-Graham	June 30, 2027
UNC Press	Blair L.M. Kelley	June 30, 2027
UNC School of the Arts BOT (partial term)	Graydon Pleasants	June 30, 2025
UNC Wilmington BOT (partial term)	Perry Trask Chappell	June 30, 2025
Vidant Medical Center	Roger LaVern Davenport	February 28, 2026
Vidant Medical Center	Michael Waldrum	February 28, 2026
Vidant Medical Center	Angela A. Allen	February 28, 2027
Vidant Medical Center	Carlester T. Crumpler	February 28, 2027
Vidant Medical Center	Philip G. Rogers	February 28, 2027

Campus Liaison Assignments

Each constituent institution and selected affiliated entities were assigned a “liaison” from the Board. The 2021-22 campus liaisons were:

Ms. Burris-Floyd	North Carolina A&T State University North Carolina Central University University of North Carolina at Asheville North Carolina Arboretum
Mr. Daughtry	East Carolina University Fayetteville State University North Carolina School of Science and Mathematics
Mr. Holton	University of North Carolina at Charlotte University of North Carolina School of the Arts University of North Carolina Wilmington Winston-Salem State University

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Mr. Hutchens	NC State University University of North Carolina at Greensboro Western Carolina University PBS North Carolina
Mr. Powers	Appalachian State University Elizabeth City State University University of North Carolina at Chapel Hill University of North Carolina at Pembroke UNC Health Care Other Appointments

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

The committee is responsible for reviewing and making recommendations for proposed changes to *The Code* and the UNC Policy Manual, and the delegations of duty and authority involving University governance. During the 2021-22 period, the following policy items were considered or reviewed by the committee:

1. UNC Policy Manual

- a. **Amendments to Section 301 of *The Code*.** Chapter III of *The Code* of the University of North Carolina establishes committees of the Board of Governors. Section 301 of *The Code* provides for the standing committees of the Board along with the jurisdiction of each committee. The Board of Governors created the special Committee on Military and Veterans Affairs to increase UNC System enrollment, retention, graduation, and post-graduation success of military-affiliated (MA) students. To continue the work of this important special committee, Chair Ramsey dissolved the special Committee on Military and Veterans Affairs and requested amendments to *The Code* to rename the standing Committee on Public Affairs to the Committee on Military and Public Affairs. In addition to the name change, there were amendments to the jurisdiction to encompass the new responsibilities and to increase the number of members allowed to serve on the committee. Additional recommended amendments were passed: (1) revise the name of the Committee on Personnel and Tenure to the Committee on University Personnel; and (2) clarify the jurisdiction of that committee.

2. Technical Corrections to the UNC Policy Manual

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

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

Pursuant to this policy, which requires technical corrections to be summarized and reported in writing to the chair of the Board of Governors and the Committee on University Governance, Attachment B of this report provides all the technical corrections that were completed during the 2021-22 year.

Department of Defense Classified Research

The committee passed a resolution on Clearance Requirements, which is an annual requirement related to Department of Defense contracts. The Department of Defense requires the UNC System to maintain Facility Security Clearance. Department of Defense regulations permit the exclusion from the personnel clearance requirements of certain members of the Board and other officers, provided that this action is recorded in the corporate minutes. This resolution was included on the Thursday, September 16, 2021, consent agenda.

Litigation Requests/Settlements

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

Free Speech and Free Expression

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

1. **Annual Report.** As required by state law and Section 1300.8 of the UNC Policy Manual, the Committee on University Governance is responsible for preparing an annual report on free speech and free expression within the University that addresses at least the following topics:
 - Any barriers to or disruptions of free expression within the University's constituent institutions;
 - The administrative handling and discipline relating to disruptions or barriers to free expression;
 - Any substantial difficulties, controversies, or successes in meeting the requirements of maintaining institutional neutrality as provided in the law and Section 1300.8 of the UNC Policy Manual; and
 - Any assessments, criticisms, commendations, or recommendations the committee sees fit to include.

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

2. **Presentations.** The Committee on University Governance continued its series of presentations surrounding free speech and free expression at UNC System constituent institutions during the 2021-22 year. The presentations provided opportunities for the constituent institutions to showcase their commitment to promoting and protecting free speech; their efforts at informing students, faculty,

and staff about rights and responsibilities; and their strategies for seeking and implementing recommendations to improve free expression across the System.

- a. **Presentation Three – Free Speech and Free Expression with North Carolina Supreme Court Justices.** Chief Justice of the North Carolina Supreme Court, Paul Newby, and Associate Justice Michael R. Morgan participated in a discussion with the committee that focused on the virtue that free speech and free expression rests on the idea that individuals are better hearing ideas with which they may disagree.
- b. **Presentation Four – Free Speech and Free Expression Discussion with State Elected Officials**
The fourth presentation on free speech and free expression consisted of a panel with members of the North Carolina House of Representatives and North Carolina Senate. Representing the NC House of Representatives were Representatives Zack Hawkins and Jon Hardister. Representing the NC Senate were Senators Amt Galey and Mike Woodard. The discussion focused on finding common ground with differing opinions as well as the safety of students on campuses.
- c. **Presentation Five – Free Speech and Free Expression Discussion with former Solicitors General**
The fifth and final presentation surrounding free speech and free expression included a discussion with former United States Solicitors General Noel J. Francisco and Seth P. Waxman. The discussion primarily focused on the law and culture around free speech and free expression as it relates to our universities.

3. Free Speech Survey

In November 2020, the committee began its series of presentations on free expression and free speech with an informative discussion on the state of free expression. The committee was joined by three members of the faculty from the University of North Carolina at Chapel Hill: Mark McNeilly, Jennifer Larson, and Timothy Ryan. The speakers presented findings from a survey of students at UNC-Chapel Hill on free expression issues.

With support from the System Office, the research team replicated and expanded the UNC-Chapel Hill study to a broader group of institutions. The original research team from UNC-Chapel Hill partnered with faculty from seven additional campuses to survey 500 students at each university. Each survey included both core items that are common across all institutions, as well as survey questions that were customized to each institution. Institutions participating in the survey are: Appalachian State University, North Carolina Central University, University of North Carolina at Asheville, UNC-Chapel Hill, University of North Carolina at Charlotte, University of North Carolina at Greensboro, University of North Carolina at Pembroke, and University of North Carolina Wilmington. These findings were presented at the May 2022 meeting of the Committee on University Governance.

The survey found that UNC System institutions do face challenges concerning their cultures for free expression and constructive dialogue. However, these challenges are far more complex than many popular narratives would lead one to appreciate. Many UNC System students do indeed have significant concerns about expressing political views on campus. These concerns arise disproportionately from students who describe themselves as conservative, but they affect students of nearly all backgrounds. And contra a common narrative that liberal-leaning faculty members attempt to impose their views on the students they teach, the survey found that students worry about the reactions of their peers more than those of faculty.

APPENDIX P
2021-22 Annual Report on Technical Corrections

<i>The Code/UNC Policy Manual</i>	UNC Policy Manual - Chapter	Policy/Regulation/Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
<i>The Code</i>	Chapter II – The Governors	<i>The Code</i>	Section 202 C(1) Quorum	Inserted commas in two places within the second sentence.	9/8/2021
<i>The Code</i>	Chapter VI – Academic Freedom	<i>The Code</i>	Entire Chapter	Update reference to “Committee on Personnel and Tenure” to “Committee on University Personnel” and other Style Guide corrections consistent with later amendments to the UNC Policy Manual.	9/22/2021
UNC Policy Manual	Chapter 200, Board of Governors Affairs	Policies	Section(s) 200.3, 200.6, 200.8	Update reference to “Committee on Personnel and Tenure” to “Committee on University Personnel” and other Style Guide corrections consistent with later amendments to the UNC Policy Manual.	9/22/2021
UNC Policy Manual	Chapter 300, Personnel Policies	Policies and Regulations	Sections 300.1.1 II.A.1.c, 300.1.4, 300.8.5[R] XI, 300.2.14 and 300.2.14[R]	Update references to “Committee on Personnel and Tenure” to “Committee on University Personnel.” Update references to “General Administration” and other stylistic corrections consistent with later amendments to the UNC Policy Manual. Standard policy and regulation language added at the end.	9/23/2021 (300.1.1) 9/29/2021 (300.1.4) 9/29/2021 (300.8.5[R]) 9/22/2021 (300.2.14) 9/29/2021 (300.2.14[R])
UNC Policy Manual	Chapter 400, Academic Programs	Policy	Section 400.3.6, Intro Paragraph and Subsection I.B.	Update References to “Committee on Personnel and Tenure” to “Committee on University Personnel.”	9/23/2021

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UNC Policy Manual	Chapter 600, Financial Matters, Real Property, Endowment, and Trust Funds	Policy	Corrections made throughout entire Section 600.3.4.	Update references to “Committee on Personnel and Tenure” to “Committee on University Personnel.” Update references to “General Administration” and other corrections consistent with later amendments to the UNC Policy Manual. Standard policy language added at the end.	9/22/2021
UNC Policy Manual	Chapter 300, Personnel Policies	Policy	Section 300.2.1	Updated various formatting such as spacing, capitalization, and structure. Updated certain references to “UNC General Administration” to “UNC System Office” or “UNC System.” Updated references to “State Personnel Act” to “North Carolina Human Resources Act.”	1/6/2022
<i>The Code</i>	Appendix I	<i>The Code</i>	Opening paragraph; Section I.A., through C.; Section VII.; and Section IX.E.	Update references to <i>The Code</i> , the North Carolina Human Resources Act, and the University of North Carolina System.	1/27/2022
UNC Policy Manual	Section 600.2.1, <i>Policy on Endowment Funds</i>	Policy	I.; I.II; II.J; III.J; III.K; IV.H; IV.I; V.H; and V.I	Correct references to the “advisory Budget Commission” to “Director of the Budget,” as approved by the Committee on Budget and Finance at its February 22, 2022 meeting. Corrected word “and” to “an” in the sentence “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 <i>an</i> endowment fund for the constituent institution.”	5/23/2022 6/6/2022 (600.2.1 I.)
UNC Policy Manual	Section 400.2.3[R]	Regulation	I. A.B.C.D.E.	Corrected the sequence of items under I. from “A.B.C.D.D.E.” to “A.B.C.D.E.”	6/7/2022