

DRAFT MINUTES

February 7, 2020
University of North Carolina
Center for School Leadership and Development, Room 128
Chapel Hill, North Carolina

Call to Order

The Board of Governors met in a special session on February 7, 2020, in Room 128, at the UNC Center for School Leadership and Development in Chapel Hill. Chair Ramsey called the meeting to order at 10:00 a.m.

Roll Call

Assistant Vice President and Secretary of the University, Meredith Steadman, called the roll. The following members were present:

Darrell T. Allison	Steven B. Long (<i>recused</i>)
W. Louis Bissette, Jr.	J. Alex Mitchell
Kellie Hunt Blue	Wendy F. Murphy
C. Philip Byers	Anna S. Nelson
Carolyn L. Coward	R. Doyle Parrish
N. Leo Daughtry	David M. Powers
Thomas H. Fetzer	Randy C. Ramsey
Thomas C. Goolsby	Robert A. Rucho
Reginald R. Holley	Adam J. Schmidt
James L. Holmes, Jr.	O. Temple Sloan III
Martin L. Holton III	Dwight D. Stone
H. Terry Hutchens	Michael L. Williford
W. Marty Kotis III	

The following member was absent:
Pearl Burris-Floyd

State Ethics Act

Chair Ramsey stated that, under the State Ethics Act, members have a duty to avoid conflicts of interest and appearances of conflicts and asked if anyone had a potential conflict. Mr. Long stated that he had a conflict and would not be participating in any votes.

Chair's Remarks

The Board convened to discuss recommendations from the Committee on University Governance regarding complaints filed by and about members of the East Carolina University (ECU) Board of Trustees. These included: a complaint by Vern Davenport, Fielding Miller, and Vince Smith against Robert Moore and Phil Lewis and complaints by Robert Moore against Vern Davenport and Fielding Miller.

Secretary Steadman called on the individual speakers, each of whom were given two minutes to speak, as follows:

Speaker 1: Shelby Hudson, former student, ECU
Speaker 2: Colin Johnson, Student Government President, ECU
Speaker 3: Fielding Miller, vice chair, ECU Board of Trustees
Speaker 4: Bob Plybon, member, ECU Board of Trustees
Speaker 5: Vern Davenport, chair, ECU Board of Trustees
Speaker 6: Vince Smith, secretary, ECU Board of Trustees
Speaker 7: Jim Segrave, member, ECU Board of Trustees
Speaker 8: Tom Furr, member, ECU Board of Trustees

Mr. Kotis requested that a copy of Miss Hudson's full prepared statement to the Board of Governors be entered into the record (see Appendix A).

Report of the Committee on University Governance

Mr. Powers, chair of the committee, reported that, at its meeting on February 5, 2020, the committee considered these complaints and voted to recommend taking no action on them.

Motion: Resolved, that the Board table the Committee on University Governance's recommendation that no action be taken.

Motion: David Powers

Motion carried

Mr. Kotis expressed concern with the conduct of ECU board of trustee member, Phil Lewis. He then reviewed excerpts of the transcript of the recorded meeting that was the subject of the complaint against Mr. Lewis as well as the portions of Section 200.7 of the UNC Policy Manual that Mr. Kotis believed had been violated. Mr. Kotis requested that his meeting materials and notes be entered into the record (see Appendix B). Next, Mr. Kotis offered the following motion.

Motion: Resolved, that on behalf of the Board of Governors, this Board vote to remove Phil Lewis from the East Carolina University Board of Trustees immediately.

Motion: Marty Kotis

Substitute motion: Mr. Fetzer motioned that the Board of Governors censure Mr. Lewis and Mr. Moore and that a formal, written reprimand be issued to the entire ECU Board of Trustees for what has taken place. During discussion, Mr. Holmes stated that the Board must acknowledge there are several issues involved and it is important to deal with them separately. Furthermore, Mr. Holmes moved that Mr. Fetzer's motion be tabled.

Motion tabled

A recess was declared for five minutes prior to the vote on Mr. Kotis' motion. The Board recessed at 11:10 a.m. and resumed at 11:15 a.m.

Upon resuming, Mr. Schmidt requested that the letter dated February 7, 2020 from the Presidents of the UNC Association of Student Governments, addressed to the UNC Board of Governors, be entered into the record (see Appendix C).

Ahead of the vote on Mr. Kotis's motion, Mr. Lewis asked to make a statement. He addressed the Board and offered his resignation from the ECU Board of Trustees immediately.

Following Mr. Lewis’s tender of his resignation, Mr. Holmes made the following substitute motion:

Substitute Motion: Resolved, that on behalf of the Board of Governors, this Board accept Mr. Lewis’s resignation effective immediately.

Motion: Jim Holmes

Motion carried

The Board proceeded with its discussion regarding Mr. Moore and the following motion was offered.

Motion: Resolved, that the Board of Governors, 1) censure and reprimand Mr. Robert Moore for engaging in misconduct in violation of his duties as a member of the ECU Board of Trustees; and, 2) that as part of this sanction, any votes cast by Trustee Moore from today through September 30, 2020, on any matter coming before the ECU Board of Trustees or on any committee of the ECU Board of Trustees shall not be counted, to the extent the matter involves an exercise by the board of trustees of any power, duty, authority, or responsibility defined or delegated by the Board of Governors. The motion was properly seconded by Dr. Rucho. After adopting the motion, a Roll Call vote was taken and recorded below.

Motion: Jim Holmes

Roll Call Vote	
Allison	Yes
Bissette	<i>Non-voting</i>
Blue	Yes
Burris-Floyd	<i>Absent</i>
Byers	Yes
Coward	Yes
Daughtry	Yes
Fetzer	Yes
Goolsby	<i>Absent</i>
Holley	Yes
Holmes	Yes
Holton	No
Hutchens	Yes
Kotis	Yes
Long	<i>Recused</i>
Mitchell	Yes
Murphy	Yes
Nelson	Yes
Parrish	No
Powers	Yes
Ramsey	Yes
Rucho	Yes
Schmidt	<i>Non-voting</i>
Sloan	No
Stone	Yes
Williford	Yes

Motion carried with 18 votes in the affirmative and three against.

Next, Mr. Powers spoke about the complaints brought by Mr. Moore against Mr. Davenport and Mr. Miller. At its meeting earlier this week, Mr. Moore requested that he be allowed to withdraw his complaints. Because there was no clear procedure allowing the withdrawal of a request for removal, the committee voted to take no action and refer the matter to the full Board for consideration, with the understanding that Mr. Moore's request to withdraw the complaints would be brought to the full Board.

Motion: Resolved, that the Board accept the Committee on University's Governance recommendation to take no action in light of Mr. Moore's request to withdraw his complaint.

Motion: David Powers

Motion carried

Mr. Powers also announced that the Committee on University Governance will form a working group composed of student body presidents, chancellors, members of the boards of trustees, and members of the UNC Board of Governors, to review student election procedures.

In closing, Chair Ramsey remarked that "all Board of Governors members and every trustee must remember why they are in their positions and who they represent. We are all stewards of North Carolina's crown jewel – one of the best higher education systems in the world."

There being no further business, the meeting adjourned at 11:33 a.m. The next meeting of the Board of Governors is scheduled for Friday, February 21, 2020, at the UNC Center for School Leadership Development in Chapel Hill.

Wendy Floyd Murphy, Vice Chair

APPENDICES

The Appendices are part of the official record of the meeting and are posted on the UNC System website at:
<http://www.northcarolina.edu/apps/bog/index.php>

- Appendix A Full transcript of Ms. Shelby Hudson’s statement to the Board of Governors
- Appendix B Excerpts of transcript between Phil Lewis, Robert Moore, and Ms. Hudson cited by Mr. Marty Kotis
- Appendix C UNC Association of Student Governments Letter dated February 7, 2020