



MEETING OF THE BOARD OF GOVERNORS  
Committee on University Governance

May 16, 2022 at 11:00 a.m.  
Via Videoconference and PBS North Carolina Livestream

## AGENDA

### OPEN SESSION

- A-1. Approval of the Open Session Minutes of April 6, 2022..... David Powers
- A-2. Appalachian State University Board of Trustees Appointment..... David Powers
- A-3. PBS North Carolina Board of Trustees Appointment.....Terry Hutchens
- A-4. UNC Press Board of Governors Appointments ..... David Powers
- A-5. North Carolina State Education Assistance Authority Board of Directors Appointment ... David Powers
- A-6. State Building Commission Appointment ..... David Powers

### CLOSED SESSION

- A-7. Approval of the Closed Session Minutes of April 6, 2022..... David Powers
- A-8. Legal Affairs Report..... Andrew Tripp

### OPEN SESSION

- A-9. Adjourn

## Closed Session Motion

### Motion to go into closed session to:

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

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

- *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*
- *Matter of Estate of Montae Imbt Johnson (UNCG)*
- *Deena Dieckhaus, et al. v. UNC Board of Governors*
- *Martha Hoelzer v. UNC Board of Governors, et al.*
- *Olethia Davis v. The University of North Carolina a/k/a The University of North Carolina System (TA-26853)*
- *Julie Torbett Thomas v. East Carolina University and University of North Carolina*
- *Mustafa Ibrahim Selim v. East Carolina University, et al.*

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

## DRAFT OPEN MINUTES

April 6, 2022

Via Videoconference and PBS North Carolina Live Stream  
A.K. Hinds University Center, Grand Room (3<sup>rd</sup> Floor)  
Western Carolina University  
Cullowhee, North Carolina

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

Chancellors participating in person were Karrie Dixon and Philip Rogers. Wesley Burks was absent from this meeting.

Special guests were Senator Amy Galey and Senator Mike Woodard of the North Carolina State Senate, and Representative Jon Hardister and Representative Zack Hawkins of the North Carolina House of Representatives.

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

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

Chair David Powers called the meeting to order at 1:15 p.m., on Wednesday, April 6, 2022.

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

The chair next called for a motion to approve the open session minutes of April 6, 2022.

**MOTION:** Resolved, that the Committee on University Governance approve the open session minutes of April 6, 2022, as distributed.

**Motion:** Mark Holton

**Motion carried**

### 2. Vidant Medical Center Board of Trustees Appointments (Item A-2)

The chair provided background information to the committee on the nominees, as well as the process for the nominations, roles, responsibilities, and duties of the Vidant Medical Center Board of Trustees.

**MOTION:** Resolved, that the Committee on University Governance approve appointment of Angela A. Allen to fill Seat 4; the reappointment of Philip G. Rogers to Seat 5; and the reappointment of Carlester Crumpler to Seat 20. All appointments are for a period of five years, ending February 28, 2027.

**Motion:** David Powers

**Motion carried**

### **3. Free Speech and Free Expression Presentation (Item A-3)**

In November 2020, the committee began its series of presentations on free speech and free expression with an informative discussion on the state of free expression. For the fourth presentation of this series, the committee was joined by Senator Amy Galey and Senator Mike Woodard of the North Carolina State Senate, and Representative Jon Hardister and Representative Zack Hawkins of the North Carolina House of Representatives. The discussion focused primarily around finding common ground with differing opinions and the safety of students on the campus.

### **4. Closed Session**

Chair Powers called on Mr. Holton for the closed session motion. Mr. Holton moved that the committee go into closed session to prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 and § 131E-97.3 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes; to consult with our attorney to protect attorney-client privilege; and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action for the following cases: *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*; and *David Derkits v. East Carolina University and UNC Board of Governors*. Pursuant to G.S. 143-318.11(a)(1) and (3).

**Motion:** Mark Holton

**Motion carried**

**THE MEETING MOVED INTO CLOSED SESSION AT 2:25 P.M.**

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

**THE MEETING RESUMED IN OPEN SESSION AT 2:34 P.M.**

### **5. Adjourn**

There being no further business and without objection, the meeting adjourned at 2:39 p.m.

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Mark Holton, Secretary

**AGENDA ITEM**

A-2. Appalachian State University Board of Trustees Appointment .....David Powers

- Situation:** Appalachian State University Board of Trustees has one partial-term vacancy effective March 26, 2022, and ending on June 30, 2023.
- Background:** John M. Blackburn was originally appointed to the Appalachian State University Board of Trustees for a term beginning July 1, 2015, and reappointed for a term beginning July 1, 2019. His current term ends on June 30, 2023. Mr. Blackburn submitted his resignation effective March 26, 2022, after accepting an appointment to the State Board of Education, leaving one vacancy on the board.
- Assessment:** Anita B. Greene 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.

**Anita B. Greene**

Anita B. Greene is the manager and owner of Artisanal Restaurant in Banner Elk, North Carolina. Green opened Artisanal Restaurant in September 2005. In addition to Artisanal, Green embarked on a new and different restaurant venture in Charlotte 2019, with the opening Peppervine Restaurant.

Her experience as a restaurant owner and working in different businesses was important in her understanding of the dedication needed to achieve goals and resolving issues in business. Working with the public taught her valuable interpersonal skills that were needed to run her own business.

Green grew up in a small town in Aiken County, South Carolina. A daughter of Indian immigrants, she was taught to work and study hard. Working in her family's business taught her how to interact with many different types of personalities at school and at work. Green graduated from the University of South Carolina with a degree in mechanical engineering.

**AGENDA ITEM**

A-3. PBS North Carolina Board of Trustees Appointment ..... Terry Hutchens

**Situation:** PBS North Carolina Board of Trustees has seven members who were appointed by the Board of Governors whose terms end June 30, 2022.

**Background:** PBS North Carolina Board of Trustees serves in a direct advisory capacity, assuring that public involvement and perspectives will have further influence on PBS NC operations. The Board of Governors appoints 11 trustees, the governor appoints four, and the president *pro tempore* of the North Carolina Senate and speaker of the North Carolina House of Representatives each appoint one. Five serve *ex officio*: the president of the University of North Carolina System, the president of the NC Community College System, the superintendent of public instruction, the secretary of health and human services, and the secretary of cultural resources.

**Assessment:** At this time, Chair Jack Clayton of the PBS North Carolina Board of Trustees has requested that the committee consider Anne Mayo Evans for reappointment at its May meeting for a four-year term, ending June 30, 2026. Additional time is needed for recommendations of the remaining six individuals and will be brought to the committee at its July meeting. 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.

**Anne Mayo Evans**

Anne Mayo Evans, a native of Tarboro, North Carolina, has practiced law since 1987. She is currently with the law firm of Player & McLean, L.L.P. in Fayetteville, North Carolina. Evans practice has included experience with commercial real estate transactions, environmental easements, zoning, creditor and debtor issues, condemnation, real estate and construction law claims and litigation, estates, and securities law. She currently concentrates on commercial transactions and leases, construction and corporate law, creditor and collection issues and litigation, and advises clients on a wide range of real property law issues.

Evans obtained her undergraduate degree in 1978 from the University of North Carolina at Chapel Hill. She graduated cum laude in 1987 from the Norman Adrian Wiggins School of Law, Campbell University, where she was a member of the Editorial Board of the Campbell Law Review. Evans is a former president and first vice-president of the Cumberland County Bar Association and Twelfth Judicial District Bar and has served on the North Carolina Bar Association Bankruptcy Council and Local Bar Services Committee. She has also served on the boards of various local organizations, including the Center for Economic Empowerment and Development and Cape Fear Regional Theatre.



**AGENDA ITEM**

A-4. UNC Press Board of Governors Appointments.....David Powers

**Situation:** UNC Press has three vacancies on its Board of Governors with five-year terms beginning July 1, 2022, and ending June 30, 2027.

**Background:** The UNC Press Board of Governors has 15 elected members who serve five-year terms and may be reelected for successive terms up to a service limit of three full terms. Fourteen of the current members actively hold an academic position at universities including Appalachian State University, North Carolina A&T State University, North Carolina Central University, North Carolina State University, University of North Carolina at Chapel Hill, and University of North Carolina at Greensboro.

According to its by-laws, the UNC Press Board of Governors creates a nominating committee and submits a slate to the chancellor of University of North Carolina at Chapel Hill who transmits it to the president of the UNC System, who presents it to the Board of Governors.

**Assessment:** Following the recommendation of UNC Press and UNC-Chapel Hill Chancellor Guskiewicz, President Hans nominates for reappointment Matthew Morse Booker, Anita Brown-Graham, and Blair L. M. Kelley. Biographical information for each is included in the materials.

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

**Matthew Morse Booker**

Matthew Morse Booker is an associate professor of environmental history at North Carolina State University.

Booker holds a BA in Latin American history from the University of California, Berkeley, an MS in environmental studies from the University of Oregon, and received his Ph.D. in American history from Stanford University. He has published in a wide variety of forums on the interrelations between human beings and the natural world, with an emphasis on coastal cities in North America. Booker also regularly collaborates with K–12 teachers, museum curators, natural scientists, and others who love the humanities. His current research explores the rise and fall of food production within American industrial cities, and his most recent book, with Chad Ludington, *Food Fights: How History Matters to Contemporary Food Debates*, pairs essays debating food safety, agricultural and food subsidies, GMOs, and other urgent disputes.

**Anita Brown-Graham**

Anita Brown-Graham is the founder and director of the ncIMPACT Initiative at the University of North Carolina at Chapel Hill School of Government. This initiative seeks to expand the school's capacity to work with public officials on complex policy issues including economic mobility, the expansion of prekindergarten, and extending the labor pool. In 2020, she was named the Gladys Hall Coates Distinguished Professor of Public Law and Government at the school.

Brown-Graham previously taught at the School of Government from 1994 to 2006, specializing in governmental liability and economic development aimed at revitalizing communities. Brown-Graham served as director of the Institute for Emerging Issues (IEI) at North Carolina State University from 2007–16, where she led efforts to build North Carolina's capacity for economic development and prosperity, working with business, government, and higher education leaders from across the state.

Brown-Graham began her career as a law clerk in the Eastern District of California. She is a William C. Friday Fellow, an American Marshall Fellow, and was named Distinguished Global Fellow by the Eisenhower Fellowships in 2021. The White House named her a 2013 Champion of Change for her work at IEI, and the Triangle Business Journal awarded her the inaugural 2021 Andrea Harris Trailblazer Award and named her a 2017 CEO of the year. Brown-Graham earned an undergraduate degree from Louisiana State University and a law degree from UNC-Chapel Hill.

**Blair L. M. Kelley**

Blair L. M. Kelley is assistant dean for Interdisciplinary Studies and International Programs in the College of Humanities and Social Sciences and associate professor of History at North Carolina State University. Kelley is currently at work on a new book, *Black Folk: The Promise of the Black Working Class*, for Liveright–W.W. Norton and Company, which was awarded a 2020 Creative Nonfiction Grant by the Whiting Foundation. Her first book, *Right to Ride: Streetcar Boycotts and African American Citizenship*, won the Letitia Woods Brown Best Book Award from the Association of Black Women Historians.

Kelley received her BA from the University of Virginia in History and African and African American Studies. She earned her MA and Ph.D. in history, and graduate certificates in African and African American Studies and Women's Studies at Duke University.

**AGENDA ITEM**

A-5. North Carolina State Education Assistance Authority Board of Directors Appointment.....David Powers

**Situation:** The North Carolina State Education Assistance Authority (NCSEAA) Board of Directors has one vacancy, for a four-year term vacancy.

**Background:** The North Carolina State Education Assistance Authority is a political subdivision of the state, governed by a nine-member board of directors. Members are appointed for terms of four years, with the exceptions of the chief financial officers of the UNC System and the North Carolina Community College System, who each serve in the capacity as an *ex officio* member.

Appointment of members to the NCSEAA Board of Directors was recently modified (S.L. 2021-180, Section 8A.4.(a)), with the purpose that three of the seven members are appointed by the UNC Board of Governors and the remaining four members are appointed by the governor. The three appointments by the Board of Governors, as a seat becomes vacant, includes one member who has expertise in secondary or higher education; one member who is be a chief financial officer or chief administrative officer from a nonpublic K-12 school, participating in the Opportunity Scholarship program; and one member who has expertise in finance. The governor appoints one member who has expertise in finance; one member who has expertise in secondary or higher education; one member who is a member of the public at large with an interest in higher education; and one member shall be a chief financial officer from a college or university that is a member of North Carolina Independent Colleges and Universities, Inc., appointed upon the recommendation of North Carolina Independent Colleges and Universities, Inc. Members appointed by the governor and the Board of Governors serve for a term of four years until their successors are appointed and duly qualified.

**Assessment:** Currently, there is one vacancy to be appointed by the Board of Governors, where the member is a chief financial officer or chief administrative officer from a nonpublic K-12 school, participating in the Opportunity Scholarship program. Tim Montgomery is recommended to fill this position for a four-year term, beginning January 15, 2022, and ending January 15, 2026. Biographical information is included in the materials.

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

**Tim Montgomery**

Tim Montgomery joined The Piedmont School in January of 2013 as the new head of school. Prior to coming to The Piedmont School, Montgomery was at Noble Academy in Greensboro for 13½ years, the last seven years as assistant head of school and director of enrollment. Montgomery holds a bachelor's degree in political science from Appalachian State University and a master's degree in school administration from Gardner-Webb University. He is certified in history and social studies grades 6-12 and also has his North Carolina principal licensure.

Montgomery is a past president of the Triad Association of Nonpublic Schools and served on its board for four years. In November of 2014, Montgomery was appointed to serve on the North Carolina Council for Educational Services for Exceptional Children as the state's sole independent school representative, serving as a member until 2018. In 2018, he was invited to serve as a panelist at the American Federation of Children annual conference in Washington, D.C., discussing the effectiveness of K-12 state grant programs for students with learning differences in North Carolina.

**AGENDA ITEM**

A-6. State Building Commission Appointment .....David Powers

**Situation:** There will be a vacancy on the North Carolina State Building Commission beginning July 1, 2022. The seat on the commission is to be held by an employee of the University of North Carolina System currently involved in capital facilities development process.

**Background:** The State Building Commission is charged with developing procedures to direct and guide the state's capital facilities development and management program. Per statute (G.S. 143-135.25(c)(7)), one of the nine seats is to be filled by an individual that is a current employee of the University involved in the capital facilities development process. This individual is appointed by the Governor after being nominated by the Board of Governors.

**Assessment:** The Board typically nominates an employee of the UNC System Office or one of the constituent institutions that are leaders of capital facilities for their organization. Therefore, President Hans is recommending Katherine C. Lynn, senior associate vice president for Finance and Capital Planning at the UNC System Office, for nomination by the Board and reappointment by the Governor to fill the vacancy on the State Building Commission beginning July 1, 2022, to serve a three-year term.

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

**Katherine C. Lynn**

Katherine C. Lynn is the senior associate vice president for Finance and Capital Planning for the University of North Carolina System, which includes the 16 public universities in North Carolina, the North Carolina School of Science and Mathematics, and affiliated entities. She is responsible for the Systemwide capital planning and construction programs, facilities management, space utilization, budget development and execution, real estate property matters, sustainability and energy management, and HUB initiatives. She serves as vice chair of the State Building Commission and is a member of the Governor's Advisory Council on Historically Underutilized Businesses.

Prior to joining the UNC System Office, Lynn was appointed as the first woman director of the State of Alabama Building Commission in 2007, and later served as assistant finance director, Real Property Management for the State of Alabama. She also worked as a project architect in the 42<sup>nd</sup> Civil Engineering Squadron at Maxwell Air Force Base for over eight years, with a focus on military family housing.

Lynn earned a Bachelor of Architecture degree and Master of Community Planning from Auburn University, Alabama. She is a registered architect in North Carolina and Alabama and is certified by the National Council of Architectural Registration Boards.