

**East Carolina University
Board of Trustees
July 23, 2021**

MINUTES

The ECU Board of Trustees met in open session as part of their regular scheduled meeting series on July 23, 2021. The meeting originated from ballroom A in the Main Campus Student Center, on the campus of East Carolina University in Greenville, NC. Acting Chair Fielding Miller called the meeting to order. Mr. Miller called on Mr. Vince Smith to lead the Pledge of Allegiance.

ADMINISTRATION OF OATHS OF OFFICE

Mr. Miller called on Ms. SaraBeth Rhodes, Clerk of Pitt County, to administer the Oaths of Office for new trustee members: Cassandra Burt, Jeffery Roberts, Dave Fussell, and Chandler Ward.

READING OF ETHICS STATEMENT

In compliance with the State Government Ethics Act, Mr. Miller read the conflict-of-interest statement and asked if anyone had a conflict to disclose. No conflicts were identified.

APPROVAL OF MINUTES

Mr. Miller asked for a motion to approve the regular minutes from April 23, 2021, the special called meeting on June 23, 2021, and revised minutes from the September 9, 2020 regular meeting.

Mr. Furr moved to approve the minutes. The motion was seconded. All voted to approve the motion with no negative votes.

NOMINATING COMMITTEE REPORT / ELECTION OF OFFICERS

Former Chair Vern Davenport appointed a nominating committee at the April regular meeting. Mr. Van Isley was appointed as chair of the committee and Ms. Leigh Fanning and Mr. Tom Furr were appointed as committee members.

Mr. Miller called on Mr. Isley to provide a report to the trustees on behalf of the nominating committee.

Mr. Isley presented the official slate of officers for the upcoming year on the Board of Trustees:

Chair: Scott Shook
Vice Chair: Jason Poole
Secretary: Vince Smith

Mr. Miller called on Ms. Megan Ayers, Assistant Secretary to the Board of Trustees, to conduct the formal election.

Ms. Ayers opened the floor for nominations, beginning with the position of Chair, hearing none.

Ms. Ayers opened the floor for nominations for the position of Vice Chair, hearing none.

Ms. Ayers opened the floor for the position of Secretary, hearing none.

The floor for nominations was closed.

Ms. Ayers asked for a motion to approve the slate of officers as presented by the nominating committee:

Chair: Scott Shook
Vice Chair: Jason Poole
Secretary: Vince Smith

Mr. Segrave moved to approve the slate of officers as presented. Ms. Fanning seconded the motion.

Hearing no discussion on the motion, all voted to approve the motion with no negative votes. The Board of Trustee officers elected for the 2021 – 2022 year are as follows:

Chair: Scott Shook
Vice Chair: Jason Poole
Secretary: Vince Smith

ROLL CALL

Mr. Shook called on Mr. Vince Smith, Secretary, to call the roll.

Present

Cassandra Burt
Leigh Fanning
Dave Fussell
Tom Furr
Van Isley
Fielding Miller
Angela Moss
Jason Poole
Jeffery Roberts
Jim Segrave
Scott Shook
Vince Smith
Chandler Ward

Absent

ACTION ITEMS

Mr. Shook called on Ms. Stephanie Coleman, Interim Vice Chancellor for Administration and Finance, to present a series of property leases requesting approval from the board.

Hearing no discussion, Mr. Poole moved that the Board approve the sublease agreement with Bio-Medical Applications of North Carolina and ECU Physicians, Brody School of Medicine for a nephrology clinic located at 2355 W. Arlington Boulevard, as presented in board materials. Mr. Furr seconded the motion.

Hearing no discussion, the motion was unanimously approved. A full text version of this item is listed as "Attachment A."

Mr. Poole moved that the Board approve the lease agreement between Truth Properties of JRBA LLC and ECU Physicians, Brody School of Medicine, located at 2150 Herbert Court, for the continued use as ECU Pediatrics Specialty Care, as presented in board materials. The motion was seconded.

Hearing no discussion, the motion was unanimously approved. A full text version of this item is listed as "Attachment B."

Mr. Poole moved that the Board approve the lease renewal agreement at 517 and 521 Moye Boulevard presented in board materials. Mr. Isley seconded the motion.

Hearing no discussion, the motion was unanimously approved. A full text version of this item is listed as "Attachment C."

Mr. Poole moved that the Board approve the lease renewal agreement at 2160 Herbert Court for use as ECU Women's Clinic as presented in board materials. Mr. Furr seconded the motion.

Hearing no discussion, the motion was unanimously approved. A full text version of this item is listed as “Attachment D.”

Mr. Shook called on Wayne Poole, Chief Audit Officer, to present the annual audit plan. There was no discussion from the board, and Mr. Smith moved that the Board approve the proposed annual audit plan as presented in the Board materials. The motion was seconded.

The motion was approved with no negative votes. A full text version of this item is listed as “Attachment E.”

Mr. Shook reviewed the mission of East Carolina University:

To be a national model for student success, public service and regional transformation, East Carolina University:

- Uses innovative learning strategies and delivery methods to maximize access;
- Prepares students with the knowledge, skills and values to succeed in a global, multicultural society;
- Develops tomorrow’s leaders to serve and inspire positive change;
- Discovers new knowledge and innovations to support a thriving future for eastern North Carolina and beyond;
- Transforms health care, promotes wellness, and reduces health disparities; and
- Improves quality of life through cultural enrichment, academics, the arts, and athletics.
- We accomplish our mission through education, research, creative activities, and service while being good stewards of the resources entrusted to us.

Hearing no further discussion, Mr. Shook asked for a motion to reaffirm the mission statement of East Carolina University.

Mr. Poole moved that the board approve the mission statement as stated. Mr. Fussell seconded the motion.

Hearing no discussion, all members voted to reaffirm the ECU Mission Statement.

REPORT FROM THE CHANCELLOR

Mr. Shook called on Chancellor Philip Rogers to provide his report to the Board of Trustees. A full text version of Chancellor Rogers' report is listed as "Attachment F."

CLOSED SESSION

Mr. Shook asked for a motion to move into closed session.

Mr. Ward moved that the board go into closed session: To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award; and to prevent the disclosure of confidential information under N.C. General Statutes §126-22 to §126-30 (personnel information) and the federal Family Educational Rights and Privacy Act; and to consider the qualifications, competence, performance, character, fitness, or appointment of prospective and/or current employees and/or to hear or investigate a complaint or grievance by or against one or more employees; and to consult with an attorney to preserve the attorney-client privilege between the attorney and the Committee to consult with our attorney and to preserve the attorney-client privilege and to consider and give instructions concerning claims,

including pending, potential and/or threatened litigation (see Exhibit A, attached here and incorporated herein by reference, for pending claims).

The motion was seconded and approved unanimously.

The board moved into closed session.

RETURN TO OPEN SESSION

Upon return from closed session, there were items from closed session requesting the board's approval.

Mr. Miller moved the Board approve three naming proposals: The Thomas D. Arthur Graduate School of Business; The Colonel Richard M. and Betty Debnam Hunt Teaching Resource Center; and The Aman Family Lot as presented in board materials.

The motion was seconded. Hearing no discussion, the motion was unanimously approved. A full text version of this item is listed as "Attachment G."

Mr. Furr moved that the Board approve the incentive payments in the School of Dental Medicine as presented in board materials. The motion was seconded by Mr. Isley.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment H."

Mr. Furr moved that the Board approve the incentive payments in the College of Allied Health Sciences as presented in board materials. The motion was seconded.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment I."

Ms. Fanning moved that the Board approve the non-salary compensation for the ECU Tuscan program as presented in board materials. The motion was seconded.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment J."

Mr. Miller moved that the Board approve the non-salary compensation packages for individuals ECU Athletics as presented in board materials. The motion was seconded.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment K."

Mr. Poole moved that the Board approve the appointment of Paul Zigas to the position of University Counsel and Vice Chancellor for Legal Affairs effective August 1, 2021 at the proposed annual salary of \$230,000, contingent upon the Board of Governors approval. The motion was seconded.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment L."

Mr. Poole moved that the Board approve the appointment of Stephanie Coleman to the position of Vice Chancellor for Administration and Finance effective August 1, 2021 at the proposed annual salary of \$280,000, contingent upon the Board of Governors approval. The motion was seconded.

Hearing no discussion, the motion was approved unanimously. A full text version of this item is listed as "Attachment M."

Mr. Shook called on Paul Zigas to present the interim Patent Policy for approval by the Board of Trustees. Hearing no discussion, Ms. Fanning moved that the board approve the revisions to the Patent Policy as presented in board materials. The motion was seconded.

Hearing no discussion, the motion was passed unanimously. A full text version of this item is listed as "Attachment N."

UNFINISHED BUSINESS

There was no unfinished business to come before the board.

NEW BUSINESS

Mr. Shook reported on new business to come before the board. Mr. Shook will have committee assignments to members of the board within the next couple weeks.

Mr. Shook shared that the board is due for its four-year self-assessment as required by UNC System Policy. The assessment will take place on October 21-22 and more information will be available shortly.

ADJOURNMENT

Hearing no further business to come before the board, Mr. Shook adjourned the meeting.

Respectfully submitted,

Megan Ayers
Assistant Secretary to the Board of Trustees

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MEMORANDUM

TO: Stephanie Coleman

FROM: Kevin Carraway

DATE: May 4, 2021

SUBJECT: Request ECU Board of Trustees Approval to Enter into a New Sublease at 2355 W. Arlington Boulevard

Request ECU Board of Trustees approval to enter into a Sublease Agreement with Bio-Medical Applications of North Carolina and ECU Physicians, Brody School of Medicine for a nephology clinic located at 2355 W. Arlington Boulevard. The sublease will include approximately 2,700 square feet of space for Sublessee's exclusive use and 440 rentable square feet of space which is 25% used by Sublessee situated in the Premises.

The sublease is strategic in nature as ECU Nephology and Fresenius Dialysis have been working together in the same facility for over 17 years. The new sublease complies with the Anti-Kickback laws.

The term of the new Sublease will be a 3-year lease effective 5/20/2021 ending 5/19/2-24 at the annual rent of \$45,136.00 for year one. Rent shall increase each year by 2.5%.

The lease has been approved by the ECU Physicians Property Review Committee, and the Dean, Brody School of Medicine.

cc: Robert LaGesse



MEMORANDUM

TO: Stephanie Coleman

FROM: Kevin Carraway

DATE: Wednesday, April 14, 2021

SUBJECT: Request ECU Board of Trustees Approval to Renew the Lease at 2150 Herbert Court for use as ECU Pediatrics Specialty Care – Greenville

Request ECU Board of Trustees approval on one property matters:

ECU Physicians wishes to renew the Lease Agreement between Truth Properties of JRBA LLC and ECU Physicians, Brody School of Medicine, East Carolina University entered into October 5, 2016 with the original landlord, Ernie & Up, LLC and which will terminate on December 31, 2021. The lease is for 11,441 rentable square feet of clinical/office space used as ECU Pediatrics Specialty Care since 2006 located at 2150 Herbert Court, Greenville, NC. The term of the new Amendment will be a 5-year lease term effective 1/1/2022 ending 12/31/2026 with a yearly 2.25% escalator after year one (1) of the first lease amendment. The rental schedule is as follows:

Months	Total Annual Rent	Monthly Rent
January 1, 2022 – December 31, 2022	\$ 214,624.51	\$ 17,885.38
January 1, 2023 – December 31, 2023	\$ 219,453.56	\$ 18,287.80
January 1, 2024 – December 31, 2024	\$ 224,391.27	\$ 18,699.27
January 1, 2025 – December 31, 2025	\$ 229,440.07	\$ 19,120.01
January 1, 2026 – December 31, 2026	\$ 234,602.47	\$ 19,550.21

The lease has been approved by the ECU Physicians Property Review Committee and the Dean, Brody School of Medicine.



MEMORANDUM

TO: Stephanie Coleman

FROM: Kevin Carraway

DATE: Friday, July 16, 2021

SUBJECT: Request ECU Board of Trustees Approval to Renew the Leases at 517 Moye Blvd. and 521 Moye Blvd. – Greenville

Request ECU Board of Trustees approval on two related property matters:

1. ECU Physicians wishes to renew the Lease Agreement between Greenville 521 Properties LLC and ECU Physicians, Brody School of Medicine, East Carolina University entered into a lease March 8, 2017 with Moye Medical I, LLC which terminates on December 31, 2024. The lease is for +/-26,758 rentable square feet of clinical/office space. The term of the new Amendment will be a 6-year lease term effective 1/1/2025 ending 12/31/2030. The rental schedule is as follows :

Months	Total Annual Rent	Monthly Rent
January 1, 2025 – December 31, 2025	\$ 628,813.00	\$ 52,401.08
January 1, 2026 – December 31, 2026	\$ 644,533.33	\$ 53,711.00
January 1, 2027 – December 31, 2027	\$ 660,646.66	\$ 55,053.89
January 1, 2028 – December 31, 2028	\$ 677,162.82	\$ 56,430.24
January 1, 2029 – December 31, 2029	\$ 694,091.90	\$ 57,840.99
January 1, 2030 – December 31, 2030	\$ 711,444.19	\$ 59,287.02

Renewing now will allow ECU Physicians to access \$500,000 upfit allowance for improvements and reduces the future lease escalator from 3% to 2.5% in years 2025-2030.

(continued on next page)

2. ECU Physicians wishes to renew the Lease Agreement between Greenville 517 Properties LLC and ECU Physicians, Brody School of Medicine, East Carolina University entered into a lease March 8, 2017 with Moye Medical II, LLC which terminates on December 31, 2024. The lease is for +/-44,259 rentable square feet of clinical/office space. The term of the new Amendment will be a 6-year lease term effective 1/1/2025 ending 12/31/2030. The rental schedule is as follows :

Months	Total Annual Rent	Monthly Rent
January 1, 2025 – December 31, 2025	\$ 1,040,086.50	\$ 86,673.88
January 1, 2026 – December 31, 2026	\$ 1,066,088.66	\$ 88,840.72
January 1, 2027 – December 31, 2027	\$ 1,092,1740.88	\$ 912,061.74
January 1, 2028 – December 31, 2028	\$ 1,120,059.40	\$ 93,338.28
January 1, 2029 – December 31, 2029	\$ 1,148,060.89	\$ 95,671.74
January 1, 2030 – December 31, 2030	\$ 1,176,762,41	\$98,063.53

Renewing now will allow ECU Physicians to access \$500,000 upfit allowance for improvements and reduces the future lease escalator from 3% to 2.5% in years 2025-2030.

The lease has been approved by the ECU Physicians Property Review Committee and the Dean, Brody School of Medicine.



MEMORANDUM

TO: Stephanie Coleman

FROM: Kevin Carraway

DATE: Tuesday, May 25, 2021

SUBJECT: Request ECU Board of Trustees Approval to Renew the Lease at 2160 Herbert Court for use as ECU Women's Clinic – Greenville

Request ECU Board of Trustees approval on one property matter:

ECU Physicians wishes to renew the ECU Physicians wishes to renew the Lease Agreement between 2160 Herbert Court LLC and ECU Physicians, Brody School of Medicine, East Carolina University entered into June 28, 2004 with the original landlord, Venture Partners I, LLC and which has been on a month-to-month basis since February 1, 2019. The lease is for 17,684 rentable square feet of clinical/office space used as the ECU Women's Clinic located at 2160 Herbert Court, Greenville, NC. The term of the new Amendment will be a 5-year lease term effective 8/1/2021 ending 7/31/2026 with a \$176,000 upfit allowance and a yearly 2% escalator after year one (1) of the first lease amendment.

The rental schedule is as follows:

Months	Total Annual Rent	Monthly Rent
August 1, 2021 – July 31, 2022	\$ 316,431.14	\$ 26,369.26
August 1, 2022 – July 31, 2023	\$ 322,759.76	\$ 26,896.65
August 1, 2023 – July 31, 2024	\$ 329,214.96	\$ 27,434.58
August 1, 2024 – July 31, 2025	\$ 335,799.26	\$ 27,983.27
August 1, 2025 – July 31, 2026	\$ 342,515.24	\$ 28,542.94

The lease has been approved by the ECU Physicians Property Review Committee and the Dean, Brody School of Medicine.

cc: Robert LaGesse

FY 2022 Annual Audit Plan

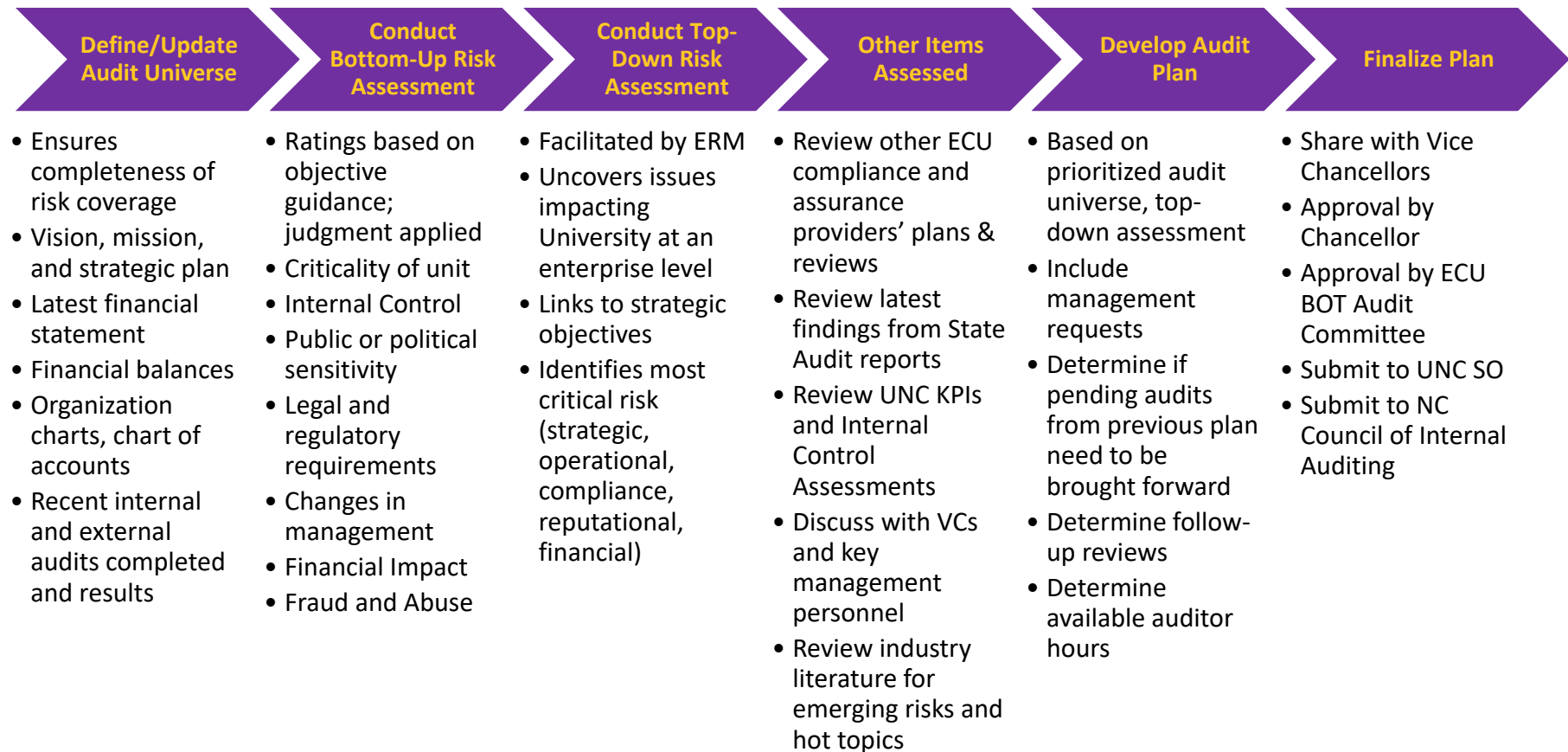
Office of Internal Audit and Management Advisory Services

Annual Audit Planning Process – Why?

- Required to comply with IIA Standard 2010
- Required to submit to UNC System Office/BOG
- Determine the priorities of the Internal Audit team based on assessment of risks that may affect ECU's ability to accomplish its objectives
- Coordinate with all compliance and risk units to avoid duplication and ensure key risks are covered

Annual Audit Planning Process – How?

Continuously Assess and Monitor Risk / Update Audit Universe and Plan



Annual Audit Planning Process – Result

- A work plan/list of priorities for the IA team
- Includes hours for unplanned consultations and investigative audits – based on historical trends
- Flexible; can and will change as new priorities emerge
- Changes will be brought to the Chancellor and BOT/Audit Committee for approval

Annual Audit Planning – Next Steps

- Chancellor approved in June 2021
- BOT/Audit Committee approval sought
- Submit to required external agencies in July
- CAO will keep Chancellor and BOT/Audit Committee apprised of progress and desired changes throughout the year

**East Carolina University
Office of Internal Audit
Annual Engagement Plan
By Type
FY 2022**

Attachment E

Project Description		Budgeted Hours	% of Total	Division
Integrated/Internal Controls/Operational/Performance Audits:				
Financial Aid Analytics	WIP	300	1.8%	AA
Parking and Transportation (Business processes)	WIP	300	1.8%	AF
Automated Journal Voucher Process	WIP	240	1.4%	AF
Campus Living	OP	300	1.8%	SA
ECU Lab School	OP	300	1.8%	AA
Clinical Trials	OP	300	1.8%	HS
Payroll	OP	300	1.8%	AF
University Scholarships	OP	300	1.8%	AA,HS,UA
Athletics Ticket Office	OP	300	1.8%	AT
ChromeRiver Processes	OP	300	1.8%	AF
Academic Outreach Operations	OP	300	1.8%	AA
		3240	19.4%	
Compliance Audits:				
Conflict of Interest Management	OP	240	1.4%	REDE,AA,HS
Pandemic Relief Funds (details TBD)	OP	300	1.8%	ALL
Americorps Participation Records (College of Ed)	OP	160	1.0%	AA
		700	4.2%	
Information Technology Audits:				
Mobile Computing Practices of Remote Workers	OP	300	1.8%	ALL
UNC Policy 1400 Assessment	OP	240	1.4%	AF
Campus Ops Networked Systems	OP	260	1.6%	AF
axiUm Controls	WIP	40	0.2%	HS
		840	5.0%	
Investigative Reviews:				
Hotline Allegations Triage	OP	100	0.6%	ALL
Investigative Reviews - Already In Progress	WIP	200	1.2%	
Investigative Reviews - Not Yet Received/Started	OP	1400	8.4%	
		1700	10.2%	
Follow-Up Reviews:				
Action Plan Tracking and Follow-Up	OP	600	3.6%	ALL
OSA IT Recommendations (1st follow-up)	WIP	40	0.2%	AF
OSA IT Recommendations (2nd follow-up)	OP	140	0.8%	AF
Campus Living Hiring Practices (L21015)	OP	80	0.5%	SA
Greenphire Participant Payment Controls (A21024)	OP	100	0.6%	ALL
ADA/504 Compliance (A20004)	OP	80	0.5%	AF
SoDM Clinic and Rev Cycle Recommendations	OP	100	0.6%	HS
		1140	6.8%	
Consultations/Management Advisory Services				
Routine and Unplanned Consultations	OP	700	4.2%	ALL
Routine Data Analytics Support for Clients	OP	400	2.4%	ALL
University Committees, Workgroups, Education, and Client Relations	OP	400	2.4%	ALL

OP=Original Plan
WIP=Carry over from prior year
ADD=Added since July 1
CX=Cancelled
PPD=Postponed

**East Carolina University
Office of Internal Audit
Annual Engagement Plan
By Type
FY 2022**

Attachment E

Project Description		Budgeted Hours	% of Total	Division
ERM Program Support	OP	100	0.6%	AF
Student Athlete Course Clustering	OP	60	0.4%	AA
Gap Analysis - US DOJ Compliance Program Guidance	OP	80	0.5%	CH
ProCard Analytics for ChromeRiver	WIP	80	0.5%	AF
		1820	10.9%	
Other/Special Projects:				
Coordinate and Assist with External Audits, SBI Reports, Routine Mtgs	OP	1200	7.2%	ALL
Audit Software Admin and Maintenance	OP	300	1.8%	NA
Student Intern Program	OP	120	0.7%	NA
Risk Assessment/Audit Planning 2021-2022	WIP	20	0.1%	ALL
Increase EnCase Capabilities	WIP	100	0.6%	NA
Risk Assessment/Audit Planning 2022-2023	OP	100	0.6%	ALL
Data Analytics Capabilities Enhancement	OP	300	1.8%	NA
University Code of Conduct	OP	40	0.2%	CH
Veteran Student Data Analytics	OP	160	1.0%	AA
		2340	14.0%	
Total Direct/Chargeable Hours		11780	71%	
Administration		1800	10.8%	NA
Leave/Holiday		2300	13.8%	NA
Professional Development		800	4.8%	NA
Total Indirect Hours:		4900	29%	
Grand Total Hours		16680	100%	

Original Plan Approved by Chancellor Rogers on June 4, 2021

Original Plan Approved by ECU BOT Audit, Risk, Compliance, and Ethics Committee on July XX, 2021

OP=Original Plan
WIP=Carry over from prior year
ADD=Added since July 1
CX=Cancelled
PPD=Postponed

New Board Members and Officers

Attachment F

Thank you, Mr. Chairman. It's a pleasure to be with you again today after a productive orientation dialogue yesterday afternoon. Let me begin by offering a warm welcome to our new Board members, Cassie Burt, Dave Fussell, Jeffrey Roberts, and our SGA President Chandler Ward. You're joining our Board during a time of new beginnings; a moment of opportunity; an opportunity to lead when the stakes have never been higher for delivering on our mission; and a moment when that mission depends on each of you to lean into our motto of "servire" (to serve) as we partner together to make a meaningful difference in the lives of our many university constituencies. It's a great time to be a Pirate and I know your commitment to this role is time you sacrifice from your families, businesses, or other pursuits. All of you around this table bring to this work a passion for the University, our students, and the region. I am grateful for the time and talent you'll invest during your service on this Board in the years ahead.

I also want to extend my sincere congratulations to the newly elected officers, Chairman Shook, Vice Chair Poole, and Secretary Smith. You've each demonstrated a deep commitment to ECU and your fellow Board members have recognized this commitment by entrusting you with this tremendous responsibility (no pressure!). Thank you for answering the call to serve in these leadership positions. And to all of our Trustees, let us commit ourselves to being collaborative partners as we seek to fulfill our mission and achieve our aspirations together.

In many ways, today's meeting is organizational in nature. We've elected new officers, engaged in orientation conversations, and are preparing for a new semester that's on the horizon. In the same way that you've set the stage for a productive year ahead, I'd like to frame for you five areas where ECU will need your counsel, advice, and support to ensure we're strategically navigating the complicated landscape before us in the coming months.

Fall Planning

And let me begin with a topic that is at the forefront of all our minds: Move-in, convocations, the first day of classes, the first football Saturday, all are traditions associated with the start of a fall semester. This will be my first official fall as chancellor and unlike any fall I can remember, I am eager to watch this campus come to life again. While we hope to achieve as much normalcy as possible, the pandemic is not over (although we have made significant strides as a nation). During my first week as chancellor, I announced the formation of a team to prepare us for a full return to in-person activities. Earlier this week I approved the plans presented by this group, which are designed to provide us with maximum flexibility based on local conditions and data, both in cases and vaccinations.

One of the most difficult aspects of planning for Fall 2021 are the significant differences in the perception of risk and appropriateness of responses that exist among ECU community members. Not all Pirates see eye to eye on the risk or how we should respond. As the COVID-19 risk has faded over the past few months and as North Carolina has relaxed its restrictions (especially social distancing, gathering size, and face coverings), that variation in perceptions and preferred response has grown. And I want you to know that feature has been recognized throughout the planning process.

I'm mindful that these are abnormal times that require planning for many scenarios, and our current strategy permits us to create greater density on campus, monitor the data, dialogue with public health experts, and adjust as needed in real time. The moment of truth will be our ability to manage our way through the early peak period, which is generally the first 3 weeks of the semester, especially with the delta variant at play. Even with basic precautionary measures in place, we have set a clear expectation for: much greater density on campus; a return to normal delivery modalities with a significant majority of our classes being offered face to face; full residency halls with double occupancy rooms; open dining facilities; and a renewal of some of our great traditions like Pirate Palooza, homecoming, and football in Dowdy Ficklen. We're ready to reawaken Pirate Nation beginning with the start of classes on Aug 23 and we hope you are too.

Enrollment

Naturally, the preparation for the fall semester also comes with an intense focus on enrollment for virtually every university in America, especially as we begin to come to terms nationally with a number of salient truths about prospective students from Generation Z - or perhaps better categorized this year as Generation C (students of the post-Covid world). In May 2021, my former research team at the American Council on Education released a Pulse Point Survey of college and university leaders, which noted that over half of all presidents (53 percent) reported enrollment numbers for the summer and/or fall as one of their most pressing areas of concern. Nationally undergraduate enrollments have declined in recent years, and we are nearing the predicted enrollment cliff. For example, the National Center for Education Statistics reports between 2009 and 2019 the total undergraduate enrollment at US institutions decreased by 5 percent. In addition to attracting new students, retention rates are also important components of total enrollment. According to the National Student Clearinghouse, persistence rates fell for newly enrolled students last fall nationally by two percentage points to 75.9 percent. While our first-year retention rate for new freshmen was strong at 83% last fall, I am also mindful the cohort of rising sophomore students didn't enjoy the same experiences we all remember as freshmen, which anchor individuals to the campus. You know this narrative well from our own recent historical fluctuations in total enrollment. Implementation of our strategic enrollment plan continues to be a priority as we seek to recruit and retain students in this disrupted market. Prospective student and parent choice is difficult to predict in this cycle, which is why our teams across campus continue efforts to yield new students and retain existing students through high-touch outreach initiatives.

During the May Board of Governors meeting, President Hans emphasized the opportunity to embrace online learning more strategically and to serve North Carolina residents with some college credit, but no degree, or those who did not enjoy the opportunity to enroll in college out of high school. Serving this population permits us an opportunity to diversify our enrollment portfolio, but we must have structures and resources to attract, enroll, and support these students through the educational journey. ECU is well positioned to participate in providing these opportunities, so more to come on this topic during the academic year.

Fiscal Sustainability

Since our last meeting, I received the final recommendations from the fiscal sustainability coordinating committee. During the drafting and feedback process, many different individuals and constituency groups of the ECU community provided thoughts and reactions, which informed the final recommendations. To be clear, no decisions have been made and I have not established a timeframe to move on any recommendations. These are important decisions in the life of our University, and I want to be certain I am thoughtful and deliberate in any related next steps - and that I continue to engage in adaptive and productive leadership conversations - including with members of this Board - to guide our university down the right path for this work. I know we are collectively invested in creating the right conditions to ensure we effectively deliver on our mission and continue to strengthen the fiscal health of ECU.

Clinical Integration

Thank you again for supporting the appointments of Dr. Mike Waldrum and Dr. Jason Higginson. As I stated during the press conference, those appointments are just the first step in a longer process to integrate. The process to achieve this vision is under way, and both Mike and Jason are actively listening and learning. This "seeking to understand" from the perspectives of the faculty, students, staff, alumni, and donors is invaluable as we collaboratively design and execute a strategy that results in an integrated academic public health care system, branded as ECU Health or some similar brand, that advances the mission of the Brody School of Medicine and thereby enhances education, research, and clinical care across the region. Shared governance, shared leadership, joint strategic planning, and faculty engagement in designing solutions are all important ingredients as we move forward in this space. We also remain optimistic on funding for a new medical education building. We'll continue to update this Board through the Health Sciences committee as the work of integration continues.

Provost Search

One update on the senior leadership team. The search for a permanent Provost and Senior Vice Chancellor for Academic Affairs has launched - and I'm grateful for the collaborative engagement of our faculty (which is strongly represented on the committee) and the dedicated counsel provided by Dr. Puri Martinez, chair of the faculty, as we work to identify and recommend to this board the next permanent chief academic officer for ECU. A leadership profile is out in the market and our partner in this work, Jim Sirianni at Storbeck Search, is busy building a pool of candidates for this opportunity. I am grateful for Trustee Poole's service on the committee, and I encourage the Board to engage once we reach the stage of bringing candidates to campus.

Closing

Thank you once again for entrusting me with the honor of a lifetime to lead this institution. As I say often, this role is personal to me. The future of our region depends on our collective success. New beginnings come with hope and optimism. And I've never been more optimistic about our future. Go Pirates and best wishes for a productive year ahead.

**NAMING PROPOSAL TO EAST CAROLINA UNIVERSITY
BOARD OF TRUSTEES**

Greg Abeyounis

Name of Originator

University Advancement

328-9573

abeyounisg@ecu.edu

Department/Division

Phone

Email

Proposed Name(s) to Honor: Thomas D. Arthur and family

1700 S. MacDill Avenue

Suite 340

Tampa

FL

33629

Address:

City

State

Zip

Telephone:

813-805-6622

813-258-1748 ext 205

Home

Business

Relationship to the University: Alumnus and donor

Proposed Object for Naming: Thomas D. Arthur Graduate School of Business

Purpose for recommendation:

 Honorary (Attach background materials as appropriate to justify the recommendation) Gift (Attach background materials as appropriate to justify the recommendation and complete the section below)Purpose of Gift: Annual Capital Endowment

Date of Original Commitment: 12/31/2019

Amount of the Total Commitment: 5,000,000.00

Amount Paid: 2,032,099.50

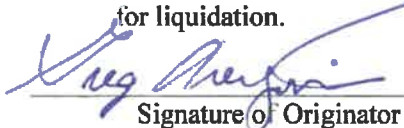
Current Pledge Balance: 467,900.50

Status of Payments: See Pledge Form

Was the gift part of a campaign: Yes No Define: _____Was the project pre-approved: Yes NoDirected to: ECU Foundation Educational Foundation
 Medical Foundation Other

If the Gift was more than \$25,000:

1. Attach a copy of the signed Letter of Intent.
2. Define in detail any special arrangements or expectations the donor may have resulting from this Gift.
3. If the Gift is other than cash or cash equivalent, explain the method of valuation, and the plan for liquidation.



Signature of Originator

07/12/2021

Date

PROPOSAL TO EAST CAROLINA UNIVERSITY BOARD OF TRUSTEES
TO NAME A FACILITY OR ACTIVITY

ROUTING SHEET

Office of Vice Chancellor for University Advancement:

Received _____
Action Approved / _____
[Signature] / _____ Date
Vice Chancellor's Signature Forwarded or returned July 13, 2021
Date

Comments _____

Chancellor's Office:

Received _____
Action Approved / _____ 7-13-2021
[Signature] / _____ Date
Chancellor's Signature Forwarded or returned _____
Date

Comments _____

Athletics and Advancement Committee of the Board of Trustees:

Received _____
Action _____ / _____
_____ Date
Chair's Signature Forwarded or returned _____
Date

Comments _____

Board of Trustees:

Received _____
Action _____ / _____
_____ Date
Chair's Signature Forwarded or returned _____
Date

Comments _____



**Memorandum of Understanding
Thomas D. Arthur Graduate School of Business
June 3, 2021**

It is the intent of Mr. Thomas D. Arthur and his family to enter this MOU for the purpose of outlining the gifts agreed upon for naming the Thomas D. Arthur Graduate School of Business. Mr. Arthur has made three current stock transfer transactions (12/31/19 - \$1,014,105 and 1/12/21 - \$252,960 and 4/29/21 - \$765,034.48 totaling \$2,032,099.50) and has a signed pledge agreement to be completed for an additional \$497,900.50 to be fulfilled in a conservative timeframe over the next 5 years (2026). The goal, based on the strength of the economy, is to attempt to frontload these charitable gifts as much as possible.

This paperwork confirms a \$2.5 million dollar cash commitment (referenced above) that will be paired with an additional \$2.5 million dollar planned gift from the estate of Thomas D. Arthur. The previous gifts combined with the compiled pledge form and planned giving paperwork (\$ 5Million total commitment) will ensure the current naming and utilization of the Thomas D. Arthur Graduate School of Business Endowment to fund the mission of the Arthur Graduate School of Business. This endowment is directed by the awarding guidelines defined in the already completed endowed fund agreement held at the East Carolina University Foundation, Inc. This naming is permanent once all \$5 Million in assets are received. Based on Mr. Arthur's generosity in a separate naming gift previously (\$1,008,630 paired with NC Distinguished Professorship State Match of \$500,000 created the \$1,500,000 Thomas D. Arthur Distinguished Professorship in Leadership 2010) at ECU and his passion for making this gift happen this naming with commensurate promotion/celebration event and will be recognized in conjunction with the wishes of Tom and his family upon completion of this paperwork.

DocuSigned by:
Tom Arthur
Mr. Thomas D. Arthur, Donor

DocuSigned by:
Tracy Smith
Mrs. Tracy Smith, Estate Settlement

DocuSigned by:
Christopher M. Dyba
Christopher M. Dyba
Vice Chancellor for University Advancement &
President of the ECU Foundation, Inc.

DocuSign Envelope ID: DB049850-8A41-4982-86ED-8A845AC18F6D



Pledge Form

Thomas D. Arthur			1971
Name			Class
1700 S MacDill Avenue, Suite 340	Tampa	FL	33629
Street Address		City	State
Zip			
(813)805-6622	(813)258-1748 Ext. 205	(813)610-7447	
Phone (home)		Phone (office)	
Phone (cell)			
tarthur@asapcapital.com		(813)258-2667	
E-mail		Fax	
Dixie Arthur			
Spouse's Name			Class

GIFT COMMITMENT

As an investment in ECU, I/we will commit a gift to the ECU Foundation Inc. in the sum of \$ 1,232,935 to be paid in cash, securities, and/or other property of equivalent value.

DESIGNATION OF GIFT:

\$467,900.50 over five years starting December 2022 (Dec. 2022, 2023, 2024, 2025, 2026)
Paid \$1,014,105.02 on 12/31/19 AND \$252,960 on 1/2/21 AND \$765,034.48 on 4/29/21 equaling \$2,032,099.50
\$2.5 Million in cash and \$2.5 million documented deferred commitment equaling \$5 million, to fund an endowment to support the Thomas D. Arthur Graduate School of Business

METHOD OF PAYMENT:

- Check enclosed for the amount of \$ _____, made payable to the **ECU Foundation Inc.**
- Credit Card: American Express Master Card Visa Amount \$ _____

Card Number	Expiration Date	Signature
-------------	-----------------	-----------

- I/we intend to request our donor advised fund to make the following payments to the Foundation.
- *Gifts from donor advised funds cannot be used to satisfy personal pledges (thereby converting this into an intent).*

PAYMENT SCHEDULE:

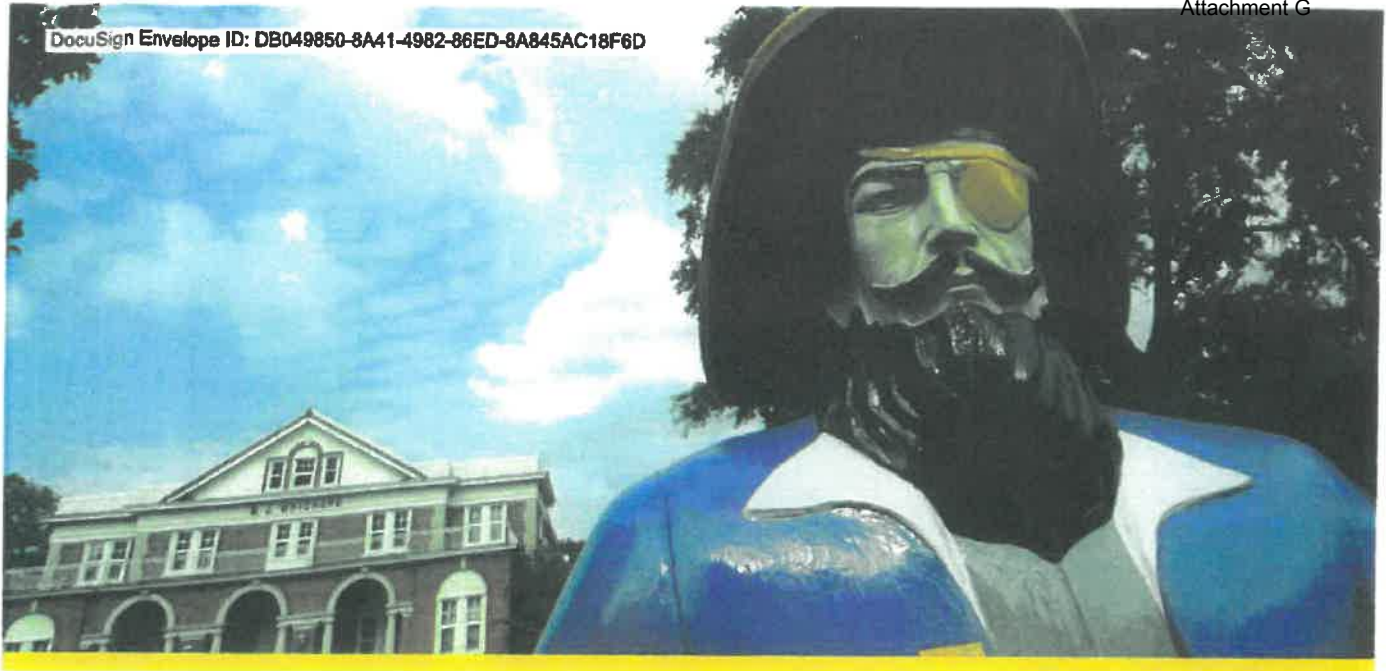
	Balance to be paid as follows:		
Total Commitment \$ <u>2,500,000.00</u>	Month <u>12</u>	Year <u>2022</u>	Amount \$ <u>93,580.10</u>
Amount Paid \$ <u>2,032,099.50</u>	Month <u>12</u>	Year <u>2023</u>	Amount \$ <u>93,580.10</u>
Balance Due \$ <u>467,900.50</u>	Month <u>12</u>	Year <u>2024</u>	Amount \$ <u>93,580.10</u>
	Month <u>12</u>	Year <u>2025</u>	Amount \$ <u>93,580.10</u>
	Month <u>12</u>	Year <u>2026</u>	Amount \$ <u>93,580.10</u>

- Please send reminders one month before each installment due date.

- I/we work for the following matching-gift company: _____

DocuSigned by: 	6/16/2021 9:14 AM PDT	DocuSigned by: 	6/22/2021 1:52 PM EDT
Donor Signature	Date	Gift Officer Signature	Date
	6/16/2021 12:58 PM PDT		

University Advancement • 2200 South Charles Boulevard • Greenville Centre, Suite 1100
East Carolina University • Greenville, NC • 27858-4353
E-mail: give2ecu@ecu.edu • Phone: 252-328-9550 • Fax: 252-328-4904



I HAVE MADE PROVISIONS IN SUPPORT OF THE ECU FOUNDATION INC. AS FOLLOWS:

Name Thomas D. Arthur Birth date 04/24/1944

Mailing Address 1700 S MacDill Avenue, Suite 340
Tampa, FL 33629

Estimated Amount

I have made provisions for the ECU Foundation Inc. in my estate plan as follows:

- a. Outright bequest in my will \$ _____
- b. Provision in my will of _____ % of the remainder of my estate
I estimate the current value for the ECU Foundation Inc. to be: \$ _____
- c. Provisions in the wills of the survivor of my spouse and myself: \$ _____
(Spouse's name): _____ (Spouse's birth date) _____
- d. Trust under my will with the ECU Foundation Inc. as the final beneficiary. \$ _____
Please include the birth dates or ages of income beneficiaries, or describe other conditions: _____

- e. Other \$ **\$2,500,000 Revocable Gift Commitment from Tom Arthur's estate**
Please describe. _____

- You may print my name as a Leo W. Jenkins Society member.
- Please do not print my name.

Date 6/16/2021 | 9:14 AM EDT | 6/16/2021 | 12:58 PM PDT

DocuSigned by: Tom Arthur DocuSigned by: Tredy Smith
AEE0DE71A8DF481... DEC7B9DAC486404...

For more information about bequest provisions or any planned-giving instruments, please call Greg Abeyounis, Senior Associate Vice Chancellor for Advancement, at **252-328-9573** or e-mail him at abeyounis@ecu.edu, or contact Jessica Nottingham, Assistant Director of Planned Giving, at **252-737-1507** or e-mail her at nottinghamj@ecu.edu. Visit online at eculegacy.org.

Fund Title:

Fund Number:



FUND AGREEMENT

FOR THE THOMAS D. ARTHUR GRADUATE SCHOOL OF BUSINESS ENDOWMENT

I. ESTABLISHMENT

- A. **THIS AGREEMENT** is made effective as of the date of the last signature affixed between Thomas D. Arthur (Donor) and the ECU Foundation, Inc. (Foundation).
- B. The Donor and the Foundation agree to establish a **restricted endowment** in the Foundation known as the **Thomas D. Arthur Graduate School of Business Endowment (Fund)**. The fund manager will be the Dean of the College of Business or a comparable position should this position title no longer exist (Administrator).
- C. The Fund will be activated upon receipt of a gift or written commitment of at least \$25,000 which must be paid within five years. The endowment will be considered fully funded when the corpus reaches \$25,000.

II. STATEMENT OF INTENT

The Donor wishes to establish this fund to help the ECU College of Business to strengthen their programming in graduate level education. Tom is a graduate of the ECU MBA program gaining that distinction after returning as a veteran in 1969 from the US Army as an infantry officer who received the Silver Star and other military awards. Tom recognized the need for additional knowledge and skills enabling him to succeed in business. Dean Jim Bearden seeing Tom's leadership abilities encouraged Tom and welcomed him into the MBA program. The Arthur Graduate School of Business seeks to attract/support/develop military personnel, reward work experience, provide internships for graduate students in the MBA program who are not otherwise employed, and provide study abroad experience to enrich global perspectives and marketability. This gift will cement his family legacy with his hometown of Greenville, his alma mater of East Carolina University, the region of eastern North Carolina while strengthening the entire state.

Fund Title:

Fund Number:

III. SOURCE OF FUNDS

The Fund shall be initially established with the following gifts and shall be consistent with the Foundation's Gift Acceptance Policy:

- A. Current gift of \$2.5M
- B. Additional gift of \$2.5M deferred through the Donor's estate.

IV. PURPOSE AND USE OF FUNDS

This Fund shall be used to provide support to the Thomas D. Arthur Graduate School of Business. Allocation should be as follows:

- This Fund will be used at the discretion of the Administrator to make the Thomas D. Arthur Graduate School of Business a leader in graduate education. These methods may include but are not limited to rewarding work experience, utilization of technology, providing internships for undergraduate straight through students and providing study abroad experience to enrich global perspectives and marketability.
- An equivalent of 25% of this endowment shall be used to support veterans/military personnel in the graduate program for the purpose of increasing enrollment by providing leadership/travel/internship experiences, fellowship support and other financial or experiential aspects that make enrollment appealing and affordable to the military and veterans. If the College of Business has different funding to utilize that will help improve veteran/military educational experiences as stated above, then it may be used to fulfill the Donor's wish. If there are no external resources that can be used for this purpose, the Administrator must use an equivalent of 25% of this endowment for the purpose as stated above.

The Administrator shall be responsible for administering the distributions from the Fund and applying such distributions in accordance with Foundation and University policies and procedures.

V. FUND ADMINISTRATION

This Fund shall be administered in accordance with the Foundation's policies and procedures and shall be consistent with the University's policies, as follows:

- A. The Fund shall be used only for a qualified charitable purpose consistent with the laws of the State of North Carolina and section 501(c) (3) of the Internal Revenue Code.

DocuSign Envelope ID: DB049850-8A41-4982-86ED-8A845AC18F6D

Fund Title:

Fund Number:

- B. The Foundation will hold and administer these proceeds and any subsequent additions to the Fund in accordance with the terms and conditions of this Agreement and current endowment policies as regulated by the East Carolina University Foundation, Inc. Board of Directors (Foundation Board of Directors).
- C. With the consent of the Foundation, other parties may also make gifts to the Fund, but they may not change the purpose of the Fund.
- D. Fees: A one-time fee is charged to all new gifts to the Fund. An annual endowment management fee is also charged to the Fund. Gifts made to the Fund via telefund or annual fund solicitations are subject to a one-time Annual Fund department fee. These fee amounts are determined annually by the Foundation Board of Directors and will be in accordance with the Foundation's Endowment Spending and Gift Fee Policy. All fees will be charged to the Fund's pro-rated share of investment earnings and will not reduce the Fund's corpus amount.
- E. All gifts to and accumulated earnings of the Fund will be invested in the Foundation's investment pool and will receive a prorated share of the net income or losses.
- F. The spending distribution is determined by the Foundation Board of Directors who votes annually to adopt a rate of spending distribution applicable to all endowment funds.
- G. In years when earned and accumulated investment earnings may be insufficient to meet the amount needed for the annual distribution or when multiyear commitments have been made, the Foundation Board of Directors may continue to make distributions, even if such distributions will reduce the total value of the Fund below the historical value of the corpus (the value of all gifts to the Fund). These spending distributions must be in accordance with the Foundation's Endowment Spending and Gift Fee Policy, within what the Board has determined reasonable and prudent as noted within the North Carolina Uniform Prudent Management of Institutional Funds Act (UPMIFA), and consistent with the spending distributions from similar endowments within the Foundation.
- H. A supplemental fund may be established if the Donor wishes to make annual gifts that will be used for the same purpose as the Fund. The Donor may direct gifts to the supplemental fund to make annual awards while the Fund is building, to support annual awards in the event the Fund is underwater, or if the Donor wishes to supplement the annual award from the Fund. The supporting fund is for annual awards, and like other annually funded awards, will be exempt from gift fees. Annually funded funds do not participate in investment earnings and are available to be spent at any time. Gifts made to the supplemental fund must clearly be stated as such or they will be deposited into the related endowed fund.

DocuSign Envelope ID: DB049850-8A41-4982-86ED-8A845AC18F6D

Fund Title:

Fund Number:

- I. If at some future time, it becomes impractical for the Foundation to achieve the designated purpose of the Fund, circumstances change, or it becomes unlawful or wasteful to expend the earnings from the Fund in the manner stated above, then, at the discretion of the Foundation Board of Directors, the Fund shall be used to further the objectives and purposes of East Carolina University, bearing in mind the desires of the Donor as expressed in this Agreement. Should the academic area move to another school/college, have a name change, or other placement issue related to this Fund that may require a movement of the funding within or between Foundations at ECU, the Foundation Board of Directors shall review and approve the changes, again, bearing in mind the desires of the Donor as expressed in this fund agreement.

IN WITNESS WHEREOF, these parties execute this Agreement.

By:  _____ Date: 6/16/2021 | 9:14 AM PDT
DocuSigned by: Thomas D. Arthur, Donor

By:  _____ Date: 6/16/2021 | 12:58 PM PDT
DocuSigned by: Treedy Smith, Daughter/Estate Representative

By:  _____ Date: 6/22/2021 | 2:04 PM EDT
DocuSigned by: Paul Schwager, Dean College of Business

By:  _____ Date: 6/22/2021 | 1:56 PM EDT
DocuSigned by: Christopher M. Dyba Vice Chancellor of University Advancement & President of the ECU Foundation

Fund Name:
Fund Number:



PROVISIONAL FUND AGREEMENT

THIS AGREEMENT is made effective as of the date of the last signature hereto affixed between Thomas D. Arthur _____ (Donor/Academic Area) and the ECU Foundation, Inc. (Foundation).

The Foundation hereby accepts a gift in the amount of \$2,038,337.70 from the Donor on behalf of the Graduate School of Business _____ (Academic Area). The gift will be deposited into the Thomas D. Arthur Graduate School of Business Endowment _____ (Title of New Fund) fund.

The general purpose of this fund will be: (Complete if known)

To provide endowment support for the top level cutting edge advancement of graduate education in the College of Business with a special focus on benefiting military or former military students pursuing graduate education.

Endowment Quasi-endowment Annually-funded
 Annuity Trust Other Temporarily Restricted

The Foundation will hold and administer this gift in a manner consistent with its established policies and procedures. Until such time as this agreement is superseded by a complete fund agreement between the Donor and the Foundation there will be no expenditures from these gifted funds.

IN WITNESS WHEREOF, these parties execute this agreement.

By: Tom Arthur Date: 5/10/2021 | 11:45 AM PDT
DocuSigned by: 560E71A8E441
 Donor/Academic Area

By: Tracy Smith Date: 5/11/2021 | 4:10 PM PDT
DocuSigned by: 579D6618A4
 Donor/Academic Area

By: Christopher M. Dyba Date: 5/11/2021 | 7:47 PM EDT
DocuSigned by: 13765172A8781
 Christopher M. Dyba

Vice Chancellor of University Advancement &
President of the ECU Foundation, Inc.

Gift Officer: Greg Abeyounis

ECU Foundation, Inc. Fund Number: _____

This form is to be used for gifts to new funds only.

**NAMING PROPOSAL TO EAST CAROLINA UNIVERSITY
BOARD OF TRUSTEES**

Greg Abeyounis

Name of Originator

Greg Abeyounis — UA

252-347-4254

abeyounisg@ecu.edu

Department/Division

Phone

Email

Proposed Name(s) to Honor: Colonel Richard M. and Betty Debnam Hunt
(DECEASED through Estate)

Address: City State Zip

Telephone: Home Business

Relationship to the University: Individual/Donor

Proposed Object for Naming: Colonel Richard M. and Betty Debnam Hunt Teaching Resource Center

Purpose for recommendation:

- Honorary (Attach background materials as appropriate to justify the recommendation)
- Gift (Attach background materials as appropriate to justify the recommendation and complete the section below)

Purpose of Gift: Annual Capital Endowment

Date of Original Commitment: 9/30/2016

Amount of the Total Commitment: \$520,000

Amount Paid: \$520,000

Current Pledge Balance: 0

Status of Payments: Paid In Full

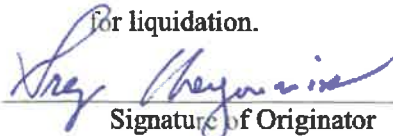
Was the gift part of a campaign: Yes No Define: _____

Was the project pre-approved: Yes No

Directed to: ECU Foundation Educational Foundation
 Medical Foundation Other

If the Gift was more than \$25,000:

1. Attach a copy of the signed Letter of Intent.
2. Define in detail any special arrangements or expectations the donor may have resulting from this Gift.
3. If the Gift is other than cash or cash equivalent, explain the method of valuation, and the plan for liquidation.


Signature of Originator

6/30/21
Date

PROPOSAL TO EAST CAROLINA UNIVERSITY BOARD OF TRUSTEES
TO NAME A FACILITY OR ACTIVITY

ROUTING SHEET

Office of Vice Chancellor for University Advancement:

Received _____
 Action _____ / _____
 Date _____
 Forwarded or returned July 12, 2021
 Date _____

[Signature]
 Vice Chancellor's Signature

Comments _____

Chancellor's Office:

Received _____
 Action _____ / _____
 Date _____
 Forwarded or returned _____
 Date _____

[Signature]
 Chancellor's Signature

Comments _____

Athletics and Advancement Committee of the Board of Trustees:

Received _____
 Action _____ / _____
 Date _____
 Forwarded or returned _____
 Date _____

Chair's Signature

Comments _____

Board of Trustees:

Received _____
 Action _____ / _____
 Date _____
 Forwarded or returned _____
 Date _____

Chair's Signature

Comments _____



Prepared for:
Betty Debnam Hunt
September 20, 2016

Present Value of Future Bequest

Joyner Library

ASSUMPTIONS:

Mortality Table	2000CM
Bequest Amount Anticipated	\$520,000.00
Annual Interest Rate for Discounting Bequest	3.4%
Bequest Valuation Date	9/20/2016
Age	[10/23/1929] 87

RESULTS:

Present Value of Bequest

present value \$436,961.20
PPP probability factor X .75
Current fundraising activity # 327,720.90

Prepared by: Greg Abeyounis, Associate VC for Development

These calculations are for illustration purposes only and should not be considered legal, accounting, or other professional advice. Your actual benefits may vary depending on several factors, including the timing of your gift.

		<u>prospects - proposals</u>	
Mrs. Betty Debnam Hunt		ID: 000129608	Level: 3 - Solicitati Status: Active Prop
1808 Wishla Avenue Raleigh, NC 27608-2132 (919) 832-5053		Addr Type: Home	
MbrGrp: MbrClub: Pirate Club #: LinkID: 000595599999 Banner ID: Primary Manager: Becton, Rachel			
PC INTENDED ASK:			
* Indicates required			
Proposal Number	0006053	Creation Date	01/01/0001
Principal Donor	000129608 - Mrs. Betty Debnam Hunt	Solicitation Level	3 - Solicitati - 3
Participating Donors		Proposal Status	
		Strategy	Officer Driven Strat
Proposal Name	Joyner Library		
Designation *	0727000 Col Richard and Betty Debnam Hunt Librarian to Librarian Network Summit End		
	Date	Amount	
Qualification	10/21/2013	\$0.00	
Solicitation	10/21/2013	\$600,000.00	
Response	01/01/0001	\$0.00	
Expected Book	12/31/2015	\$520,000.00	
Booked	09/20/2016	\$520,000.00	
		✓ Received/Completed	
Gift Type	Deferred Gift - D	▼	
Constituency	ECU Foundation - E	▼	
Program	Libraries - 10	▼	
Purpose	Endowment - E	▼	
Notes	Calculations: \$520,000 face value, \$436,961.20 present value multiplied by 75 probability factor (PPP Guidelines) makes current fundraising activity = \$327,720.90. Donor Benefits: 1 Betty M. Hunt Writer in Residence Honor (Donor regardless of Gift Proposal Acceptance) - Announced at the Library Networking Summit this spring. 2 Naming of the Colonel Richard M. and Betty Debnam Hunt Teaching Resources Center that includes a 17,250 square foot wing in Joyner Library. 3 The creation of the Colonel Richard M. and Betty Debnam Hunt Librarian to Librarian Networking Summit Endowment.		
Planned Ask Date	01/01/0001		

Managers	Roles
Greg Abeyounis	Primary - 1
No assignment	
Volunteers/Staff	Roles

SCHEDULE A

Attachment to the IRA Beneficiary Designation Form for Betty Debnam Hunt

BB&T Account # [REDACTED]

Social Security # [REDACTED]

January 28, 2016

I, Betty Debnam Hunt, revoke any prior beneficiary designations for this account and designate as my Primary Beneficiaries, in the amounts indicated, the following charitable organizations:

1. Five Hundred Thousand Dollars (\$500,000) to the University of North Carolina, Chapel Hill, North Carolina, to create a permanent endowment fund known as the *Mini Page Betty Debnam Hunt Archives Fund*, the income only to be used for the maintenance and upkeep of the *Mini Page Betty Debnam Hunt Archives* housed in the University's Wilson Library, including the Archives' website.
2. Five Hundred Twenty Thousand Dollars (\$520,000) to East Carolina University Foundation, Greenville, North Carolina, to be administered in accordance with the Endowment Fund Agreement executed by me establishing the Colonel Richard M. and Betty Debnam Hunt Librarian Networking Summit Endowment.
3. One Hundred Twenty-Five Thousand Dollars (\$125,000) to Saint Mary's School, Raleigh, North Carolina. It is my wish to endow a fund to provide scholarships and financial assistance for a scholarship in memory of Betty Debnam Hunt.
4. Two Hundred Fifty Thousand Dollars (\$250,000) to the Teri and Shari Malone Foundation, Leesburg, Virginia, without restriction.
5. The balance of the IRA, after payment of the specific cash distributions above, shall be paid over and distributed to the North Carolina Community Foundation, Raleigh, North Carolina, ("the Community Foundation") to be held as a perpetual fund known as the Debnam-Hunt Fund. The Community Foundation will have full investment and administrative responsibility for the Debnam-Hunt Fund, which is intended to be

Betty Debnam Hunt
Betty Debnam Hunt

1/28/2016
Date

Witness: H. Chalk P. W. [Signature]
Attorney at Law

1/28/2016
Date

www.ecu.planmylegacy.org

From: Crews, Will [mailto:WCrews@BBandT.com]
Sent: Tuesday, January 05, 2016 7:46 AM
To: Abeyounis, Greg
Subject: RE: Betty Debnam Hunt Proposal

Greg,

What needs to happen in order to formalize the agreement with Betty?

BB&T WEALTH

William S. Crews III, CTFA

Vice President

Personal Trust Specialist III

434 Fayetteville Street, 11th Floor

Raleigh, North Carolina 27601

T: 919.716.6259 | E: WCREWS@BBANDT.COM

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NOT A DEPOSIT • NOT FDIC-INSURED • NOT GUARANTEED BY THE BANK
NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY • MAY GO DOWN IN VALUE

Member FINRA. Member SIPC.

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From: Abeyounis, Greg [mailto:ABEYOUNISG@ecu.edu]
Sent: Thursday, December 10, 2015 12:11 PM
To: Betty D. Hunt (bdebnam@hls.com); Crews, Will
Cc: Lewis, Janice S; Bailey, Alan
Subject: Betty Debnam Hunt Proposal

Betty and Will,

Attached is our dissemination of what Betty liked most in all of our proposals with a variety of ways that this could be funded from all deferred to some options in between that might include real estate or other assets. I hope that you feel this accurately represents our wonderful discussions! We are excited about the possibility listed below!

Betty Debnam Hunt Proposal:

Major Benefits:

1. Betty D. Hunt Writer in Residence Honor (Done regardless of Gift Proposal Acceptance) – Announced at the Librarian to Librarian Networking Summit this spring. With this distinguished honor comes

varied opportunities for Betty to share her entrepreneurial spirit illustrated by the creation and success of the Mini Page while also discussing the importance of "Grab, Go, Grow and Know" options for teachers. These types of electronic resource tools inspire students and parents to learn and have a thirst for knowledge and growth.

2. **Naming of the Colonel Richard M. and Betty Debnam Hunt Teaching Resources Center (or Debnam Hunt Teaching Resource Center) that includes a 17,250 square foot wing in Joyner Library. This space will have multiple signs leading to and through the vast space in the center which will be decorated and include displays the Mini Page. This also ensures if many years in the future the library facility moves or builds a new structure that this area will be maintained with a commensurate space within any new facility based on this gift commitment.**

3. **The creation of the Colonel Richard M. and Betty Debnam Hunt Librarian to Librarian Networking Summit Endowment: Since 2006, the Teaching Resources Center has sponsored this annual professional development event to encourage K-12 school media coordinators (librarians) to communicate with and learn from each other through a variety of roundtable discussions on topics that are both current and relevant and that incorporate the latest technologies. Facilitated by experts in the profession, summit attendees are encouraged to share resources and ideas with their colleagues. When the one-day event comes to an end, these librarians use the knowledge gained to increase student academic success at their respective schools. For many school media specialists, particularly in eastern North Carolina, this will be the only external professional development they receive during the academic year. Your endowment will ensure the continuance of this well-known event by providing resources necessary to invite nationally recognized and award-winning authors and illustrators to serve as keynote speakers, provide scholarships to disadvantaged in-service and pre-service media coordinators, and hire graduate students to assist in the planning and execution of the summit. In addition, a portion of this endowment also could provide resources that support the Teaching Research Center's mission to keep top tier technology that place the Summit and Center as a leader in distribution for ready-made creative lessons for the growth of teachers, students and parents.**

The Gift:

\$600,000.00 that can be deferred in a revocable manner or through whatever combination of strategies that work Best for Betty's financial planning.

\$80,000.00 credit from her existing CRT that benefits the Debnam Family Early Literacy Fund that is already established (no further work or detail needed with this fund)

\$520,000.00 Additional Planned Gift Needed

Funding:

This gift can be made through a Bequest Provision in a Will/Living Trust or any other planned gift instrument either Revocable or Irrevocable.

Promotion:

If the gift is revocable until the time of Betty's demise, the promotion would include:

- a. The announcement this spring of Betty Debnam Hunt accepting the Writer In Residency at Joyner Library at the Librarian to Librarian Networking Summit.

- b. Articles about her future support and its mission in the Navigator Newsletter for Planned Giving at ECU and Also in Joyner Library and other ECU web pages and articles in publications.

50% of the gift is in an irrevocable transaction: real estate/CGA/trust/Retained Life Estate/etc... then 40% could be a revocable Will/Living Trust, IRA Beneficiary Designation, etc... then we could take this for Board of Trustee approval and also have a naming ceremony event during Betty's lifetime.

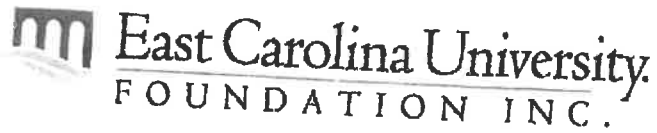
Either option either revocable or irrevocable is perfectly fine and we can adapt our stewardship plans accordingly. Please feel free to follow up with any additional questions or further detail that might be needed. Will and Betty, thanks so much for your valuable time last Friday. It has been truly a pleasure to talk through this process to really fine tune what Betty wants to accomplish by fulfilling her philanthropic objectives. Rest assured how excited East Carolina University is to have Betty's name and legacy here at an institution that means so much to its region. We will look forward to your feedback!



Greg Abeyounis, CFRE
Associate Vice Chancellor for Development
Division of University Advancement
Greenville Centre, Suite 1133
90 South Charles Boulevard
Mail Stop 301
Greenville, NC 27858-4353
Ph. 252-328-9573
Fax 252-328-4904
www.ecu.planmylegacy.org

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Fund Title:
Fund Number:



FUND AGREEMENT

FOR THE COL. RICHARD AND BETTY DEBNAM HUNT LIBRARIAN TO LIBRARIAN NETWORKING SUMMIT ENDOWMENT

I. ESTABLISHMENT

- A. THIS AGREEMENT is made effective as of the date of the last signature hereto affixed between Betty Debnam Hunt (Donor) and the East Carolina University Foundation, Inc. (Foundation).
- B. The Donor and the Foundation agree to establish an endowed fund in the ECU Foundation known as the Col. Richard and Betty Debnam Hunt Librarian to Librarian Networking Summit Endowment (Fund). The fund manager will be the Director of J.Y. Joyner Library or a comparable position should this position title no longer exist (Administrator).
- C. The Donor intends to establish the Fund with a gift to be made by bequest under provisions made in her will. The endowment will be considered fully funded when the corpus reaches \$25,000.

II. STATEMENT OF DONOR INTENT

From 1969 to 2007, the Donor, Betty Debnam Hunt, taught the nation's children - and many adults, too - as creator and founding editor of *The Mini Page*, an award-winning weekly feature that first appeared in the *Raleigh News & Observer* and eventually was syndicated in more than 500 newspapers across the United States. *The Mini Page* won many awards for excellence in educational journalism. *The Mini Page* built its reputation by reporting on topics of significance to the elementary curriculum including features about science, government, animals, holidays, biography, geography, history, and other subjects. The issues were carefully researched, written and verified. The Donor used *The Mini Page* to show that teaching and learning can be fun and to encourage teachers to find and use quality information to supplement course texts. *The Mini Page* Archive continues to be an example of creativity in education and an inspiration to teachers. It is an example of how quality information can be shared in a fun and accessible way with a broad audience and used as a springboard for further learning. This Fund honors, recognizes, and extends the legacy of *The Mini Page* and its creator, Betty Debnam Hunt, and her late husband Col. Richard Hunt.



Certificate of Completion

Envelope Id: A97DB39C85BE43A68442E4F3AD22EEC4
 Subject: Col Richard and Betty Debnam Hunt Librarian to Librarian Networking Summit Endowment
 Source Envelope:
 Document Pages: 4 Signatures: 2
 Certificate Pages: 5 Initials: 0
 AutoNav: Enabled
 EnvelopeId Stamping: Enabled
 Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed

Envelope Originator:
 Jessica Spruill
 1000 E 5th St
 MS# 203
 Greenville, NC 27858
 spruillj@ecu.edu
 IP Address: 150.216.146.107

Record Tracking

Status: Original
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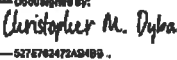
Holder: Jessica Spruill
 spruillj@ecu.edu

Location: DocuSign

Signer Events

Christopher M. Dyba
 dyba@ecu.edu
 Security Level: Email, Account Authentication
 (Optional)

Signature

DocuSigned by:

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
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Electronic Record and Signature Disclosure:
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Lewis
 lewisja@ecu.edu
 Security Level: Email, Account Authentication
 (Optional)

DocuSigned by:

 471DDF0812554C0

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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Greg Abeyounis
 ABEYOUNISG@ecu.edu
 Security Level: Email, Account Authentication
 (Optional)

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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign
 ID:

Carbon Copy Events

Jessica Spruill

jspruill@ecu.edu

East Carolina University*

Security Level: Email, Account Authentication
(Optional)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign
ID:

Status

COPIED

Timestamp

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Resent: 9/8/2016 4:12:15 PM

Notary Events

Envelope Summary Events

Envelope Sent

Certified Delivered

Signing Complete

Completed

Status

Hashed/Encrypted

Security Checked

Security Checked

Security Checked

Timestamp

Timestamps

9/8/2016 4:12:12 PM

9/8/2016 4:12:12 PM

9/8/2016 4:12:12 PM

9/8/2016 4:12:12 PM

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 5/1/2014 2:16:21 PM

Parties agreed to: Christopher M. Dyba, Jan Lewis

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact East Carolina University*:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: docusign@ecu.edu

To advise East Carolina University* of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at docusign@ecu.edu and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to docusign@ecu.edu and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with East Carolina University*

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to docusign@ecu.edu and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify East Carolina University* as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by East Carolina University* during the course of my relationship with you.

NAMING PROPOSAL TO EAST CAROLINA UNIVERSITY

BOARD OF TRUSTEES

Jon Gilbert
Name of Originator

Athletics Department/Division
737 4502 Phone
Email

Proposed Name(s) to Honor: Mike and Page Aman Family Lot.

Greenville Address: City
NC State
27854 Zip

Telephone: Home Business

Relationship to the University: Donor

Proposed Object for Naming: Baseball Parking Lot

Purpose for recommendation:

[] Honorary (Attach background materials as appropriate to justify the recommendation)

[x] Gift (Attach background materials as appropriate to justify the recommendation and complete the section below)

Purpose of Gift: [] Annual [x] Capital [] Endowment

Date of Original Commitment:

Amount of the Total Commitment: 250,000

Amount Paid: 250,000

Current Pledge Balance: 0

Status of Payments: Paid in full

Was the gift part of a campaign: [x] Yes [] No Define:

Was the project pre-approved: [x] Yes [] No

Directed to: [] ECU Foundation [x] Educational Foundation [] Medical Foundation [] Other

If the Gift was more than \$25,000:

- 1. Attach a copy of the signed Letter of Intent.
2. Define in detail any special arrangements or expectations the donor may have resulting from this Gift.
3. If the Gift is other than cash or cash equivalent, explain the method of valuation, and the plan for liquidation.

Jon Gilbert Signature of Originator

7-16-21 Date

PROPOSAL TO EAST CAROLINA UNIVERSITY BOARD OF TRUSTEES
TO NAME A FACILITY OR ACTIVITY

ROUTING SHEET

Office of Vice Chancellor for University Advancement:

Received _____
Action _____ / _____
Date _____

Vice Chancellor's Signature Forwarded or returned _____
Date _____

Comments _____

Chancellor's Office:

Received _____
Action _____ / _____
Date _____

Chancellor's Signature Forwarded or returned _____
Date _____

Comments _____

Athletics and Advancement Committee of the Board of Trustees:

Received _____
Action _____ / _____
Date _____

Chair's Signature Forwarded or returned _____
Date _____

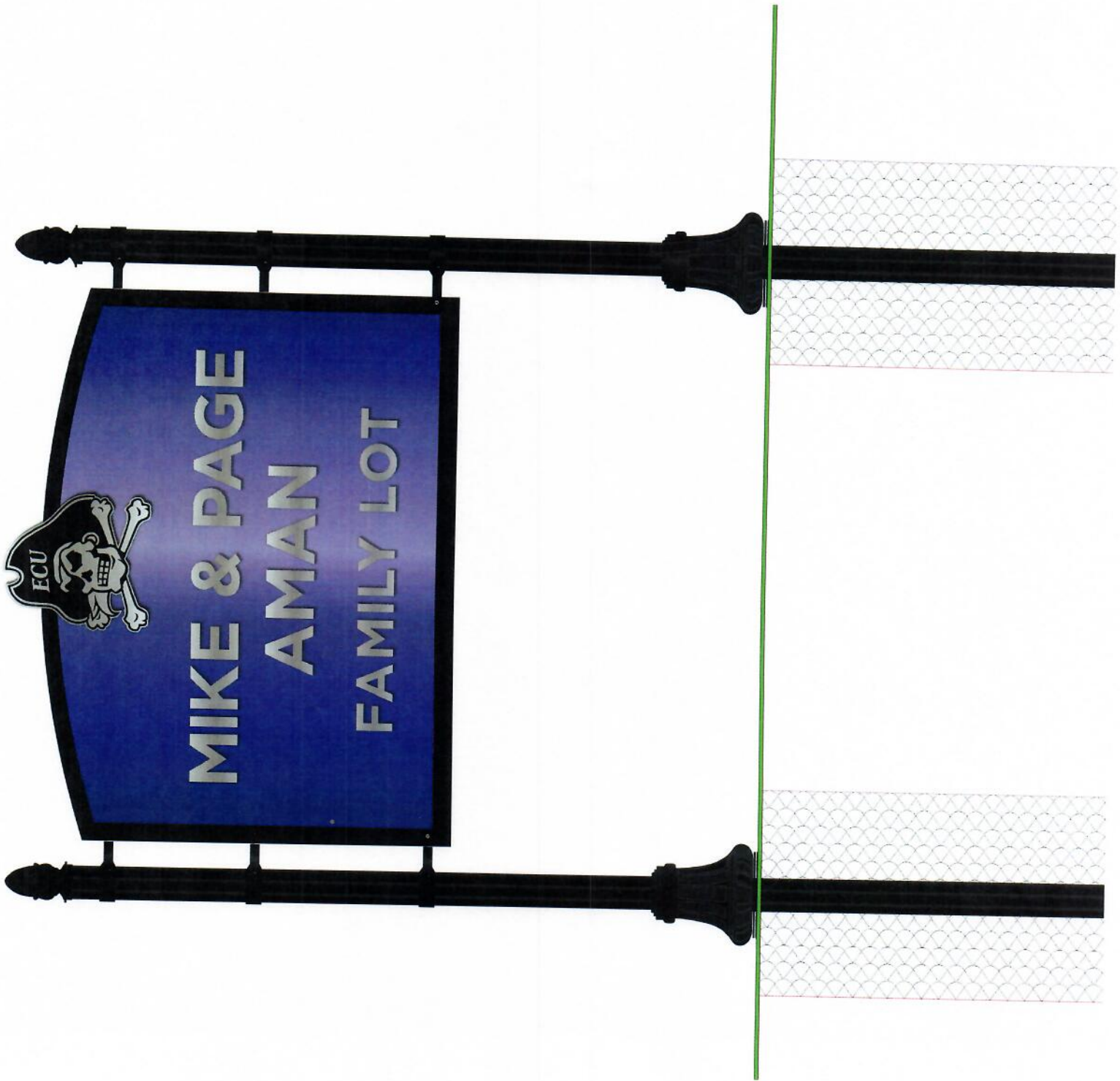
Comments _____

Board of Trustees:

Received _____
Action _____ / _____
Date _____

Chair's Signature Forwarded or returned _____
Date _____

Comments _____



Request to Board of Trustees for Approval of Faculty Practice Incentive Payments (Non-Salary and Deferred Compensation Plan in School of Dental Medicine)

The Board of Trustees is asked to approve Faculty Practice Incentive Payments to eligible faculty in the School of Dental Medicine (SoDM). UNC Policy Manual 300.2.14, "Non-Salary and Deferred Compensation", and ECU Policy on Non-Salary and Deferred Compensation for Employees Exempt from the State Personnel Act authorize the Board of Trustees to approve non- salary compensation for EHRA employees.

In accordance with The UNC Policy Manual 300.2.14, "Non-Salary and Deferred Compensation", this document delineates the SoDM Faculty Practice Incentive Payment criteria and the process for generating the proposed payments to faculty in the ECU School of Dental Medicine.

School of Dental Medicine faculty in Ross Hall are encouraged to develop a Faculty Practice (FP) to hone and maintain their skill set and to further meet the needs of the patient community. The services performed in the FP are exclusively provided by the faculty as opposed to students and residents under the supervision of faculty. These proposed incentives are designed to encourage activity that provides care to more complex patients in our communities as well as patients from the School of Dental Medicine student clinic whose treatment plans require certain procedures too complex for our students or residents to provide. In addition, these incentive payments are a critical tool in the recruiting package necessary to attract high quality faculty. Students and patients clearly benefit from instruction by faculty who are experienced and committed to caring for the more complex patients.

As the emerging Faculty Practice gains momentum, conventional wisdom is that we develop an incentive model to encourage faculty to increase clinical productivity in the FP. To incentivize the achievement of these clinical productivity targets, the School of Dental Medicine is developing a formal Incentive Payment Plan. Until this plan is developed and approved, we would like to pay 30% of collected net revenue to all faculty participating in Faculty Practice and thus, we seek the Board of Trustees' approval to make the specific payments proposed.

With the exception of four faculty, they reflect an amount equal to 30% of collected revenue from the patient care each provider directly performed in the FP.

- The first exception is for Dr. Buschman, an oral and maxillofacial surgeon. Dr. Buschman came to us in mid-2018 as the result of a search that began in August 2017. We were able to attract Dr. Buschman by offering a 40% incentive plan for his first and second years and 30% thereafter. This is his second year.
- The second exception is for Dr. Flores. His base salary is below the median for a new academic dentist at ECU, and we offered him a 50% incentive in the first year, 40% in his second, and 30% thereafter. This additional incentive enabled us to attract him from a small pool of academic Oral and Maxillofacial Pathologists nationwide. He is tasked with growing the SoDM Oral and Maxillofacial Pathology Biopsy Service which will provide support to practicing dentists across the state.

- The third exception is for Dr. Boushell who came to us in December of 2019 as the result of a search that began in October of 2018. We were able to attract Dr. Boushell by offering a 50% incentive the first year, 40% in his second, and 30% thereafter.
- The fourth exception is for Dr. Cui. She came to us in October of 2019 as the result of a search that began in September of 2018. We were able to attract Dr. Cui by offering a 50% incentive the first year, 40% in her second, and 30% thereafter.

All incentives will be paid from non-state clinical funds generated from the Faculty Practice.

Request to Board of Trustees for Approval of Faculty Practice Incentive Payments (Non- Salary and Deferred Compensation Plan in School of Dental Medicine)

The Board of Trustees is asked to approve Faculty Practice Incentive Payments to eligible faculty in the School of Dental Medicine (SoDM). UNC Policy Manual 300.2.14, "Non-Salary and Deferred Compensation": and ECU Policy on Non-Salary and Deferred Compensation for Employees Exempt from the State Personnel Act authorize the Board of Trustees to approve non- salary compensation for EHRA employees.

In accordance with The UNC Policy Manual 300.2.14, "Non-Salary and Deferred Compensation", this document delineates the SoDM Faculty Practice Incentive Payment criteria and the process for generating the proposed payments to faculty in the ECU School of Dental Medicine.

School of Dental Medicine faculty in Ross Hall are encouraged to develop a Faculty Practice (FP) to hone and maintain their skill set and to further meet the needs of the patient community. The services performed in the FP are exclusively provided by the faculty as opposed to students and residents under the supervision of faculty. These proposed incentives are designed to encourage activity that provides care to more complex patients in our communities as well as patients from the School of Dental Medicine student clinic whose treatment plans require certain procedures too complex for our students or residents to provide. In addition, these incentive payments are a critical tool in the recruiting package necessary to attract high quality faculty. Students and patients clearly benefit from instruction by faculty who are experienced and committed to caring for the more complex patients.

As the emerging Faculty Practice gains momentum, conventional wisdom is that we develop an incentive model to encourage faculty to increase clinical productivity in the FP. To incentivize the achievement of these clinical productivity targets, the School of Dental Medicine is developing a formal Incentive Payment Plan. Until this plan is developed and approved, we would like to pay 30% of collected net revenue to all faculty participating in Faculty Practice and thus, we seek the Board of Trustees' approval to make the specific payments proposed.

With the exception of items 2-6 below, all incentive payments reflect an amount equal to 30% of collected revenue from the patient care each provider directly performed in the FP.

1. The first exception is for Drs. Janet Hood, Michelle McQuistan and Ali Yeung, all former faculty members of the SoDM. We are requesting payouts for remaining deferred balances from previous incentive cycles in order to close out their respective payroll files.
2. The second exception is for Dr. Lee Boushell who joined the SoDM in December of 2019 as the result of a search that began in October of 2018. We were able to attract Dr. Boushell by offering a 50% incentive the first year (FY20), 40% in his second (FY21), and 30% thereafter. The initial year one offering of 50% (Now FY21) and the second year offering of 40% (Now FY22) were extended an additional year due to the provider not being able to build his faculty practice due to clinic closures as the result of COVID.

3. The third exception is for Dr. Xiaoxi Cui. Dr. Cui joined the SoDM in October of 2019 as the result of a search that began in September of 2018. We were able to attract Dr. Cui by offering a 50% incentive the first year, 40% in her second, and 30% thereafter. The initial year one offering of 50% (Now FY21) and the second year offering of 40% (Now FY22) were extended an additional year due to the provider not being able to build his faculty practice due to clinic closures as the result of COVID.
4. The fourth exception is for Dr. Zachary Schnoor is a Board-Certified Endodontist. He joined the SoDM in May of 2020 as the result of a search that began in October 2019. We were able to attract Dr. Schnoor by offering a 40% incentive the first and second years, and 30% thereafter.
5. The fifth exception is for Dr. Bushan Thakkar, an oral and maxillofacial surgeon. Dr. Thakkar joined the SoDM in September of 2020. We were able to attract Dr. Thakkar by offering a 50% incentive the first year, 40% in her second year, and 30% thereafter.
6. The last exception is for Dr. Wenjian Zhang, an oral and maxillofacial radiologist. Dr. Zhang joined the SoDM in June of 2020. The compensation for radiologists differs slightly from the typical 30% as Dr. Zhang will be incentivized 40% for CBCT captures and interpretations from within the SoDM, 80% for CBCT captures and interpretations referred from outside the SoDM, and 30% for all other faculty practice contributions made by her.

All incentives will be paid from non-state clinical funds generated from the Faculty Practice.

Non-salary Compensation: CAHS 2020
CAHS Temporary Variable Incentive Planned Payo

Below is a summary of faculty by department, their current institutio
planned payout from participation in the TVI. The faculty members na
receive performance-based research incentives under the College of
Variable Incentive Plan. As described in the Plan, the incentives are base
appropriated salary for the faculty member that is recovered as a res
extramural grants and contracts and are paid from non-state sources o

Participation Period: 8/16/19- 8/15/20			
<i>Faculty</i>	<i>Rank</i>	<i>Dept</i>	<i>Institutional Base</i>
Fang, Xiangming	Associate Professor	BIOS	\$98,304
O'Brien, Kevin	Professor	BIOS	\$129,540
Vos, Paul	Professor	BIOS	\$121,511
Wu, Qiang	Associate Professor	BIOS	\$108,687
Perry, Jamie	Professor	CSDI	\$121,810
Walker, Marianna	Associate Professor	CSDI	\$97,140
Zhou, Ning	Assistant Professor	CSDI	\$96,206
Hylock, Ray	Associate Professor	HSIM	\$87,688
Kapoor, Akshat	Assistant Professor	HSIM	\$72,000
Babatunde, Toyin	Associate Professor	NUTR	\$87,718
Stage, Virginia	Associate Professor	NUTR	\$93,527
Trapp, Jane	Clinical Assoc Professor	PADP	\$99,493
Toriello, Paul	Professor	DARS	\$114,425

outs

onal base salary, and the
 med below are eligible to
 Allied Health Temporary
 ed on the amount of state
 ult of allocating effort to
 f revenue.

<i>Salary</i>	<i>Incentive Payment</i>
	\$5,632.00
	\$4,857.75
	\$6,075.56
	\$7,414.09
	\$22,562.02
	\$4,553.46
	\$19,241.16
	\$6,651.57
	\$3,300.00
	\$1,279.21
	\$14,141.58
	\$4,974.62
	\$2,860.65



Office of the Provost and Senior Vice Chancellor for Academic Affairs
210 Spilman Building | Mail Stop 501 | East Carolina University | Greenville, NC 27858-4353
252-328-5419 office | 252-328-4010 fax

MEMORANDUM

TO: East Carolina University Board of Trustees

FROM: Dr. B. Grant Hayes 
Interim Provost and Senior Vice Chancellor for Academic Affairs

DATE: July 9, 2021

RE: Non-Salary Compensation – Housing

In accordance with UNC Policy 300.2.14 and the *ECU Policy on Non-Salary and Deferred Compensation for Employees Exempt from the State Personnel Act*, this non-salary compensation plan for East Carolina University *ECU Tuscany* staff is submitted for your approval.

This request for non-salary compensation is made in connection with the *ECU Tuscany* program in Certaldo, Tuscany, Italy for the Fall 2021 semester. The compensation at issue is for housing in Certaldo, a small village in Tuscany in which our students live and attend classes. Certaldo is divided into upper and lower parts. Our school site is located in Certaldo Alto, the medieval walled city in the upper part of the town that is home to only approximately 150 residents. Certaldo Alto looks below to the larger urban area of Certaldo Basso, a community of 12,000 citizens roughly a 10-minute walk away. There are significant advantages to housing our EHRA staff nearby and among the students within the Program in Certaldo Alto. However, its small size and population make housing in Certaldo Alto significantly more expensive. The *ECU Tuscany* program is covering its costs with enrollment and support from Academic Affairs. *ECU Tuscany* is the only year-round study abroad program at ECU.

To the extent allowed by applicable law and the policies of ECU and the University of North Carolina, and subject to the approval of the Board of Trustees, the following employee is eligible for non-salary compensation as follows:

Employee	Employee Type	Program Term	Monthly Rent	Number of Months	Total Housing Cost
James Abbott	EHRA-Faculty Temporary	Fall 2021	\$600	3	\$1,800

If you approve this recommendation for non-salary compensation, please indicate below with your signature. Upon your approval, we will prepare the necessary paperwork to submit this recommendation to the Board of Trustees for consideration at their July 2021 meeting.

Requests for Board of Trustees approval for the following nonsalary compensation for Athletics staff

Competitive Bonus (Track)

In the event that the team wins the Conference Championship or 5 student-athletes or relay team qualify for an NCAA (post season) Championship Meet appearance, you may be eligible for one bonus of up to 1/12 of your annual salary. You must actively participate as a member of the ECU coaching staff in the Conference Championship or NCAA (post season) Championship Tournament appearance to be eligible for the bonus (i.e., you are ineligible for this bonus while reassigned, suspended, or on leave). The amount of such bonuses shall be determined by the Director of Athletics after consultation with the Sport Administrator.

Proposed competitive bonus of \$6,381 (1/12 of annual salary) for Head Coach of Men's and Women's Track and Field/Cross Country - Curt Kraft

Competitive Bonus - Track

In the event that the team wins the Conference Championship or 1 pole vaulter qualifies for an NCAA (post season) Championship Meet appearance (in the area in which you have oversight), you may be eligible for one bonus of up to 1/12 of your annual salary. You must actively participate as a member of the ECU coaching staff in the Conference Championship or NCAA (post season) Championship Tournament appearance to be eligible for the bonus (i.e., you are ineligible for this bonus while reassigned, suspended, or on leave). The amount of such bonuses shall be determined by the Director of Athletics after consultation with the Head Coach.

Proposed competitive bonus \$3,282 (1/12 of annual salary) for the Assistant Track Coach - Brie Berkowitz



Office of the Chancellor
105 Spilman Building | Mail Stop 101 | East Carolina University® | Greenville, NC 27858-4353
252-328-6212 office | 252-328-4155 fax

MEMORANDUM

TO: ECU Board of Trustees

FROM: Philip G. Rogers
Chancellor

A handwritten signature in black ink, appearing to read "P. G. Rogers", is written over the printed name of the Chancellor.

DATE: July 20, 2021

RE: Vice Chancellor for Legal Affairs and University Counsel

I respectfully request the Board of Trustees approve my recommendation to appoint Mr. Paul Zigas as Vice Chancellor for Legal Affairs and University Counsel based on the following terms and conditions:

- Appointment effective August 1, 2021, at a twelve-month annual salary of \$230,000 (contingent on UNC Board of Governors approval)

Thank you for your consideration of this important leadership appointment.



Office of the Chancellor
 105 Spilman Building | Mail Stop 101 | East Carolina University* | Greenville, NC 27858-4353
 252-328-6212 office | 252-328-4155 fax

July 23, 2021

Paul Zigas
 Office of University Counsel
 215 Spilman Building
 Greenville, NC 27858

Dear Mr. Zigas:

This is to confirm our agreement, as outlined in this letter and contingent upon approval by the ECU Board of Trustees, that you will hold the position of University Counsel and Vice Chancellor for Legal Affairs at East Carolina University effective August 1, 2021, with the conditions stated below. You will be paid at an annual (twelve-month) full-time salary rate of \$230,000, contingent upon UNC Board of Governors approval. Your salary is payable in 24 semi-monthly installments. You will continue to receive a cellular phone allowance in the amount of \$30.00 per pay period. Compensation is subject to periodic review and subject to policies originally adopted and periodically revised by the UNC Board of Governors or the ECU Board of Trustees.

As University Counsel and Vice Chancellor for Legal Affairs, you will perform your duties in accordance with the attached job description, report directly to the Chancellor and you will serve as a member of the Chancellor's Executive Council.

Your appointment as Vice Chancellor is specifically defined as a Senior Academic and Administrative Officer (SAAO) Tier I, is "employment at will", and is subject to continuation or discontinuation at the discretion of the Chancellor or his designee. In addition, it is subject to the UNC Policy on *Senior Academic and Administrative Officers*¹ and the ECU Policy on *Administrative Separation and/or Retreat to a Faculty Position*, as originally adopted and as they may be periodically revised. There is no tenure in administrative appointments. Copies of these policies are enclosed. In addition, if/when you no longer serve in the position of University Counsel and Vice Chancellor for Legal Affairs, all non-salary compensation, and your cell phone allowance will be discontinued immediately.

North Carolina law requires notice to every applicant for State employment that willfully providing false or misleading information or failing to disclose relevant information shall be grounds for rejection of an application or later disciplinary action or criminal prosecution. Dismissal from employment shall be mandatory in any case in which a false or misleading representation is made in order to meet position qualifications. The employer is required by law to verify an applicant's representations about credentials and other qualifications relevant to employment. By executing this employment letter, you (1) authorize the release to East Carolina University of any document or information within the possession of a third party, such as an educational institution or licensure board that may serve to verify any representations made by you in your application for employment; and (2) acknowledge that, from the time this letter is executed and throughout your employment at ECU, you are under an ongoing and continuing

¹ The *UNC Policy Manual* 300.1.1.

obligation to notify the Chancellor of any material changes or additions to the information you provided relative to your application for employment at ECU.

You remain eligible for all fringe benefits per the State of North Carolina employees' program that can be accessed at [www.ecu.edu/cs-admin/ http://www.ecu.edu/hr/](http://www.ecu.edu/cs-admin/http://www.ecu.edu/hr/) . Please contact the ECU Benefits Office at (252) 328-9845 for an appointment if you have any questions. Subject to applicable policy as may be amended, you are entitled to annual leave at the rate of 26 days per year and sick leave at the rate of 12 days per year, plus the administrative holidays observed by the University. The University reserves the right to periodically revise its fringe benefit programs and will timely notify you of such revisions and of their effective date.

Also enclosed for your information are copies of: UNC Policy Manual § 300.2.2 on *Conflict of Interest and Commitment*, UNC Policy Manual § 300.2.2.2[R] on *Regulations for Senior Academic and Administrative Officers on External Professional Activities for Pay and Honoraria*, and ECU Regulation 01.15.03, *Regulation on Conflicts of Interest, Commitment, and External Activities for Pay*, which cover the University's policies governing conflicts of interest and external professional activities for pay. Full-time employees who earn annual leave must comply with these policies and regulations and take such leave when conducting these types of activities during their regularly scheduled work time.

Also, ECU requires that a criminal background check be conducted of non-faculty employees when they change positions. Therefore, this offer of employment is contingent upon receipt of a favorable report. This letter of appointment, along with aforementioned policies and contingencies, prescribes the conditions of your employment.

If you accept my offer, please sign both letters and return one signed letter to my office as soon as possible.

I look forward to a favorable reply from you.

Sincerely,



Philip Rogers, Chancellor

cc: Personnel File
Human Resources

Enclosures:

UNC Policy on *Senior Academic and Administrative Officers*
ECU Policy on *Administrative Separation and/or Retreat to a Faculty Position*
UNC Policy on *Conflict of Interest and Commitment*
UNC *Regulations for Senior Academic and Administrative Officers on External Professional Activities for Pay and Honoraria*
ECU *Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay*

I accept the terms set forth in this letter dated **July __, 2021**. I fully understand that my appointment as University Counsel and Vice Chancellor for Legal Affairs will be subject to all the policies and regulations described in this letter, as well as any contingencies described herein. I further understand that I am subject to all applicable policies and regulations of the University of North Carolina, East Carolina University.

Signature

Date

PAUL H. ZIGAS

302 Woodspring Lane · Greenville, NC 27834 · phzigas@suddenlink.net · (919) 260-1540

RELEVANT PROFESSIONAL EXPERIENCE

EAST CAROLINA UNIVERSITY**GREENVILLE, NC****Interim University Counsel and Vice Chancellor for Legal Affairs**, September 16, 2019-Present**Interim University Attorney**, November 1, 2007-July 21, 2008

- Serve as chief legal officer to East Carolina University with responsibility to provide competent and timely legal advice and counsel to the ECU Chancellor and Board of Trustees and to administer university immigration services.
- Responsible for effective management of the Office of University Counsel (with current staffing of six attorneys, the Director of Immigration Services and Legal Support Associate, two paralegals (one of whom serves as the ECU Public Records Officer), and two administrative support staff) to ensure that the administration and campus community receive competent and timely legal advice and counsel on matters relating to ECU operations. Responsible for management of outside legal counsel engagements.
- Provide legal advice and counsel to senior university administrators, and, through them, to ECU faculty and staff, on legal matters, including pending legal proceedings, compliance with federal and state laws, and the policies of the University of North Carolina and East Carolina University. Representative legal matters include:
 - University Governance Matters
 - University Leadership Matters, including advice and counsel on employment matters
 - Clinical Integration of ECU Physicians with Local Health System
 - COVID-19 Pandemic Response
 - Compliance and Audit Issues
 - Litigation
 - Federal and State regulatory and criminal investigations
- Advise University offices, including the Office of Internal Audit and Management Advisory Services regarding pending audits, the Office of Equal Opportunity and Equity regarding EEO/ADA compliance, and the Department of Athletics regarding NCAA and Title IX compliance.

Interim Deputy University Counsel, January 1, 2019 -September 15, 2019**Senior Associate University Attorney**, September 2010-December 31, 2018**Associate University Attorney**, July 2006-August 2010**Assistant University Attorney**, August 2004 – June 2006

- Provide comprehensive legal advice and counsel to the administration of East Carolina University regarding higher education law, including, but not limited to, research and economic development activities (e.g., sponsored research, technology transfer, conflicts of interests and external professional activities for pay, export control laws, human research participants, research integrity and compliance, animal research, and centers and institutes), sports and entertainment issues, healthcare, intellectual property and licensing, data privacy and security, information technology issues, university governance and policies, marketing and brand management, university associated-entity matters, employment matters, purchasing and real property, student matters, compliance, open meetings, public records, Umstead Act issues, and other topics for matters assigned by the University Counsel and Vice Chancellor for Legal Affairs.
- Draft, review, and negotiate complex agreements and advise stakeholders concerning contractual obligations and compliance. Advise the Department of Athletics and university administration on contract matters, including, but not limited to, athletic director and head coach employment contracts, conference affiliation agreements, equipment sponsorship agreements, and sports marketing agreements.
- Serve as legal advisor to the University's Office of Technology Transfer, Trademark Licensing Program, and to the University Copyright Officer.
- Provide legal support for the adoption and implementation of university policies, regulations, and rules, including with regard to ECU's Patent Policy, Copyright Regulation, Regulation on Research Conduct, Regulation on Objectivity under Public Health Service Grants, Cooperative Agreements, or Contracts, and Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay.

PAUL H. ZIGAS

302 Woodspring Lane · Greenville, NC 27834 · phzigas@suddenlink.net · (919) 260-1540

- Serve as the Office of the University Counsel's liaison to the ECU Division of Research, Economic Development, and Engagement and as advisor to the University's Institutional Review Boards (IRBs), the Institutional Animal Care and Use Committee (IACUC), and the Conflict of Interest Committee (COIC).
- Train administrators and faculty on issues ranging from compliance with applicable laws, regulations, and University policies to contract drafting and administration.
- Advise the ECU Board of Trustees and senior university administrators with regard to assigned faculty and staff appeals, student expulsion appeals, litigation matters, and other matters assigned by the University Counsel and Vice Chancellor for Legal Affairs.
- Manage litigation and serve as liaison to legal staff at the North Carolina Office of the Attorney General and to outside counsel for assigned cases.

N.C. DEPARTMENT OF THE SECRETARY OF STATE**RALEIGH, NC****Contract Attorney**, August 2003-July 2004

- Provided legal support to the Department's regulatory and administrative programs, including the inauguration of the Athlete Agent Registration Office, the Charitable Solicitation Licensing Section, the Corporations Division, and the Trademark Section. Served as legal resource to the Advisory Council on Legislative Lobbying Policy and Regulation.

NORTH CAROLINA STATE UNIVERSITY**RALEIGH, NC****OFFICE OF GENERAL COUNSEL****Law Clerk**, November 2002-June 2003

- Provided legal advice and counsel regarding matters relating to the operations of North Carolina State University, including pending litigation, the University's policy on equity licensing agreements, the attorney-client privilege, and the North Carolina Public Records Law.

BAR AND COURT ADMISSIONS

North Carolina (State Bar No. 28876)

August 2002

U.S. Patent and Trademark Office (Reg. No. 68632)

August 2011

EDUCATION

University of North Carolina School of Law**CHAPEL HILL, NC**

Juris Doctor, May 2002

International Business Transactions Course Study Abroad Experience in Europe

Program in Environmental Policy and Ethics, National Institute of Environmental Health Sciences (NIEHS), 2001-2002

North Carolina State University**RALEIGH, NC**

Master of Toxicology, August 2003

Bachelor of Science, Biochemistry, magna cum laude, May 1998

Bachelor of Arts, History, magna cum laude, May 1998

Thomas Jefferson Scholar

University of Oxford Summer Program & Thomas Jefferson Scholars Study Abroad Program in Egypt

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

North Carolina State and District 3A Judicial Bar

North Carolina Bar Association

National Association of College and University Attorneys (NACUA)

American Health Law Association (AHLA)

PAUL H. ZIGAS

302 Woodspring Lane · Greenville, NC 27834 · phzigas@suddenlink.net · (919) 260-1540

REPRESENTATIVE SPEAKING ENGAGEMENTS & PUBLICATIONS

- Title IX Issues in Collegiate Athletics: Review of Recent Matters at ECU and UNCP, UNC System Office Division of Legal Affairs' General Counsel Lessons Learned Series, February 2021
- William B. Cannon and Paul H. Zigas, Licensing Free Speech, Education Law (NCBA Education Law Section), June 2016
- Perspectives from a University Attorney on Issues of Using Research Data (presentation made during Roundtable Session: Confronting and Overcoming Barriers in Sharing Toxicological Research Data for Risk Assessment in the 21st Century), Society of Toxicology 2015 Annual Meeting, San Diego, CA, March 23, 2015
- Leahy-Smith America Invents Act and Patent Law (presentation made during ELSI Specialty Section Annual Meeting), Society of Toxicology 2014 Annual Meeting, Phoenix, AZ, March 25, 2014
- Responsible Research: What is it and can it be done? (presentation made during Roundtable Session: Scientific Ethics in Research and Publications), Society of Toxicology 2014 Annual Meeting, Phoenix, AZ, March 24, 2014
- Paul Zigas, The Uniform Athlete Agents Act, Sports and Entertainment (NCBA Sports and Entertainment Law Section), May 2004
- Richard R. Sharp & Paul H. Zigas, Ethical and Legal Considerations in Biological Markers Research, in Biomarkers of Environmentally Associated Disease: Technologies, Concepts and Perspectives (Samuel H. Wilson & William A. Suk, eds., CRC Press/Lewis Publishers, 2002)

REPRESENTATIVE SERVICE AND AWARDS

- Past President, 2015-16, President, 2014-15, Vice President 2013-14, Vice President-Elect 2012-13, Ethical, Legal, and Social Issues Specialty Section (ELSI), Society of Toxicology
- Alumni Advisory Board Member, College of Agriculture and Life Sciences Alumni and Friends Society, North Carolina State University, 2011-2015
- N.C. State University College of Agriculture and Life Sciences Outstanding Young Alumnus Award, September 2011
- The Centennial Award for Excellence, East Carolina University, April 2010
- Eagle Scout

REPRESENTATIVE CLE AND TRAINING PROGRAMS

- Understanding the Legal Considerations of a Cyber Security Breach, NC Bar Association, 2021
- North Carolina Local Government Emergency Management Laws and Authorities, NC Bar Association, 2021
- Legal Issues Relating to Students, National Association of College and University Attorneys, 2020
- Taking Care of Business: How Good Lawyers Become Great Business Partners, NC Bar Association, 2019
- Ethics and Lobbying for Public Servants, North Carolina State Ethics Commission, 2019
- US Export Controls, Export Compliance Training Institute, 2018
- Fundamentals of Health Law, American Health Law Association, 2016
- Fundamentals of Copyright Law in the Data Era, Practising Law Institute, 2016
- Fundamentals of Trademark Law in the Global Marketplace, Practising Law Institute, 2016
- It's a Bird, It's a Plane, It's a Drone!: Unmanned Aircraft on Campus, National Association of College and University Attorneys, 2015
- Corporate Counsel Section Annual Meeting, NC Bar Association, 2014
- Conflicts of Interest Workshop, University of North Carolina General Administration, 2014
- Research Integrity Officer Boot Camp, U.S. Department of Health and Human Services Office of Research Integrity, 2013
- College and University Research and Technology Transfer, National Association of College and University Attorneys, 2012
- International Clinical Trials, American Health Law Association, 2012
- Advanced Licensing Agreements, Practising Law Institute, 2010




105 Spilman Building | Mail Stop 101 | East Carolina University* | Greenville, NC 27858-4353
252-328-6212 office | 252-328-4155 fax

Office of the Chancellor

MEMORANDUM

TO: ECU Board of Trustees

FROM: Philip G. Rogers 
Chancellor

DATE: July 20, 2021

RE: Vice Chancellor of Administration and Finance

I respectfully request the Board of Trustees approve my recommendation to appoint Ms. Stephanie Coleman as Vice Chancellor for the Division of Administration and Finance based on the following terms and conditions:

- 1.) Appointment effective August 1, 2021, at a twelve-month annual salary of \$280,000 (contingent on UNC Board of Governors approval)
- 2.) A phone allowance in the amount of \$720 annually

Thank you for your consideration of this important leadership appointment.



Office of the Chancellor
 105 Spilman Building | Mail Stop 101 | East Carolina University® | Greenville, NC 27858-4353
 252-328-6212 office | 252-328-4155 fax

July 23, 2021

Ms. Stephanie M. Coleman
 Interim Vice Chancellor for Administration and Finance
 Greenville, NC 27858

Dear Ms. Coleman:

This is to confirm our agreement, as outlined in this letter and contingent upon approval by the ECU Board of Trustees, that you will hold the position of Vice Chancellor for Administration and Finance, effective August 1, 2021, with the conditions stated below. You will be paid at an annual (twelve-month) full-time salary rate of \$280,000, contingent upon UNC Board of Governors approval. Your salary is payable in 24 semi-monthly installments. You will also receive a cellular phone allowance in the amount of \$30.00 per pay period. Compensation is subject to periodic review and subject to policies originally adopted and periodically revised by the UNC Board of Governors or the ECU Board of Trustees.

As Vice Chancellor for Administration and Finance, you will perform your duties in accordance with the attached job description, report directly to the Chancellor and you will serve as a member of the Chancellor's Executive Council.

Your appointment as Vice Chancellor is specifically defined as a Senior Academic and Administrative Officer (SAAO) Tier I, is "employment at will", and is subject to continuation or discontinuation at the discretion of the Chancellor or his designee. In addition, it is subject to the UNC Policy on *Senior Academic and Administrative Officers*¹ and the ECU Policy on *Administrative Separation and/or Retreat to a Faculty Position*, as originally adopted and as they may be periodically revised. There is no tenure in administrative appointments. Copies of these policies are enclosed. In addition, if/when you no longer serve in the position of Vice Chancellor for Administration and Finance, all non-salary compensation, and your cell phone allowance will be discontinued immediately.

North Carolina law requires notice to every applicant for State employment that willfully providing false or misleading information or failing to disclose relevant information shall be grounds for rejection of an application or later disciplinary action or criminal prosecution. Dismissal from employment shall be mandatory in any case in which a false or misleading representation is made in order to meet position qualifications. The employer is required by law to verify an applicant's representations about credentials and other qualifications relevant to employment. By executing this employment letter, you (1) authorize the release to East Carolina University of any document or information within the possession of a third party, such as an educational institution or licensure board that may serve to verify any representations made by you in your application for employment; and (2) acknowledge that, from the time this letter is executed and throughout your employment at ECU, you are under an ongoing and continuing obligation to notify the Chancellor of any material changes or additions to the information you provided relative to your application for employment at ECU.

¹ The *UNC Policy Manual* 300.1.1.

You remain eligible for all fringe benefits per the State of North Carolina employees' program that can be accessed at [www.ecu.edu/cs-admin/ http://www.ecu.edu/hr/](http://www.ecu.edu/cs-admin/http://www.ecu.edu/hr/) . Please contact the ECU Benefits Office at (252) 328-9845 for an appointment if you have any questions. Subject to applicable policy as may be amended, you are entitled to annual leave at the rate of 26 days per year and sick leave at the rate of 12 days per year, plus the administrative holidays observed by the University. The University reserves the right to periodically revise its fringe benefit programs and will timely notify you of such revisions and of their effective date.

Also enclosed for your information are copies of: UNC Policy Manual § 300.2.2 on *Conflict of Interest and Commitment*, UNC Policy Manual § 300.2.2.2[R] on *Regulations for Senior Academic and Administrative Officers on External Professional Activities for Pay and Honoraria*, and ECU Regulation 01.15.03, *Regulation on Conflicts of Interest, Commitment, and External Activities for Pay*, which cover the University's policies governing conflicts of interest and external professional activities for pay. Full-time employees who earn annual leave must comply with these policies and regulations and take such leave when conducting these types of activities during their regularly scheduled work time.

Also, ECU requires that a criminal background check be conducted of non-faculty employees when they change positions. Therefore, this offer of employment is contingent upon receipt of a favorable report. This letter of appointment, along with aforementioned policies and contingencies, prescribes the conditions of your employment.

If you accept my offer, please sign both letters and return one signed letter to my office as soon as possible.

I look forward to a favorable reply from you.

Sincerely,



Philip Rogers, Chancellor

cc: Personnel File
Human Resources

Enclosures:

UNC Policy on *Senior Academic and Administrative Officers*
ECU Policy on *Administrative Separation and/or Retreat to a Faculty Position*
UNC Policy on *Conflict of Interest and Commitment*
UNC *Regulations for Senior Academic and Administrative Officers on External Professional Activities for Pay and Honoraria*
ECU *Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay*

I accept the terms set forth in this letter dated **July __, 2021**. I fully understand that my appointment as Vice Chancellor for Administration and Finance will be subject to all the policies and regulations described in this letter, as well as any contingencies described herein. I further understand that I am subject to all applicable policies and regulations of the University of North Carolina, East Carolina University.

I accept the terms set forth in this letter dated **July __, 2021**. I fully understand that my appointment as Vice Chancellor for Administration and Finance will be subject to all the policies and regulations described in this letter, as well as any contingencies described herein. I further understand that I am subject to all applicable policies and regulations of the University of North Carolina, East Carolina University.

Signature

Date

Stephanie M. Coleman, MBA, CPA
1224 Windbrooke Drive
Grimesland, NC 27837
252-493-0224
colemans@ecu.edu

WORK EXPERIENCE

East Carolina University, Greenville, NC

Interim Vice Chancellor for Administration and Finance

January 2021- Current

- Oversight and administration of all budgets, financial and administrative services supporting the university and its affiliated entities in conformity with UNC System policy and state and federal laws.
- Provide leadership for the following areas: Auxiliary Services, Campus Safety and Security, Campus Operations, Financial Services, Health Sciences Human Resources, Information Technology, and Parking.
- Oversight of \$75M divisional budget and total staff of about 1,000

Associate Vice Chancellor for Budget and Athletics Fiscal Affairs

November 2018-Current

- Collaborate with Division administrators and personnel on financial, management, administrative, and operational policies, strategies and execution
- Work with bond counsel, financial advisors, and other university officials on planning for debt-financed projects
- Oversee all accounting, financial, and budget needs including planning, budgeting, developing and monitoring resources for the Division of Administration and Finance and Chancellor's Division
- Oversight of university's unrelated business income activities and tax reporting
- Supervision and management of University Budget Office with responsibility for planning, developing, implementing the institutions state appropriated budgets
- Responsibility for the oversight of the management and administration of the state appropriated budgets, student tuition and fees, F&A funds, and auxiliary units
- Supervision and management of the Athletics Business Office with responsibility for all accounting and financial activities for Athletics and ECU Educational Foundation. Responsibility includes accounting for operating and capital/debt funds, overseeing business functions for Athletics to achieve the most effective and efficient processes.
- Serve as member on Vice Chancellor of Administration and Finance Senior Leadership Team and a member of Athletics Leadership Team

Assistant Vice Chancellor for Operations

May 2012-November 2018

- Planned for and monitored all resource pools directly under the authority of the Vice Chancellor for Administration and Finance, both divisionally and campus-wide, state and non-state
- Responsible for university-wide resource allocation for new state funds
- Responsible for planning and allocating Ed/Tech budget annually
- Creative problem-solving and data analysis for complex personnel, finance and legal issues
- Assured compliance with all University personnel, compensation, and finance policies through interpreting regulations and advising Associate Vice Chancellors and other division leaders.
- Formulated strategic plans and operational programs to achieve efficient and effective operation of the Division and the University
- Worked closely with the Vice Chancellor of Administration and Finance, division administrators, and other university officials to coordinate and/or oversee various activities, projects, and initiatives for the Division and the University
- Developed, reviewed, and oversight of Division policies and procedures in collaboration with appropriate constituencies
- Prepared periodic and/or monthly reports on behalf of the Vice Chancellor to the Board of Trustees, Chancellor's Executive Council and other groups

- Investigated and analyzed problems and issues presented to the Vice Chancellor and prepare responses for the Vice Chancellor's review and action
- Worked with Vice Chancellor of Administration and Finance, Associate Vice Chancellor for Financial Services and Controller on bond issuances with financial advisors and bond counsel
- Served as member on Vice Chancellor of Administration and Finance Senior Leadership Team
- Supervised accountant for Division of Student Affairs

Interim Director of Compliance Management**September 2015-July 2019**

- Lead the operations and management of cash management, non-student accounts receivable, tax compliance, post-issuance debt compliance, and e-commerce operations
- Managed Student Financial Services, including Cashiering, Student Loans, and Student Accounting

Accountant**March 2004- April 2012**

- Prepared monthly financial statements and annual operation reports for auxiliaries
- Organized, prepared and packaged tuition and fee information for Office of the President and Board of Trustees
- Monitored all non-state funds directly under the authority of Vice Chancellor for Student Affairs
- Prepared university discretionary allocation
- Prepared cash flow analysis for debt financing
- Prepared Chancellor's discretionary budget and reviewed with administrative staff
- Monitored all state expenses in the Chancellor's Division
- Prepared analytical reports at the request of the Vice Chancellor for Administration and Finance and other university administrators
- Coordinated nonrecurring and recurring funds request within Chancellor's Division
- Planned and monitored divisional support budget for Division of Student Affairs
- Prepared workpapers for the unrelated business income tax return (990T) for East Carolina University
- Informed division personnel of tax issues that are relevant to their area and offered guidance when needed
- Supervised Director of ECU Transit

Office of the State Auditor, Greenville, NC**January 2002- March 2004****Assistant State Auditor I**

- Assisted in Community College, University and Clerk of Court audits
- Prepared workpapers for components of the financial statements
- Performed substantive tests and internal control work for components of the financial statements
- Planned and supervised clerk of court audits

EDUCATION**Master of Business Administration**

East Carolina University, Greenville, North Carolina

BS in Business Administration, concentration in Accounting

East Carolina University, Greenville, North Carolina

LICENSES

Certified Public Accountant, NC 31046, issued September 2004



July 23, 2021

Agenda Item: IX. C. Patent Policy

Responsible Person: Marti Van Scott
Director of Technology Transfer

Action Requested: Approval

Notes:

Proposed Motion:

I move that the board approve the revisions to the Patent Policy as presented in board materials.

MEMORANDUM

To: University Policy Committee

From: Marti Van Scott, Director Licensing & Commercialization

Subject: Summary of Revisions to the ECU Patent Policy POL10.40.01

Date: July 13, 2021

Revisions to the Patent Policy were initially deemed necessary in response to the evolving trend to build and support an entrepreneurial ecosystem for ECU students. The [existing Patent PRR](#) addresses intellectual property matters related to ECU employees (faculty and staff) but not that of students. After a thorough search of other institutional policies in the U.S. that recognize student inventions and innovations, we found that NC State had the most advanced model to emulate. In addition to addressing student innovation and entrepreneurship activities, the revised draft policy was further modified to bring it into alignment with changes to the regulatory landscape for federally funded inventions and reporting requirements. Finally, the policy was brought into alignment with ECU policies addressing conflicts of interest and external professional activities for pay. Additional refinements to the policy include references to economic development and community engagement, addition of a definition section, and simplification of the revenue distribution formula.

In addition to the University Policy Committee and the Executive Counsel, the revised Patent Policy has been reviewed and approved by the Office of the University Attorney, the Dean of Students, the Assistant Vice Chancellor for Economic & Community Engagement, the Interim Vice Chancellor for Research Economic Development and Engagement, and the Patent Committee. The Patent Committee is represented by several ECU faculty members, including the representative for the Faculty Chair. Full review of the Policy by the Faculty Senate is expected this year.

Following is a more detailed summary of changes to the Policy.

Significant Changes to the Policy:

- 1) Student Innovation & Inventions:
 - a. Ownership of student inventions that arise without the use of university-administered funds or other university resources and outside of any employment relationship between the student and ECU rests with the student (Section 7.1)
 - b. Students may elect to engage in projects in which proprietary information is disclosed, under terms of a participation agreement. If such project is a requirement of a non-elective course, then the student shall have the option of take part in another class project where confidentiality is not a concern (Section 7.2).
 - c. ECU courses and programs that promote entrepreneurship, innovation, and economic development are exempted from university ownership, provided that no substantive inventive contribution is provided by an ECU employee. Written requests for exemption must be submitted to the Office of Licensing & Commercialization (Section 7.3).
- 2) Alignment with definitions contained in ECU policies on Conflicts of Interest and External Professional Activities for Pay (Sections 3.7, 6.2, and 8.1).
- 3) Emphasis of federal regulations related to inventions resulting from Federal funding (Section 5.2).

Other Changes to the Policy:

- 1) Recognition of ECU's commitment to economic development and community engagement activities (Section 1.1).
- 2) Inclusion of a definition section (Section 3).
- 3) Refinement of revenue distribution formula (Section 10.2)
 - a. Previously:
 - 100% of first \$1,000 of gross revenue to the inventor(s); 50% of the next \$100,000 to the inventor(s); and 40% thereafter to the inventors. The (balance of funds is distributed to inventor(s) department, school / college, REDE, and Invention Management Fund, which is administered by the Office of Licensing & Commercialization. Funds distributed to institutional units should be used in support of research, development, commercialization and education activities.
 - b. New formula:
 - 100% of first \$1,000 of gross revenue to the inventor(s); 50% thereafter to the inventor(s). The balance of funds to be distributed to inventor(s) department, school / college, REDE, and Invention Management Fund, which is administered by the Office of Licensing & Commercialization. Funds distributed to institutional units should be used in support of research, development, commercialization and education activities.

Policy	POL10.40.01
Title	East Carolina University Patent Policy
Category	Research Economic Development and Engagement
Sub-category	Technology Transfer
Authority	Board of Trustees
History	First issued: March 1984 Revised: August 27, 2012; December 5, 2012 Interim posted: April 16, 2013 BOT final approved: July 18, 2013; _____
Contact	Director, Office of Licensing and Commercialization 300 East First Street (Willis Building) Mailstop 163, East Carolina University Greenville, NC 27858-4353 (252) 328-9549 (Office) (252) 328-0799 (Fax) www.ecu.edu/ott
	UNC Policy 500.2-Patent and Copyright Policies
	UNC Policy 300.2.2-Conflict of Interest and Commitment
	UNC Code: Appendix I
Related Policies	UNC Policy 500.6 University Equity Acquisition Policy
	REG10.40.02 East Carolina University Copyright Regulation
	REG01.15.03-Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay
	ECU Faculty Manual Part VIII, (II) Policy on Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff
Additional References	U.S. Patent Laws 35 U.S.C. \A7\A7 1-376 ECU Patent Assignment Agreement Invention Management SOPs (TBD)

1. Introduction

1.1. East Carolina University (the “University”) is dedicated to the pursuit of education, research and public service, including economic development and community engagement in North Carolina. Inventions, discoveries, and other intellectual assets may arise as a result of the conduct of these activities by University personnel and others who use University facilities, equipment, materials, resources or funds administered by the University. The Board of Governors of the University of North Carolina determined that patenting and licensing these intellectual property assets is consistent with the purposes and mission of the University of North Carolina. This Patent Policy is subject to and supplements the patent and copyright policies of the University of North Carolina.

2. Coverage

2.1. University Personnel. This Patent Policy applies to all University personnel and others as a result of use of University facilities, equipment, materials, resources or funds administered by the University. This Patent Policy is a condition of employment of every employee of the University and attendance of every student at the University.

2.2. Non-University Persons. Upon prior written agreement between non-University persons or entities and the University, this policy may be applied to persons not associated with the University who make their Inventions available to the University under circumstances where the further development and refinement of such Inventions are compatible with the mission of the University.

2.3 Implementation. The Office of Licensing and Commercialization (“L&C”) is responsible for implementing this policy, including developing procedures designed to supplement and interpret the ownership aspects of this policy, providing advice regarding ownership of specific works, releasing institutional rights, and accepting an assignment of rights to the University from an Inventor.

2.4 Patent Committee. The Patent Committee, appointed by the Chancellor or designee and consisting of no less than three members, is charged with reviewing and recommending to the Chancellor, or his delegate, the procedures for the implementation of this policy; resolving questions of Invention ownership that may arise between the University, university personnel and other individuals; recommending to the Chancellor the expenditure of the patent royalty fund; and making such recommendations as are deemed appropriate to encourage disclosure and assure prompt and expeditious handling, evaluation, and prosecution of patent opportunities; and to protect the interests of both the University and the public. The Director of L&C shall chair, administer and provide support for the Committee.

3. Definitions

3.1 “Gross Revenue” means all income received by the University as consideration for a license, option, or other transfer of rights to Inventions that are subject to the Patent Policy. Gross Revenue may include option fees, royalties, license issue fees (whether cash or equity when liquidated), milestone payments, and any other related payments, less any amount required to be paid from gross receipts without deduction to another entity pursuant to a sponsored research agreement, inter-institutional agreement or other legally binding agreement.

3.2 “Invention” means technical information, trade secrets, developments, discoveries, innovations, processes, compositions, life forms, Tangible Research Materials, know-how, methods, formulae, data, processes and/or other proprietary information or matter, whether patentable or not.

3.3 “Invention Management Fund” means a University fund in which license revenue is distributed as required under the Revenue Sharing provision of this policy. The Invention Management Fund shall be used to support research, development, commercialization and education activities, and may include expenses incurred by the University in operating L&C or any successor unit managing the University’s intellectual property.

3.4 “Inventor” means an individual who makes an inventive contribution to an Invention and, for patentable subject matter, meets the criteria for Inventorship under United States patent laws and regulations, which requires a contribution to the conception of ideas claimed in a patent.

3.5 “Net Revenue” means Gross Revenue arising from license activities, minus all direct out-of-pocket costs associated with University’s ownership and/or administration of Inventions. Such costs may include costs of (1) evaluating Invention disclosures, (2) patentability or trademark searches, (3) drafting and prosecuting intellectual property applications, (4) preparing and recording assignments, (5) maintaining patents or other intellectual property, (6) marketing and licensing of Inventions, and (7) litigation for the enforcement or protection of intellectual property, for royalty collection, or for any other claim filed by or against University and related to University’s administration of intellectual property, including prosecution or defense of same, attorneys’ fees, court costs, expert fees, compromise, settlement, and judgment satisfaction. Net Revenue does not include funds received as gifts or for the support of sponsored research.

3.6 “University Employment Responsibilities” means employment responsibilities at the University directly related to research, service, teaching activities and administrative duties.

3.7 “Inappropriate Use or Exploitation of University Resources” means the use of University-administered funds or the use of services, facilities, equipment, supplies, or personnel, which members of the general public may not freely, use for other than the conduct of University responsibilities

3.8 “Tangible Research Material” means unique research products or tools, such as biological materials or chemical compounds, whether or not patentable. Biological materials include organisms, transgenic animals, plants and plant varieties, cells, cell lines, viruses, cell products, cloned DNA, DNA sequences, nucleic acid and protein sequences, transgenic animals, mapping information and crystallographic coordinates.

4. Disclosure and Invention Administration

4.1 Patent and License Management. L&C is charged with administering the University’s patent management and licensing program, including, but not limited to filing, prosecuting, and maintaining the University’s patent portfolio and maintenance of the University’s license portfolio.

4.2 Invention Disclosure. Each Invention must be disclosed promptly upon its creation, conception or discovery to L&C. The form of disclosure shall be determined by L&C, or its designee, and may include such information as name of the Inventor and a description of the Invention. Inventorship shall be determined in accordance with U.S. patent law, when applicable, or through procedures of L&C. Failure to disclose an Invention may prevent the Invention from being patented and may subject the University to risks of noncompliance with federal laws and/or contractual obligations. Since publication or public use of an Invention can be an immediate bar to patentability in most foreign countries, it is the duty of the Inventor to report to the L&C any publication, submission of manuscript for publication, sale, public use, or plans for sale or public use, of an Invention sufficiently in advance so that the L&C can consider measures to protect the University’s intellectual property interests and compliance requirements.

4.3 Inventor Cooperation. The Inventor, upon L&C’s request, shall sign all contracts, assignments, declarations, waivers or other legal documents necessary to vest all Invention rights in the University or its assignees, including complete assignment of any patent, patent applications, trademarks, or

copyrights relating to the Invention. In addition, the Inventor shall cooperate with L&C and patent counsel if the University files for intellectual property protection.

4.4 Declined Administration. L&C may decline or cease Invention administration due to lack of resources, uncertainty of patent protection, lack of commercial interest, or other reasons L&C deems appropriate. In such case, L&C may assign the Invention to the Inventor, subject to any rights retained by the United States Government or other sponsor. In addition, the Inventor shall agree (1) that the University reserves a royalty-free, non-exclusive, irrevocable right to use the Invention for research and educational purposes; (2) to allow other academic and non-profit institutions similar use on similar terms; and (3) to indemnify the University against any liability arising from commercialization. All requests by an Inventor related to assignment of Invention rights to the Inventor must be submitted in writing to L&C.

5. University Ownership of Inventions

5.1 University Ownership. All Inventions arising from the following are owned by the University: (1) research conducted with University-administered funds, (2) work within the Inventor's University Employment Responsibilities, or (3) use of University resources available to the Inventor because of Inventor's affiliation with University.

5.2 Sponsored Research/University-Administered Funds. The University is obligated under the Bayh-Dole Act and other statutes to be responsible stewards of Inventions funded with public money. The provisions of this policy are also subject to these and other applicable laws and regulations, as well as, specific provisions of grants or contracts which govern the rights in Inventions or discoveries made in connection with sponsored research. Under the terms of certain contracts and agreements between the University and various agencies of government, private and public corporations, and private interests (the "Funding Source"), the University is or may be required to assign or license all rights to Inventions or discoveries that arise in the course of work conducted under such agreements. The University retains the right to enter into these agreements whenever such action is considered to be in the best interest of the University, in the public interest, and/or of mutual benefit to the University and the Funding Source.

5.3 Assignment of Inventions. In the case of University ownership of Inventions, Inventors hereby irrevocably assign to the University, all right, title and interest in and to Inventions and related patent applications and patents and shall cooperate fully with the University in the preparation and prosecution of patent applications and patents. Assignment of Inventions is a condition of employment, enrollment, or access to University facilities.

5.4 Patent Agreement and Assignment. As required by 37 CFR § 401.14, as amended, all University employees shall sign a Patent Agreement and Assignment, upon employment.

6. Inventor Ownership of Inventions

6.1 Inventor Ownership. An Invention arising from activities conducted (1) without use of University administered funds, (2) outside of Inventor's University Employment Responsibilities, (3) without Inappropriate Use or Exploitation of University Resources, and (4) without interfering with Inventor's obligation to carry out all of his/her primary University duties in a timely and effective manner, are owned by the Inventor, an "Inventor-Owned Invention".

6.2 If the subject matter of an Invention is within the Inventor's University Employment Responsibilities or permitted entrepreneurial activities at the University, the Invention may be an invention owned by the Inventor if it results from an external professional activity. An invention owned by the Inventor which results from an external professional activity means that:

6.2.1. it meets conditions (1), (3), and (4) as set out in Article 6.1;

6.2.2. is made in the course of an Inventor's external professional activities in compliance with the University's Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay;

6.2.3. is not based on or, if to be practiced, does not require the use of intellectual property owned by the University;

6.2.4. arises out of a specific scope of work defined in a written agreement between the Inventor(s) and a third party; and

6.2.5 if such Invention is within the subject area of an Inventor's University Employment Responsibilities, such Inventor has received prior approval from his/her departmental chair, dean, unit director or similar administrative officer to engage in such external professional activity and notice of such approval has been provided to L&C.

6.3 Disclosure. Any person claiming that an Invention is an Inventor-Owned Invention has the responsibility to disclose such Invention to L&C and provide additional information, as requested by L&C, in order to demonstrate that such Invention qualifies as an Inventor-Owned Invention as defined herein. Such Invention shall be disclosed in accordance with L&C's Invention disclosure procedures. Upon its final determination, L&C will acknowledge in writing whether such Invention is an Inventor-Owned Invention.

6.4 The University does not claim any rights in Inventor-Owned Inventions.

7. Student Inventions

7.1 Student Ownership. Inventions arising from student activities conducted (1) without use of University-administered funds, (2) outside of a student's University Employment Responsibilities, (3) without Inappropriate Use or Exploitation of University Resources, and (4) without the obligations of a University Inventor who has a duty to make assignment or has made assignment to the University, are owned by the Student. For students enrolled in a course of study, use of course laboratory, computing and library facilities, software, supplies and materials at a level ordinarily provided to students in the course are not considered to be Inappropriate Use or Exploitation of University Resources.

7.2 Proprietary Projects. Students, who engage in projects in which proprietary information of the University or a third-party is involved, may be asked to agree to the terms of a participation agreement to outline the rights and responsibilities of the parties, and define ownership of any resulting intellectual property rights. Should the student decline to participate in such a project in a non-elective course, then the student shall have the option of taking part in another class project where consideration of intellectual property rights is not required.

7.3 Special Program Exemption. The University may offer courses or programs to promote entrepreneurship, innovation, and economic development and in some instances may offer prizes in the form of cash, goods and/or services. The Patent Committee may exempt these courses and programs from University Ownership of Inventions for Inventions either previously conceived by the students or conceived during their participation. Notwithstanding, substantial inventive contribution by an employee of the University is subject to this Patent Policy. Requests related to a Special Program Exemption should be made in writing to the Director of L&C.

8. Consulting and the Patent Policy

8.1 Conflicts of Interest. The Board of Governors Policy on Conflicts of Interest and Commitment, UNC Policy Manual, 300.2.2, recognizes the value to the University to permit faculty and EHRA employees to engage in professional consulting. This activity can enhance the competence and expertise of faculty and EHRA employees and may aid in the development of University intellectual property and university-industry relations. However, private consulting may create a conflict of interest when the company's consulting contract requires that faculty assign intellectual property or accept other terms inconsistent with the individual's University employment contract. In all consulting relationships, employees have a duty to ensure that their employment responsibilities to the University are not compromised in a consulting agreement.

8.1.1 Employees may not sign agreements with outside entities or individuals that may abrogate the University's rights as stated in the Patent Policy or as provided in any sponsored research agreement or grant. Consulting agreements may not in any way limit the right of any University personnel to engage in teaching, research, or service at the University. For example, faculty and employees should not accept contract terms that (1) prohibit publication of University research or the reporting of results to research sponsors; (2) preclude faculty or employee from assigning to the University intellectual property owned by the University or (3) are designed to circumvent University policies and procedures for disclosure of Inventions.

8.2 Ownership. Ownership of Inventions arising under consulting agreements will be determined in accordance with this Patent Policy and, to the extent that any terms of a consulting agreement are inconsistent with this Patent Policy, this Patent Policy will control. However, the University will make no claim to an Invention if the Invention is determined to be an Inventor-Owned Invention as set out in Section 6 above.

9. Publication Restrictions

9.1 Acceptable restrictions. The University supports publication and exchange of scholarly outcomes. However, circumstances may arise which require a publication restriction for a limited period of time. Limited publication restrictions may be required for the following reasons:

9.1.1. Review for removal of sponsor-provided confidential information; or

9.1.2. Review for patentable information and if necessary timely filing of a patent application

9.2 Sponsor Review. Sponsors are provided a time-limited period to review manuscripts for proprietary and/or patentable information. Additional time may be required to timely file a patent application but

in no event shall the total period of delay be longer than one year from the date of the notice of intent to submit for publication.

10. Revenue Sharing

10.1. Revenue Sharing. It is the policy of the University to distribute any Net Revenue received from commercialization of Inventions among the Inventor, the Inventor's College and Department/Unit, and the Invention Management Fund.

10.2. Revenue Distribution. Net Revenue shall be distributed as follows:

First \$1,000 Net Revenue: 100% to Inventor(s);

Greater than \$1,000 Net Revenue: 50% to Inventor(s), 15% to Department(s), 5% to School / College(s), 25% to Invention Management Fund, 5% to Division of Research, Economic Development and Engagement

L&C is responsible for managing the Invention Management Funds, in accordance with Section 10.4.

10.3. Exceptions. Applicable laws, regulations or provisions of grants or contracts may, however, require that a lesser share be paid to the Inventor(s). In the case of co-Inventors, each percentage share due to a sole Inventor shall be subdivided equally among the co-Inventors unless all the co-Inventors provide the University a written instrument signed by each of them allocating ownership among them other than in equal shares. In no event shall the share payable to the Inventor(s) in the aggregate by the University be less than 15% of gross revenue received by the University.

10.4. University Allocation of Funds. To the extent practicable and consistent with State and University budget policies, amounts allocated to the University pursuant to Section 10.2 above will be dedicated to support University research, development, commercialization and education activities.

10.5. Separation of Inventor from University. In the event that an Inventor leaves the University, either voluntarily or involuntarily, and the Inventor is entitled to receive compensation in accordance with this Policy, then the Inventor shall continue to be entitled to revenue pursuant to this Policy. In the event of death of an Inventor who is entitled to distribution of revenue pursuant to this policy, then such payments will be paid to the Inventor's estate or as directed in accordance with a court approved action.

10.6 Tangible Research Materials. To the extent practicable, Tangible Research Materials shall be treated as Inventions for purposes of ownership and revenue sharing. The L&C will promulgate rules regarding distribution of revenue for Tangible Research Materials that are not the subject of a patent application.

10.7 Additional Rules. The L&C shall adopt such other rules and procedures as needed to administer revenue distribution equitably and consistently with UNC System and University policies.

11. Dispute Resolution

11.1. Jurisdiction. Any individual subject to this policy may seek resolution to questions of Invention ownership that have arisen by filing a written request with the Chair of the Patent Committee. The Chair shall appoint a 5-member Dispute Resolution Panel ("the Panel") to address the dispute with at least 3 panel members being selected from the membership of the Patent Committee. In the event that the

dispute involves the Chair of the Patent Committee, the Vice Chancellor for Research, Economic Development, and Engagement (the "Vice Chancellor") shall appoint the Panel. The Panel shall elect a chair from its membership. The University shall provide appropriate support to the Panel including, but not limited to, patent counsel or other patent expert. The Panel shall conduct a review to address the dispute within four weeks of receipt of the written request for resolution.

11.2. Conduct of the Hearing. In its sole discretion, the Panel may elect to conduct a hearing or may make a recommendation based upon the written record, provided that all parties to the dispute are given an opportunity to present evidence and arguments in support of their respective positions. The hearing shall be conducted in accordance with procedures adopted by the Chair of the Panel. A party may be accompanied at the hearing by a non-participating advisor.

11.3 Disposition. The Panel shall report its written findings, conclusions and recommendations for disposition of the matter to the Vice Chancellor. Copies of such findings, conclusions and recommendations shall be provided to all parties, subject to confidentiality of third-party interests, if any. Upon receipt of such findings, conclusions and recommendations, the Vice Chancellor will conduct any further investigation deemed necessary and will issue the final University written decision. The final written decision shall be issued within six weeks of the Panel's review and/or hearing.

12. Works Subject to Protection by Both Copyright & Patent Laws

12.1. In cases where an Invention or creation is subject to protection under both patent law and copyright law, if the University elects to retain title to its patent rights, then the Inventor shall assign such patent and copyright rights to the University.

13. Policy Exceptions

13.1. In rare circumstances, an exception to this Policy may be approved by the Chancellor or designee if it is determined to be in the University's best interest, and the exception remains consistent with UNC policies and federal and state law.