

## **CHAPTER XIII**

### **MISCELLANEOUS POLICIES**

**NOTES:**

Adopted 01/15/88

## ILLEGAL DRUGS

### I. PURPOSE

*The Code of The University of North Carolina* describes the University as "an academic community dedicated to the transmission and advancement of knowledge and understanding." The Board of Governors therefore is committed to the maintenance and protection of an environment in which students and faculty members "may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors." Moreover, it is the obligation of all members of the University community -- faculty, students, administrators, and other employees -- to help maintain an environment where "academic freedom flourishes and in which the rights of each member of the academic community are respected."

A new threat to higher education communities has emerged. Illegal drugs now endanger the health and safety of members of these communities and imperil the integrity of the pursuit of learning. The institutions of the University of North Carolina are not immune to this threat. Illegal drugs now constitute such a serious problem nationwide that within the University system certain specific and uniform University policies are warranted. Success in combating the problem depends ultimately on the cooperative efforts of members of governing boards, students, faculty members, administrators and all other employees. Thus, it is on each campus of the University that a properly balanced program of educational efforts and punitive sanctions must be achieved. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to meet this threat, the Board of Governors adopts this policy.

### II. POLICIES APPLICABLE UNIVERSITY-WIDE

Each Board of Trustees shall adopt a policy on illegal drugs applicable to all students, faculty members, administrators, and other employees. The Board of Governors recognizes that each such policy must address the circumstances and needs of the particular campus. However, the president shall ensure that the policy of each institution incorporates and is fully consistent with the following basic requirements.

#### A. Education, Counseling and Rehabilitation

1. Each constituent institution shall establish and maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. This educational program shall emphasize these subjects:
  - a. The incompatibility of the use or sale of illegal drugs with the goals of the University;
  - b. The legal consequences of involvement with illegal drugs;
  - c. The medical implications of the use of illegal drugs; and
  - d. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.
2. Each constituent institution shall provide information about drug counseling and rehabilitation services available to members of the University community either through campus-based programs or through community-based organizations. Persons who voluntarily avail themselves of University services shall be assured that applicable professional standards of confidentiality will be observed.

**B. Enforcement and Penalties**

1. University institutions shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs from the University community. The institutional policy on illegal drugs shall be publicized in catalogues and other materials prepared for all enrolled and prospective students and in materials distributed to faculty members, administrators and other employees.
2. Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the University community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the University. It is not "double jeopardy" for both the civil authorities and the University to proceed against and punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the University.
3. Penalties will be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by Section 502D(3) and Section 603 of *The Code*, by Board of Governors policies applicable to other employees exempt from the State Personnel Act, and by regulations of the State Personnel Commission.
4. The penalties to be imposed by the University may range from written warnings with probationary status to expulsions from enrollment and discharges from employment. However, the following minimum penalties shall be imposed for the particular offenses described.
  - a. **Trafficking in Illegal Drugs**
    - (1) For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualine), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.
    - (2) For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 90-91 through 90-94, (including, but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
  - b. **Illegal Possession of Drugs**
    - (1) For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.

- (2) For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.
- (3) For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators or other employees.

### **5. Suspension Pending Final Disposition**

When a student, faculty member, administrator, or other employee has been charged by the University with a violation of policies concerning illegal drugs, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or, in the chancellor's absence, the chancellor's designee concludes that the person's continued presence within the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community; provided, that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

## **III. IMPLEMENTATION AND REPORTING**

- A. Each Board of Trustees shall adopt a policy on illegal drugs, the provisions of which shall be consistent with the requirements of Section II of this policy. The chancellor shall file a copy of the campus policy with the president, and notice of any change that maybe made in the policy from time to time also shall be filed with the president.
- B. To carry out this policy, it generally will be necessary for each campus to revise its current policies and programs. New activities will have to be initiated in some University agencies that heretofore have not had a specific policy on illegal drugs. The president will confer with the chancellors to determine what additional funding may be needed to make this policy effective, and the president will make recommendations to the Board of Governors by the fall of 1988 for any budget request or increases in fees that may be needed to achieve this objective.
- C. Each chancellor shall designate a coordinator of drug education. This person, acting under the authority of the chancellor, will be responsible for overseeing all actions and programs relating to the campus policy.
- D. Annually, each chancellor shall submit to the Board of Trustees a report on campus activities related to illegal drugs for the preceding year. The reports shall include, as a minimum, the following:
  - (1) a listing of the major education activities conducted during the year;
  - (2) a report on any illegal drug-related incidents, including any sanctions imposed;

- (3) an assessment by the chancellor of the effectiveness of the campus program and;
- (4) any proposed changes in the policy on illegal drugs.

A copy of the report shall be provided to the president, who shall confer with the chancellor about the effectiveness of campus programs. The president periodically shall report to the Board of Governors.

Adopted 11/13/81

**LEASING AUTHORITY**

WHEREAS, the Board of Governors, pursuant to its authority under N.C.G.S. §§ 116-3, 116-11(13), 116-12, and 116-13, delegated on July 7, 1972, to the Board of Trustees of the constituent institutions the power to authorize acquisition or disposition by the institutions of any interest in real property valued at less than \$50,000 by obtaining the "necessary approvals from appropriate State officials and agencies, without first obtaining the approval of the Board of Governors": and

WHEREAS, the said delegation of July 7, 1972, was meant to include and has been implemented so as to include the power to authorize acquisition or disposition of real property by lease, subject to the established limitations; and

WHEREAS, there has not heretofore been delegated to the president any standing power to authorize, in behalf of General Administration, acquisition or disposition of real property by lease or otherwise; and

WHEREAS, the Department of Administration upon instructions of the Council of State, in order to promote greater efficiency within State government, has made certain recommendations with respect to further delegation of leasing authority within the University of North Carolina,

NOW, THEREFORE, the Board of Governors hereby:

1. Reaffirms its delegation of July 7, 1972, to the Board of Trustees of the constituent institutions, of the power to authorize acquisition or disposition by the institutions of any interest in real property, including a leasehold, valued at less than \$50,000, subject to any necessary approvals from State officials and agencies but without first obtaining the approval of the Board of Governors;
2. Authorizes the Boards of Trustees of the constituent institutions to delegate to the chancellors of their respective institutions the power to authorize for their institutions acquisition or disposition by lease of an interest in real property valued at less than \$25,000, subject to any necessary approvals from State officials and agencies but without first obtaining the approval of the Board of Trustees of the pertinent institution or of the Board of Governors;
3. Empowers the president to authorize for General Administration acquisition or disposition by lease of an interest in real property valued at less than \$25,000, subject to any necessary approvals from State officials and agencies but without first obtaining the approval of the Board of Governors; and
4. Declares that for purposes of this resolution the value of an interest in real property with respect to a lease shall mean the annual rental thereof.

**NOTES:**

Adopted 09/11/87

**OFFICIAL RESIDENCES  
OF THE CHANCELLORS AND THE PRESIDENT**

WHEREAS, the State of North Carolina provides a residence for the president of the University and for the chancellor of each of the sixteen constituent institutions to facilitate their conduct of official business; and

WHEREAS, the president and the chancellors regularly use their official residences for University functions that are directly related to their duties; and

WHEREAS, it has long been the expectation of the Board of Governors and the practice of the president and the chancellors that these officials do occupy their official residences for the purposes stated;

NOW, THEREFORE, be it resolved that the Board of Governors reaffirms its expectation that the president of the University and the chancellors of each constituent institution will occupy their official residence and that these residences will be used for University business and functions; and

Be it further resolved that it is the policy of the Board of Governors that the president and the chancellors are required to live in their official residences as a condition of employment, except in the case where such a requirement would present a serious hardship; in any such case the president or chancellor must obtain approval from the Board of Governors, except that such approval will not be necessary if the residence is being vacated temporarily while repairs or renovations are being made.

**NOTES:**

Adopted 04/17/80

## ESTABLISHMENT OF THE CENTER FOR PUBLIC TELEVISION

WHEREAS, the 1979 session of the General Assembly authorized and directed the Board of Governors to establish the University of North Carolina Center for Public Television, to establish the Board of Trustees of the Center and to delegate to the Board of Trustees "such powers and duties as the Board of Governors deems necessary or appropriate for the effective discharge of the functions of the Center"; and

WHEREAS, at its meeting on November 9, 1979, the Board of Governors appointed eleven persons to serve on the Board of Trustees of the Center; and

WHEREAS, the Governor has appointed four persons to serve on the Board of Trustees, the president of the Senate has appointed one person and the Speaker of the House of Representatives has appointed one person, all pursuant to authority given by statute:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. There is hereby established, effective May 1, 1980, the University of North Carolina Center for Public Television. [N.C.G.S. § 116-37.1(a)]
2. There is hereby established, effective May 1, 1980, the Board of Trustees of the University of North Carolina Center for Public Television [See N.C.G.S. § 116-37.1(b)]
  - a. The Board of Trustees shall be composed of twenty-two persons chosen as follows:
    - (1) Eleven appointed by the Board of Governors,
    - (2) Four appointed by the Governor,
    - (3) One senator appointed by the president of the Senate [changed in 1983 by statute],
    - (4) One member of the House of Representatives appointed by the Speaker of the House [changed in 1983 by statute],
    - (5) The secretary of the Department of Cultural Resources, *ex officio*,
    - (6) The superintendent of Public Instruction, *ex officio*,
    - (7) The State president of the Community College System, *ex officio*, and
    - (8) The president of the University of North Carolina, *ex officio*.

[See N.C.G.S. § 116-37.1(b)(1)]
  - b. Six of the eleven persons initially appointed by the Board of Governors shall serve for two-year terms, and five shall serve for four-year terms. [See N.C.G.S. § 116-37.1(b)(1) and see minutes of the Board of Governors dated November 9, 1979.]
  - c. Two of the four persons initially appointed by the Governor shall serve for two-year terms and two for four-year terms. [See N.C.G.S. § 116-37.1(b)(1)]
  - d. The person appointed by the President of the Senate shall serve for a term of four years and shall be eligible for reappointment, but if he ceases to be a member of the Senate, he shall be deemed to have resigned from the board. [changed in 1983 by statute] [See

N.C.G.S. § 116-37.1(b)(1)]

- e. The person appointed by the Speaker of the House of Representatives shall serve for a term of four years and shall be eligible for reappointment, but if he ceases to be a member of the House of Representatives, he shall be deemed to have resigned from the board. [changed in 1983 by statute] [See N.C.G.S. § 116-37.1(b)(1)]
  - f. After the initial appointments, all persons appointed by the Board of Governors, by the Governor, by the President of the Senate and by the Speaker of the House of Representatives shall be appointed for four-year terms, provided that, if a vacancy occurs during a term, the vacancy shall be filled for the remainder of the unexpired term by appointment of the original appointing authority for the vacant seat. [See N.C.G.S. § 116-37.1(b)(1) and (5)]
  - g. Any person appointed by the Board of Governors who has served two full four-year terms in succession shall, for a period of one year, be ineligible for reappointment.
  - h. In making appointments to the Board of Trustees the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the Board of Trustees will reflect and be responsive to the diverse needs, interests and concerns of the citizens of North Carolina [See N.C.G.S. § 116-37.1(b)(1)]
  - i. No person shall be appointed to the Board of Trustees who is an employee of the State or of any constituent institution; a public officer of the State as defined in N.C.G.S. §§ 147-1, 147-2, and 147-3(c); a member of the Board of Governors; a trustee of a constituent institution; or the spouse of any of the foregoing; provided, however, that the President of the Senate may appoint a senator and the Speaker of the House of Representatives may appoint a member of the House, in accordance with the provisions of the statutes [changed in 1983 by statute]. Any other appointed member of the Board of Trustees who after appointment becomes any of the foregoing shall be deemed to have resigned from the Board of Trustees. [See N.C.G.S. § 116-37.1(b)(1) and (2)]
  - j. Each *ex officio* member of the Board of Trustees may designate in writing a proxy for specified meetings which the *ex officio* member finds he or she is unable reasonably to attend. [See N.C.G.S. § 116-37.1(b)(3)]
  - k. Each appointive member of the Board of Trustees who fails, for any reason other than ill health or service in the interest of the State or the nation, to attend three consecutive regular meetings of the Board of Trustees, shall be deemed to have resigned from the Board of Trustees [See N.C.G.S. § 116-37.1(b)(4)]
  - l. Whenever a vacancy occurs during the term of an appointive member the chairman of the Board of Trustees shall promptly notify the secretary of the University of North Carolina of the vacancy, and the secretary shall give written notice of the vacancy to the appropriate appointing authority. [See N.C.G.S. § 116-37.1(b)(5)]
3. At the first meeting after May 1 of each even-numbered year the Board of Trustees shall elect from its appointive membership a chairman and a vice chairman to serve for terms of two years. No *ex officio* member shall be eligible to serve as chairman or vice chairman. No person shall serve as chairman for more than two full two-year terms in succession. The director of the Center shall serve as secretary of the board. Copies of all minutes, papers and documents of the board may be certified by the secretary.
  4. The Board of Trustees shall prepare by-laws that deal, to the extent the Board of Trustees sees fit, with such topics as regular and special meetings of the board, the organization of the board for the conduct of its business and the procedures to be followed in handling its business. The by-laws, and any amendments thereto, shall become effective upon approval by the Board of Governors.

5. As of June 30 of each year the director shall prepare for the Board of Trustees and the president, and through him for the Board of Governors, a report on the operation of the Center for the preceding year. He shall make such additional reports to the Board of Trustees, the president and the Board of Governors as they may from time to time request.
6. The Board of Trustees shall promote the sound development of the University of North Carolina Center for Public Television, helping it to serve the people of the State and aiding it to perform at a high level of excellence in every area of endeavor. More specifically, the Board of Trustees is charged, working with the director of the University of North Carolina Center for Public Television, to do the following:
  - a. To review, on a continuing basis, the status of public television in North Carolina,
  - b. To advise the president and Board of Governors with respect to whether the programming and other activities of the Center are meeting the special educational and cultural needs of the State,
  - c. To recommend to the president ways through which public television can improve and expand its service to potential viewers,
  - d. To assist, as needed, in the raising of non-State funds for the support of the activities of the Center,
  - e. To give advice to the president on the structure and organization of the Center,
  - f. To help define, on a continuing basis, the program goals of the Center,
  - g. To advise on program standards for the Center,
  - h. To help coordinate the efforts of volunteers and community interest groups who are concerned with public television,
  - i. To advise on and assist with the public relations of the Center,
  - j. To assist, on request of the president and with his leadership, in the development and maintenance of good relations between the Center and appropriate State and federal agencies, and
  - k. To advise and assist in the development and maintenance of long-range plans for the Center.
7. The Board of Trustees shall serve as the "community advisory board" to the licensee as required by the Federal Public Telecommunications Financing Act of 1978.
8. The Board of Governors shall not be deemed by any of the provisions of this resolution, or otherwise, to have delegated any responsibility it may have as licensee of the broadcast facilities of the University of North Carolina. [See N.C.G.S. § 116-37.1(b)]
9. The chief administrative officer of the Center shall be a director, who shall be elected by the Board of Governors upon recommendation of the president and who shall be responsible to the president. [See N.C.G.S. § 116-37.1(c)]

Adopted 11/14/80

**BY-LAWS OF THE UNIVERSITY OF NORTH CAROLINA  
CENTER FOR PUBLIC TELEVISION**

**TABLE OF CONTENTS**

I.	Membership .....	5
	A. Appointed and <i>ex officio</i> .....	5
	B. Diversity .....	5
	C. Exclusions .....	5
II.	Terms .....	5
	A. Initial Appointees .....	5
	B. Subsequent Appointees .....	6
	C. Resignations .....	6
	D. Vacancies .....	6
III.	Officers .....	6
	Elections and Terms .....	6
IV.	Committees .....	6
V.	Meetings .....	7
	A. Regular Meetings .....	7
	B. Special Meetings .....	7
	C. Agenda .....	7
VI.	Conduct of Business .....	7
	A. Quorum .....	7
	B. Presiding Officer .....	7
	C. Power to Vote .....	7
	D. Rules of Order .....	8
VII.	Minutes .....	8
VIII.	Open Meetings .....	8
IX.	Powers and Duties .....	8
	A. Board of Trustees .....	8
	B. Chief Administrative Officer .....	9
X.	Amendment of By-Law Provisions .....	9

**BY-LAWS  
BOARD OF TRUSTEES  
THE UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION**

**I. MEMBERSHIP**

**A. Appointed and *Ex Officio***

The Board of Trustees shall be composed of twenty-two persons chosen as follows:

Eleven appointed by the Board of Governors

Four appointed by the Governor

Two by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with N.C.G.S. § 120-121. [Amended by Board of Trustees on August 5, 1983 to conform to statutory changes.]

The secretary of the Department of Cultural Resources, *ex officio*

The secretary of the Department of Human Resources, *ex officio*

The superintendent of Public Instruction, *ex officio*

The State president of the Community College System, *ex officio*

The president of the University of North Carolina, *ex officio* [N.C.G.S. § 116-37.1(b)(1)]

**B. Diversity**

In making appointments to the Board of Trustees, the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the Board of Trustees will reflect and be responsive to the diverse needs, interests, and concerns of the citizens of North Carolina. [N.C.G.S. § 116-37.1(G)(1)]

**C. Exclusions**

No person shall be appointed to the Board of Trustees who is an employee of the State or of any constituent institution; a public officer of the State as defined in N.C.G.S. §§ 147-1, 147-2, and 147-3(c); a member of the Board of Governors; a trustee of a constituent institution; a member of the General Assembly [amended by Board of Trustees on August 5, 1983 to conform to statutory changes]; or the spouse of any of the foregoing. Any appointed member of the Board of Trustees who after appointment becomes any of the foregoing shall be deemed to have resigned from the Board of Trustees. [N.C.G.S. § 116-37.1(b)(1) and (2)]

**II. TERMS**

**A. Initial Appointees**

1. Six of the eleven persons initially appointed by the Board of Governors shall serve for two-year terms, and five shall serve for four-year terms.

2. Two of the four persons initially appointed by the Governor shall serve for two-year terms and two for four-year terms.
3. The initial person appointed by the General Assembly shall serve for terms expiring June 30, 1983, and their successors shall be appointed in 1983 and biennially thereafter for two-year terms. [Amended by Board of Trustees on August 5, 1983 to conform to statutory changes.] [N.C.G.S. § 116-37.1(b)(1)]

**B. Subsequent Appointees**

After the initial appointments, all persons appointed by the Board of Governors and the Governor shall be appointed for four-year terms, and persons appointed by the General Assembly shall be appointed for two-year terms, provided that, if a vacancy occurs during a term, the vacancy shall be filled for the remainder of the unexpired term by appointment of the original appointing authority for the vacant seat. [Amended by Board of Trustees on August 5, 1983 to conform to statutory changes.] [N.C.G.S. § 116-37.1(b)(1) and (5)]

Any person appointed by the Board of Governors who has served for two full four-year terms in succession shall, for a period of one year, be ineligible for reappointment.

**C. Resignations**

Each appointive member of the Board of Trustees who fails, for any reason other than ill health or service in the interest of the State or the nation, to attend three consecutive regular meeting of the Board of Trustees, shall be deemed to have resigned from the Board of Trustees. See also II.A.3 and 4. [N.C.G.S. § 116-37.1(b)(5)]

**D. Vacancies**

Whenever a vacancy occurs during the term of an appointive member the chairman of the Board of Trustees shall promptly notify the secretary of the University of North Carolina of the vacancy, and the secretary shall give written notice of the vacancy to the appropriate appointing author. [N.C.G.S. § 116-37.1(b)(5)]

**III. OFFICERS**

**Elections and Terms**

At the first meeting after May 1 of each even-numbered year, the Board of Trustees shall elect from its appointive membership a chairman and a vice chairman to serve for terms of two years. No *ex officio* member shall be eligible to serve as chairman or vice chairman.

The director of the Center shall serve as secretary of the board. No person shall serve as chairman for more than two full terms in succession.

**IV. COMMITTEES**

The board shall have the right to create such committees as it deems appropriate, and the chairman shall have the authority to appoint the members thereof. All actions of the committees shall be subject to approval by the board.

## V. MEETINGS

### A. Regular Meetings

Regular meetings of the Board of Trustees shall be held on the first Friday in the months of February, May, August, and November [amended by Board of Trustees on October 1, 1982]. Each regular meeting shall be held at such time and place as the chairman may designate, with notice concerning the time and place to be mailed to each member of the board by the director at least twenty days in advance of the meeting date. Either by action of the board or upon fifteen days written notice by the chairman, the date herein specified for a regular meeting may be changed to another date within the designated month.

### B. Special Meetings

Special meetings of the Board of Trustees shall be called (1) at the discretion of the chairman or (2) by a majority vote of the quorum present at a regular meeting or (3) by the director upon the written request of not fewer than seven members of the board. A special meeting thus called by the director shall be held within fifteen days of receipt by the director of the seventh written request for such a special meeting.

A notice specifying the time and place of a special meeting shall be mailed by the director to each member of the board at least ten days in advance of the meeting date; but notice of three days may be given by telephone or telegraph when, in the judgment of the chairman, an emergency exists.

### C. Agenda

The agenda for a regular or special meeting of the board shall be prepared by the director upon consultation with the chairman. All requests for inclusion of a given item on the agenda of any meeting shall be filed with the director twenty days in advance of the scheduled meeting. A copy of the agenda and supporting documents shall be mailed not less than five days in advance of each regular or special meeting of the board. Any member of the board may request consideration by the board at any regular or special meeting of an item not on the agenda. However, such an item shall not be acted upon without the approval of a majority of the members present at such a meeting.

## VI. CONDUCT OF BUSINESS

### A. Quorum

A quorum for the conduct of business shall consist of a majority of the authorized membership of the board.

### B. Presiding Officer

The chairman shall preside at all regular and special meetings of the board. In the absence of the chairman, the vice chairman shall preside. In the absence of both, a presiding officer shall be elected from the appointed membership by those present at the meeting.

### C. Power to Vote

All members of the board may vote on all matters coming before the board for consideration. Appointive members may not vote by proxy, but each *ex officio* member may designate in writing a proxy for specified meetings which the *ex officio* member is unable reasonably to attend. No votes may be cast in absentia.

**D. Rules of Order**

Except as modified by specific rules and regulations enacted by the Board of Trustees, the latest edition of *Robert's Rules of Order* shall constitute the rules of parliamentary procedure applicable to all meetings of the board and its committees.

**VII. MINUTES**

The director shall keep minutes of all meetings and shall file, index, and preserve all such minutes and other documents pertaining to the business and proceedings of the board.

Within 20 days after each meeting of the board, the director shall mail a copy of the minutes of the meeting to each member of the board.

Copies of all minutes and other documents of the board may be certified by the director.

**VIII. OPEN MEETINGS**

All meetings of the board shall be open to the public unless, consistent with the requirements of state law, a meeting is closed to the public by majority vote of a quorum of the board membership.

**IX. POWERS AND DUTIES****A. Board of Trustees**

1. The Board of Trustees shall promote the sound development of the University of North Carolina Center for Public Television, helping it to serve the people of the State and aiding it to perform at a high level of excellence in every area of endeavor. More specifically, the Board of Trustees is charged, working with the director of the University of North Carolina Center for Public Television, to do the following:
  - a. To review, on a continuing basis, the status of public television in North Carolina.
  - b. To advise the president and Board of Governors with respect to whether the programming and other activities of the Center are meeting the special educational and cultural needs of the State,
  - c. To recommend to the president and Board of Governors ways through which public television can improve and expand its service to potential viewers,
  - d. To assist, as needed, in the raising of non-State funds for the support of the activities of the Center,
  - e. To give advice to the president on the structure and organization of the Center,
  - f. To help define, on a continuing basis, the program goals of the Center,
  - g. To advise on program standards for the Center,
  - h. To help coordinate the efforts of volunteers and community interest groups who are concerned with public television,
  - i. To advise on and assist with the public relations of the Center,
  - j. To assist, on request of the president and with his leadership, in the

development and maintenance of good relations between the Center and appropriate State and Federal agencies, and

- k. To advise and assist in the development and maintenance of long-range plans for the Center.
2. The Board of Trustees shall serve as the "community advisory board" to the licensee as required by the Federal Public Telecommunications Financing Act of 1978.
3. The Board of Governors shall not be deemed by any of the provisions of these by-laws, or otherwise, to have delegated any responsibility it may have as licensee of the broadcast facilities of the University of North Carolina. [N.C.G.S. § 116-37.1(b)]

**B. Chief Administrative Officer**

1. The chief administrative officer of the Center shall be the director, who shall be elected by the Board of Governors upon recommendation of the president and who shall be responsible to the president. [N.C.G.S. § 116-37.1(c)]
2. As of June 30 of each year the director shall prepare for the Board of Trustees and the president, and through him for the Board of Governors, a report on the operation of the Center for the preceding year. He shall make such additional reports to the Board of Trustees, the president and the Board of Governors as they may from time to time request.

**X. AMENDMENT OF BY-LAW PROVISIONS**

Subject to the approval of the Board of Governors, any provisions of these By-Laws (except those required or governed by statute) may be amended by a vote of two-thirds of the authorized membership of the board; provided that no amendment may be adopted unless its substance first has been introduced at a preceding regular or special meeting of the board.

**NOTES:**

Adopted 03/08/85

## NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

This is a portion of a report on the North Carolina School of Science and Mathematics submitted to the General Assembly. In response to the report, the General Assembly amended the enabling legislation establishing the school.

### I. BACKGROUND

Section 49, Chapter 1034 of the 1984 Session Laws assigned to the Board of Governors of the University of North Carolina responsibility for the direction and operation of the North Carolina School of Science and Mathematics, effective July 1, 1984.

Section 49 states that:

The Board [of Governors] shall, after consultation with the Board of Trustees of the school, present specific recommendations, including proposed statutory amendments, to the 1985 Session of the General Assembly, with respect to placement of the school within the organizational structure of the University and any other considerations as may be required.

This legislation thus placed three major immediate tasks before the Board of Governors: (1) providing for the immediate governance of the school and for oversight of its day-to-day operations; (2) establishing procedures to develop recommendations for the 1985 General Assembly, in consultation with the Board of Trustees of the North Carolina School of Science and Mathematics; and (3) addressing certain admissions policy matters, beginning with the 1985-86 year.

By resolution, adopted July 27, 1984, the Board of Governors called upon President Friday to make whatever administrative arrangements were necessary for the continued effective operation of the school. Members of the president's staff met with the director of the school and members of his staff in August to consider what special actions, if any, were needed until the report could be made to the 1985 Session of the General Assembly.

As to the long-term issue of governance and placement of the school within the organizational structure of the University, the resolution of July 27 authorized the chairman of the board to designate a committee to develop recommendations. The chairman assigned this task to the board's Committee on Educational Planning, Policies, and Programs.

Shortly thereafter, the chairman of the planning committee appointed a special subcommittee to explore the issues and to draft recommendations concerning the governance and placement of the school. Concurrently, the chairman of the school's Board of Trustees appointed a Committee in Support of University Affiliation to consult with the Board of Governors committee (or subcommittee).

### II. OBJECTIVE

In all of these discussions, it was clear that the North Carolina School of Science and Mathematics (NCSSM) is a unique institution. NCSSM was created as a special kind of school, working with exceptional students, and having as a major part of its mission contributing to improvements in science and mathematics curricula and teaching in all of the high schools in the State.

University oversight of such a school provides an opportunity to participate directly in improving science and mathematics instruction in the public schools and thus enhances the teacher education activity of the University. Responsibility for the governance and administration of NCSSM also parallels the increasing involvement of the University of North Carolina in efforts to strengthen the public schools, e.g., the University's operation of a statewide network of mathematics and science

education centers, the summer residential institutes in mathematics and science, and a special institute for school principals to improve their management skills.

These activities have already led to new working relationships between the University and NCSSM. The school is an affiliate of the UNC Network of Centers for Mathematics and Science Education, and it has assumed, at the request of the president, a major role in the program of summer residential institutes to be offered for high school juniors and seniors across the State, beginning in 1985.

Nevertheless, it is still a difficult challenge to devise a plan of governance and administration that fits a purely secondary school into the organizational structure of the University. It is important that any such plan: (1) maintains the special identity and nature of the School of Science and Mathematics; (2) promotes the school's special statewide mission, as defined by the General Assembly; and (3) be consistent with, and appropriate to, the basic governance structure of The University of North Carolina.

To make the NCSSM a constituent institution of the University does not conform to the latter requirement. The basic problem is that, within the historical meaning of the basic legislation governing the University, NCSSM is not a "constituent institution." Practice and policies controlling and guiding the relationships of "constituent institution" to the president's office and to the Board of Governors are all predicted on the institution being a "public senior institution" of higher education, not a high school. The North Carolina School of the Arts does have a high school department, but that activity arises from the nature of the course of study in some of the performing arts.

### III. RECOMMENDATIONS

It is necessary, therefore, to devise a different kind of relationship. The uniqueness of the situation, and the difficulty of the challenge, became apparent early on when efforts were made to identify models suitable for adoption or adaptation.

Externally, i.e., beyond the University and beyond the State, there are no useful models for the long-term placement and governance of the school within the University. There are, nationwide, some 90 or so elementary/secondary schools attached to universities, and all to them fit the traditional model of a "laboratory school" operated by schools of education in conjunction with the teacher training function. None is residential, and each draws its students from a local, rather than a statewide area. The "lab school" is thus not apposite here, for the NCSSM is a special purpose school with a statewide mission.

Nor could any instance be found where a high school is attached directly to a statewide administrative or governing board of higher education. Only one state, Louisiana, has established a residential, statewide high school for gifted and talented students. Although it is modeled after, and combines features of, both the North Carolina School of the Arts and the North Carolina School of Science and Mathematics, the Louisiana School of Mathematics, Science, and Arts is located physically on one of the state university campuses, but it is not governed by the university and receives its funds directly from the state legislature. The circumstances and governance arrangements do not fit the NCSSM situation.

There are, however, some useful models within the University of North Carolina itself. There are a number of agencies and units of the University that are not constituent institutions, that have significant statewide educational and service responsibilities, and that have effective administrative and governance arrangements. These include: the North Carolina Memorial Hospital, the UNC Center for Public Television, and various inter-institutional programs - notably the Area Health Education Centers (AHECs). After reviewing these governance arrangements, and having carefully considered the particular needs of NCSSM, it is recommended that the governance system described below be established for NCSSM within the organizational structure of the University, and that the accompanying draft legislation effecting these actions be proposed by the Board of Governors to the 1985 Session of the General Assembly [The draft legislation was, for the most part, adopted by the General Assembly and is not included here.]:

That the North Carolina School of Science and Mathematics be designated as an affiliated school of the University of North Carolina. The governance and administrative arrangements would be as follows:

**1. Board of Trustees**

The Board of Trustees of NCSSM shall be re-constituted, effective July 1, 1985.

- a. **Membership:** Twelve members who shall be elected by the Board of Governors; and three *ex officio* members, who shall be chief academic officers, respectively, of North Carolina Central University, North Carolina State University at Raleigh, and the University of North Carolina at Chapel Hill.
- b. Elected board members shall be selected for their interest in and commitment to public education and to the purposes of the NCSSM, and they shall be charged with the responsibility of serving the interests of the whole State. In electing members, the objective shall be to obtain the services of the best qualified persons, taking into consideration the need for representation by the different races, by men and women, and by political parties.
- c. **Terms:** Six of the elected members shall initially be chosen for a term of two years and six for a term of four years. Thereafter, all shall be elected to four-year terms. No person shall be eligible to serve more than two successive four-year terms. In the event of a vacancy, the Board of Governors shall appoint a replacement to serve for the remainder of the unexpired term.
- d. No person shall be elected to the Board of Trustees who is a member of the Board of Governors or of the Board of Trustees of a constituent institution, or the spouse of such member; and no member of the General Assembly or employee of the State or of any constituent institution or the spouse of such member or employee shall be elected to the Board of Trustees.
- e. The Board of Trustees shall meet at least four times a year and may hold special meetings at any time at the call of the chairman, or upon petition of four of the members of the board. The board shall elect a chairman and vice chairman, except that no *ex officio* member shall be eligible to serve as chairman or vice chairman. The board shall determine its own rules of procedures and create such committees as it deems appropriate. Board members, other than *ex officio* members, shall each receive such per diem and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions.
- f. **Powers and Duties**

The Board of Trustees shall make all rules, regulations, and policies necessary for the governance and operation of the school. The board shall have access to the professional staff of the University of North Carolina General Administration to assist and advise it in the formulation and application of its policies. In establishing policies for student admissions, the Board of Trustees shall see that equal opportunity is afforded eligible applicants in each of the State's congressional districts. Decisions of the board with regard to individual admissions shall be final. The Board of Trustees shall adopt personnel policies governing instructional staff of the school, and academic administrative personnel, who shall be exempt from the State Personnel Act. Any employee or student of the school who is aggrieved by a decision of the Board of Trustees may request review by the Board of Governors.

**2. Director of the school**

The chief administrative officer of the school shall be the director, who shall be appointed by the Board of Trustees to serve at its pleasure. The director shall administer all affairs of the school subject to the rules, regulations, and policies of the board. The director shall serve as secretary of the Board of Trustees and shall report at least four times a year to the board. Subject to the direction and approval of the Board of Trustees, the director of the school shall be responsible for all aspects of budget preparation, budget execution, and expenditure reporting. The budget request of the school, after adoption of the Board of Trustees, shall be transmitted by the director to the Board of Governors for submission to the Governor, the Advisory Budget Commission, and the General Assembly.

**3. Educational Advisory Council**

The Board of Governors shall establish an Advisory Council consisting of 12 members, consisting of (1) *ex officio*, the State Superintendent of the Department of Public Instruction and the chairman of the State Board of Education, and (2) ten scientists, mathematicians, public school representatives, and other persons having an interest in the school and desiring to contribute to its work. The members of the Advisory Council shall be appointed by the Board of Governors, upon nomination by the Trustees of the school, for four-year terms. No person shall be eligible to serve more than two successive four-year terms. The members of the Advisory Council shall give advice and counsel to the director and the Board of Trustees.

**IV. CONCLUSION**

Draft legislation that would make the recommendations effective is attached to this report, and its enactment by the General Assembly is recommended by the board. [Draft legislation was adopted in 1985 and is not included.] The board believes this would serve the interests of assuring the identity and autonomy of the school, and it will support the continuation of its innovative efforts to provide instruction to students with outstanding academic qualifications and to contribute to improved instruction in science and mathematics in all of the public schools of the State.

Adopted 07/09/76

**ENDORSEMENT OF CANDIDATES FOR POLITICAL OFFICE BY  
SENIOR ADMINISTRATORS**

The University is happy to supply to any candidate for political office information of a substantive nature, whether it is information on agriculture, economics, education or any other topic. Most of the candidates for governor and lieutenant governor have, in the past, requested and received factual information of this kind. The president and the president's principal staff members should take care not to go beyond this point and become actively involved by endorsing any candidate or becoming identified with any candidate. 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 would not be identified with any candidate or any party.

**NOTES:**

### **The Administrative Memorandum Series and the *Administrative Manual***

The Administrative Memorandum series was established in 1972 to facilitate communication between the office of the president and the constituent institutions of the University. The series has served as the primary medium for disseminating information about policies adopted by the Board of Governors and by this office. This system for uniform distribution of and accounting for statements of policy assumes added importance with the recent completion of two new codifications of existing University policies.

In 1990, General Administration distributed to all members of the Board of Governors an indexed looseleaf binder of topically arranged copies of all policies adopted by the Board of Governors (referred to hereinafter as *Board of Governors Policy Manual*). In early 1991, General Administration distributed to senior administrative officers of the University a separate edition of that compilation, augmented to include administrative directives from the office of the president (referred to hereinafter as the *Administrative Manual*). If these two publications are to effectively serve their intended purposes, they must be updated periodically to include new policy developments. While the *Board of Governors Policy Manual* and the *Administrative Manual* are intended to be the permanent reference documents for University policies, the Administrative Memorandum Series will continue to serve as the medium by which new policies are first promulgated and distributed. Thus, it is anticipated that most administrative memoranda ultimately will become additions to one or both of the two permanent codifications of University policy.

The president and the vice presidents will be responsible for determining which new administrative policies in their respective areas of concern are to be distributed through the Administrative Memorandum Series. Directives that do not have long-term significance or that are not of general applicability may be distributed less formally, in the discretion of the responsible senior officer. Making the distinction between use of an administrative memorandum and a less formal means of communication should depend on whether or not the policy in question ultimately should be included in the *Administrative Manual*.

The University secretary controls the numbering of administrative memoranda and their mailing. A member of the staff of the Division of Legal Affairs will edit the *Administrative Manual*.

[This is a rewrite of Administrative Memorandum #1.]

**NOTES:**

Adopted 06/08/90

**AUTHORIZATION TO INITIATE SUITS  
BY THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL**

WHEREAS, it has been alleged that the University of North Carolina Hospitals at Chapel Hill, as a legal entity, has no authority independent of the University of North Carolina to initiate and prosecute lawsuits in its own name for the collection of unpaid patient accounts; and

WHEREAS, any such questions about the legal capacity of said agency to prosecute lawsuits is to conveniently resolved by an enabling resolution of the Board of Governors;

NOW THEREFORE, be it resolved by the Board of Governors, that the Attorney General of the State of North Carolina is authorized, under the provisions of N.C.G.S. § 116-3, to initiate any lawsuit on behalf of the University of North Carolina Hospitals at Chapel Hill, in the name of the Board of Governors of the University of North Carolina, as he may deem appropriate for the collection of any unpaid patient account.

**NOTES:**

Adopted 11/08/91

### **AUTHORIZATION TO INITIATE LAWSUITS**

WHEREAS, UNC Physicians and Associates is a unit of the School of Medicine of UNC-CH which administers collection of accounts for providing various professional services, including patient care within clinics maintained at the University of North Carolina Hospitals at Chapel Hill; and

WHEREAS, from time to time it is necessary to initiate lawsuits for the collection of unpaid accounts for the rendering of such professional services; and

WHEREAS, the University of North Carolina at Chapel Hill has no independent authority to initiate and prosecute lawsuits in its own name for the collection of unpaid accounts; and

WHEREAS, it would expedite collection efforts if the Attorney General were authorized to initiate such lawsuits on behalf of the University of North Carolina at Chapel Hill without requiring that each such lawsuit be authorized by the Board of Governors;

NOW THEREFORE, be it resolved by the Board of Governors, that the Attorney General of North Carolina is authorized, under the provisions of N.C.G.S. § 116-3, to initiate lawsuits in the name of The University of North Carolina, on behalf of the University of North Carolina at Chapel Hill, as he may deem appropriate, for the collection of any unpaid account administered by UNC Physicians and Associates, provided, that the Attorney General shall furnish to the Committee on University Governance (1) a copy of the policies and procedures manual governing the collection of debts owed UNC Physicians and Associates and (2) a copy of the annual fiscal-year-end report prepared by the Attorney General for UNC Physicians and Associates concerning such debt-collection litigation.

**NOTES:**

### Procedures for Real Property Transactions

The process by which real property transactions are to be approved for execution can be extensive and complicated. Some clearances are established by State statute, others by State regulation, and still others by procedures of the Board of Governors. The attached chart combines the various clearances in a manner intended to make apparent the required process for undertaking each category of real property transaction.

In addition to the information set forth on the chart, the following procedures apply:

1. All real property transactions that require approval beyond the campus level are to be initiated by submission of the Form PO-1 for acquisitions and the Form PO-2 for dispositions to the State Property Office.
2. Leases not exceeding \$12,000 annual rental nor three years in term (including renewal) may be undertaken, subject to any required clearances, without the necessity of advertising for the required premises.
3. Institutions may not lease premises from a non-state agency without first determining that there are no state-owned or state-leased premises that would be suitable for the need; institutions may not lease premises to a non-state agency without first determining that no other state agency needs to lease those premises.
4. All real property instruments are to be entered into in the name of the State of North Carolina, not the constituent institution, regardless of whether signed by the Governor, the chancellor, or some other official.
5. Copies of all real property instruments must be filed with the Department of Administration. Every six months the institution is to make a report to the Department of Administration on the status of all leases. The procedure for this report is prescribed by the Department of Administration.
6. No permanent improvements on leased premises may be made without the prior approval of the Department of Administration.
7. These procedures pertain to real property transactions of the constituent institutions, but they do not govern transactions with non-state agencies by the Board of Trustees of the Endowment Fund of the institution, organized pursuant to N.C.G.S. § 116-36.

[This is a rewrite of Administrative Memorandum #298.]

**REQUIRED CLEARANCES FOR REAL PROPERTY TRANSACTIONS  
OF THE CONSTITUENT INSTITUTIONS**

Property interest (whether acquisition or disposition)	Consideration <sup>1</sup>	Term (including renewal)	Clearance needed <sup>2</sup>
Any interest in land other than a lease (e.g., fee simple, easement, license)	not more than \$49,999	any term	1. Board of Trustees 2. Dept. of Admin (State Property Office) <sup>3</sup> 3. Gov. & Council of State (Gov. execute instrument)
	\$50,000 or more	any term	1. Board of Trustees 2. Board of Governors <sup>4</sup> 3. Dept. of Admin. 4. Gov. & Council of State (Gov. execute instrument)
Lease	not more than \$5,000 annual rental	not more than 3 years	Chancellor execute <sup>5</sup>
		more than 3 years	1. Dept. of Admin. 2. Gov. & Council of State (Gov. execute instrument)
	at least \$5,001 but not more than \$12,000 annual rental	not more than 3 years	Dept. of Admin. (State Property Officer execute)
		more than 3 years	1. Dept. of Admin. 2. Gov. & Council of State (Gov. execute instrument)
at least \$12,001 but not more than \$24,999 annual rental	any term	1. Dept. of Admin. 2. Gov. & Council of State (Gov. execute instrument)	
at least \$25,000 but not more than \$49,999 annual rental	any term	1. Board of Trustees 2. Dept. of Admin. 3. Gov. & Council of State (Gov. execute instrument)	
at least \$50,000 annual rental	any term	1. Board of Trustees 2. Board of Governors 3. Dept. of Admin 4. Gov. & Council of State (Gov. execute instrument)	

<sup>1</sup> Dispositions at less than fair market value are subject to the constraints of N.C.G.S. § 146-29.1

<sup>2</sup> After all necessary clearances are obtained, the appropriate property instrument is prepared by or under the supervision of the Attorney General.

<sup>3</sup> This clearance includes review of the proposed transaction by the Attorney General.

<sup>4</sup> With respect to any interest in real property, whatever its value or nature, which relates to or affects a constituent institution, the Board of Governors may take action or recommend action, as the case may be, without having received a recommendation therefor from the Board of Trustees of the respective institution.

<sup>5</sup> Where no clearance by the Board of Trustees is shown to be required for a particular property transaction, it is assumed that execution of the appropriate instrument by the chancellor or submission of the transaction for clearance by other agencies through the chancellor's initiative, as the case may be, has been authorized by appropriate delegation from the Board of Trustees to the chancellor, conferring a standing authority therefor pursuant to a resolution of the Board of Governors dated 11/13/81.

Adopted 04/12/91

## **STANDARDS FOR ORGANIZED SERVICE AND ASSISTANCE TO THE PUBLIC SCHOOLS**

Section 7 of House Bill 2335 adopted by the reconvened session of the General Assembly in 1990 provides that:

The Board of Governors of the University of North Carolina shall adopt standards to create and enhance an organized program of public service and technical assistance to the public schools. This program shall:

1. Provide systematic access for public schools to consultation and advice available from members of the faculties of the constituent institutions;
2. Facilitate and encourage research in the public schools and the application of the results of this research;
3. Link the education faculties of the constituent institutions with public school teachers and administrators through public service requirements for the education faculties; and
4. Create partnerships among all constituent institutions, their schools or departments of education, and the maximum number of public schools that could benefit from these partnerships.

The constituent institutions of the University of North Carolina shall provide service to the public schools in accordance with the mission of the University to address state needs through teaching, service and research. The University's commitment to students requires that teaching be the primary responsibility at all constituent institutions. Although the duties of individual faculty members vary from time to time, all are responsible for performance of service activities at a level which enables the institution to fulfill its teaching and research missions as well as its service mission.

To promote the efforts of the constituent institutions of the University in assisting public schools through appropriate service activities, the Board of Governors calls upon the constituent institutions offering programs for the preparation of school teachers and administrators to establish partnerships with public schools; and, further, the board adopts the following standards:

### **Standard 1**

Each constituent institution offering programs for the preparation of teachers and school administrators shall have a committee on public school services. The committee shall be named by the chancellor and it shall include at least two members of the education faculty, at least one member of the arts and sciences faculty, two school superintendents, and such other members as may be appropriate. The committee will advise the dean/chair of education on the fulfillment of service commitments including, but not limited to those described in the standards below.

### **Standard 2**

Each school/department of education shall establish an office of school services to coordinate and encourage service to the public schools. The office will maintain an inventory of campus resources that could be of service to the public schools through technical assistance or research initiatives. The office will also disseminate to school districts information on campus resources; receive requests for assistance from school districts; and direct the requests to the appropriate campus resource.

**Standard 3**

Each school/department of education shall plan and implement annually a program for service to the public schools that describes the service to be rendered, identifies the faculty members who will be involved, and the sources of support for the program.

**Standard 4**

The University of North Carolina General Administration shall compile a directory of the offices of school services at the constituent institutions and provide the directory to all public school districts.

**Standard 5**

The chancellor shall report periodically to the University of North Carolina General Administration on the service and technical assistance provided to the public schools.

### **Delegation of Authority to Execute Construction Contracts**

The "Delegations of Duty and Authority to Boards of Trustees," adopted by the Board of Governors and set forth in the Appendix to *The Code*, specified in Section VI that each Board of Trustees would exercise authority (subject to any policies of the Board of Governors or any requirements of State law) with respect to selection of architects, approval of building sites, approval of plans and specifications and final acceptance of completed capital construction projects. The responsibility for execution of construction contracts was not addressed in that delegation, however, and therefore that function is presently a responsibility of the president, within the terms of the budget-execution functions assigned by *The Code*. As of December 18, 1972, the president has delegated to each chancellor the authority and responsibility for execution of construction contracts, in conjunction with the performance by the Board of Trustees of its enumerated responsibilities.

[This is a rewrite of Administrative Memorandum #8.]

**NOTES:**

### **Revenue from Collegiate License Plates**

The 1991 General Assembly enacted N.C.G.S. § 20-81.12 to provide for collegiate insignia registration plates. This act authorizes the Division of Motor Vehicles to issue collegiate license plates for public and private colleges and universities in the State. An extra registration fee of \$25 is charged for the special plates, of which \$15 is credited to the Collegiate Plate Fund. On a quarterly basis, the portion of the Collegiate Plate Fund attributable to sales of plates representing the public universities will be transferred to the Board of Governors of the University of North Carolina.

The revenue received as a result of this legislation will then be transferred to each constituent institution in proportion to the number of collegiate plates sold with respect to that institution. The receipt of and expenditure of these funds should be recorded in a separate trust fund account at each constituent institution. Records should be maintained in such a manner that will provide the appropriate information required to report on the use of these funds. These revenues must be used for academic enhancement.

[This is a rewrite of Administrative Memorandum #324.]

**NOTES:**

### Recycling of Materials Which Would Otherwise Become Solid Waste

The 1989 Session of the General Assembly produced legislation providing a statewide effort to reduce solid waste through economical reclaiming material which would otherwise be discarded as solid waste. The portion of the legislation known as the Solid Waste Management Act of 1989 (N.C.G.S. § 130A-309.1) provides for the reduction, recycling, and reuse or treatment of solid waste. The Act further establishes a goal of at least a 25% reduction in the total waste stream by January 1, 1993. To meet this goal, each state agency is required to develop a recycling plan which is consistent with the solid waste management policy of the state. The purpose of this policy is to provide an outline that will allow each constituent institution to develop solid waste recycling plans tailored to develop strategies and to utilize recycling resources both on campus and in the local area.

The following policy and procedural guidelines shall be incorporated into the institutional recycling plans:

1. Each constituent institution of the University shall develop a solid waste recycling plan and forward the plan to the North Carolina Department of Environment, Health and Natural Resources with a copy to UNC General Administration by May 1, 1992. To the extent that institutional plans have been previously developed, such plans should be reexamined in light of this policy statement.
2. Each campus will designate a person as the institutional recycling coordinator. Although certain institutions have previously established the recycling coordinator as a full-time position, most institutions will require designation of an individual on an *ad hoc* basis. It is not the intention of this policy to require establishment of a new position for this purpose.
3. Each institutional recycling plan will include a means of annual measurement of solid waste generated, recycled, and disposed, and the methods of solid waste recycling and disposal used. This portion of the plan will require study of the waste stream of the institution with identification of those components of the waste stream which can be feasibly recycled. It is anticipated that this data will be developed for reporting to the North Carolina Department of Environment, Health, and Natural Resources, with a copy to UNC General Administration.
4. Each institutional recycling plan should specifically prohibit non-conforming disposal of waste materials in violation of General Statutes.
5. Each campus should promote the purchase of commodities which are manufactured with recycled products where economically feasible to do so.
6. Each institutional plan should be developed with consideration of local or municipal efforts in recycling and joining with local programs where practical. Copies of a *Directory of North Carolina State and Local Contacts for Recycling Information and Assistance — 1991* and a *Directory of Industrial and Commercial Recyclers Serving North Carolina Businesses and Communities* have previously been provided. These documents are intended to enhance local contacts for joint recycling efforts and as a source of firms specializing in material recycling.
7. Each institutional recycling plan should include a time frame for reporting implementation of the plan. Also previously provided was a document entitled *Guidelines for Developing Recycling Implementation Plans for North Carolina State Agencies* which is intended to serve as a resource for determining program elements which should be considered for inclusion in the institutional recycling plan.

[This is a rewrite of Administrative Memorandum #320.]

**NOTES:**

**Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”**

The following policies shall apply with respect to disciplinary proceedings against students enrolled at the constituent institutions of the University:

1. Each constituent institution shall determine, with respect to its students, what misconduct shall warrant the sanction of expulsion from enrollment (subject to preemptive policies of the Board of Governors which have prescribed or in the future may prescribe that penalty for specified offenses).
2. When imposed, the sanction of expulsion uniformly shall mean: permanent dismissal, unless at a later date the chancellor who imposed or approved the sanction (or his or her successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education.
3. A student who has been expelled from one constituent institution may not be admitted to another constituent institution of the University, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction.

[This is a rewrite of Administrative Memorandum #346.]

**NOTES:**

Adopted 09/25/98

**Delegation of Certain Contractual Authority at General Administration**

Subject to retention by the president of residual executive authority to sign agreements at General Administration of the University of North Carolina, the following delegations of authority are hereby established:

1. Any agreement at General Administration, for itself and/or one or more institutions or agencies of the University of North Carolina, for participation in programs such as interagency educational programs, undertakings, and consortia, or for receipt and administration of grants or scholarships, where (1) the office of the president or General Administration is to execute the agreement and (2) execution is not expressly required of the president, shall be executed by the vice president, or one functioning at the vice presidential level, in whose sphere of professional responsibility the subject matter of the agreement has arisen.
2. Any agreement at General Administration, for itself and/or one or more institutions or agencies of the University of North Carolina, for the procurement of personal or professional services (including services of a consultant nature) of an independent contractor, or for the procurement of supplies, materials, or rights of use in either tangible or intangible matter, shall be executed by the vice president for finance.
3. A vice president, or other officer functioning at the vice presidential level, may subdelegate in writing his or her authority under this policy to such member(s) of the officer's staff as the officer deems appropriate; provided, that a copy of any such subdelegation shall be filed with the president and with the vice president for legal affairs. Excepted from this policy is the subdelegation of authority to execute services contracts at General Administration of a consultant nature, which, under Administrative Memorandum Number 155 (dated June 30, 1981), may be executed only by an officer (or officers) named by the president. With respect to consultant contracts at the University of North Carolina General Administration, such officer shall be the vice president for finance.
4. All agreements to be signed under these delegations and their subdelegations are subject to such prior review and clearance as state law or regulation or University policy or practice may require.

[This is a rewrite of Administrative Memorandum #386.]

**NOTES:**