Open and Closed Session Minutes

Presiding: Karen A. Popp, Chair
Assistant Secretary: Krista L. Newkirk, Chief of Staff

Present
Catherine P. Bessant  Robert F. Hull  Laura A. Schulte
Martin L. Brackett, Jr. Dhiaa Jamil  Steven S. Serio
Theresa J. Drew  Joe L. Price  Marion S. Sullivan
David L. Hauser  Mary Ann Rouse  Michael L. Wilson

Staff/Guests in Attendance
Philip L. Dubois, Chancellor
Jeff Baker, Chief of Police
John Bland, Director, Public Relations
David Broome, Vice Chancellor of Legal Affairs and General Counsel
Susan Burgess, Director, University Compliance
Jim Cooney, Womble Carlyle Sandridge & Rice, LLP
Christine Reed Davis, Dean of Students
Betty Doster, Special Assistant for Constituent Relations
Dawn Floyd, Title IX Coordinator
Beth Hardin, Vice Chancellor for Business Affairs
Katherine Hessert, Sports Media Challenge
Jesh Humphrey, Deputy General Counsel
Art Jackson, Vice Chancellor for Student Affairs
Jim Kay, Staff Council Chair
Jeffrey Leak, Faculty Council President-Elect
Heather LeMaster, Student Assistant, Office of the Chancellor
Joan Lorden, Provost and Vice Chancellor for Academic Affairs
Catherine Mitchell, Intern, Legal Affairs
Krista Newkirk, Chief of Staff and Assistant Secretary of the Board
Paul Nowell, Manager, Media Relations
Judy Rose, Director of Athletics
Brenda Shue, Business Services Coordinator, Office of the Chancellor
Niles Sorensen, Vice Chancellor for University Advancement
Jennifer Ward, Liaison to the Board of Trustees and the Chancellor’s Cabinet
Stephen Ward, Executive Director, University Communications  
Bob Wilhelm, Vice Chancellor for Research and Economic Development

Call to Order. Ms. Popp called the meeting to order and reminded members of the Board of their duty to avoid conflicts of interest and appearances of conflicts under the State Government Ethics Act in accordance with Chapter 138A of the North Carolina General Statutes and advised the Trustees to make her aware of any conflict of interest or any appearance of a conflict of interest with respect to any matters coming before the Board at any time during this meeting. No conflicts of interest were reported.

Motion to Convene in Closed Session. Ms. Popp called for a motion for the Board to convene in Closed Session.

Action: On a motion by Mr. Hull, seconded by Mr. Wilson, the Board convened in closed session pursuant to the following General Statutes of the State of North Carolina:

a. N.C.G.S. §143-318.11(a)(1), to prevent the disclosure of information that is privileged or confidential pursuant to the laws of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, such privilege or confidentiality arising under the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) or N.C.G.S. Ch. 126, Art. 7;
b. to consult with and receive advice from counsel pursuant to N.C.G.S. §143-318.11(a)(3); and

c. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual, public officer or employee, or prospective public officer or employee pursuant to N.C.G.S. §143-318.11(a)(6).

Closed Session

Closed session minutes are filed in the office of the Assistant Secretary of the Board of Trustees.

Open Session

Motion to Recess. Ms. Popp called for the Board to recess.

Action: On a motion by Mr. Brackett, seconded by Mr. Price, the Board recessed until 11:45 a.m.

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Motion to Reconvene After Recess. At 11:45 a.m., Ms. Popp called for the Board to reconvene and reminded the Board of their continuing obligation to report conflicts under the State Government Ethics Act.
Action: On a motion by Mr. Wilson, seconded by Mr. Brackett, the Board resumed in open session.

Introductions and Announcements. Ms. Popp reminded the Board about several upcoming events:

- Winter Commencement ceremonies on December 13, 2014, at 10 a.m. and 3 p.m. in Halton Arena. Ms. Popp stated that she planned to attend the 10 a.m. ceremony and that Mr. Price would attend the 3 p.m. ceremony.
- The events associated with the Board of Governors meeting in February, including a reception on Wednesday, February 25, 2015, at the Center City building; a reception at Bissell House on Thursday, February 26, 2015; the Board of Governors committee meetings on the morning of Thursday, February 26, 2015; and the full Board of Governors meeting on Friday, February 27, 2015.
- The grand opening of the South Village Commons on Tuesday, January 13, 2015.
- The Bank of America Alumni Reception on Tuesday, March 3, 2015.
- The Barnhardt Ethics Lecture on Tuesday, April 28, 2015, at the Center City building.

Approval of Minutes. Ms. Popp requested action on the minutes of the October 2, 2014, meeting of the Board of Trustees.

Action: On a motion by Ms. Schulte, seconded by Ms. Rouse, the Trustees approved the minutes of the October 2, 2014, Board of Trustees meeting.

Remarks by the Chancellor. Chancellor Dubois reviewed several announcements and events, including the announcement of the extension of the Levine Scholars program, the dedication of the Johnson Band Center, the dedication of the Charlotte Engineering Early College, the fourth edition of the Chancellor’s Speaker Series, the dedication and beginning of construction of the First Ward Park next to the Center City Building, the dedication of Martin Hall, and the receipt of the Wells Fargo Green Award for the University’s Zero Waste Initiative at Richardson Stadium. Chancellor Dubois stated that the College of Education soon will be named for a longtime supporter of the University. The Chancellor also stated that the recently announced relocation of the North Carolina Humanities Council’s offices from Greensboro to the University’s Center City building should open up a number of collaborative opportunities for the University, particularly in the College of Liberal Arts and Sciences.

Chancellor Dubois also noted that the University is revising its long-range housing plan and reprioritizing its residence hall renovation and construction projects. The Chancellor stated that new uses for older facilities, such as the Cone Center and the old Residence Dining Hall, are under consideration.

Chancellor Dubois noted that later in the meeting the Trustees would be asked to authorize the construction of a Counseling Center Annex to the Student Health Center and a permanent event structure to replace the rented tents currently used for sports-related alumni events.

Chancellor Dubois reported that efforts related to the hotel/conference center project are proceeding and that Vice Chancellor Sorensen is arranging discussions with potential developers in collaboration with commercial real estate lenders in Bank of America and Wells Fargo. The
Chancellor also reported that discussions about the development of an aquatic center are on hold until the University receives a proposal from Swim Mac for a public-private partnership.

**Department of Defense Resolution.** Chancellor Dubois reviewed the Department of Defense Resolution excluding Trustees and senior University staff from security clearance requirements for classified research.

Ms. Popp requested action on the Department of Defense Resolution.

**Action:** On a motion by Mr. Price, seconded by Ms. Schulte, the Trustees approved the Department of Defense Resolution.

**Four-Year Tuition and Fees Plan (Orientation) and UNC Charlotte Tuition and Fees Proposal.** Chancellor Dubois presented an orientation on the development of a four-year tuition and fees plan. The Chancellor reviewed the Board of Governors’ rules for tuition and fee plans, including annual 5 percent caps on increases in tuition and operational fees. The Chancellor noted that resident undergraduate tuition must fall within the bottom quartile of the University’s public peer institutions and nonresident undergraduate tuition must fall within or above the third quartile of the University’s public peers. The Chancellor also reviewed the role of students on the Tuition and Fees Advisory Board and noted that, with only a few minor changes, the current tuition proposal and a fee plan had been approved by the Advisory Board. Chancellor Dubois reviewed current tuition and fees and the assumptions on which the proposed tuition and fees plan was based. The Chancellor summarized proposed tuition and fee increases. The Chancellor stated that these increases fall below 3 percent per year through 2018-2019, well below the 5 percent maximum set by the Board of Governors. The Chancellor also reviewed a ranking of the University’s proposed resident and nonresident tuition and fees among its public peers.

Mr. Hauser asked whether tuition and fees had been increased in the last two academic years, and the Chancellor stated that tuition and fees had not increased for 2014-2015 but did increase in 2013-2014. The Chancellor also noted that tuition and fees are well within the bottom quartile of the University’s public peers. Ms. Drew asked why the Board of Governors requires the UNC system universities to be within the bottom quartile, and Chancellor Dubois stated that the requirement stems from the original intention that public higher education in North Carolina should be “as close to free as practical.” Mr. Serio asked how the peer grouping is established, and Chancellor Dubois explained that the list was developed many years in coordination with General Administration.

Chancellor Dubois stated that the University is requesting specialized fees for certain Colleges, including Engineering, Computing and Informatics, and Arts + Architecture. The Chancellor noted that the University is considering a dining fee for all students. The Chancellor also stated that a $100 matriculation fee for new students, with a $50 fee for continuing students, is under consideration, but that these fees are expected to reduce students’ overall costs related to graduation and transcript requests. Mr. Hauser asked whether the students involved in the tuition and fee approval process had approved all of the fees, and the Chancellor noted that the students voted to reduce the proposed fee for Arts + Architecture but had approved the final proposal. Chancellor Dubois also noted that the Board of Governors is considering implementing a system-wide fee to help cover the cost of mandatory security initiatives.
Mr. Hauser asked whether student financial aid increases when tuition and fees rise, and Chancellor Dubois explained that total student costs, including tuition and fees, are part of the formula by which financial aid is determined.

Ms. Popp requested a motion to approve the proposed tuition and fee plan.

**Action:** On a motion by Mr. Wilson, seconded by Ms. Rouse, the Trustees approved the proposed tuition and fees plan for 2015-2019.

**Report of the Executive Committee.** Ms. Popp reported that Dr. Lorden had informed the Committee about changes to the Torrence E. Hemby, Sr., Distinguished Professorship in Financial Service and had presented a plan for the new Metrolina Medical Foundation Distinguished Professorship of Public Policy on Health, which the Committee approved. Ms. Popp also reported that Mr. Broome had presented changes to the University’s tenure policy and that the policy would be presented to the Board of Trustees later in the meeting. Ms. Popp asked Ms. Newkirk to update the Trustees on plans for the Board of Governors meeting at UNC Charlotte in February 2015, and Ms. Newkirk reviewed the planned schedule of events.

**Report of the Academic and Student Affairs Committee.** Mr. Brackett reported that Dr. Wilhelm and Dr. Bill Chu had presented information regarding the University’s cyber security programs research. Mr. Brackett also reported that Cathy Blat, Director of the University Center for Academic Excellence, Shawn Long, Chair of the Department of Communication Studies, and Dr. Lorden had made an orientation presentation on the University’s new graduation initiative, which was developed to help students graduate in a timely manner.

**Report of the Athletics Committee.** Mr. Wilson reported that Coach Alan Major had updated the Committee on the men’s basketball program and had talked about his coaching philosophy. Mr. Wilson also stated that Kim Whitestone, Senior Associate Athletics Director, had presented the scorecard for the Athletics Strategic Plan goals and objectives for 2013-2014. Mr. Wilson also reported that Ms. Whitestone had presented information on Title IX Sexual Misconduct training sessions held for student-athletes and Athletics staff.

**Report of the Facilities and Physical Properties Committee.** Mr. Brackett recused himself from the discussion and vote on all Facilities and Physical Properties Committee items before the Board during the meeting, citing the potential for a conflict of interest.

Ms. Rouse reported that the Facilities and Physical Properties Committee had met on November 12 to review and discuss the University’s debt policy, the Housing Master Plan, and other matters that would be brought to the Committee’s December 4 meeting.

Ms. Rouse presented a motion from the Committee to approve the Request to Issue Debt for Proposed Project Financing not to exceed $76.3 million plus insurance costs to fund Residence Hall XIV and Campus Infrastructure Development Phase II.

**Action:** The Board unanimously approved the Request to Issue Debt for Proposed Project Financing for a maximum of $76.3 million plus insurance costs to fund Residence Hall XIV and Campus Infrastructure Development Phase II.
Ms. Rouse presented a motion from the Committee to approve the Resolution Authorizing Agreements Relating to the Refinancing and Refunding of Private Housing Facilities on the University’s campus.

**Action:** The Board unanimously approved the Resolution Authorizing Agreements Relating to the Refinancing and Refunding of Private Housing Facilities on the Campus of the University of North Carolina at Charlotte.

Ms. Rouse presented a motion from the Committee to approve the Student Counseling Center capital project, with a budget of $4 million. Mr. Price asked how the project would be funded. Ms. Hardin indicated that funding would come from excess debt fees.

**Action:** The Board unanimously approved the Student Counseling Center capital project with a budget of $4 million.

Ms. Rouse presented a motion from the Committee to approve the Outdoor Event Shelter capital project, with a budget of $1.2 million.

**Action:** The Board unanimously approved the Outdoor Event Shelter capital project with a budget of $1.2 million.

Ms. Rouse presented a motion from the Committee to approve the Kennedy Emergency Generator capital project, with a budget of $500,000.

**Action:** The Board unanimously approved the Kennedy Emergency Generator capital project with a budget of $500,000.

Ms. Rouse presented a motion from the Committee to approve the ADA Initiative-North Library Lane capital project with a budget of $498,000.

**Action:** The Board unanimously approved the ADA Initiative-North Library Lane capital project with a budget of $498,000.

Ms. Rouse also reported that the Committee had ratified designer selections for the Campus Infrastructure Phase II Academic Complex and Elevator Upgrade projects.

**Title IX Overview.** Ms. Popp stated that the Title IX Overview would be moved to the next Board meeting.

**Report of the University Faculty Council.** Dr. Jeffrey Leak reported on behalf of Dr. Starrett who was unable to attend. Dr. Leak reviewed a number of initiatives in which the Faculty Council has been engaged. Dr. Leak stated that the Council’s Academic Policy and Standards Committee is working to improve student success by evaluating proposals to adjust the drop-add period at the beginning of each semester; to develop guidelines for credit hours in hybrid and online courses;
and to fine-tune university policies on credit hour calculations for transfer students and students returning to UNC Charlotte after receiving another degree.

Dr. Leak also stated that the Council’s Course and Curriculum Committee has approved four proposals for new academic programs: a minor in Chinese in the Department of Language and Culture Studies in the College of Liberal Arts and Sciences; a doctorate in Business Administration in the Belk College of Business; a graduate concentration in Emerging Technologies for the Master of Science in Information Technology; and an undergraduate concentration in Bioengineering for the Bachelor of Science in Mechanical Engineering.

Dr. Leak reported that, at Dr. Lorden’s request, the Council’s Faculty Employment Status Committee reviewed university policies on the performance review of administrators, the review of service units, and the new General Administration policy on post-tenure review. Dr. Leak stated that the Committee’s recommendations will be discussed and acted on by the Faculty Council at its January meeting.

Dr. Leak also reported that Faculty Council President Starrett has met with Director of Compliance Susan Burgess and Title IX Coordinator Dawn Floyd. Dr. Leak stated that, at its October meeting, the Faculty Council received a briefing from Ms. Floyd and had a productive conversation with her about recent changes to federal regulations on the handling of sexual assault on campus. Dr. Leak stated that the Council plans to continue this conversation in the spring semester.

Dr. Leak announced that the O. Max Gardner Award Nominations Committee has selected Professor Pinku Mukherjee of the Department of Biological Sciences as UNC Charlotte’s nominee for this important system-wide award. Dr. Leak stated that Dr. Mukherjee has made groundbreaking contributions to the understanding and diagnosis of pancreatic and breast cancer and will be an outstanding contender for this award.

Dr. Leak reported that the Faculty Council is updating the Faculty Constitution and that a small working group has been charged with recommending changes to the structure of the shared governance system in order to align it more closely to university needs and make the best use of faculty labor and expertise.

Report of the University Staff Council. Mr. Kay reported that the University Staff Council’s Fall Festival was highly successful, with 700 staff members attending and nearly $2,000 raised for charity. Mr. Kay stated that the nomination form for the Staff Council’s Gold Nugget Award, which recognizes the work of University staff, will be available online beginning January 2. Mr. Kay stated that the Staff Council is discussing the development of a Staff Emeritus Awards program and some method of recognizing the contributions of past Staff Council presidents. Mr. Kay stated that Title IX Coordinator Dawn Floyd addressed the Staff Council at its November meeting. Mr. Kay also reported that the Chancellor will speak to the Staff Council at its December meeting, and the Provost and Faculty Council Chair will address the Staff Council at its January meeting. Mr. Kay reported that Staff Council Vice Chair Penny Stevens had represented UNC Charlotte at the University of North Carolina Staff Assembly meeting in early December. Mr. Kay also reported that the Janet B. Royster Memorial Staff Scholarship Foundation fund will begin to provide scholarships soon. Mr. Kay thanked the Chancellor for his support for the Chancellor’s Cup Golf Tournament.
Report of the Student Government Association (SGA). Mr. Serio reported that the SGA’s Annual Safety Walk was a success and that, based on the SGA’s report, Facilities Management is already working to correct safety concerns on campus. Mr. Serio stated that the SGA is working to create lasting relationships between students and University administrators. Mr. Serio noted that the SGA has partnered with Information and Technology Services (ITS) to ensure that students fully benefit from available ITS services. Mr. Serio also reported that SGA is working with ITS to develop an online version of the outdated physical SGA comment boxes on campus. Mr. Serio reported that he had met with an Alumni Board representative to discuss possibilities for collaboration. Mr. Serio stated that the SGA tried to encourage students to attend football games, and that he believes that the current, relatively isolated, location of the student tailgating area may contribute to low student attendance. Mr. Serio also stated that SGA is considering a resolution recommending that the number of student football tickets available be reduced.

At Ms. Bessant’s request, Mr. Serio informed the Board that he has accepted an offer to join Bank of America’s Financial Management Program after his graduation in June 2015.

Clery Report. Mr. Baker reviewed the 2014 Annual Security and Fire Safety Report. Chief Baker reported that only one robbery had been reported on campus last year, which he noted is extremely low for a public university, and he stated that many recent initiatives have contributed to a decrease in campus burglaries. Chief Baker reported that drug offenses and drug referrals were lower. Chief Baker also reported that alcohol arrests were higher, but that alcohol referrals are lower and the recidivism rate is extremely low.

Tenure Policy. Mr. Broome presented proposed changes to University Policy 102.13, Tenure Policies, Regulations, and Procedures. Ms. Popp requested a motion to approve the revised University Policy 102.13, Tenure Policies, Regulations, and Procedures.

Action: On a motion by Ms. Rouse, seconded by Mr. Wilson, the Board approved University Policy 102.13, Tenure Policies, Regulations, and Procedures.

Motion to Convene in Closed Session. Ms. Popp called for the Board to convene in closed session.

Action: On a motion by Mr. Price, seconded by Mr. Wilson, the Board convened in closed session pursuant to the following General Statutes of the State of North Carolina:
a. **N.C.G.S. §143-318.11(a)(1),** to prevent the disclosure of information that is privileged or confidential pursuant to the laws of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, such privilege or confidentiality arising under the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) or N.C.G.S. Ch. 126, Art. 7;

b. to prevent the premature disclosure of an award pursuant to N.C.G.S. §143-318.11(a)(2);

c. to consult with and receive advice from counsel pursuant to N.C.G.S. §143-318.11(a)(3); and

d. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual, public officer or employee, or prospective public officer or employee pursuant to N.C.G.S. §143-318.11(a)(6).

Ms. Popp excused everyone except the Trustees, Chancellor Dubois, Mr. Baker, Mr. Broome, Ms. Burgess, Ms. Edwards, Ms. Floyd, Dr. Jackson, Dr. Lorden, Ms. Mitchell, Ms. Newkirk, Mr. Ward, Ms. Ward, and Dr. Wilhelm.

**Closed Session**

Closed session minutes are filed in the office of the Assistant Secretary of the Board of Trustees.

**Open Session**

**Adjournment.** There being no additional items, Ms. Popp adjourned the meeting.

**Submitted:**

Krista L. Newkirk  
Assistant Secretary to the Board  
UNC Charlotte Board of Trustees

**Approved:**

Karen A. Popp  
Chair  
UNC Charlotte Board of Trustees