



MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

January 18, 2023 at 10:15 a.m.
Via Videoconference and PBS North Carolina Livestream
UNC System Office
223 S. West Street, Room 1809
Raleigh, North Carolina

AGENDA

OPEN SESSION

- A-1. Approval of the Open Session Minutes of November 16, 2022 Alex Mitchell
- A-2. The University of North Carolina Board of Governors Self-Evaluation Norma Houston
- A-3. University of North Carolina School of the Arts Board of Trustees Appointment Philip Byers
- A-4. East Carolina University Health Board of Directors Appointment Alex Mitchell
- A-5. Fayetteville State University Board of Trustees Appointment.....Michael Williford
- A-6. Project Kitty Hawk Board of Directors Appointments.....Alex Mitchell
- A-7. North Carolina State Education Assistance Authority
Board of Directors Appointment Alex Mitchell
- A-8. Proposed Revision to Section 300.5.1 of the
UNC Policy Manual, *Political Activities of Employees*..... Andrew Tripp

CLOSED SESSION

- A-9. Approval of the Closed Session Minutes
of November 16, 2022 Alex Mitchell
- A-10. Legal Affairs Report Andrew Tripp

OPEN SESSION

- A-11. 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:
 - To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action for the following cases:
 - *Estate of Julie Holderness v. Appalachian State University*

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

DRAFT OPEN MINUTES

November 16, 2022

Via Videoconference and PBS North Carolina Livestream

East Carolina University Main Campus Student Center, Ballroom A

Greenville, North Carolina

This meeting of the Committee on University Governance was presided over by Chair Kellie Blue. The following committee members, constituting a quorum, were present either in person or via videoconference: C. Philip Byers, Joel Ford, David Powers, and Michael Williford.

Chancellors present were, Chancellor Karrie Dixon, and Chancellor Philip Rogers. Dr. Wesley Burks was absent.

Staff members present included Meredith McCullen, Andrew Tripp, and others from the University of North Carolina System Office.

1. Call to Order

Chair Blue called the meeting to order at 10:45 a.m., on Wednesday, November 16, 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 September 21, 2022.

MOTION: Resolved, that the Committee on University Governance approve the open session minutes of September 21, 2022, as distributed.

Motion: David Powers

Motion carried

2. Liability Insurance Trust Fund Council Appointments (Item A-2)

Chair Blue briefly reviewed the history of the Liability Insurance Trust Fund Council and brought forth the need to fill two spots on the council. The chair then called for a motion to approve the nomination of Tom Shanahan and Paul Grosswald to the Liability Insurance Trust Fund Council.

MOTION: Resolved, that the Committee on University Governance approve the appointments of Tom Shanahan and Paul Grosswald to the Liability Insurance Trust Fund Council.

Motion: Michael Williford

Motion Carried

3. North Carolina Teaching Fellows Appointment (Item A-3)

Chair Blue discussed an opening on the North Carolina Teaching Fellows Commission for a principal representative. Matthew G. Price of Wake County was nominated to fill the partial term vacancy ending June 30, 2023. Chair Blue then called for a motion to approve the nomination.

MOTION: Resolved, that the Committee on University Governance approve the nomination of Matthew G. Price to the North Carolina Teaching Fellows Commission to fill a partial term ending on June 30, 2023.

Motion: Joel Ford

Motion Carried

4. Updates on UNC Policy Manual Feedback & Annual Certifications (Item A-4)

Chair Blue called on UNC System Office General Counsel Andrew Tripp to present information regarding the UNC Policy Manual updating process. Mr. Tripp also gave updates on email certification and FFF certification. Lastly, Mr. Tripp gave an update on NC FIRE.

5. Closed Session

Chair Blue called on Mr. Williford for the closed session motion. Mr. Williford 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 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: *UNC-Chapel Hill Residential Landlord Tenant Matter*. Pursuant to G.S. 143-318.11(a)(1) and (3).

Motion: Michael Williford

Motion carried

THE MEETING MOVED INTO CLOSED SESSION AT 10:57 A.M.

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

THE MEETING RESUMED IN OPEN SESSION AT 11:13 A.M.

6. Adjourn

There being no further business and without objection, the meeting adjourned at 11:13 a.m.

Michael Williford, Secretary

AGENDA ITEM

A-2. The University of North Carolina Board of Governors Self-Evaluation Norma Houston

Situation: The University of North Carolina Board of Governors should conduct a self-evaluation of its functions as a Board to ensure compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) accreditation Standard 4.2g and Section 200.4 of the UNC Policy Manual, *Assessment Process for the Chief Executive and Governing Board of the University of North Carolina*.

Background: The SACSCOC promulgates standards for accreditation of higher education institutions. Compliance with these standards is evaluated on a decennial basis in the institution’s reaffirmation of accreditation review. Among these standards is Standard 4.2g which requires institutional governing boards to demonstrate that they engage in a self-evaluation on a periodic basis. In 2018, SACSCOC clarified that this requirement includes multiple boards where the institution has a multi-level governing structure (e.g., the UNC Board of Governors and institutional boards of trustees). According to the SACSCOC *Resource Manual for the 2018 Principles of Accreditation*, how a governing board determines to conduct its self-evaluation is “best determined by a governing board itself.”

The Board already takes several actions to regularly evaluate its work in leading the University. The Board updated the UNC System’s strategic plan in 2021 and established goals and performance metrics to assess institutional and Systemwide progress toward the System’s key strategic goals. These performance metrics are reviewed by the Board annually. In addition, in accordance with Section 302 E of *The Code, Report of Standing Committees*, each of the Board’s standing committees issues an annual written report on their work during the preceding year which is reviewed by the full Board.

Assessment: To ensure full compliance with SACSCOC Standard 4.2g, the Board should conduct a self-evaluation of its functions as a Board. Staff proposes the self-evaluation be conducted through an online survey of Board members. The survey would be anonymous to encourage thoughtful and honest responses by Board members. Board members would be sent the survey link following the January Board meeting and asked to complete the survey by February 3, 2023. Staff will compile the survey results and report to the Committee on University Governance with a report from the committee to the full Board at the Board’s February 2023 meeting. Survey responses and the self-evaluation report are a public record.

Staff recommends the committee approve the attached draft survey questions and recommend approval by the full Board.

Action:

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

2022-23 Board of Governors Self-Evaluation Survey

Summary: Listed below are proposed The University of North Carolina Board of Governors self-evaluation survey questions. The questions provide Board members the opportunity evaluate Board functions and operations in three categories: (1) roles and responsibilities, (2) strategic priorities, and (3) Board operations. A final open-ended comment option provides an opportunity for Board members to offer additional comments on the Board’s functions. The survey would be administered online. Each question would include five response options ranging from strongly agree to strongly disagree (see response options below). Survey responses would be anonymous to encourage thoughtful and honest evaluation by Board members. All survey responses and the self-evaluation report are a public record.

Response Option	Points
Strongly Agree	5
Agree	4
Neutral	3
Disagree	2
Strongly Disagree	1

Category 1: Board Roles and Responsibilities

1. The Board maintains an appropriate balance between its role to set policy and provide oversight, and the role of the President to manage the University and speak on its behalf as the chief executive and administrative officer.
2. The Board maintains an appropriate balance between exercising its legal and policy obligations at the System level and delegating responsibility for certain campus operations to the boards of trustees.
3. The Board maintains an appropriate balance between advocating for the support needed to further the University’s mission, and accountability to all of North Carolina’s citizens.
4. The Board maintains an appropriate balance between governing at the System level and addressing the needs of individual campuses.
5. The Board has adequate policies for addressing ethics concerns and conflicts of interest.

Category 2: Strategic Priorities

1. The Board is informed about trends in higher education and has adequate opportunity to discuss matters of key strategic importance to the University.
2. The Board reviews, updates, and approves the University’s strategic plan, including goals and performance metrics.
3. The University’s strategic plan, including goals and performance metrics, align with the Board’s priorities in fulfilling the University’s core mission.
4. The University’s strategic plan, including goals and performance metrics, are communicated to the Board, System Office, campus leadership, other stakeholders, and the public.
5. The University’s strategic plan, including goals and performance metrics, guide the Board, System Office, campus leadership, and others in their respective work.

2022-23 Board of Governors Self-Evaluation Survey

Category 3: Board Operations

1. The Board has adequate procedures for orienting its new members to their duties and responsibilities.
2. The Board's current committee structure reflects the Board's major areas of responsibility.
3. Individual Board members have the opportunity to attend and participate in committee and task force meetings and the full Board meeting.
4. Board and committee meeting agendas and supporting materials are communicated to Board members and the public in advance of the meetings.
5. Board members have access to University policies, regulations, and guidelines.

Open-Ended Comment (optional)

"Please share any additional comments regarding the Board's functions."

DRAFT

AGENDA ITEM

A-3. UNC School of the Arts Board of Trustees Appointment Philip Byers

Situation: University of North Carolina School of the Arts Board of Trustees has one partial-term vacancy effective December 1, 2022, and ending June 30, 2025.

Background: Mr. Paul G. Tazewell was appointed to the UNC School of the Arts Board of Trustees for a term beginning July 1, 2021, and ending on June 30, 2025. Mr. Tazewell submitted his resignation on December 1, 2022, leaving one vacancy on the board.

Assessment: It is recommended that Ms. Nia Imani Franklin be appointed to fill this partial-term vacancy. Biographical information can be found in the materials.

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

Nia Imani Franklin

Nia Imani Franklin is a composer, actress, and singer whose music has been performed by the Dallas Symphony Orchestra, Friction Quartet, Saskatoon Symphony Orchestra, Orpheus Chamber Orchestra, and many others. Nia holds a bachelor's degree in Music Composition and Theory from East Carolina University as well as a master's degree in Music Composition from The University of North Carolina School of the Arts. In 2019, she founded Compose Her - an initiative whose ongoing objective is to empower women in music. Nia sits on the board of Opera On Tap, which is a non-profit organization based in New York City dedicated to making opera accessible to all.

AGENDA ITEM

A-4. ECU Health Board of Directors Appointment.....Alex Mitchell

Situation: There is one vacancy on the ECU Health Board of Directors. Ms. Polly Johnson, who occupies Seat 7 on the board, will complete her service to the board effective February 28, 2023.

Background: The University of North Carolina Board of Governors is responsible for appointing nine of the 20 total seats on the ECU Health Board of Directors.

Assessment: The nominating committee for the ECU Health Board of Directors met and voted to put forward Mr. Demetrius Carter to fill Seat 7 for a five-year term beginning on February 29, 2023. Biographical information can be found below.

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

Demetrius Carter

Demetrius Carter is a clinical development executive with more than 20 years of drug development experience in both the pharmaceutical and medical device industries. His experience includes roles at Glaxo SmithKline, Pfizer, and JNJ before transitioning into the CRO industry. While at IQVIA, Carter held roles of increasing responsibilities in project management, clinical monitoring, and central laboratories. He also led global operations at Syneos Health for both the medical device and the oncology business units. Carter presently serves as the senior vice president, regulatory services at Synchronix where he oversees their regulatory writing, strategy, and operations functions. He has a Bachelor of Science in Biological Sciences from NC State University and a Master of Business Administration from Fairleigh Dickinson University. He also holds several certifications including Project Management Professional (PMP) from the Project Management Institute, Lean Six-Sigma Green Belt Certification from Villanova University, and a Regulatory Affairs Certification (RAC).

AGENDA ITEM

A-5. Fayetteville State University Board of Trustees Appointment..... Michael Williford

Situation: The Fayetteville State University Board of Trustees has one vacancy for a partial term ending June 30, 2023.

Background: The vacancy was caused by the election of Ms. Valencia Applewhite to the North Carolina Senate. The term began on July 1, 2019, and expires on June 30, 2023.

Assessment: It is recommended that Joyce Adams be appointed to fill the partial term that expires June 30, 2023. Biographical information can be found in your materials.

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

Joyce Adams

Joyce Adams is the vice president of Strategic, Plans and Programs of AEVEX Aerospace in Fayetteville, North Carolina. Prior to joining AEVEX, Ms. Adams served as a federal government civilian for 34 years, and most of her tenure as part of our nation's most elite special operations forces. Since 2009, Ms. Adams has served with the Department of the Army, Joint Special Operations Command, and Joint Special Operations Command Intelligence Brigade (JIB) executive staff providing senior resourcing, contracting, and program leadership. Before assuming duties at the JIB, Ms. Adams served as an intelligence operations specialist and counterintelligence special agent for United States Army Special Operations Command, including six deployments to combat theaters, and leading the most elite forces in combat missions. Ms. Adams currently serves on the advisory of the Center for Defense and Homeland Security at Fayetteville State University.

Ms. Adams holds a Bachelor of Science from Capella University and is pursuing a Master of Arts in Industrial Organizational Psychology. Additionally, she has completed advanced leadership and organizational certification programs at Harvard University, the University of North Carolina at Chapel Hill Kenan-Flagler School of Management, NC State University, and the University of Louisville.

AGENDA ITEM

A-6. Project Kitty Hawk Board of Directors Appointments.....Alex Mitchell

Situation: Project Kitty Hawk, Inc., was established as directed by Section 8.24 of S.L. 2021-180. The law requires the University of North Carolina Board of Governors to appoint seven of the nine members of the board of directors.

Background: Project Kitty Hawk, Inc., a private North Carolina nonprofit corporation, has been established in accordance with the 2021 Appropriations Act to support the digital learning and career development programs offered by constituent institutions of the University of North Carolina System. The entity itself will be governed by a board of directors consisting of two ex-officio (voting) members and seven members appointed by the Board of Governors from certain categories specified by the enabling legislation.

The enabling legislation creates a nine-member board of directors to govern Project Kitty Hawk, Inc. Seven of the nine board members consist of three chancellors or chief academic officers of constituent institutions of the UNC System and four individuals with experience in higher education, business management, or both. These seven individuals are appointed by the Board of Governors, in consultation with the president. Additionally, the chair of the UNC Board of Governors and the president serve as the two ex-officio (voting) members of the board.

Assessment: The committee is being presented with two reappointments and one new appointment according to the categories specified by the enabling legislation based on the recommendation of the president. Recommended for re-appointment are Ray Carey and Courtney Crowder. Chancellor Sharon Gaber of the University of North Carolina at Charlotte is being recommended to fill one of the three chancellor seats. All candidates are recommended for a two-year term, beginning February 1, 2023, and ending January 31, 2025. Biographical information can be found in your materials.

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

Ray Carey

Ray Carey is the CEO of Optimere, a leading digital communication compliance platform. Optimere provides social media and website compliance and records production software to over 6,000 public agencies, educational systems, and organizations ranging from the National Archives, to the past two presidential administrations, to large cities like New York and Chicago, to small towns, schools, and villages. Optimere was founded in late 2021 through the combination of ArchiveSocial, where Mr. Carey served as the CEO, and two-acquired technology companies, NextRequest and Monsido. Prior to ArchiveSocial, Mr. Carey served as CEO of Astute Solutions, an AI-driven customer engagement platform for the world's largest brands. Prior to Astute, he was CEO of NeoNova, a spin-out of Nortel Networks that worked with hundreds of Cooperative & Mutual Telephone companies to expand broadband across the rural United States. Prior to his operational roles, Mr. Carey spent a decade as a partner with Azure Capital, investing in early-stage companies. He began his professional career in the technology practices at Robertson Stephens and CreditSuisse, raising public and private capital and advising on mergers and acquisitions. A graduate of Stanford University, Ray was an NCAA champion swimmer and represented the USA in the 1996 Olympic Games.

Courtney A. Crowder

A native of Southeast Raleigh, Courtney Crowder has over 20 years of experience in public affairs, marketing, and strategy. Mr. Crowder honed his skills in a range of public affairs and government relations positions. In November 2019, he accepted the role of the Raleigh managing director for APCO Worldwide, an independent global public affairs and strategic communications consultancy. With more than 600 employees in 35 worldwide locations, it is also the largest independently owned PR firm in the United States. Prior to joining APCO, Mr. Crowder established Crowder Consulting Company in 2012, which followed his service as legislative director and senior adviser in the North Carolina Governor's Office. He counseled corporate, nonprofit, and governmental organizations while at Capstrat, North Carolina's premier strategic communications firm. He also served as the legislative liaison for the North Carolina Department of Insurance and as a special assistant to the commissioner. Mr. Crowder serves on the Boards of UNC Rex Healthcare, Delta Dental, Raleigh Chamber of Commerce, Southeast Raleigh Promise, and Advance Carolina. He is the executive director of the North Carolina Black Alliance, and a member of Alpha Phi Alpha Fraternity, Inc. Mr. Crowder holds degrees in English literature and French from North Carolina Central University and received a Master of Arts in Liberal Studies from Duke University.

Sharon Gaber

Sharon L. Gaber, Ph.D., is the fifth chancellor of the University of North Carolina at Charlotte. An academic with a background in city and regional planning, Dr. Gaber was named by Education Dive as one of five higher education leaders to watch in 2018 and beyond. She is recognized nationally for her efforts as president of the University of Toledo to increase enrollment, improve graduation and retention rates, keep education affordable, increase research funding, improve connection to the surrounding metro region, and make the campus environment diverse and inclusive. Prior to her five years in Toledo, Dr. Gaber served as provost and vice chancellor for academic affairs at the University of Arkansas. She has also been an interim provost at Auburn University and a faculty member and administrator for the University of Nebraska-Lincoln. Dr. Gaber is the author of articles on regional and urban planning, public policy and the social dynamics that affect community decision-making. She also is co-author of a book on planning research methods. Deeply engaged in community and regional activities, she has served as the Mid-American Conference representative on the Division 1 NCAA President's Forum and as a member of the NCAA Strategic Plan Committee. She was named a YWCA Northwest Ohio Milestone award recipient for women's leadership in 2020.

AGENDA ITEM

A-7. North Carolina State Education Assistance Authority Board of Directors Appointment.....Alex Mitchell

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

Background: The NCSEAA 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 University of North Carolina 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 University of North Carolina Board of Governors and the remaining four members are appointed by the governor. The three appointments by the Board, as a seat becomes vacant, includes one member who has expertise in secondary or higher education; one member who is 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 serve 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 individual has expertise in secondary or higher education. Dr. Catherine Edmonds is recommended to fill this position for a four-year term, beginning January 15, 2023, and ending January 15, 2027. 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.

Dr. Catherine Edmonds

Dr. Catherine Edmonds has served as the chief of staff at North Carolina Central University since May 1, 2022. Previously, Dr. Edmonds served as deputy state superintendent for the North Carolina Department of Public Instruction. Prior to joining the Department of Public Instruction, Dr. Edmonds served as a local school district superintendent for Bertie County Schools and Elizabeth City Pasquotank Public Schools. She was also director for educational leadership and development and state director of the Principal Fellows Program for the University of North Carolina System. Additionally, Dr. Edmonds has served as director and executive coach for the Northeast Leadership Academy-District and School Transformation at NC State University. Dr. Edmonds began her career with Granville County Public Schools as a high school math teacher and school principal before being named program director with the North Carolina New Schools Project and an instructional improvement officer for Guilford County Schools.

Dr. Edmonds serves on several boards and committees, including the William and Ida Friday Institute for Educational Innovation, Cognia Accreditation Commission Appeals Committee, and NC Public School Forum Advisory Board. Dr. Edmonds earned a Bachelor of Science in Mathematics from North Carolina Agricultural and Technical State University, a Master of School Administration in Educational Leadership from NC State, and an Doctor of Education in Educational Administration from NC State.

AGENDA ITEM

A-8. Proposed Revision to Policy 300.5.1 “Political Activities of Employees” Andrew Tripp

Situation: The proposed policy revision incorporates an amendment to 300.5.1 regarding the University’s commitment to denouncing and preventing compelling speech. The compelled speech doctrine sets out the principle that the government, and therefore public universities, cannot force an individual or group to support certain expression.

Background: A constitutional, First Amendment issue arises when universities and university systems, as a branch of the government, require or invite an employee or applicant for academic admission or employment to demonstrate their commitment to certain ideals, missions, political issues, or principles.

Requiring a statement from an employee or applicant for academic admission or employment to demonstrate an ideological commitment cuts against the constitutional rights afforded within the First Amendment of the U.S. Constitution and Article 1, Section 14 of the North Carolina Constitution. Contrary to the principles of free speech and free expression, these statements could be consulted when making hiring, admission, reappointment, evaluation, promotion, or tenure decisions. Forms of compelled speech, when required under University policies, rules, and regulations, could further function as litmus tests for adherence to prevailing socio-political views on various matters of contemporary political debate. The University System seeks to prevent this form of compelled speech. The University instead seeks to encourage employees or applicants for academic admission or employment to exercise fully and freely their right to participate, or refrain from participating in, political and other processes without fear of penalty or reprisal, consistent with the University’s commitment to encouraging the full freedom, within the law, of inquiry, discourse, teaching, research, service, and publication.

Assessment: The proposed revision to Policy 300.5.1 is intended to codify in the Policy Manual the University’s commitment to Free Expression and restrict vague or ideologically motivated statement policies of any kind across UNC campuses. If passed, this policy amendment would reduce, if not eliminate, situations whereby an employee or applicant for academic admission or employment is forced to participate in political processes and/or support certain expression.

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

Political Activities of Employees

The Board of Governors adopts the following policy concerning political activities by University employees.

I. University employees retain the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America. Employees are encouraged to exercise fully and freely their right to participate or refrain from participating in political processes without fear of penalty or reprisal, consistent with the University's commitment to encouraging the full freedom, within the law, of inquiry, discourse, teaching, research, service, and publication. Certain types of activities by University employees related to political processes, however, may be incompatible with the general responsibilities of employment or with the particular responsibilities of University employment.

A. Applicability. This policy applies to all University employees who are exempt from the State Personnel Act (Chapter 126 of the General Statutes) pursuant to G.S. 126-5(c1).¹

B. Definitions. For purposes of this policy:

1. "Campaign" or "campaigning" means all acts done by a candidate and his or her adherents to obtain votes to be cast toward a nomination or in an election.
2. "Candidate" means an individual who seeks nomination or election to any elective public office whether or not the person is elected. Absent any other evidence of candidacy, an individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.
3. "Election" includes a primary, special, runoff, or general election.
4. "Employee" means an individual who is employed by the University of North Carolina and is exempt from the State Personnel Act (Chapter 126 of the General Statutes) pursuant to G.S. 126-5(c1).
5. "Endorse" means a public statement by an individual expressing support or approval of another individual's candidacy for public office.
6. "On duty" means the time period when an employee is: (a) in a pay status other than paid leave, compensatory time off, or excused or authorized absence (including leave without pay); (b) representing the University of North Carolina or any constituent institution or subdivision thereof in an official capacity; or (c) expected to perform services for which he or she receives compensation from the University. Provided, however, an employee who is or may be expected to perform his or her duties on a twenty-four hour per-day basis shall not be considered on duty except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her office.
7. "Partisan" when used as an adjective means related to a political party.

8. "Partisan political group" means any committee, club, or other organization which is affiliated with a political party or candidate for public office in a partisan election, or organized for a partisan purpose, or which engages in partisan political activity.
9. "Partisan political office" means any public office for which any candidate is nominated or elected as representing a political party but does not include any office or position within a political party or affiliated organization.
10. "Political activity" means actions directed toward the success or failure of a candidate for public office, political party, or partisan political group including, but not limited to, campaigning, political management, and soliciting financial contributions for political purposes.
11. "Political management" means taking an active part in the direction, supervision, or management of a partisan political group or a campaign for public office.
12. "Political party" means a national political party, a state political party, or an affiliated organization.
13. "Political purpose" means an objective of promoting or opposing a political party, candidate for public office, candidate for partisan political office, or partisan political group.
14. "Public office" means any national, state, or local governmental position of public trust and responsibility, whether elective or appointive, which is created, prescribed, or recognized by constitution, statute, or ordinance (other than within the University of North Carolina).
15. "Senior officers" means the president, the chancellors, and the senior academic and administrative officers (SAAO) described in Policy 300.1.1, subpart I.A., who are at the rank of vice president, vice chancellor, provost, dean, and other positions of equivalent rank and responsibility.
16. "Solicit" means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

II. Political Activities

A. Permissible Activities. An employee may engage in political activity to the extent not expressly prohibited by law or applicable policy.

1. Permissible activities include, but are not limited to:
 - a. Registering, voting, and otherwise participating in elections;
 - b. Becoming a candidate for and holding public office in accordance with University policy;
 - c. Expressing opinions privately and publicly on political subjects;
 - d. Participating in political organizations;
 - e. Participating in political campaigns;
 - f. Engaging in political management; and
 - g. Soliciting, accepting, receiving, and making financial contributions for political purposes to political parties, partisan political groups, and campaign committees of candidates for public office.

2. Subject to the prohibition against compelled speech described below, nothing in this policy prohibits, or otherwise limits, teaching, inquiry, classroom discussion or discourse concerning political issues, including campaigns, candidates, political groups or issues in campaigns for public office, that are within the subject matter of any academic program, course, curriculum, or study.
3. An employee may participate fully in public affairs in a manner that does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the University constituent institution or unit in which he or she is employed.
4. The political opinions assumed by employees are personal ones, and employees must ensure that they do not imply that such opinions are endorsed by the University.

5. Prohibition on Compelling Speech

a. To mitigate the risk of compelled speech that undermines the intellectual freedom and fostering of free expression required of the University of North Carolina by Article 36 of Chapter 116 of the General Statutes and embraced in Chapter VI of the UNC Code and Section 1300.8 of UNC Policy, the University shall neither solicit nor require an employee or applicant for academic admission or employment to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement. Nor shall any employee or applicant be solicited or required to describe his or her actions in support of, or in opposition to, such beliefs, affiliations, ideals, or principles. Practices prohibited here include but are not limited to solicitations or requirements for statements of commitment to particular views on matters of contemporary political debate or social action contained on applications or qualifications for admission or employment or included as criteria for analysis of an employee's career progression. Any constituent institution believing a requirement or solicitation prohibited hereby to be necessary for reasons related to the educational, research, or public service mission of the University established in G.S. 116-1 shall obtain prior written approval to include such a requirement or solicitation from the President following discussion in open session of a meeting of the Committee on University Governance attended by the requesting constituent institution's chancellor, its provost, and its chair of its board of trustees.

b. Any employee who acts in contravention of the foregoing prohibition on compelling speech, violating Section 5(a) above, shall be subject to existing disciplinary measures taken against employee(s).

c. Except as provided under current law, nothing in Section 5 creates or vests a private remedy or claim in any employee or applicant for admission or employment subjected to a practice prohibited hereby.

d. Nothing in Section 5 modifies or otherwise affects the University's existing guarantee of the right of academic freedom in its faculty's academic scholarship or classroom instruction, or research pursuits, subject only to institutional academic tenure policies as contemplated in Section 602 of *The Code*, as well as applicable law and UNC Code and Policy.

e. Nothing in Section 5 infringes upon the ability of an employee or applicant for academic admission or employment to voluntarily opine or speak regarding any matters, including those of contemporary political debate or social action, as contemplated in Section 5(a). Nor shall anything in Section 5 prohibit discussion

with, or questioning of, an employee or applicant regarding the content of the employee's or applicant's resume, curriculum vitae, or body of scholarship, or other written work or oral remarks presented by the employee or applicant in his or her own support.

f. Nothing in Section 5 modifies or affects the University's ability to ensure its employees comply with applicable federal or state law or existing employment requisites under the law or agency policy, such as employment oaths, appointment affidavits, and licensure and certification requirements.

B. Prohibited Activities. An employee may not:

1. Participate in political activity while on duty;
2. Use the authority of his or her position, University funds, services, supplies, equipment, information technology resources, vehicles, or other University property, to endorse, campaign for, secure support for or oppose any candidate, political party, partisan political group, referendum, or issue in an election, or affect the results thereof; or
3. Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, including with respect to any condition or incident of employment over which the employee has authority, control, or influence, for purposes of inducing support of or opposition to any candidate for public office, political party, or partisan political group.

C. Senior Officers. The University will supply to any candidate for public office information of a substantive nature, whether it is information on agriculture, economics, education or any other topic. It is important that all candidates know they can receive factual information from the University, but it should be made clear that the administration of the University will not be identified with any candidate or any party. Accordingly, in addition to the restrictions set forth in subpart II.B., above, a senior officer may not:

1. Solicit, accept, or receive financial contributions from other persons or organizations on behalf of any candidate for partisan political office or the campaign committee of any candidate for partisan political office; or
2. Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material.

D. Violations. Violation of the prohibitions contained in subparagraphs B. and C., above, shall be cause for appropriate disciplinary action, including discharge from employment.

III. Other Matters.

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

Policies of Constituent Institutions. The board of trustees of each constituent institution shall adopt policies governing political activities of employees. Policies adopted or substantively amended by a board of trustees regarding political activities of employees shall be effective upon approval by the president.

B. Relation to Other Laws. This policy is designed to supplement and does not purport in any way to supplant or modify, those statutory enactments and rights which may govern or limit the political activities of employees of the State of North Carolina.

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

¹For employees subject to the [State-North Carolina Personnel Human Resources Act \(SPASHRA\)](#), political activities are governed by Article 5, Chapter 126 of the North Carolina General Statutes, policies adopted by the Office of State Human Resources (OSHR) and campus policies adopted in accordance therewith.