

September 5, 2024 at 1:30 p.m.
Via Videoconference and PBS North Carolina Livestream

AGENDA

OPEN SESSION

- A-1. Approval of the Open Session Minutes of July 24, 2024Alex Mitchell
- A-2. 2023-24 Committee on University Governance Annual ReportAlex Mitchell
- A-3. Resolution on Security Clearance RequirementsAlex Mitchell
- A-4. North Carolina A&T State University Board of Trustees Appointment Pearl Burris-Floyd
- A-5. Western Carolina University Board of Trustees Appointment Philip Byers
- A-6. North Carolina School of Science and Math Board of Trustees Appointment..... Alex Mitchell
- A-7. Annual Report on Free Speech and Free Expression
Within the University of North Carolina SystemAndrew Tripp

CLOSED SESSION

- A-8. Approval of the Closed Session Minutes of July 24, 2024.....Alex Mitchell
- A-9. Legal Affairs ReportAndrew Tripp

OPEN SESSION

- A-10. Adjourn

Additional Information Available:

September 2024 Technical Corrections Chart

Closed Session Motion

Motion to go into closed session to:

- Prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- Consult with our attorney to protect attorney-client privilege.

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

DRAFT MINUTES

July 24, 2024, at 11:30 a.m.
Via Videoconference and PBS North Carolina Livestream
UNC System Office
223 S. West Street, Board Room
Raleigh, NC 27603

This meeting of the Committee on University Governance was presided over by Chair Alex Mitchell. The following committee members, constituting a quorum, were present by videoconference or phone: Pearl Burris-Floyd, C. Philip Byers, Joel Ford, Randy Ramsey, and Michael Williford.

Also participating were Chancellor Karrie Dixon and Chancellor Todd Roberts. Chancellor Brian Cole was absent.

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

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

The chair called the meeting to order at 11:30 a.m. on Wednesday July 24, 2024. The open session minutes from the May 16, and May 22, 2024, meetings were approved by unanimous consent.

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

Chair Mitchell reviewed seven nominees for the North Carolina Teaching Fellows Commission. After reviewing the nominees with the committee, Chair Mitchell asked for a motion to approve the nominees.

MOTION: Resolved, that the Committee on University Governance approve the reappointment of Patrick Brennan, Taleek Harlee, Debora Powell, Matthew Price, and Joy Smith, and the appointment of Malcolm Butler and Amanda Lee to the North Carolina Teaching Fellows Commission for terms that began July 1, 2024, and end June 30, 2026, and send to the full Board of Governors for a vote.

Motion: Alex Mitchell

Motion carried

3. 2024-25 UNC System Board of Trustees Appointment Process (Item A-3)

Chair Mitchell reviewed the upcoming boards of trustees' appointment process the committee will undertake within the next year. He reminded the members of how the process works and what is to be expected.

4. 2024-25 Commencement Guidelines (Item A-4)

Chair Mitchell reminded the committee of the changes that were made to the commencement guidelines at a meeting of the committee in September 2023. Chair Mitchell reviewed the new proposed guidelines, which would require participation by a member of the Board of Governors only at the spring commencement ceremonies where the Board of Governors Award for Excellence in Teaching is being presented. Chair Mitchell then asked for a motion to approve the update to the commencement guidelines.

MOTION: Resolved, that the Committee on University Governance approve the update to the commencement guidelines requiring the participation of a member of the Board of Governors only at the spring campus commencement ceremonies where the Board of Governors Award for Excellence in Teaching is being presented.

Motion: Alex Mitchell

Motion carried

5. Closed Session

The chair asked for a motion to move into closed session.

MOTION: Resolved, that the Committee on University Governance move 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 is not considered a public record within the meaning of Chapter 132 of the General Statutes; and to consult with our attorney to protect attorney-client privilege; Pursuant to G.S. 143-318.11(a)(1) and (3).

Motion: Randy Ramsey

Motion carried

THE MEETING MOVED INTO CLOSED SESSION AT 11:35 a.m.

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

THE MEETING RESUMED IN OPEN SESSION AT 11:45 a.m.

6. Adjourn

There being no further business and without objection, the meeting adjourned at 11:47 a.m.

Michael Williford, Secretary

AGENDA ITEM

A-2. 2023-24 Committee on University Governance Annual Report.....Alex Mitchell

Situation: Each standing committee submits an annual report of its activities to the Board of Governors.

Background: Pursuant to Section 302 E of *The Code*, “Each standing committee shall make a written report to the Board of Governors at least annually, reviewing the work of the committee during the preceding year.”

Assessment: The annual report on the activities of the Committee on University Governance for fiscal year 2023-24 is ready for review and submission.

Action: This item requires a vote by the committee to accept the report for submission to the Board of Governors.

DUTIES AND MEMBERSHIP

The Committee on University Governance is responsible for reviewing and making recommendations for proposed changes to the UNC Policy Manual, including *The Code*, and the delegations of duty and authority involving University governance; for nominating individuals for election to the 17 institutional boards of trustees and other University-related boards; and for authorizing the initiation and settlement of litigation and pending litigation in circumstances where that authority has not otherwise been delegated. This report summarizes the work of the committee from July 2023 through June 2024.

The committee was composed of the following Board members: Kellie Hunt Blue, J. Alexander Mitchell, Michael Williford, C. Philip Byers, and Pearl Burris Floyd. Mrs. Blue served as chair, Mr. Mitchell served as vice chair, and Mr. Williford served as secretary.

Dr. Wesley Burks (UNC Health), Chancellor Darrell Allison (Fayetteville State University), and Chancellor Harold Martin (North Carolina Agricultural and Technical State University) also served on the committee.

ACTIONS

Between July 1, 2023, and June 30, 2024, the Committee on University Governance met in seven regularly scheduled meetings and one special meeting. The major actions of the committee are summarized as follows:

Appointments to Boards for Affiliated Entities

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

Name of Board	Member	Term Ending
North Carolina Teaching Fellows Commission	Taleek Harlee	June 30, 2024
North Carolina Teaching Fellows Commission	Debora Powell	June 30, 2024
North Carolina Teaching Fellows Commission	Patrick Brennan	June 30, 2024
NCSEAA Board of Directors	Jim Rose	January 15, 2025
NCSEAA Board of Directors	Beth Anderson	January 15, 2026
Project Kitty Hawk Board of Directors	John Comly	January 31, 2026
Project Kitty Hawk Board of Directors	Susan Cates	January 31, 2026
Project Kitty Hawk Board of Directors	Karrie Dixon	January 31, 2026
Project Kitty Hawk Board of Directors	Philip Rogers	January 31, 2026

UNC Health Board of Directors	Doyle Parrish	October 31, 2026
UNC Health Board of Directors	William A. Keyes IV	October 31, 2026
ECU Health Medical Center Board of Trustees	Tony Cannon	February 28, 2029
PBS North Carolina Board of Trustees	Johnny Burleson	June 30, 2028
PBS North Carolina Board of Trustees	Rodney Hood	June 30, 2028
PBS North Carolina Board of Trustees	Rick French	June 30, 2028
PBS North Carolina Board of Trustees	Michael Schoenfeld	June 20, 2028
UNC Press Board of Governors	Angela Miles	June 30, 2029
UNC Press Board of Governors	Arwin Smallwood	June 30, 2029
UNC Press Board of Governors	Randall Styers	June 30, 2029

Campus Liaison Assignments

Each constituent institution and selected affiliated entities were assigned a “liaison” from the Board. The 2023-24 campus liaisons were:

Mrs. Blue	Elizabeth City State University UNC Charlotte UNC-Chapel Hill UNC Wilmington All other appointments
Mr. Byers	Appalachian State University UNC School of the Arts Western Carolina University Winston-Salem State University
Mrs. Burris-Floyd	North Carolina A&T State University UNC Asheville UNC Greensboro North Carolina Arboretum
Mr. Mitchell	North Carolina Central University North Carolina School of Science and Math NC State University PBS North Carolina
Mr. Williford	Fayetteville State University UNC Pembroke UNC Health Care

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 UNC Policy Manual, and the delegations of duty and authority involving University governance. During the 2023-24 period, the following policy items were considered or reviewed by the committee:

1. UNC Policy Manual

a. **Amendments to Section 1100.1** Section 1100.1, *Policy on Intercollegiate Athletics*, details the Board of Governors delegated responsibility for intercollegiate athletics to the chancellors under *The Code's Delegation of Duty and Authority*. The revisions to the policy are designed to enhance oversight of the intercollegiate athletics program by requiring the chancellors to make available certain athletic related agreements to the Board of Governors and provide the president notice of, and a financial plan for, any agreement that would result in the constituent institution transferring, leaving, or joining an athletic conference association. The purpose of this notice is to provide the president the opportunity to weigh in on the potential impacts of the agreement, including those that may impact the financial health of the intercollegiate athletics program, contract risks, and/or legal risks associated with the agreement. Further, the revisions provide the Board of Governors an opportunity to review the agreement and financial plan and potentially weigh in with legal counsel such that it can inform the constituent institution of any legal risks that might flow from the agreement.

b. **Amendments to Section 200.1** Section 200.1, *Dual Memberships and Conflicts of Interest*, details the Board of Governor's policy on dual memberships and conflicts of interest. The revisions to the policy reflect statutory updates as it relates to dual memberships and conflicts of interest for Board members.

c. **Amendments to Section 200.5** Section 200.5, *Policy on Legal Affairs; Initiating and Settling Potential and Pending Litigation*, governs legal affairs and the initiation and settlement of litigation within the University of North Carolina. The amendments to this policy define reporting requirements to the Committee on University Governance and Board of Governors as it relates to initiating and settling litigation.

d. **Amendments to Section 200.6** Section 200.6, *Policy on Delegation of Authority to the President*, defines what authorities are delegated by the Board of Governors to the president of the University of North Carolina System. The amendments clarify delegations of authority as it relates to initiating and settling potential and pending litigation, as well as delegation for campus safety and security.

e. **Amendments to Section 300.8.5** Section 300.8.5, *Equality Within the University of North Carolina*, defines the University of North Carolina's longstanding commitment to the equality of opportunity in education and employment as a core value. The Board voted to repeal and supersede the previous version of 300.8.5. The new policy ensures that diverse persons of any background, from North Carolina and beyond, are invited, included, and treated equally. The replacement further aligns UNC Policy with recent statutory enactments and current jurisprudence.

2. Technical Correction 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 A of this report provides all the technical corrections that were completed during the 2023-24 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 21, 2023, consent agenda.

Litigation Requests/Settlements

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

Free Speech and Free Expression

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

1. **Annual Report.** As required by state law and Section 1300.8 of the UNC Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System*, 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.

This report addresses free speech and free expression at the constituent institutions for the period of time between July 1, 2022, and June 30, 2023. The report finds that constituent institutions are committed to promoting and protecting free speech and free expression, and that disruptions and interference at scheduled speaking or expressive events have been minimal over the past year. The report details steps that constituent institutions are taking to inform campus constituencies about rights and responsibilities, as well as recommendations for improving free expression across the University.

Resolution Honoring Law Enforcement

The committee approved a resolution to send to the full Board praising law enforcement who have served, and continue to protect, our University's campuses. The resolution offers special thanks to the law enforcement officers who willingly and courageously answered the call to protect our University. The resolution stated, "The Board of Governors offers its special thanks to the men and women of the University of North Carolina police departments across the state who have faced campus protests and led the nation in modeling best practices on how to preserve the freedoms of speech and assembly while keeping our students safe."

AGENDA ITEM

A-3. Resolution on Security Clearance
Requirement.....Alex Mitchell

Situation: A resolution is required annually of the Board of Governors by the U.S. Department of Defense.

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

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

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



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

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

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

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

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

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

NAME	TITLE
Norma Reid Houston	Chief of Staff
John Michael Vollmer	Senior Vice President and Chief Operating Officer
Jennifer Healy Haygood	Senior Vice President for Finance and Administration and Chief Financial Officer
David Judson English	Senior Vice President for Academic Affairs and Chief Academic Officer
Thashundray Robertson Edmonds	Interim Senior Vice President for Strategy and Policy
Andrew Patrick Kelly	Senior Advisor to the President and CEO of Project Kitty Hawk
Scott Bartley Goodson	Senior Vice President of Government Affairs

NAME	TITLE
Ivey Ruth Taylor	Senior Advisor to the President for Associated Real Estate Development
Andrew Tillman Tripp	Senior Vice President and General Counsel
Thomas Alvester Walker, Jr.	Senior Advisor to the President for University Workforce Policy
Marvin Lee Barnes Jr.	Member
Kellie Hunt Blue	Member
Kirk Jackson Bradley	Member
Cameron Keyshawn Brown	Member <i>ex-officio</i>
Harry Coolidge Brown	Member
Pearl Burris-Floyd	Member
Charles Philip Byers	Member
Swadesh Chatterjee	Member
Jimmy Dean Clark	Member
Carolyn Lloyd Coward	Member
Rodney Gene Davis Jr.	Member
Joel Douglas McClure Ford	Member
John Alfred Fraley	Member
Kathryn Crisp Greeley	Member
Martin Luther Holton III	Member
Reginald Ronal Holley	Member
Hilton Terry Hutchens	Member
John Alexander Mitchell	Member
Sonja Phillips Nichols	Member
James Arthur Pope	Member
Randall Clark Ramsey	Member
Orris Temple Sloan, III	Member
Haywood Edwin White, Jr.	Member
Michael Leighton Williford	Member

The foregoing resolution was duly adopted by the Board of Governors at a regular meeting of the Board on the 12th day of September 2024.

STATE OF NORTH CAROLINA)
)
 COUNTY OF WAKE)

SS:

SECRETARY'S CERTIFICATE
 OF AUTHORIZATION

I, Meredith R. McCullen, associate vice president and secretary of the University of North Carolina, *DO HEREBY CERTIFY* that (1) the foregoing is a full, true and correct copy of the approving resolution adopted by the Board of Governors of the University of North Carolina at its regular meeting on September 14, 2023, and appearing in the minutes of such meeting; (2) notice of the meeting of the Board of Governors of the University of North Carolina held on September 14, 2023, was sent to each member of the Board; and (3) a quorum was present at the meeting on September 14, 2023, at which time the foregoing resolution was adopted.

WITNESS, my hand and the seal of the University of North Carolina this 12th day of September 2024.

[SEAL]

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

AGENDA ITEM

A-4. North Carolina A&T State University Board of Trustees Appointment..... Pearl Burris-Floyd

Situation: North Carolina A&T State University Board of Trustees has one partial-term vacancy effective March 9, 2024, and ending on June 30, 2025.

Background: Lynn Wooten was originally appointed to the North Carolina A&T Board of Trustees for a term beginning July 1, 2021. Her current term ends on June 30, 2025. Ms. Wooten submitted her resignation effective March 11, 2024, leaving one vacancy on the board.

Assessment: Sean Suggs is recommended for appointment to fill this partial-term vacancy. Biographical information is included in the materials.

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

Sean Suggs

Sean Suggs is the president of Toyota Battery Manufacturing, North Carolina. Suggs directs Toyota's newest plant in North America, overseeing construction and start of production of the \$13.9 billion investment. Suggs joined Toyota in 1998 as a team leader at its manufacturing plant in Princeton, Indiana, after proudly serving in the U.S. Army for eight years. Suggs serves on the boards of Renasant Bank, Toyota U.S.A. Foundation, and S&P Global Mobility Council. Suggs holds a Master of Business Administration degree from Auburn University and a Bachelor of Science from Oakland City University in Oakland City, Indiana.

AGENDA ITEM

A-5. Western Carolina University Board of Trustees Appointment..... Philip Byers

Situation: Western Carolina University Board of Trustees has one partial-term vacancy effective July 2, 2024, and ending on June 30, 2025.

Background: Kathryn Greeley was originally reappointed to the WCU Board of Trustees for a term beginning July 1, 2023. Her current term ends on June 30, 2025. Mrs. Greeley resigned from the WCU board on July 2, 2024, because she was appointed to the University of North Carolina Board of Governors, leaving one vacancy on the board.

Assessment: Susan Strum is recommended for appointment to fill this partial-term vacancy. Biographical information is included in the materials.

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

Susan Strum

Susan Strum, a native of Franklin, North Carolina, received degrees in biology (BS) and chemistry (BA) from Western Carolina University in 1987. While a student, Strum was president of the Biology Club and recipient of the Don L. Yopp Merit Award and a Sigma Xi Research Award. Strum recently served as chair of the WCU College of Arts and Sciences Advancement Council from 2015 to 2019. Strum began her career in academic research then as a biochemist conducting pharmaceutical research, earning multiple awards for excellence. She is currently head of assay development at Sapere Bio Inc. in Research Triangle Park, North Carolina. She brought her industry experience and expertise to design, develop, and implement an innovative diagnostic product that measures molecular age in individuals with the purpose to improve their aging through intervention. Strum and her husband, Jay, also a WCU alumnus, have established an endowed scholarship in the WCU College of Arts and Sciences for students from the western North Carolina region who need financial assistance to achieve their educational goals. The Strums also sponsor a classroom in the new Apodaca Science Building in support of the Biology Department educational programs.

AGENDA ITEM

A-6. North Carolina School of Science and Math Board of Trustees AppointmentAlex Mitchell

Situation: North Carolina School of Science and Mathematics Board of Trustees has one partial-term vacancy effective June 1, 2023, and ending on June 30, 2025.

Background: Christina Koch was originally appointed to the NCSSM Board of Trustees for a term beginning July 1, 2021. Her current term ends on June 30, 2025. Ms. Koch was forced to resign from the NCSSM Board on July 1, 2023, due to unforeseen circumstances leaving one vacancy on the board.

Assessment: William “Billy” Pizer is recommended for appointment to fill this partial-term vacancy. Biographical information is included in the materials.

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

William “Billy” Pizer

Billy Pizer is the president and CEO of Resources for the Future, an independent, nonprofit research institution that improves environmental, energy, and natural resources decisions through impartial economic research and policy engagement. Dr. Pizer was previously the Susan B. King Professor and Senior Associate Dean for Faculty and Research at the Sanford School of Public Policy, where he served on the faculty for 10 years. From 2008 to 2011, he was deputy assistant secretary for environment and energy at the U.S. Department of the Treasury. Dr. Pizer holds a Ph.D. and an M.A. in economics from Harvard University and a B.S. in physics from the University of North Carolina at Chapel Hill. Dr. Pizer graduated from the North Carolina School of Science and Mathematics in 1986.

AGENDA ITEM

- A-7. Annual Report on Free Speech and Free Expression
Within the University of North CarolinaAndrew Tripp

Situation: As required by state law and Section 1300.8 of the UNC Policy Manual, *Free Speech and Free Expression Within the University of North Carolina System*, the report on free speech and free expression provides information annually on the following subjects:

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

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

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

Assessment: This report addresses free speech and free expression at the constituent institutions for the period of time between July 1, 2023, and June 30, 2024. The report finds that (1) the constituent institutions remain committed to promoting and protecting free speech and free expression; (2) disruptions and interference at scheduled speaking or expressive events have been minimal over the past year; and (3) the constituent institutions continue to work to provide information to various campus constituencies about rights and responsibilities associated with speech and expression on campus through policies, training, and other outreach; (4) the Foundation for Individual Rights and Expression (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 15 of 16 UNC System constituent higher education institutions; and (5) no constituent institutions have reported incurring meaningful additional costs related to security surrounding speakers or expressive events on campus, likely due to the use of virtual platforms.

Action: This item requires a vote by the committee.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

2023-2024 Report on Free Speech and Free Expression Within the University

September 5, 2024

**University of North Carolina System
Office Raleigh, North Carolina**

UNC Board of Governors

Committee on University Governance, acting as the designated Board Committee on Free Expression 2023-2024 Report on Free Speech and Free Expression Within the University

I. Executive Summary

This report addresses free speech and free expression at the constituent institutions¹ of the University of North Carolina System (“UNC System” or “the University”) for the period of time between July 1, 2023, and June 30, 2024, as required by the [Restore/Preserve Campus Free Speech Act](#) (“the Act”).² In preparing and publishing this report, the University of North Carolina Board of Governors Committee on University Governance (“committee”), as the designated Committee on Free Expression,³ was guided primarily by the elements required by the Act.⁴

With the requirements of the Act in mind, this report provides background on and context for free speech and free expression at UNC System constituent institutions. The report is effectively a “well visit.”

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

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

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

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

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

1. The constituent institutions remain committed to promoting and protecting free speech and free expression;
2. Disruptions and interference at scheduled expressive events have been minimal;
3. Constituent institutions have developed and utilized mechanisms for receiving, investigating, and resolving complaints regarding alleged free expression policy violations;
4. The constituent institutions are regularly providing information to campus constituencies about rights and responsibilities associated with expression on campus through policies, training, and other outreach;
5. The Foundation for Individual Rights and Expression (FIRE), which rates college and university speech policies, has awarded its highest rating to 15 UNC System constituent institutions.
6. No reporting constituent institutions have incurred undue financial costs related to security surrounding speakers or expressive events on campus; and
7. Constituent institutions continue to accept the recommendations for improvement contained in last year's report.

In addition to work happening on each individual campus, the University's collection of Responsible Officers, which are designated to ensure compliance with [Section 1300.8](#) of the UNC Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System*, have also engaged cooperatively to create and improve resources regarding free expression within the University System. The UNC System Office continues to maintain and update a webpage dedicated to providing information and resources related to free speech and free expression within the University.

Finally, it is important to note that the Board of Governors recently adopted Section 300.8.5 of the UNC Policy Manual, *Equality Within the University of North Carolina*, and its implementation is ongoing.

II. Background

A. University Commitment to Free Speech and Free Expression

As the nation's first public university, the University of North Carolina System affirms its long-standing commitment to free speech and free expression for its students, faculty members, staff employees, and visitors under the First Amendment of the U.S. Constitution and Article 1, Section 14, of the North Carolina Constitution. The University and its constituent institutions protect and promote these freedoms, consistent with First Amendment jurisprudence.⁵ Through its policies, the University has expressly established that no employment decision or academic decision shall be based on the exercise of these constitutional rights.⁶

B. Restore/Preserve Campus Free Speech Act

Through statute, the North Carolina General Assembly has affirmed that the primary function of the University of North Carolina System and each of its constituent institutions is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, each constituent institution must strive to ensure the fullest degree of intellectual freedom and

free expression. According to G.S. 116-300(2), “it is not the proper role of any constituent institution to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.”⁷

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

⁵ See, e.g., Sections 601, 604, and 608 of *The Code of the University of North Carolina (“The Code”)*. See also Sections 101.3.1, 300.1.1., 300.2.1, 700.4.2, and 1300.8 of the UNC Policy Manual.

⁶ See Sections 601, 604, and 608 of *The Code*. See also Sections 101.3.1, 300.1.1, 300.2.1, 700.4.2 of the UNC Policy Manual.

⁷ G.S. 116-300(2).

III. Discussion of Free Speech and Free Expression at the University During the 2023-24 Academic Year and Committee Findings

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

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(1) A description of any barriers to or disruptions of free expression within the constituent institution, including specific incidents and/or particularized complaints. ⁸	<ul style="list-style-type: none"> • No constituent institution reported an institutional barrier or disruption of free expression during the academic year. • Notwithstanding the foregoing, UNC-Chapel Hill and UNC Charlotte reported student and outsider gatherings of varying size that resulted in disruptions of campus activities and consequently arrests. Both institutions' experiences were reported in the news.
(2) A description of the administrative handling and discipline relating to disruption or barriers identified in response to (1). ⁹	<ul style="list-style-type: none"> • Other than UNC-Chapel Hill and UNC Charlotte, no responding institutions had administrative action to report. • In the case of UNC-Chapel Hill and UNC Charlotte, student behavior on campuses in the vein of disruption resulted in student conduct proceedings and in some instances criminal arrest and prosecutions.
(3) Identification and description of any difficulties, controversies, and successes in maintaining a posture of administrative and institutional neutrality about political or social issues. ¹⁰	<ul style="list-style-type: none"> • The responding institutions reported consistently that the work of free expression went on. • The responding institutions consistently reported steady and regular efforts to foster a culture of free expression. • UNC Asheville experienced many successes in maintaining a posture of institutional neutrality. In December 2023, UNC Asheville invited Will Creeley of the Foundation for Individual Rights and Expression to present to the university's senior staff. Mr. Creeley's presentations discussed the principles and importance of free expression in higher education. Institutions reported success in maintaining institutional neutrality regarding the ongoing conflict in Israel and Gaza.

⁸ [G.S. 116-301\(c\)\(1\)](#) and Section 1300.8, VIII.C.1 of the UNC Policy Manual.

⁹ [G.S. 116-301\(c\)\(2\)](#) and Section 1300.8, VIII.C.2 of the UNC Policy Manual.

¹⁰ [G.S. 116-301\(c\)\(3\)](#) and Section 1300.8, III and VIII.C.3 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(4) Any assessments, criticisms, commendations, or recommendation the constituent institution would like the committee to consider in preparing the annual report. ¹¹	<ul style="list-style-type: none"> One campus recommended additional training to ensure Free Speech Responsible Officers are able to maintain their credibility as a resource on campus. UNC Asheville raised a thoughtful question about how to reconcile the commitment to institutional neutrality with a recent “Dear Colleague” letter from the Department of Education regarding a university’s communication of opposition to stereotypical, derogatory opinions.
(5) Confirmation of whether the institution fulfilled the University policy requirements to disseminate information about institutional policies during the 2023-24 academic year.	<ul style="list-style-type: none"> All responding institutions indicated that they had disseminated information as required by policy.
(6) Identification of representative institutional policies that reinforce commitment to free speech and free expression (e.g., academic freedom, tenure regulations, facilities use, etc.).	<ul style="list-style-type: none"> Many institutions reported amending or adopting policies, including facilities use policies, student codes of conduct, and student organization policies or referenced back to having previously undertaken those efforts in prior years. Here, too, UNC Asheville was leader in updating and modernizing its facility use policy and student conduct policies in light of an expected rise in the number of student gatherings in the coming semester. Most notably, the Board of Governors adopted Section 300.5.8 of the UNC Policy Manual which restates in one place the myriad laws and policies affirming equality, nondiscrimination, and institutional neutrality within the University. Finally, UNC-Chapel Hill recently updated its student conduct policies in a meaningful way ensuring even more timely, fair adjudication of conduct proceedings on that campus.

¹¹ [G.S. 116-301\(c\)\(4\)](#) and Section 1300.8, VIII.C.4 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(7) Examples of speakers or other events that have been held at the institution during the 2023-24 academic year.	<ul style="list-style-type: none"> • See Exhibit 1 attached.
(8) Identification of communications, trainings, or other educational outreach regarding free speech and free expression that have been provided during the 2023-24 academic year.	<ul style="list-style-type: none"> • All institutions identified free expression communications, trainings, or outreach that had taken place during the academic year.
(9) Information about security and other costs associated with protecting and affirming free expression on campus.	<ul style="list-style-type: none"> • Most Institutions report either no or minimal additional security costs associated with expressive events. • WSSU provided itemized costs related to law enforcement while acknowledging that breaking those costs down between free speech-related and other events is impractical.

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

through policies, training, and other outreach; (4) the Foundation for Individual Rights and Expression (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 15 of 16 UNC System constituent higher education institutions; and (5) no constituent institutions have reported incurring meaningful additional costs related to security surrounding speakers or expressive events on campus, likely due to the use of virtual platforms.

IV. Implementation of Past Report Recommendations

Constituent institutions reported a variety of processes and resources that have been introduced or improved to implement recommendations from the committee’s 2022-23 free expression annual report.

V. New Initiatives & Committee Recommendations for 2023-24

The committee recognizes that there are always opportunities for improving the University’s commitment to free speech and free expression.

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

1. Continue to foster opportunities for free speech and free expression among campus communities that are geographically disconnected due to social distancing guidelines.
2. Continue to adapt traditional free expression expectations within increased virtual instruction and online interaction.
3. Continue to provide training to constituent institution administrators who have transitioned into the Responsible Officer title.
4. Continue to foster a culture of conversation among all stakeholders about the importance of free expression. High repetition of low intensity reminders pays dividends in the way that all campus stakeholders consider the importance of free expression in their daily lives.
5. Seek universal “green” status across the UNC System from FIRE.
6. Monitor implementation of the Compelled Speech Policy and the Equality Policy and answer to the best of our ability specific, concrete questions as they arise in consultation with the Division of Legal Affairs.

V. Conclusion

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

The annual obligations that produce this report effect a culture of periodic “well visits” checking into the health of free expression on our campuses. This report confirms that the transparency and accountability

required by the originating legislation are having their desired effect, and the content of this report remains consistent generally year over year. The reporting and survey responses document that the importance of free expression is at the fore of our responding institutions' minds and creating neutral forums in which diverse thought is fostered has become a habit at our universities and within the committee itself.

Accepted by the UNC System Board of Governors Committee on University Governance, the designated Board Committee on Free Expression on September 5, 2024.

Exhibit 1

Examples of Free Speech Events Held on Campuses

1. **Winston-Salem State University.** A survey of WSSU's scheduling and space reservation platform (25 Live) was conducted to identify instances of speakers and lectures on campus. Approximately 27 events were found. Additionally, a search of the RAMSync database for student-led events was conducted to identify speaker events. Twenty-six (26) events were identified with topics ranging from Bible studies or the importance of the black vote in American history to a forum with Liz Cheney at Wake Forest University.

2. **Appalachian State University.** Constitution Week Events, which included a bipartisan panel of local leaders to a discussion called "Our Constitution and the Call for Public Service" on September 18, 2023. We attended a local Temple service to discuss campus resources and opportunities around free speech.

3. **East Carolina University.** ECU continued to host its "Cupola Conversations" discussion series and held regular events and invited speakers throughout the 2023-24 academic year.

4. **UNC-Chapel Hill.** Aside from the events described above where there were disruptions to campus, many peaceful protests and speaker events occurred. The following list is a sampling. September 21, 2023, students held a peaceful protest sit-in on the steps of Wilson Library to advocate for a Palestinian flag to fly at Kenan Flagler Business School, among the other flags. October 4, 2023, the Hussman School of Journalism and Media co-hosted a panel with the FIRE on legal challenges faced by media professionals. Two protests occurred October 12, 2023. Students for Justice in Palestine held a rally, which attracted a counterprotest of pro-Israel individuals. UNC-Chapel Hill Police supervised the event, which remained peaceful. Students gathered outside the Carolina Inn to protest an event inside hosting speakers from Starbucks. Protesters did not enter the building and disrupt the event. October 17, 2023, Kristan Hawkins, president of Students for Life of America, spoke inside the Carolina Union, while other student groups held a pro-choice party in the Pit. October 26, 2023, Dr. Ben Carson spoke at UNC-Chapel Hill. January 30, 2024, Cornel West spoke in a panel along with UNC-Chapel Hill faculty. February 7, 2024, Jonathan Haidt spoke on social media and free speech. February 23, students hosted speaker Imam Wisam Sharieff. March 6 Turning Point USA hosted Candace Owens. NASA astronaut and alumna Zena Cardman was the keynote speaker for the 2024 Commencement. April 12, 2024, students peacefully marched on South Building to demand that a suspended law student be permitted to attend graduation.

5. **UNC Asheville.** UNC Asheville hosted a variety of expressive activities in 2023-24. These included student organization events, spontaneous demonstrations, University-sponsored events, and use of university space by public users.

6. **UNC Wilmington.** UNCW experienced three peaceful student protests this year that did not cause any incidents or disruptions to the campus. These included a spring 2024 demonstration of around 50 students marching in support of DEI resources and a group of fewer than five students who convened in the university amphitheater by Fisher Student Union to talk about the conflict Gaza. Another group of around 20 students convened at the dining hall to support peace in the Gaza area by doing artwork. Again, there were no incidents or disruptions associated with these examples of expression by our students. Only the larger event required, and was, registered in advance of the convening. There were no additional security costs. Freedom of Expression/Constitution Day Event "F.O.E.-

on-the-Go” Freedom of Expression event, Wednesday, Sep 20, 2023, featuring 10 didactic posters depicting pivotal free-speech cases in U.S. history; an interactive activity inviting input on participants’ attitudes about free expression; a First Amendment quiz; and distribution of free pocket copies of the U.S. Constitution. Leadership Lecture Series Tuesday, October 17, 2023. Leadership Lecture Series featuring Tara Schuster, former vice president of Talent and Development at Comedy Central. Monday, November 6, 2023. Chancellor's Dare to Learn Lecture featured Donna Brazile, veteran Democratic political strategist, and Karl Rove, foremost conservative commentator. Tuesday, March 19, 2024. Leadership Lecture Series featured Rebekah Taussig, disability advocate, educator, and best-selling author. Wednesday, April 10, 2024. Leadership Lecture Series featured Jason Collins, first openly gay player in major league sports and former NBA player. 2023-2024- Events Conducted by Student Organizations 1. Ranked Choice Voting Information Session with Better Ballot North Carolina – College Democrats 2. Meet Josh Stein- NC Governor Candidate– College Democrats 3. Meet Jeff Jackson- NC Attorney General Candidate – College Democrats 4. Chalk Against Hate, Hate Prevention Union a. Join The Hate Prevention Union in an evening of chalking to spread solidarity and hope to members of the Seahawk community. 5. Chalk Against Hate II, Hate Prevention Union a. Join us for our second Chalk Against Hate event! Help us fill our campus with chalk to show solidarity with all of our marginalized students. 6. Debate Prep: Private Prisons, Dialectic and Ethikos Parliamentary Societies a. In preparation for our next debate, we will be doing a prep session on private prisons! This is a topic with a lot of complexity, so the purpose of this meeting is for people to share their knowledge and experience of privatization so that we can all go into the debate with similar knowledge bases. 7. Resolved: Abolish Private Prisons, Dialectic and Ethikos Parliamentary Societies a. This week's discussion. All are welcome. 8. Resolved: The United States Should Re-Legalize Dueling, Dialectic and Ethikos Parliamentary Societies a. This is our second general meeting of the Fall 2023 term. We will be meeting in Centro Hispano as opposed to our normal meeting spot. Hope to see you all there! 9. Resolved: An Omniscient and Omnipotent God Must Be Evil, Dialectic and Ethikos Parliamentary Societies a. For our 3rd general meeting, we will be tackling a classic question argued by great minds like Fyodor Dostoyevsky and Gottfried Leibniz. As always, our podium is open for all students to attend, listen, and speak their mind! 10. Weekly Meeting with Guest Speaker Councilman Luke Waddell, College Republicans 11. Weekly Meeting with Guest Speaker Dane Scalise, College Republicans 12. Weekly Meeting with Guest Speaker Chairman Nevin Carr, College Republicans

7. **UNC Pembroke.** UNCP hosted 57 Deliberative Dialogue events across campus focused on building civil discourse and communication across differences with a focus on listening to understand one another. Some creative examples of free expression events and topics include: JusticeCon, a hybrid academic conference and ComicCon type event, hosted 26 presentations over two days with faculty, staff, and students presenting a variety of sessions. Other hosted events during the year included Activating Civic Leaders, Sustainability & Fast Fashion, and the Impact of Service on Mental Health. Two deliberative dialogue dinner events were hosted with speakers/panels: a military leadership panel with alumni and faculty in fall 2023 and one with UNCP BOT chair Allen Jamerson in spring 2024.

8. **NC State.** December 2023 Commencement Ceremony – Debbie Antonelli (ESPN and CBS College Basketball Analyst) Spring 2024 Commencement Ceremony – Dr. David W.C. MacMillan (Nobel Prize-winning Chemist) Institute for Emerging Issues forum – Michelle Singletary (Personal Finance Columnist, Washington Post); Mariel Beasley (Co-Founder, Common Cents Lab); Senator Sydney Batch; Representative Stephen Ross Shelton Leadership Forum – Adam Markel (Author); Dr. Taryn Marie Stejskal (Founder and Chief Resilience Officer, Resilience Leadership Institute) Materials Science and Engineering Seminar Speaker – Jay Guo (University of Michigan) MADTech Lecture – Stella Rosen (Animator) Architecture Lecture – Arthur J. Clement, FAIA (Architect) Paul Zia Distinguished Lecture – Ellen Spangler (Senior Project Manager, Mortenson Construction); Frank Freudenberger (Structural Engineer and

Associate Principal, Arup) Labcorp Leadership in Technology Speaker Series – Jerry Heneghan (Co-Founder and Chief Design Officer, BioMojo) GXD Speaker Series – Will Hall (Chief Creative Officer, RAIN)

10. **UNC Charlotte.** “Political Frenemies Live! with Berny Jacques and Geston Pierre” - Children of Haitian immigrants, childhood friends Berny Jacques and Geston Pierre don’t agree on much politically, but both love our country, and respect each other. In this presentation, they tackled extraordinarily controversial issues while modeling constructive dialogue and remaining friends. (September 2023). “The Identity Trap” - Yascha Mounk, associate professor of the practice of International Affairs at Johns Hopkins University's School of Advanced International Studies. Dr. Mounk discussed his new book, positing that equality is not helped but harmed when we obsess over group identity, when we stifle discourse, and when we deny that members of different groups can truly understand each other. (September 2023) Constructive Dialogue Institute Faculty Workshop/Luncheon on integrating respectful conversations into the classroom” - Jake Fay, director of education, Constructive Dialogue Institute. Faculty workshop to learn how to incorporate simple techniques into the classroom to engage students to talk to one another. (November 2023) “Speak Louder” - Riley Gaines, The Riley Gaines Center at the Leadership Institute. Open event sponsored by FECD Task Force. Riley Gaines is a leader defending women’s single-sex spaces, advocating for equality and fairness, and standing up for women’s safety, privacy, and equal opportunities. (February 2024) “You Can Play” - Kurt Weaver, COO of You Can Play. Open event sponsored by FECD Task force. You Can Play is a nonprofit committed to “inclusive sport through education, advocacy and support. (March 2024). "Simple Interactions" - Emma Lee, director, Fred Rogers Institute. Simple Interactions is a practice-based, strengths-focused, and community-driven approach to facilitate best practices for interactions with others for support helpers who serve children, youth, and families. (April 2024).

11. **UNC Greensboro.** Representative events include: Critical Conversations Conference on March 16, 2024. The keynote speaker was Dr. Bettina L. Love, who is the William F. Russell Professor at Teachers College, Columbia University; in the spring 2024 semester, students gathered to protest/vigil the unrest in Palestine and the student demonstration featured various student speakers; Jodi Hays, Visiting Artist Talk sponsored by the School of Art (9/7/23); Natalie Rogers-Cropper, executive director of Garth Fagan Dance, April 3, 2024; Chris Botti pre-concert masterclass hosted by Mark Engebretson, November 3, 2023; Department of Peace and Conflict Studies (PCS) panel discussion "Navigating Dialogue in an Intractable Conflict: Perspectives on the Middle East Turmoil" November 20; Dr. Jeremy Rinker (UNCG PCS), Dr. Ali Askerov (UNCG PCS), and two external speakers: Max Carter (retired Guilford College faculty) and Roy Schwartzman (former Communications Studies professor at UNCG).

12. **Elizabeth City State University.** Know Your Rights Forum (no invited speaker), Tunnel of Oppression (no invited speaker), Vikings Voices Matter Event (no invited speaker), March to the Polls event (no invited speaker), Protecting Your Voice (Nonpartisan speaker panel), What Matters to You: Having Your Say (no invited speaker; student forum)