

October 19, 2023 at 11:30 a.m.  
Via Videoconference and PBS North Carolina Livestream

## AGENDA

### OPEN SESSION

- A-1. Approval of the Open Session Minutes of September 13, 2023 .....Kellie Blue
- A-2. North Carolina School of Science and Mathematics Board of Trustees Appointment..... Alex Mitchell

### CLOSED SESSION

- A-3. Approval of the Closed Session Minutes of September 13, 2023 .....Kellie Blue
- A-4. Legal Affairs Report..... Andrew Tripp

### OPEN SESSION

- A-5. Consideration of Proposed Revisions to Section 1100.1 of the UNC Policy Manual, *Policy on Intercollegiate Athletics*.....Andrew Tripp
- A-6. Adjourn

### Additional Information Available:

Fall 2023 Commencement Information

## 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:
    - *Gray Media v. Cummings*
    - *North Carolina State University Breach of Contract Matter*
    - *Students for Fair Admissions, Inc. v. University of North Carolina*

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

## **DRAFT MINUTES**

September 13, 2023 at 1:45 p.m.

Via Videoconference and PBS North Carolina Livestream

UNC System Office

223 S. West Street, Room 1809

Raleigh, 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 also present in person or by phone: Kellie Blue, Pearl Burris-Floyd, Philip Byers, and Michael Williford. The following committee members were absent: Alex Mitchell.

Chancellors participating were Chancellor Darrell Allison and Chancellor Harold Martin, and Dr. Wesley Burks.

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)**

The chair called the meeting to order at 1:45 p.m. on Wednesday, September 13, 2023, and called for a motion to approve the open session minutes of April 19, 2023, and May 24, 2023.

**MOTION:** Resolved, that the Committee on University Governance approve the open session minutes of April 19, 2023, and May 24, 2023, as distributed.

**Motion:** Michael Williford

**Motion carried**

### **2. Committee on University Governance Annual Report (Item A-2)**

Chair Blue gave an overview of the Committee on University Governance's annual report for 2022-23. The chair then called for a motion to recommend the report to the full Board.

**MOTION:** Resolved, that the Committee on University Governance approve Item A-2 for submission to the full Board of Governors.

**Motion:** Michael Williford

**Motion carried**

### **3. Resolution on Security Clearance Requirements (Item A-3)**

Chair Blue reminded the committee of the need for a Department of Defense annual security clearance resolution and called for a motion of approval.

**MOTION:** Resolved, that the Committee on University Governance approve the annual security clearance resolution.

**Motion:** Michael Williford

**Motion carried**

#### **4. Annual Report on Free Speech and Free Expression (Item A-4)**

Chair Blue called on Mr. Andrew Tripp to give a review of the University of North Carolina Annual Report on Free Speech and Free Expression. Once concluded, the chair called for a motion to approve the report.

**MOTION:** Resolved, that the Committee on University Governance approve the Annual Report on Free Speech and Free Expression.

**Motion:** Philip Byers

**Motion carried**

#### **5. North Carolina Teaching Fellows Commission Appointments (Item A-5)**

Chair Blue reviewed her slate of nominees to fill three open seats on the North Carolina Teaching Fellows Commission and called for a motion of approval.

**MOTION:** Resolved, that the Committee on University Governance approves the nominations of Taleek Harlee, Debora Powell, and Patrick Brennan for partial terms ending on June 30, 2024, to the North Carolina Teaching Fellows Commission.

**Motion:** Philip Byers

**Motion carried**

#### **6. North Carolina State Education Assistance Authority Board of Directors Appointments (Item A6)**

Chair Blue reviewed the nominees for the NCSEAA Board of Directors and called for a motion to approve the nominees.

**MOTION:** Resolved, that the Committee on University Governance approves the nomination of Jim Rose for a partial term ending on January 15, 2025, and Beth Anderson for a term ending January 15, 2026, to the North Carolina Education Assistance Authority Board of Directors.

**Motion:** Philip Byers

**Motion carried**

#### **7. 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 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; Pursuant to G.S. 143-318.11(a)(1) and (3).

**Motion:** Michael Williford

**Motion carried**

**THE MEETING MOVED INTO CLOSED SESSION AT 1:57 P.M.**

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

**THE MEETING RESUMED IN OPEN SESSION AT 2:48 P.M.**

#### **8. Adjourn**

There being no further business and without objection, the meeting adjourned at 2:49 p.m.

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Michael Williford, Secretary

**AGENDA ITEM**

A-2. North Carolina School of Science and Mathematics Board of Trustees Appointment .....Alex Mitchell

- Situation:** North Carolina School of Science and Mathematics has a vacancy on its board of trustees.
- Background:** The North Carolina School of Science and Mathematics board of trustees is made up of 27 members. North Carolina G.S. 116-233(a)(1) states that a number of members equal to the membership of the House of Representatives of the Congress of the United States shall be appointed by the University of North Carolina Board of Governors, one from each congressional district. The statute also states that the Board of Governors shall appoint four members without regard to residency, and three members ex officio who shall be the chief academic officers of constituent institutions of the University of North Carolina. North Carolina G.S. 116-233(b) states that members of the board of trustees shall be selected for their interest in and commitment to public education and to the purposes of the school, and they shall be charged with the responsibility of serving the interests of the whole state.
- Assessment:** The seat for Congressional District 9 is vacant. Carolyn Maynor has been nominated to fill the open seat for a partial term ending on June 30, 2027. Biographical information is attached to this document.
- Action:** This item requires a vote by the committee and a vote by the full Board of Governors.



MEETING OF THE BOARD OF GOVERNORS  
Committee on University Governance

**Carolyn Maynor**

Dr. Maynor is a board-certified radiologist currently practicing at Pinehurst Radiology group where she has been since 1997. Dr. Maynor received her M.D. from Duke University and her B.A. from the University of North Carolina at Chapel Hill. Dr. Maynor serves as vice president of the Moore County chapter of the North Carolina Medical Society and is a member of the FirstHealth MRH Medical Executive Committee. Dr. Maynor and her husband are parents of 3 North Carolina School of Science and Mathematics graduates.

**AGENDA ITEM**

A-5. Consideration of Proposed Revisions to Section 1100.1 of the UNC Policy Manual,  
*Policy on Intercollegiate Athletics* .....Andrew Tripp

**Situation:** The Board of Governors is responsible for the general determination, control, supervision, management, and governance of all affairs of the constituent institutions. For this purpose, the Board may adopt such policies and regulations as it may deem wise, including policies related to a constituent institution's intercollegiate athletics program.

**Background:** The Board of Governors delegated authority to the chancellors of the constituent institutions the responsibility for the supervision of the institution's intercollegiate athletics program, subject to such policies as may be prescribed by the Board of Governors. The Board of Governors adopted a policy on Intercollegiate Athletics in 1985, which was replaced with the current Policy in 2003. The policy requires the chancellors to fulfill various compliance obligations in the operation of the institution's intercollegiate athletics program.

**Assessment:** The Committee on University Governance will consider revisions to Section 1100.1 of the UNC Policy Manual, *Policy on Intercollegiate Athletics* that 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 which 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 which 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 with legal counsel such that it can inform the constituent institution of any legal risks which might flow from the agreement.

**Action:** This item is for discussion only.



### Intercollegiate Athletics

1. The Board of Governors has delegated the responsibility for intercollegiate athletics to the chancellors under *The Code's Delegation of Duty and Authority*. That delegation is subject to the requirements and mandates in this policy.
2. The chancellors shall ensure that all athletes admitted to the institution are capable of progressive academic success and graduation within six years.
3. The chancellors shall ensure that the policies for admission of student athletes are reviewed by appropriate members or bodies of the faculty and that any recommendations or advice from those members or bodies are received and considered.
4. The chancellors shall ensure that exceptions or waivers for the admission of student athletes are reviewed by appropriate members or bodies of the faculty and that any recommendation concerning these applicants are received and considered by the chancellors in a timely manner.
5. The chancellors shall ensure that student athletes follow a coherent course of study that is designed to accomplish reasonable progress toward a baccalaureate degree.
6. Chancellors shall ensure that the tutorial and remedial programs for student athletes will be administered by appropriate academic offices in cooperation with athletic department officials.
7. The chancellors shall ensure that athletes who are not making satisfactory academic progress are not allowed to continue as team players.
8. The chancellors shall ensure that a mandatory drug-testing program for student athletes is implemented and monitored.
9. The chancellors shall ensure that formal awareness programs on the dangers of gambling in athletics is implemented.
10. The chancellors shall ensure that the institutions conform with NCAA standards.
11. The chancellors shall ensure that all foundations, clubs, and associations established primarily to raise money on behalf of constituent institutions are audited annually and that those audits are reviewed by the institutional Boards of Trustees and are forwarded to the President.
12. The chancellors shall ensure that the position of director of athletics is separate and distinct from the position of a coach of any sport.

13. The chancellors shall submit an annual report to the Board of Trustees of the constituent institutions with a copy to the President, who will report to the Board of Governors. The annual report shall be designed according to criteria and format defined by the Office of the President and shall include the following elements:

- a. organization and philosophy of athletics programs;
- b. the admission policy for student athletes including the definitions utilized for exceptions to campus-based criteria;
- c. student-athlete exceptions to the minimum course requirements set by the Board of Governors and defined in Policy 700.1.1 and Regulation 700.1.1.1[R];
- d. the student-athlete profiles for admitted student athletes including SAT/ACT scores, high school grade point averages and NCAA classifications;
- e. information about the majors or programs of study chosen by student athletes;
- f. academic progression information for student athletes and six-year graduation rates; and
- g. information about “booster” club organizations and procedures.
- h. [Information on the following athletically related agreements: grant of rights agreements, multimedia rights agreements, NCAA and conference membership agreements, licensing agreements, and name image and likeness contracts or affiliation agreements. Information to be reported shall be defined by the president.](#)

14. The chancellors shall report to the Board of Trustees the student-athlete exceptions to the institution’s undergraduate admissions criteria.

15. The chancellors shall ensure that the annual report is forwarded to appropriate members or bodies of the faculty and that any response from such members or bodies is received and considered by the chancellors.

[16. The chancellors shall provide the president advance notice prior to executing any agreement which would result in the constituent institution’s transfer, removal, or joining of an athletic conference association, which notice shall include a financial plan related to any such transfer, removal, or joining which must be approved by the president. The Board of Governors may, but is not required to, review the proposed agreement and financial plan with legal counsel and provide a recommendation to the constituent institution. Any Board of Governors review may be conducted in Closed Session pursuant to N.C.G.S. § 143-314.11\(a\)\(3\) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.](#)

[This policy consolidates policies 1100.1 and 1100.2]