

**NORTH CAROLINA CENTRAL UNIVERSITY  
BOARD OF TRUSTEES  
SPECIAL CALL MEETING  
EXECUTIVE/PERSONNEL COMMITTEE**

**JULY 29, 2021**

**OPEN SESSION**

The NCCU Board of Trustees Executive/Personnel Committee held a Special Call meeting on Thursday, July 29, 2021, VIRTUAL VIA ZOOM/DIAL IN ACCESS. Chairman Holloway called the meeting to order at 1:00 p.m. This meeting was conducted pursuant to the provisions of the Open Meetings Act that apply during states of emergency and that allow for public bodies to meet via electronic means. The law requires, however, that all votes are to be taken by roll call.

Chairman Holloway recognized Trustee Coleman to call the roll.

**ROLL CALL VOTE:**

Chairman Holloway	Present
Trustee Allison	Present
Trustee Coleman	Present
Trustee Herrera	Present
Trustee Johnson	Present

There were five (5) members present. A quorum was established.

Others Present: Chief of Staff Al Zow, Attorney Fenita Morris-Shepard and Ms. Dottie Fuller

**CHAIR'S REMARKS:** Chairman Holloway informed the Board, as Chair, it is his responsibility to remind all members of the Board of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest as required by this Act. Chairman Holloway instructed the Board members as follows: Each has received the agenda and related information for this Special Call Board of Trustees meeting. If any board member knows of any conflict of interest or appearance of conflict with respect

to any matter coming before the Board of Trustees at this meeting, the conflict or appearance of conflict should be identified at this time. There were none.

Prior to going into Closed Session Chairman Holloway reminded the Executive/Personnel Committee members that at the Special call meeting of the Board of Trustees held on July 14, 2021, in Closed Session, University Legal Counsel Fenita Morris-Shepard presented a written request from the faculty member for a Board of Trustees Appellant Review of the University's decision to deny tenure and non-appointment. She also shared with the trustees the Tenure/Promotion Process and the Board of Trustees Appellate Review Guidelines. This matter was discussed in Closed Session.

When the meeting reconvened in Open Session on July 14<sup>th</sup>, it was moved by Trustee Walker and properly seconded by Trustee Tidwell that the NCCU Board of Trustees has determined the faculty member has timely filed his appeal with the Board. Therefore, the NCCU Board of Trustees will notify the parties of a schedule for evaluating whether it has jurisdiction to hear the appeal. The NCCU Board of Trustees Executive/Personnel Committee will meet to receive documentation to support and evaluate the appeal and will provide a recommendation to the full NCCU Board of Trustees expeditiously. The Motion carried with ten (10) votes in the affirmative.

Documentation was sent to each Executive/Personnel Committee member via FED EX on July 15<sup>th</sup>. So today, July 29<sup>th</sup>, we meet to evaluate the faculty member's written grounds for appeal to determine if the issue(s) raised is within one of the three (3) grounds for appeal. At the conclusion of the evaluation the Committee will present its recommendation(s) to the full Board of Trustees on a future date.

Chairman Holloway recognized University Legal Counsel Fenita Morris-Shepard who charged the Committee, per Section 604 of the UNC Code, to determine whether the Board of Trustees has jurisdiction to evaluate the faculty member's written request for appeal based on the three (3) grounds: (1) Material Procedural Error; (2) Clearly Erroneous and (3) Contrary to Law or Policy.

Chairman Holloway recognized Trustee Oita Coleman for a motion to go into Closed Session pursuant to NCGS 143-318.11(a)(6) to consider the qualifications or condition of appointment of an employee.

Trustee Allison	Yes
Trustee Coleman	Yes

Trustee Herrera	Yes
Trustee Johnson	Yes

**Motion carried** with four (4) votes in the affirmative

### **CLOSED SESSION**

Chairman Holloway shared with the Committee members in order to evaluate the faculty member’s written grounds for appeal to determine if the issue(s) raised is within one of the three (3) grounds for appeal. The three (3) grounds for appeal are:

- (1) Material Procedural error (the faculty member must demonstrate that the material procedural error caused him to not receive a fair hearing or fair review by the Chancellor and, but for that error, a different decision may have been reached);
- (2) Clearly Erroneous (the faculty member must show that a reasonable person could not have reached the conclusion the Chancellor reached;
- (3) Contrary to Law or Policy (Allegations that controlling law or University policy was disregarded, misinterpreted or misapplied to the facts of the case when disposing of the request for review of the decision

The Executive/Personnel Committee deliberated and thoroughly considered the faculty member’s entire record of evidence materials to determine whether the faculty member has provided appropriate grounds for appeal.

There being no further business for Closed Session, it was moved by Trustee Johnson and properly seconded by Trustee Herrera to reconvene into Open Session.

Trustee Allison	Yes
Trustee Coleman	Yes
Trustee Herrera	Yes
Trustee Johnson	Yes

**Motion carried** with four (4) votes in the affirmative.

## **OPEN SESSION**

When the meeting reconvened in Open Session, it was moved by Trustee Johnson and properly seconded by Trustee Herrera that the NCCU Board of Trustees Executive/Personnel Committee has determined, after thorough consideration of the faculty member's submission and the entire record on appeal, the faculty member failed to provide sufficient evidence to support his claims that there was material procedural error, that the Chancellor's decision was clearly erroneous or that the University's decision was contrary to controlling law or policy. Therefore, the Committee affirms the University's decision to deny promotion and tenure. The NCCU Board of Trustees Executive/Personnel Committee will make this recommendation to the full Board of Trustees at a Special Call Meeting to take final action expeditiously.

Trustee Allison	Yes
Trustee Coleman	Yes
Trustee Herrera	Yes
Trustee Johnson	Yes

**Motion carried** with four (4) votes in the affirmative.

There being no further business, it was moved and properly seconded to adjourn.

Trustee Allison	Yes
Trustee Coleman	Yes
Trustee Herrera	Yes
Trustee Johnson	Yes

**Motion carried** with four (4) votes in the affirmative.

Respectfully submitted:

Kevin M. Holloway, Chairman