

April 17, 2024 at 3:45 p.m.  
Via Videoconference and PBS North Carolina Livestream  
University of North Carolina School of the Arts  
A.C. Ewing Performance Place, Catawba Theatre  
Winston-Salem, NC

## AGENDA

### OPEN SESSION

- A-1. Approval of the Open Session Minutes of February 28, 2024 ..... Kellie Blue
- A-2. Update on the UNC Policy Manual Project ..... Andrew Tripp
- A-3. Proposed Repeal and Supersede to Section 300.8.5 of the UNC Policy Manual, *Policy on Diversity and Inclusion Within the University of North Carolina* and Section 300.8.5[R] of the UNC Policy Manual, *Regulation on Diversity and Inclusion Within the University of North Carolina* ..... Andrew Tripp

### CLOSED SESSION

- A-4. Approval of the Closed Session Minutes of February 28, 2024 ..... Kellie Blue
- A-5. Legal Affairs Report ..... Andrew Tripp

### OPEN SESSION

- A-5. 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.

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

## DRAFT MINUTES

February 28, 2024, at 12:15 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: Pearl Burris-Floyd, Alex Mitchell, Michael Williford, and Philip Byers.

Also participating were Chancellor Darrell Allison and Chancellor Harold Martin. Dr. Wesley Burks joined by zoom.

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 12:15 p.m. on Wednesday, February 28, 2024. The open session minutes from the January 24, 2024, meeting were approved by unanimous consent.

### 2. Understanding the UNC System Affiliated Entities (Item A-2)

Chair Blue called on Senior Vice President and General Counsel Andrew Tripp to give a presentation on the UNC System's affiliated entities including UNC Health Care, UNC Press, State Education Assistance Authority, NC Arboretum, and PBS North Carolina. Discussion by the committee followed.

### 3. 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:** Michael Williford  
**Motion carried**

**THE MEETING MOVED INTO CLOSED SESSION AT 12:34 p.m.**  
(The complete minutes of the closed session are recorded separately.)

**THE MEETING RESUMED IN OPEN SESSION AT 12:45 p.m.**

**4. Adjourn**

There being no further business and without objection, the meeting adjourned at 12:47 p.m.

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Michael Williford, Secretary

**AGENDA ITEM**

A-2. Update on the UNC Policy Manual Project .....Andrew Tripp

**Situation:** As the repository of all UNC Policy and Regulation, it is imperative to periodically review and update the UNC Policy Manual which frames the administrative and governance foundation of the University. The UNC Policy Manual Project is a Systemwide collective effort in soliciting campus-driven updates to the UNC Policy Manual and presenting select recommendations to the Board of Governors for consideration. The University of North Carolina System Office is conducting this comprehensive review of the UNC Policy Manual chapter-by-chapter to reflect current law, regulation, and operational efficiencies of the University.

**Background:** On October 1, 2022, the System Office, through the Office of Legal Affairs, and supplemented by the Chief Operating Officer, initiated a Systemwide policy review effort. This effort precipitated from, and is grounded in, Systemwide feedback and requests from constituent institutions. The UNC Policy Manual Project encompasses reviewing and proposing revisions to *The Code* and the UNC Policy Manual to System leadership and bringing select recommendations to the Board of Governors for consideration. The review began with Chapter 100 and *The Code*. Subsequently, this committee reviewed select changes to Chapter 200, *Board of Governors Affairs*, which were approved by the full Board. Most recently, the Committee on University Personnel recommended select changes to Chapter 300, *Personnel Policies*, which were also later approved by the Board through the consent agenda.

**Assessment:** The UNC Policy Manual Project aligns substantive policy changes with the University's statutorily defined purpose to foster the development of a well-planned and coordinated system of higher education. [NCGS § 116-1](#). Procedurally, the UNC Policy Manual Project has clarified delegations of authority and defined reporting requirements as established in the UNC Policy Manual. The UNC Policy Manual Project further incorporates recent statutory enactments, changes, and recodifications in the law affecting the University and its operations. The UNC Policy Manual Project continues with a review of Chapter 600, *Financial Matters, Real Property, Endowment, and Trust Funds*.

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

**AGENDA ITEM**

- A-3. Proposed Repeal and Supersede to Section 300.8.5 of the UNC Policy Manual, *Policy on Diversity and Inclusion Within the University of North Carolina* and Section 300.8.5[R] of the UNC Policy Manual, *Regulation on Diversity and Inclusion Within the University of North Carolina* ..... Andrew Tripp

**Situation:** The University of North Carolina reaffirms its longstanding commitment to the equality of opportunity in education and employment as a core value. As such, the University continues to ensure that diverse persons of any background, from North Carolina and beyond, are invited, included, and treated equally. To that end, the Committee on University Governance proposes the following changes, further aligning the UNC Policy Manual with recent statutory enactments and current jurisprudence.

**Background:** The Committee on University Governance proposes to repeal Section 300.8.5 of the UNC Policy Manual, *Policy on Diversity and Inclusion Within the University of North Carolina*, and 300.8.5[R] of the UNC Policy Manual, *Regulation on Diversity and Inclusion Within the University of North Carolina*, and replace them with the superseding Section 300.8.5 of the UNC Policy Manual, *Equality Within the University of North Carolina*.

**Assessment:** If approved, these proposed revisions to the UNC Policy Manual will be presented to the Board of Governors at their next regular meeting in May.

**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.

## Equality Within the University of North Carolina

The University of North Carolina reaffirms its longstanding commitment to the equality of opportunity in education and employment as a core value, and the Board of Governors repeals [Section 300.8.5](#) of the UNC Policy Manual, *Policy on Diversity and Inclusion Within the University of North Carolina*, and [Section 300.8.5\[R\]](#) of the UNC Policy Manual, *Regulation on Diversity and Inclusion Within the University of North Carolina*, and supersedes them with the following policy:

I. Purpose. The law of North Carolina defines “The University of North Carolina [as] a public, multicampus university dedicated to the service of North Carolina and its people.” Its mission prescribed by law is to “discover, create, transmit, and apply knowledge to address the needs of individuals and society.” [G.S. 116-1](#). Accomplishing the former—addressing the needs of individuals—requires that each be treated as an individual deserving of dignity and inclusion. The University shall continue to ensure that diverse persons of any background, from North Carolina and beyond, are invited, included, and treated equally. Diversity means the ways in which individuals vary, including, but not limited to, backgrounds, beliefs, viewpoints, abilities, cultures, and traditions that distinguish one individual from another.

II. Nondiscrimination in Employment Practices & Educational Programs and Activities. The University of North Carolina’s employment practices and provision of educational programs and activities shall continue to comply with federal and state law prohibiting discrimination and harassment of members of protected classes, including, without limitation, Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Uniformed Services Employment and Reemployment Rights Act.

III. Ensuring Equality of All Persons & Viewpoints. The University of North Carolina shall continue to comply with the requirements of G.S. [126-14.5](#) and [-14.6](#) and [Section 300.5.1](#) of the UNC Policy Manual, *Political Activities of Employees*, including, without limitation, their protections of the equality of all persons enshrined in Article I, Section 1 of the [North Carolina Constitution](#) and the Fourteenth Amendment to the [United States Constitution](#), their prohibitions on compelled speech in hiring, professional advancement, and admissions, and their requirement that State employees respect the dignity of others. This policy further extends the nondiscrimination requirements for State government workplaces outlined in G.S. [126-14.6](#) to university-led student orientations, training, or activities.

IV. Commitment to the Freedom of Speech & Expression. The University of North Carolina shall continue to protect the freedom of speech and expression enshrined in the First Amendment to the United States Constitution and Article I, Section 14 of the [North Carolina Constitution](#), and this policy shall be implemented consistent with and subject to those protections. Indeed, the University of North Carolina shall continue its proud tradition of pursuing and embracing the most vigorous, open, and thoughtful exchange of ideas as that objective is enshrined in [Section 1300.8](#) of the UNC Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System*.

V. Maintaining Academic Freedom. The Board of Governors reaffirms that academic freedom is a prerequisite to maintaining and strengthening a world-class university. The University of North Carolina shall therefore take no action that would limit the right of academic freedom in its faculty's pursuit of teaching, research, and service, subject only to the institutional tenure policies as contemplated in [Section 602](#) of *The Code*, as well as applicable law.

VI. Commitment to Student Success & Employee Wellbeing. The University of North Carolina's commitment to equality of all persons includes a commitment to equality of opportunity for all students that enroll in a constituent institution and for all employees that serve the University. Campuses shall ensure that qualified students of all backgrounds are welcomed, included, and supported in their pursuit of a degree or certificate and that employee wellbeing remains a priority. Campuses shall continue to implement programming or services designed to have a positive effect on the academic performance, retention, or graduation of students from different backgrounds, provided that programming complies with the institutional neutrality specified in Section VII of this policy and/or other state and federal requirements.

VII. Maintaining Institutional Neutrality. Every employing subdivision of the University in both its organization and operation shall adhere to and comply with the strictures of institutional neutrality required by [G.S. 116-300 \(3a\)](#). Accordingly, no employing subdivision or employment position within the University shall be organized, be operated, speak on behalf of the University, or contract with third parties to provide training or consulting services regarding: matters of contemporary political debate or social action as those terms are used in [Section 300.5.1](#) of the UNC Policy Manual; any prescribed "view of social policy" or "political controversies of the day," as those terms are used in [G.S. 116-300 \(3\)](#) and [\(3a\)](#); or in furtherance of the concepts listed in [G.S. 126-14.6\(c\)\(1\)-\(13\)](#). The foregoing prohibition shall have no effect on employing subdivisions or employment positions tasked with ensuring compliance with federal or state law nor shall the foregoing prohibition affect University efforts to abide by the commitments to the freedom of speech and expression and academic freedom described in Sections IV and V of this policy, respectively.

VIII. Reporting Requirement. Prior to September 1, 2024, and again on or before September 1 annually thereafter, the chancellor and the director of student affairs, or equivalent officer, of each constituent institution of the University of North Carolina shall certify in writing to the president that the constituent institution fully complies with the University's commitment to institutional neutrality and nondiscrimination required by law and this policy and shall describe in substance the actions taken to achieve compliance. The chancellors' certifications shall also include a report on reductions in force and spending, along with changes to job titles and position descriptions, undertaken as a result of implementing this policy and how those savings achieved from these actions can be redirected to initiatives related to student success and wellbeing.

IX. Exceptions for Student-led Organizations. Student-led organizations may use university facilities and receive student activity funding notwithstanding any speech or expressive activity by such organizations that would otherwise violate Section VII, provided that such use and receipt of student activity funding may only be granted to student-led organizations pursuant to the written policies or regulations of each constituent institution for use of university facilities and resources.

X. Effective Date. This policy is effective upon its adoption.