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University of North Carolina System Summary Regarding the November 21, 2019 Agreement between the University of North Carolina and the North Carolina Division of the Sons of the Confederate Veterans made Pursuant to Settlement Agreement with the Daily Tar Heel

February 1, 2021

On August 20, 2018, during a protest at McCorkle Place on the UNC-Chapel Hill campus, the site of the Confederate Monument, a group of individuals used ropes to pull the statue off its pedestal.

On August 22, 2018, the North Carolina Historical Commission met to discuss its study of Confederate monuments and concluded that G.S. 100-2.1 – the North Carolina monuments law – would make it difficult to permanently relocate monuments, absent a change in the law.

On August 22, 2018, Peggy Johnson, identifying herself as a representative and president of the North Carolina Division of the United Daughters of the Confederacy, wrote to UNC-Chapel Hill Board of Trustees Chair Haywood Cochrane to assert a property interest in the Monument and request that it be returned to the United Daughters of the Confederacy. [Document 1] On August 23, 2018, Kevin Stone, identifying himself as “commander” of the North Carolina Division of the Sons of Confederate Veterans (“SCV”), wrote a letter to the UNC Board of Governors to “demand the restoration on campus of the University’s Confederate memorial, known as ‘Silent Sam.’” [Document 2] In addition to the Board of Governors, Stone’s letter was sent to members of the UNC-Chapel Hill Board of Trustees, Chancellor Carol Folt, President Margaret Spellings, Speaker Tim Moore, Senator and President Pro Tempore Phil Berger, Peggy Johnson of the UDC, and the SCV’s legal counsel, C. Boyd Sturges, III.

On August 28, 2018, the Board of Governors passed a resolution directing Chancellor Folt and the UNC-Chapel Hill Board of Trustees to develop and present to the Board of Governors a plan for the monument’s disposition and preservation. [Document 3] On August 28, 2018, the Board of Trustees acknowledged the resolution by the Board of Governors, and affirmed in writing that the trustees would be guided by four principles in developing its plan:

1. Our University will respect and enforce the law and University policies;
2. Our University will do all it can to ensure a safe campus;
3. Our University will honor our values as expressed in the Blue Print for Next to develop citizen-leaders and informed public debate. Civil discourse is critical to this leading principle; and
4. Our University will educate and curate our monuments and our history with integrity.

[Document 4]

On December 3, 2018, UNC-Chapel Hill completed its *Recommendation for the Disposition and Preservation of the Confederate Monument*, a four-part plan presented by UNC-Chapel Hill to the UNC Board of Governors. [Document 5] The report included the views of a panel of public safety experts,

who warned that UNC-Chapel Hill faced a high risk of violence, civil disorder, and property damage if the monument returned to campus. **[Document 6]**

The report also proposed for consideration by the Board of Governors a plan to construct an education center on campus to house the monument, at an estimated capital cost of \$5.3 million plus an additional cost of \$800,000 annually in operating expenses for security personnel and maintenance. These costs would have totaled an estimated \$13.3 million dollars within the first decade of the center's existence. UNC-Chapel Hill estimated that funding the center's operating costs with endowment returns would have encumbered more than \$16 million in University endowment funds.

On December 14, 2018, at the regular meeting of the UNC Board of Governors, Board Chair Harry Smith stated that the Board could not support UNC-Chapel Hill's *Recommendation for the Disposition and Preservation of the Confederate Monument* given the concerns about public safety and the use of state funds for a new building. He asked five Board members – Darrell Allison, Jim Holmes, Wendy Murphy, Anna Nelson, and Bob Rucho – to work with Chancellor Folt and the UNC-Chapel Hill Board of Trustees to review the options set forth in the report and offer a revised recommendation to the UNC Board of Governors. **[Document 7]**

On January 14, 2019, at UNC-Chapel Hill Chancellor Carol Folt's direction, the pedestal on which the Confederate Monument statue was mounted was removed from campus.

Dr. Bill Roper assumed the role of Interim President of the UNC System on January 16, 2019. Shortly thereafter, he stated that it was his position that the monument should not return to its original location at McCorkle Place due to the potential threats to public safety. On February 6, 2019, Interim President Roper and Interim Chancellor Guskiewicz both stated publicly that the monument should not return to the UNC-Chapel Hill campus at all.

On February 19, 2019, Jake Sullivan, the Chief of Staff of the SCV, sent an email to Board member Bob Rucho, requesting a meeting with him to "discuss the 'Silent Sam' controversy." **[Document 8]**

Jim Holmes, one of the five Board of Governors member tasked with working with UNC-Chapel Hill's Board of Trustees and the Chancellor on the monument issue, responded to the SCV's request. Mr. Holmes asked Clayton Somers, Vice Chancellor for Public Affairs and Board Secretary at UNC-Chapel Hill, to work directly with him in responding to the SCV. Mr. Somers knew the SCV's attorney, C. Boyd Sturges, III. Mr. Somers worked directly with and assisted Mr. Holmes in responding to the SCV.

The SCV wanted the monument restored to campus and was considering legal action to accomplish that goal. Mr. Holmes and Mr. Somers informed the SCV that, even if the North Carolina monuments law (G.S. 100-2.1) required the restoration of the monument to its original location, it was the University's position that the monument should not be returned to UNC-Chapel Hill's campus because doing so represented too great of a public safety risk, the most serious of which included a high risk of loss of human life. During that period, legislation was introduced in the General Assembly providing clear authority to permanently remove the monument from the UNC-Chapel Hill campus, but this legislation was never enacted.

Ultimately, conversations among Messrs. Holmes, Somers, Stone, and Sturges led to a proposal to resolve the dispute in court through a consent judgment. The University received approval from the North Carolina Department of Justice and the Governor's Office to engage Ripley Rand of Womble Bond Dickinson, to represent the UNC Board of Governors and the University of North Carolina in possible litigation by the SCV regarding the Confederate Monument.

The University, to prioritize the safety of the campus, sought to ensure that another party, such as the UDC, would not be able to sue to restore the monument to the UNC-Chapel Hill campus. In addition, the University sought to ensure that, in the event a consent judgment was not ultimately approved for any reason, the SCV would not be able to hold, sanction, or sponsor any event or gathering on any UNC campus. To resolve these issues, the University and the SCV agreed to a settlement imposing significant restrictions on the SCV's ability to enter and hold events on UNC System campuses in exchange for payment of \$74,999. **[Document 9]** The terms of this settlement were discussed during a meeting on or about November 21, 2019 attended by Clayton Somers, Ripley Rand, Tom Shanahan, and the SCV's attorney (Boyd Sturges) and then documented by the parties' attorneys. On November 21, 2019, Interim President Bill Roper, acting on behalf of the University pursuant to his authority as president, signed the Settlement Agreement with the SCV. The agreement was signed by Kevin Stone on behalf of the SCV.

The five members of the Board of Governors (Mr. Holmes, Mr. Rucho, Mr. Allison, Mrs. Murphy, and Ms. Nelson) did not meet or otherwise negotiate or approve the November 21, 2019 settlement.

Pursuant to the November 21 agreement, the SCV agreed to relinquish its rights to assemble, hold, sanction, or sponsor any event or gathering on the property of any university campus in the UNC System in exchange for a \$74,999 payment. If a consent order between the parties were later approved, the SCV agreed that it would not display any Confederate flags, banners, or signs before, after, or in conjunction with any group event, meeting, or ceremony on the campus of or property controlled by the UNC System or any of its institutions for five years.

At the time of the November 21, 2019 settlement, the SCV indicated that it intended to acquire assignment of any rights that the UDC might have to the monument. Although the SCV was under no obligation to do so under the November 21 settlement, it is the University's understanding that the SCV used some portion of the funds paid by the University to acquire the assignment from the UDC. No University representative communicated with the UDC about the November 21, 2019 settlement.

On November 26, 2019, the Attorney General's office concluded that there was no legal impediment to the UNC System and its Board of Governors agreeing to a consent judgment with the SCV and that it was within the authority of the UNC System and its Board of Governors to do so. This was the approval required by law.

On November 27, 2019, the UNC Board of Governors Committee on University Governance met in closed session at 10:00 a.m. Twenty of the Board's 24 voting members participated in the meeting by telephone. Pursuant to the authority delegated to it in Section 200.5 of the UNC Policy Manual **[Document 10]**, the Committee on University Governance approved the proposed settlement regarding the Monument between the SCV and the University. **[Document 11]**

The Complaint, Answer, and Consent Judgment were filed in *North Carolina Division Sons of Confederate Veterans, Inc. v. the University of North Carolina and the University of North Carolina Board of*

Governors, 19 CVS 1579. The Consent Judgment was signed by Board of Governors Chair Randy Ramsey on November 22, 2019, UNC Interim President Roper on November 26, 2019, and SCV on November 27, 2019. However, the Judgment would not and could not take effect until approved by a judge. Under the terms of the Consent Judgment, the Court approved resolution of the case on the following terms:

- SCV owns all rights, title, and interests in the monument;
- The University will turn over possession of the monument to SCV;
- SCV will forever maintain possession of the monument outside any of the fourteen counties currently containing a UNC System constituent institution; and
- Using non-state funds, the University will fund a separate charitable trust to be held independently by a non-party trustee in the amount of \$2,500,000, the proceeds of which may only be used for certain limited expenses related to the care and preservation of the monument, including potentially a facility to house and display the monument.

Interim President Bill Roper and Board Chair Randy Ramsey executed the Monument Trust document. The Monument Trust document provided that the independent trustee may make distributions from the trust only for maintenance, display, and preservation of the Confederate Monument. It further stated that no distribution shall be made and that the Trust would terminate if the Monument was ever located within any North Carolina county where the University of North Carolina System currently maintains a campus. The Monument Trust would not take effect until the Consent Judgment was judicially approved.

The UNC System Office published a news release announcing the settlement allowing for disposition of the monument.

Document 1

From: Peggy Woodlief Johnson
Sent: Wednesday, August 22, 2018 10:01 AM
To: haywoodcochrane
Subject: A sad time in North Carolina

Haywood,

I, as a representative of the United Daughters of the Confederacy, request that the Boy Soldier, referred to as Silent Sam, be returned to the United Daughters of the Confederacy. We are willing to take possession of both the base and the sculpture. We have been saddened that the message of this monument as been so misconstrued. He no longer belongs on the campus of UNC Chapel Hill.

Peggy W. Johnson
NC UDC Division President

Document 2



August 23, 2018

Board of Governors
University of North Carolina System
910 Raleigh Road
P.O. Box 2688
Chapel Hill, NC 27514

To the University of North Carolina System Board of Governors:

In accordance with state law, the North Carolina Division, Sons of Confederate Veterans, along with the North Carolina Division, United Daughters of the Confederacy, hereby demand the restoration of the University's Confederate memorial, known as "Silent Sam." This would include any repairs that are necessary to return the memorial to its condition before the riot on August 20, 2018.

We are happy to provide any assistance needed in this matter and expect this to be completed within a reasonable period of time. As you know, the law requires such objects of remembrance to be put back in place within 90 days. As of the date of this letter, there are 87 days left.

We also expect that in the future, the memorial will be protected adequately, as any other University property would be protected if so threatened. You must consider the reality that the faculty, a minority of extremist students, members of the Durham Workers World Party, and local elitists do not represent the majority of North Carolinians to which the University actually belongs – it is, after all, the "University of the People." While the people may not all join our SCV/UDC ranks, they understand that lawlessness is unacceptable and they also appreciate that history cannot and should not be curated for political purposes. Several reputable public polls and an overwhelming majority of public comments recently provided to the North Carolina Historical Commission have confirmed this.

Please keep us updated on the progress of the restoration.

Sincerely,

R. Kevin Stone
Commander

Cc: Mrs. Peggy Johnson, President, North Carolina Division, UDC
C. Boyd Sturges III, Attorney for the North Carolina Division, SCV
Members of the University of North Carolina Board of Trustees
Carol Folt, Chancellor, University of North Carolina
Margaret Spellings, President, University of North Carolina System
Senator Phil Berger, President Pro Tempore, North Carolina Senate
Representative Tim Moore, Speaker of the House, North Carolina House of Representatives

RKS/jrs

North Carolina Division, Sons of Confederate Veterans
NCSCVPublicAffairs@gmail.com

Document 3



**RESOLUTION OF
THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH CAROLINA**

August 28, 2018

WHEREAS, Chancellor Folt and the Board of Trustees of the University of North Carolina at Chapel Hill have engaged in considerable work to explore options regarding the Confederate Monument; and

WHEREAS, Chancellor Folt and the Board of Trustees expect to be in a position to provide a plan for a lawful and lasting path that protects public safety, preserves the monument and its history, and allows the University to focus on its core mission of education, research, economic stimulation, and creating the next generation of leaders.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Governors directs Chancellor Folt and the UNC-Chapel Hill Board of Trustees to develop and present to the Board of Governors a plan for the monument's disposition and preservation, which should be presented to the Board of Governors by **November 15, 2018.**

Adopted this ____th day of August, 2018

Harry Smith, Chairman

Secretary



THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
BOARD OF TRUSTEES

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August 28, 2018

We would specifically like to thank the Board of Governors, its leadership, and the President of the University System for the confidence they have placed in us today for the trustees and our Chancellor to come up with a lasting long term solution to the issue of the Confederate monument.

Our country, state and University continue to grapple with the emotional issue of Confederate monuments. Like our country and state, our University community is diverse with many and varied deeply-held convictions on how to best deal with this challenge. As a result, and long before the events of recent days, the Board of Trustees adopted and has been pursuing a process for the curation and education of campus monuments and markers. This process started in 2015 with the renaming and contextualization of Carolina Hall.

The following fundamental principles continue to guide our Board in addressing this challenge:

1. Our University will respect and enforce the law and University policies;
2. Our University will do all it can to ensure a safe campus;
3. Our University will honor our values as expressed in the Blue Print for Next to develop citizen-leaders and informed public debate. Civil discourse is critical to this leading principle; and
4. Our University will educate and curate our monuments and our history with integrity.

With these guiding principles foremost in our mind, our Board and our Chancellor and her Administration seek to lead our University forward as follows.

The Board does not condone the lawless acts that took place on the evening of August 20, 2018. The incident jeopardized the safety and well-being of students and local citizens. Our Board supports all efforts to ensure that individuals are held accountable. Injury to persons or property is inconsistent with principles of civil disobedience and this Board is committed to upholding the law and following University policies.

The Board supports our Chancellor's stated highest priority for the safety of our students and the University community. This is a challenge during volatile times when tensions are high, and we urge our students' and University community's support as we keep safety at the forefront. The Board will continue to lead efforts to curate and educate in connection with our campus monuments and markers. This will include ongoing efforts to provide historical context for existing monuments and markers in McCorkle Place.

To be true to our guiding principles of safety, education/curation and civil discourse, the Board, our Chancellor and her Administration will continue to work on an appropriate plan for the Confederate monument that will be discussed with the Board of Governors and other officials in hopes of developing a consensus as soon as possible.

Our Board supports our Chancellor's efforts and is committed to moving forward deliberately and thoughtfully to accomplish these objectives.

Recommendation for the Disposition and Preservation of the Confederate Monument

A Four-Part Plan presented by
UNC-Chapel Hill to the UNC Board of Governors

December 3, 2018



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Recommendation for the Disposition and Preservation of the Confederate Monument

**A Four-Part Plan presented by
UNC-Chapel Hill to the UNC Board of Governors**

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I. SUMMARY

On August 28, 2018, the University of North Carolina Board of Governors (BOG) [charged](#) the Board of Trustees of the University of North Carolina at Chapel Hill (BOT or Trustees) and the Chancellor to present a lawful and lasting plan for the disposition and preservation of the Confederate Monument, commonly known as “Silent Sam.” In this Report, “Monument” refers to the statue, commemorative tablets, and base. “Artifacts” refers to the statue and commemorative tablets.

We sincerely appreciate the opportunity given to us by the BOG and are grateful for the response of people from numerous constituencies. We want to thank everyone for their time, effort and for sharing their personal feelings with us during this process.

The terms of the BOG charge to identify a plan that would be attainable within the current law (N.C. Gen. Stat. §100-2.1) guided our assessment of numerous alternatives. We also were guided by the principles set forth in [Resolution 1](#) that the BOT passed on May 28, 2015 (BOT 2015 Resolution) regarding the University’s history that is closely related to the BOG charge and critical to the success of our plan. We were further guided by the [statement](#) that the BOT issued on August 28, 2018.

BOG Aug 2018 Resolution	BOT May 2015 Resolution 1
<p>“...provide a plan for a lawful and lasting path that protects public safety, preserves the monument and its history, and allows the University to focus on its core mission of education, research, economic stimulation, and creating the next generation of leaders.”</p> <p>“Present to the Board of Governors a plan for the monument’s disposition and preservation...”</p>	<p>Resolution 1: Curating UNC campus, teaching UNC’s history:</p> <ol style="list-style-type: none"> 1. Create historical markers for McCorkle Place, Saunders Hall; 2. Evaluate current information on our buildings, monuments, memorials, landscapes; 3. Study feasibility of a public space to house a permanent collection of UNC’s history; and 4. Explore options for creating an online orientation program or course.

We worked diligently to address a challenging and complicated issue within a compressed time frame. This Report describes our process for gathering information on alternatives; input received; factors we used to evaluate alternatives; and various sites that we examined.

Highly pertinent aspects that we thoroughly considered included: public safety; preservation of the Artifacts; cost-effectiveness; potential disruption of University functions; input from the community; legal issues; linking the solution to other key mission-specific historical initiatives already underway; and more. We also did a preliminary examination of off-campus options. However, because they are not currently allowed by law, we are not able to offer them as part of a path that is lawful and lasting.

Moving forward, we understand that our recommendation requires approval of the BOG and the North Carolina Historical Commission. We evaluated the requirements of N.C. Gen. Stat. §100-2.1, which governs the relocation of the Monument, and the University is fully prepared to move our recommendation forward if the Board of Governors provides us the authority.

We also recognize that many individuals believe that the Monument should be returned to its historic location so as not to reward unlawful behavior. We do not condone the manner in which the Monument was toppled, and fully support and will continue to support holding people accountable who engage in unlawful conduct. But the issue at hand now is to meet the charge of the Board of Governors, to ensure the safety of those on or visiting our campus, to preserve the Artifacts and their history, and to support the University's capacity to focus on its core mission of education, research, economic stimulation, and creating the next generation of citizen leaders.

Thank you for your charge to us and your consideration of our recommendation.

II. RECOMMENDATION

A. RECOMMENDATION OVERVIEW: A FOUR-PART PLAN

PART 1: Disposition and Preservation of the Artifacts

PART 2: Continuation and Expansion of the Historical Contextualization of Campus – This consists of the ongoing and closely related work of the History Task Force that was created to contextualize the history of the University and meet the charge put forward in the BOT 2015 Resolution.

PART 3: Establishment of a University History and Education Center that can be used as a place to teach and commemorate the University's full history.

PART 4: Creation of McCorkle Place Gateway to commemorate our history

and provide space for reflection on our past, present, and future in the area of McCorkle Place where the Monument stood.

On McCorkle Place at the [Unsung Founders Memorial](#), we will continue to honor those who helped build this campus, the nation's first public university.

No matter where the Artifacts are placed, the University will continue to honor its students who died in the Civil War, just as it honors students who lost their lives in other wars. The names of the University's Confederate dead are inscribed on marble tablets that flank the stage in Memorial Hall and are recorded in the bronze book of honor that is part of the [Carolina Alumni Memorial in Memory of Those Lost in Military Service](#), dedicated outside Memorial Hall in 2007. In these places, the University mourns and honors the humanity of the fallen.

B. PART 1: Preservation and Disposition of the Artifacts

Based on all we have learned from the thorough analysis of public safety and security, as well as by our analysis of feasibility and cost, our preference is to relocate the Artifacts to a secure off-campus location, such as but not limited to the North Carolina Museum of History in Raleigh. (See Executive Summary of the University of North Carolina at Chapel Hill Public Safety Panel Report, Appendix A-1 and Summary of Safety and Security Considerations, Appendix A-2). This is the safest option that both preserves the statue and allows for its contextualization and public access. (See Letter from the North Carolina Department of Natural and Cultural Resources, Appendix B). While we acknowledge that relocation to an off-campus location such as a museum does not comply with the current law, our public safety concerns make it important for us to continue discussions concerning this avenue, even while moving forward with developing and seeking approval for an on-campus plan which follows.

Create a University History and Education Center On Campus: Our recommendation for the best option consistent with the current law is to relocate the Artifacts to a new University History and Education Center that would be constructed on the main campus property known as Odum Village (See Campus Map, Appendix C). This is formerly the site of student family housing and is scheduled for demolition. According to our 20-year master plan, this will be the next area of growth for campus.

We believe that this solution would be sustainable within the current law and with vigilance, additional security, and protective measures, would meet the goals in the BOG charge for protecting public safety, preserving the Monument and its history and allowing the University to focus on its mission (See Legal Considerations, Appendix D).

N. C. Gen. Stat. §100-2.1(b) provides that an object of remembrance can be relocated to "a site of similar prominence, honor, visibility, availability and access

that are within the boundaries of the jurisdiction from which it was relocated.” The University has shown that relocation into such a building is an “appropriate measure” to preserve the Monument and provide a secure location in which the Artifacts can be preserved. The Monument will also remain within the Town of Chapel Hill, Orange County, and the State of North Carolina, so there can be no question that it remains “within the boundaries of the jurisdiction from which it was relocated.”

This plan requires the construction of a new free-standing, single-use building with appropriate buffers and state-of-the-art security measures, as well as the development of excellent exhibits and teaching materials. Of all the options we considered, this one most closely follows the guidance and judgment for maximizing safety and preservation of the Artifacts at an on-campus location given to us by a group of national security consultants, also called a “Safety Panel” in this Report.

This recommendation, while requiring additional investments in safety and security and being more expensive than an off-campus option, allows us to contextualize the Artifacts and develop a prominent on-campus educational center that would be open and accessible to the public and used to teach the history of America’s first public university. Developing such a Center has been part of our planning since the BOT 2015 Resolution.

Examples of materials that would be in the Center include accurate and reliable historical information about the University and the nation; the many contributions of the University to our nation; a place for departments and people to collaborate and develop programming around the Center, and to better steward our own story – told in physical spaces, objects, names, and activities – for the future.

The recommendation to move the Artifacts to a new University History and Education Center will require the approval of the North Carolina Historical Commission if we are authorized by the BOG to approach the Commission. We would intend to present our request for approval at the Commission’s next meeting in the spring of 2019. If approved, we anticipate it would take another 18 months to gain necessary government approvals.

Time to Completion and Cost: A likely completion date for the project would be early- to mid- 2022. The estimated capital cost associated with the proposed Center is \$5.3 million plus another \$800,000 in annual operating costs (See Requested Cost Estimates, Appendix E).

Interim Plan for the Artifacts: The Artifacts will be kept safe and secure until sites are determined and ready to be placed in a new location.

C. PART 2: Continuation and Expansion of the Historical Contextualization of Our Campus

Our plan is to expand and accelerate the work underway to curate the campus and teach our history as called for in the BOT 2015 Resolution.

Examples of work underway or being considered include: creation of entrance and historical markers for McCorkle Place; restoration of the Unsung Founders Memorial on McCorkle Place; making information about buildings, monuments, memorials and landscapes publicly available in digital form, such as the University and History Education Center; and creating an online orientation program to teach UNC's history and contributions to society. (See Work of the Chancellor's Task Force on UNC-Chapel Hill History, Appendix F.)

D. PART 3: Establishment of a University History and Education Center

Our plan to develop such a Center would meet the goals of the BOT 2015 Resolution and would most likely begin with digital materials regarding the University's history that are complete or underway.

E. PART 4: McCorkle Place Gateway Concept

This component of the Report calls for the construction of a commemorative space for reflection on our past, present, and future and will serve as the gateway to our campus. It will be located in the area currently occupied by the base of the Monument.

Our concept is that the site would include a semi-circular wall with plaques that celebrate important aspects of our history (e.g., founding principles, veterans of all wars, Civil Rights Movement, freedom of speech, state support, public service, history of the Monument, and the University charter).

While the full plans including a security assessment, feasibility, and design of the commemorative space must still be developed, the site would be made of materials that we all recognize as part of the Carolina campus, including stone walls, local brick, and North Carolina granite. The goal is to begin evaluation, design and construction of this gateway as soon as is reasonably possible.

The recommendation to move forward with the McCorkle Place Gateway will require the approval of the North Carolina Historical Commission if we are authorized to approach the Commission by the BOG. We intend to present our request for approval at the Commission's next meeting in the spring of 2019. If approved, we anticipate it would take another 18 months to design, construct, and install.

F. SUMMARY OF THE REQUEST TO THE BOG

The University requests that the Board of Governors delegate to the University the authority to petition the North Carolina Historical Commission to relocate the Artifacts into a University History Education Center at the Odum Village location as described above. We also need this authority to petition to move the base and tablets and construct the McCorkle Place Gateway as we have proposed.

For this recommendation, we also ask that the Board of Governors place in its budget request to the 2019 Session of the General Assembly the capital costs to construct the University History and Education Center and the recurring costs to operate it as stated above.

III. EVALUATIVE PROCESS

The Chancellor and senior administrators with input from the Trustees evaluated the information and feedback from the sources described above and their own scrutiny of sites to ensure a disciplined review of alternatives. In addition, senior administrators developed work streams that generated needed meaningful information on which alternative locations should be evaluated further.

A. PUBLIC SAFETY AND SECURITY

The University retained Attorney Chris Swecker to provide legal advice regarding the public safety aspect of the BOG's charge. Mr. Swecker, a former assistant director of the FBI, assembled a group of national security consultants (Safety Panel) to assist him in providing advice to meet the charge of the Board of Governors. The Safety Panel evaluated the general security climate on campus, the specific security challenges presented by the Monument and the large-scale protests involving opposing factions that it attracts, and specific alternative locations for the Monument from a public safety and security standpoint. The Safety Panel provided: a general security threat assessment; an assessment of and recommendations regarding law enforcement capabilities; cost estimates for needed security features; and recommendations for site characteristics needed to ensure public safety and preservation of the Monument. (See Appendix A-1 and Appendix A-2).

Consistent with the charge of the BOG, considerations for public safety and the preservation of the Monument played a prominent role in our evaluation. If a site could not meet the criteria of promoting public safety or preservation of the Monument, it was ruled out. Based on the Safety Panel's findings, returning the Monument to its base was ruled out based on concerns about public safety and preservation of the Monument. The Safety Panel's recommendations led us to recommend a newly constructed, single-program building that could be located and designed to achieve enhanced public safety and Monument preservation.

Key Findings of the Safety Panel: The importance of safety is highlighted by the work of our national security consultants (See Appendix A-1 and Appendix A-2).

- (1) The University faces a high risk of violence, civil disorder, and property damage if the Monument is restored to its original position.
- (2) The Security Panel determined that UNC Police is effective and efficient at discharging its day-to-day law enforcement mission on campus. However, over the last few years the nature of college campus protests have changed dramatically. This new dynamic has presented a complex public safety and security challenge for college campus police departments across the country, including UNC Police.
- (3) Returning the Monument to any open area such as McCorkle Place will draw significant local, state and national attention and significant protest actions will likely resume. The security consultants concluded, based on media posts and pattern of past events centered on the monument, "it will literally be under siege."
- (4) They described the safest option on campus would be to place the monument in an indoor location in a single-program building on a site with characteristics such as adequate buffers, minimal foliage, separation from major streets, and clearly delineated boundaries.
- (5) It is more feasible to include design features and engineering features to improve security in a new building. Security features outside the building must also be added.
- (6) They go on to say, as in all areas of risk management, there can never be total certainty that the UNC-Chapel Hill campus will be immune from civil disorder and the attendant violence and property damage. However, it is an attainable goal to place the UNC-Chapel Hill administration and UNC Police in the best possible position to prevent serious violence and maintain order during the complex events that are sure to resume once the Artifacts are restored on campus by undertaking certain actions.
- (7) The Safety Panel recommended that additional investments in support of the UNC Police will be needed to deal effectively with large, aggressive protest actions (See Appendix A-1 and Appendix A-2).

B. SITE EVALUATION

The University evaluated 20 specific sites for safety, structural integrity, and capacity to house the Artifacts. Input from the Safety Panel was integral to our site location evaluation, as was the charge to fit within the current law.

The security and legal considerations described above led to ruling out the replacement of the Monument to the base and its relocation to Wilson Library

although both were evaluated. Based also on their recommendations to maximize safety, we separated the other options into constructing a new building versus renovating existing buildings to house the Center. We also undertook preliminary analysis of an off-campus site, e.g., the North Carolina Museum of History. For details on all options that were considered, see Site Evaluation, Appendix G-1 and Summary of Possible Sites for Disposition and Preservation of Confederate Monument, Appendix G-2.

C. COSTS

University finance personnel, assisted by an architect and other employees, analyzed and developed cost estimates associated with various options that came through the site evaluation process. An analysis of cost estimates is attached as Appendix E. The recurring costs of operating a University History and Education Center into which the Monument could be relocated were also developed.

D. CAMPUS COMMUNITY AND PUBLIC INPUT

The Trustees and Chancellor concurred that the best process for generating options on the preservation and disposition of the Monument would be an open process that solicited ideas from a variety of sources. The solicitation of options was accomplished by providing structured or unstructured means of input from faculty, staff, students, and external stakeholders. We also provided an opportunity for input that was open and fully accessible to the public by setting up an email (uncmonument@unc.edu) to receive comments. All of these responses have been reviewed, analyzed, and summarized and made available to the Trustees and senior administrators for their review. A Summary of Community and Public Input is attached as Appendix H. Most people who wrote to us said they want the Monument permanently removed or moved to a location either off campus or within a contextualized setting on campus. Few people (particularly few faculty, staff, and students) want the Monument restored to its original location.

Positive relationships with residents, government officials, businesses, and law enforcement are critically important and have been strained by the presence of the Monument on McCorkle Place. We also received a number of requests from local communities. For example, in 2017, the Town of Chapel Hill [requested](#) that the University remove the Monument from McCorkle Place, and more recently in 2018 [requested](#) that the University not return the Monument to McCorkle Place. The Town cited safety concerns, civil rights issues, and the strain placed on law enforcement resources. The Town understandably wants to avoid the dedication of considerable law enforcement resources that is needed when an on-campus protest spills over into the Town's jurisdiction. The Chapel Hill Police Department has stated that it will not expend resources to protect the Monument.

The Orange County Commissioners issued a [statement](#) on August 21, 2018, calling the removal of the Monument "long overdue" and noting its association with

racism. The Chapel Hill Chamber of Commerce issued a [statement](#) on August 28, 2017, calling for removal of the Monument to a more appropriate location due to its divisive history, its negative effect on local businesses, and its negative impact on diversity and inclusion in the community. And on August 30, 2018, the Chamber and the Chapel Hill Downtown Partnership sent a [letter](#) to the University requesting that the Monument not be returned to McCorkle Place. The letter emphasized safety concerns, negative business impacts, and erosion of the community's reputation as one of "the best small towns in the U.S." The letter noted that local businesses are estimated to lose \$200,000 for each major protest around the Monument.

E. LEGAL ANALYSIS

The Office of University Counsel (OUC) has been engaged in determining steps needed to ensure lawful execution of the University's proposal. This includes an analysis of applicable state law as well as zoning regulations. OUC examined how the application of the First Amendment affects the ability of the University to protect public safety and to preserve the Monument. OUC explored the potential liability concerns related to the Monument for the University and individuals associated with it and how those risks vary with different locations. An analysis of legal issues that affect decision-making, including why locating the Monument indoors complies with the law, is attached as Appendix D.

IV. CONCLUSION

We were charged by the Board of Governors to provide a plan for a lawful and lasting path that protects public safety, preserves the Monument and its history, and allows the University to focus on its core mission of education, research, economic stimulation, and creating the next generation of leaders. We believe this recommendation for the Monument's disposition and preservation meets all of these criteria.



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Recommendation for the Disposition and Preservation of the Confederate Monument

**A Four-Part Plan presented by
UNC-Chapel Hill to the UNC Board of Governors**

Appendices

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EXECUTIVE SUMMARY OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL PUBLIC SAFETY PANEL REPORT

This is an executive summary of the Report of a five-person expert Panel (the “Panel”) convened by the University of North Carolina at Chapel Hill (“UNC-CH”) to assess the security and public safety issues associated with the “Silent Sam” civil war monument (the “Monument”). This Panel consisted of five security professionals led by Chris Swecker, Attorney at Law and former FBI Assistant Director. Other members include Jane Perlov, who has served as NYPD Chief of Detectives, Queens, Secretary of Public Safety, Commonwealth of Mass. and Chief of Police in Raleigh N.C.; Louis Quijas, former FBI Assistant Director and Chief of Police, High Point, N.C.; Johnny Jennings, Deputy Chief of Police, Charlotte Mecklenburg Police Department (CMPD); and Edward Reeder, Major General US Army Special Forces Command (Ret.) and CEO of Five Star Global Security. The Panel used its collective judgment and considerable experience to provide public safety related guidance to UNC-CH Administration and the Board of Trustees regarding development of a “plan for a lawful and lasting path that protects public safety, preserves the monument and its history and allows the University to focus on its core mission of education, research, economic stimulation and creating the next generation of leaders” pursuant to the August 28, 2018, Resolution of the Board of Governors of the University of North Carolina.

A summary of its key findings follows:

- 1) UNC-CH faces a high risk of violence, civil disorder and property damage when the Silent Sam monument is restored on campus. It was the consensus opinion of the Panel members that the overall threat to people and property during events relating to the Monument has escalated to a heightened level. The Panel determined that the overall risk to public safety on the UNC-CH campus during demonstrations focused on the Monument is very high while the capability of the UNC-Chapel Hill Campus Police Department (“UNC PD”) to prevent civil disorder and violence is very limited.
- 2) Over the last few years the nature of college campus protests have changed dramatically. According to the Executive Director of the International Association of Campus Law enforcement Administrators (IACALEA):¹, Sue Riseling, *"Campuses often have demonstrations, sit-ins, marches. That's not uncommon on college and university campuses across our country. What's different is when a group comes with all of the baggage and all of the edginess and all of the willingness to use violence to further their political goal.* This new dynamic has presented a complex public safety and security challenge for college campus police departments across the country, including the UNC PD. Campus departments must effectively preserve public safety and maintain order on the college campuses where few limitations on

¹ IACALEA is the largest Association of Campus Law Enforcement Executives with over 4000 members and provides thought leadership, training and best practices to its members. See: <https://www.iaclea.org/mission-and-history>

public gatherings exist and crowd control tactics generally employed by law enforcement are fraught with sensitivities over any use of force by police.

- 3) The Panel assessed that demonstrations on the UNC-CH campus directed towards the Silent Sam monument will continue to present a highly complex campus police challenge in terms of crowd control and violence prevention. At the time of this review, however, this Panel determined that the capabilities of the UNC PD to maintain order and prevent violence acts are very limited. This is not a condition unique to UNC PD. According to IACALEA's Riseling, there are very few campus police departments that are capable of handling this complex law enforcement challenge.
- 4) The Panel assessed that the greatest risk associated with protest and counter-protest actions on the UNC-CH campus is the threat of violence by extremist elements imbedded inside protest and counter-protest groups. Threats and calls for violent action on social media sites on all sides have increased dramatically. A secondary risk is to buildings and property on the campus, including the security of the monument itself. During these events the threat of general chaos and disorder is an ever-present risk. When the monument returns to the campus the situation is certain to resume and intensify. The Panel noted the escalating use of violent tactics at these demonstrations that were staged since the statue was toppled and removed. During these events there was obvious evidence of preplanning and tactics that were designed to instigate violence between protest groups or draw an over- reaction from law enforcement. Objects such as smoke bombs, poles, frozen water bottles, paint balloons and metal objects were used by demonstrators as weapons.
- 5) The UNC PD has the primary responsibility to protect people and property in connection with athletic and other scheduled events on campus. They perform this police function on a regular basis without serious incident. The Panel determined that the UNC PD is effective and efficient at discharging its day-to-day law enforcement mission on the UNC-CH campus.
Campus police departments are generally not well equipped to deal with complex protest actions where they are caught in the middle between intense confrontations between protest and counter-protest groups while bystanders congregate. This Panel determined that few officers in the UNC-CH department have received any significant recent training in crowd control tactics and there has been minimal training as a unit. The Panel assessed that the UNC PD will require at least one mobile force platoon to support the UNC PD to prevent or respond to civil disorder and violence at future campus events.

As in all areas of risk management there can never be total certainty that the UNC-CH campus will be immune from civil disorder and the attendant violence and property damage. However, it is an attainable goal to place the UNC-CH Administration and Police Department in the best possible position to prevent serious violence and maintain order during the complex events that are sure to resume once the monument is restored on campus by undertaking certain actions.

- 6) The Panel made several recommendations on how the UNC PD can improve its capabilities to handle larger-scale protests that involve unlawful behavior. These include improvements to training, intelligence gathering, rules of engagement, and written action plans. The Panel also recommended that the UNC PD enhance its mutual aid relationship with other law enforcement agencies that can provide mobile field force units.
- 7) The Panel assessed potential locations for the monument against a list of site features that promoted enhanced security. The Panel found returning the monument to any open area such as McCorkle Place will draw significant local, state and national attention and significant protest actions will resume at same pace. Based on media posts and pattern of past events centered on the monument it will literally be under siege.
- 8) The Panel found that public safety and security could be enhanced by placing the monument in an indoor location on a site with certain characteristics. With respect to the site, the desirable characteristics include adequate buffers, minimal foliage, separation from major streets, and clearly delineated boundaries. These kinds of characteristics facilitate crowd management and enhance safety.
- 9) The Panel also recommended that public safety and security could be enhanced by the design of the building in which the monument could be located. Such design features are more feasible in new construction. Desirable design features include limited windows and glass, the use of shatterproof glass, reinforced security doors with no windows, use of sturdy and fireproof building materials, appropriate lighting, video surveillance and incorporation of state-of-the-art security measures.
- 10) The Panel highly recommends that the UNC Board of Governors implement a system-wide mobile force that can be deployed to any campus as needed.

SUMMARY OF SAFETY AND SECURITY CONSIDERATIONS

Consistent with the charge of the Board of Governors, considerations for public safety and the preservation of the Monument played a prominent role in evaluating potential sites for the Monument's disposition. The Safety Panel determined that the UNC Police Department is effective and efficient at discharging their day-to-day law enforcement mission on the campus. With respect to the large-scale protests that have occurred in and around the Monument, we consulted with a Safety Panel¹ to assess the security and public safety issues associated with those events and other potential threats to campus.

It is important to note that if a site could not meet the criteria of promoting public safety or preservation of the Monument, it was ruled out as a possibility. As explained below, based on the Safety Panel's findings, returning the Monument to its pedestal was ruled out based on concerns over public safety and preservation of the Monument. The Safety Panel's recommendations led us to favor a newly-constructed, single program building that could be located and designed to achieve enhanced public safety and Monument preservation.

A. OVERVIEW OF SAFETY CONCERNS

Key findings of the Safety Panel regarding safety and security are outlined below.

- I. The University faces a high risk of violence, civil disorder and property damage if the Monument is restored to campus. The Safety Panel researched the backgrounds of individual protestors who have acted aggressively and unlawfully at recent protests and confirmed that the majority are not associated with the University and are unlikely to have the best interests of the University and campus safety in mind. This kind of outside protestor would pose a continuing threat to public safety and to the preservation of the Monument. Even if our law enforcement resources were at a greatly enhanced level and supported by other available city, town or county mobile forces, such as from Charlotte or Greensboro, the threat would remain high with respect to both public safety and the ability to preserve the Monument.
- II. Over the last few years the nature of college campus protests has changed dramatically. Our Safety Panel consulted with the Executive Director of the International Association of Campus Law enforcement Administrators², Sue

¹ This Panel consisted of five security professionals led by Chris Swecker, Attorney at Law and former FBI Assistant Director. Other members include Jane Perlov, who has served as NYPD Chief of Detectives, Queens, Secretary of Public Safety, Commonwealth of Mass. and Chief of Police in Raleigh N.C.; Louis Quijas, former FBI Assistant Director and Chief of Police, High Point, N.C.; Johnny Jennings, Deputy Chief of Police, Charlotte Mecklenburg Police Department (CMPD); and Edward Reeder, Major General US Army Special Forces Command (Ret.) and CEO of Five Star Global Security.

² The International Association of Campus Law Enforcement Executives has over 4000 members and provides thought leadership, training and best practices to its members. See: <https://www.iaclea.org/mission-and-history>

Riseling, who stated, "*Campuses often have demonstrations, sit-ins, marches. That's not uncommon on college and university campuses across our country. What's different is when a group comes with all of the baggage and all of the edginess and all of the willingness to use violence to further their political goal.*" This new dynamic has presented a complex public safety and security challenge for college campus police departments across the country, including the UNC Police. Campus departments must effectively preserve public safety and maintain order on the college campuses where few limitations on public gatherings exist and crowd control tactics generally employed by law enforcement are fraught with sensitivities over any use of force by police.

- III. Returning the Monument to any open area such as McCorkle Place will draw significant local, state and national attention, and significant protest actions will resume. The Safety Panel concluded, based on media posts and patterns of past events centered on the Monument, "it will literally be under siege".

B. RISK MITIGATION STRATEGIES – LAW ENFORCEMENT

That risk to campus safety can be mitigated but not eliminated if the Monument is placed in a building constructed at an appropriate location with security considerations as its fundamental feature and if the University substantially upgrades its law enforcement capabilities. Both of those risk mitigation measures will take time, money and financial resources.

The Safety Panel also noted that the UNC Police, like campus police forces all over the country, do not have sufficient numbers and are not well equipped to deal with large, aggressive protest actions and will be dependent on the assistance of other law enforcement agencies to handle large protests. They also concluded that the availability of those resources is not assured.

Even at an enhanced level of resources, the Safety Panel found that the UNC Police would need to rely on mobile force units from other jurisdictions or the Highway Patrol to police any large-scale protest or assembly when groups with opposing views are simultaneously present. The availability of such support, especially on short notice, is not assured, and political pressures and sustainability concerns limit the availability of assistance. Our Security Panel also highlighted the tenuous nature of support from other law enforcement agencies and the strain that those relationships would come under if the University faced continual large-scale protests. It is not likely that Carrboro Police would be willing to assist in defending the Monument, and the Chapel Hill Police have been willing to provide assistance to protect people, but the willingness of the Chapel Hill Police to protect the Monument itself is not assured. It is foreseeable that both local political pressures on other police forces and conflicting demands will affect and may even prevent their availability when the University has a need.

The Safety Panel recommend that the UNC Police acquire greater capabilities in the area of crowd control, protest management and intelligence gathering. They also recommended enhanced training for UNC Police, improvements in operational plans, and greater clarity with respect to rules of engagement. We have already begun the

process of making necessary changes to enhance the capability of the UNC Police in these important respects.

With respect to enhanced capabilities to address large protests that involve unlawful behavior, the Safety Panel recommend that a mobile force be developed at the UNC System level (to be shared by all System institutions) to provide enhanced capability to address issues that arise with large crowds and protests. The development of such a force will require funding as well as time to hire, train and provision a System-wide resource of this nature. The Safety Panel recommends the establishment of a 40-person system wide mobile force that was estimated to cost \$2,000,000 annually and require the expenditure of \$500,000 for equipment costs. We believe that this recommendation warrants serious consideration and review by the Board of Governors.

The security consultants also pointed out that we must take into consideration the fact that the recent decisions of some Orange County judges add to the security risk.

C. RISK MITIGATION STRATEGIES – LOCATION AND CONSTRUCTION

The Safety Panel also emphasized that the nature of the site on which a building is placed and the features of the building are important considerations in deciding where to place the Monument from a security standpoint.

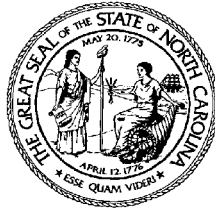
- A free-standing, single program building with significant buffer space around it is safer and far easier to secure than a multi-use or single-use building in an area that lacks sufficient buffer space and is in a high traffic location. The consultants stated that an ideal site would have “minimal foliage, hedges or trees on site to provide clear visibility” and “a building setback area of at least 250 feet on the sides, 250 feet in the back and 300 feet in the front with an open courtyard setup to facilitate crowd management and minimize areas where small cells can congregate outside the view of law enforcement.” With a free-standing, single program building, it is easier to control access, to have policies that limit bags and allow searches prior to entry, to set up cameras and alarms to promote security, and to limit threats to other activities or properties. The security considerations calling for a free-standing, single program building limited the available options to where the Monument could be relocated.
- New construction would allow a safer and more secure building to be constructed than could be obtained with renovating an existing structure. A new building could be constructed with fireproof materials, shatter resistant glass, security doors and limited windows. A new building could incorporate state-of-the-art security, provide appropriate buffers and barriers from vehicular traffic and use topographic features to allow better crowd control and security.
- An indoor location would likely be classified for First Amendment purposes as a “non-public forum” where the University could impose reasonable, content-neutral restrictions to promote public safety and preserve the Monument. These would include having posted hours of visitation, restricting items that could be brought into the building, requiring visitors to go through scanners or have bag checks and limiting the number of visitors at any time. With an indoor location,

the University's rights under the First Amendment as an owner of property that is dedicated for a lawful purpose better aligns with the sensible security recommendations from our security experts.³

In comparison to the Monument's location in McCorkle Place, a free-standing, single program building offers options under the First Amendment that are important for keeping the public safe, keeping opposing sides apart and securing the Monument. Under First Amendment law and the Campus Free Speech Act, McCorkle Place and the sidewalk along Franklin Street adjacent to it would be considered "public forums" as they are public spaces that have historically and traditionally been available for public assembly, protest and debate. Under the law, the University may impose narrowly tailored time, place and manner restrictions on McCorkle Place but would not be able to prohibit gatherings or protests around the Monument either completely or by particular groups.

³ As the Supreme Court has stated, "the State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated." *See Perry Educ. Ass'n v. Perry Local Educators' Associations*, 460 U. S. 37, 46 (1982).

Document 6



**North Carolina Department of Natural and Cultural Resources
Office of the Secretary**

Governor Roy Cooper

Secretary Susi H. Hamilton

November 30, 2018

Mr. Clayton D. Somers
Vice Chancellor for Public Affairs
and Secretary of the University
The University of North Carolina at Chapel Hill
310 South Building, CB #9150
Chapel Hill, NC 27599-9150

Dear Mr. Somers:

Pursuant to our recent discussions and your letter of November 27, 2018, you have asked whether the University's confederate monument can be housed in the North Carolina Museum of History for display.

If such a relocation were allowed by law and subsequent approval of the Historical Commission were obtained, the Museum of History could physically accommodate the statue for display. Any display of the monument would need to include the historical context of the monument's original place in North Carolina history. In addition to the laws governing objects of remembrance, the North Carolina Historical Commission may need to approve the accession of an artifact into the Museum's collection.

The Department would require a memorandum of understanding with the University to address issues including the loan or donation of the monument as an artifact, the cost of relocation and delivery of the monument, the cost of exhibit design, construction or modification of existing exhibits necessary for the historically accurate and appropriate contextualization of the monument and any structural modifications necessary to display the monument as well as the costs of ongoing operational support such as curatorial staff and security positions. These costs could exceed \$2,000,000 in total.

We cannot provide an approximate timeline for display until all required approvals are obtained. Please let me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script, reading "Susi H. Hamilton".

Susi H. Hamilton
Secretary

MAILING ADDRESS:
4601 Mail Service Center
Raleigh, NC 27699-4600

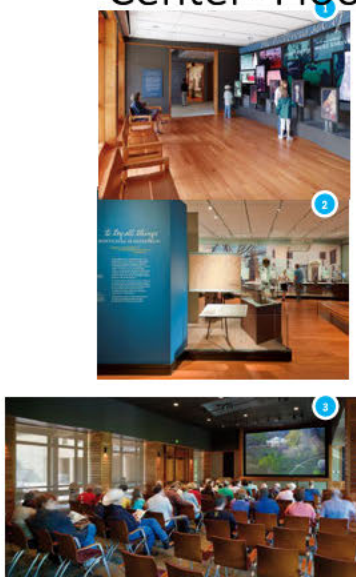
Telephone: (919) 814-6750
Fax: (919) 733-1564

LOCATION:
109 East Jones Street
Raleigh, NC

Campus Map



Proposed University History and Education Center- Floor Plan



LEGAL CONSIDERATIONS

The Board of Governors' charge raises several legal issues:

- The application of North Carolina law on Monuments, Memorials and Parks set forth in Chapter 100 of the General Statutes and the conditions in the governing law that apply to the relocation of the Monument.
- The constraints placed by the First Amendment on the ability of the University to regulate protests related to the Monument and the spaces in which the Monument may be relocated.
- Zoning considerations with respect to the relocation of the Monument that may involve the construction of a new building.
- The kinds of potential legal claims that would be associated with the identified options on potential placement of the Monument. Those include negligence claims, claims for violation of Section 1983 and claims for violation of Title VI.

With respect to these issues, a summary of conclusions is as follows:

- That relocation of the Monument from its current location to an indoor location will require the approval of the North Carolina Historical Commission and satisfaction of the conditions set forth in N.C. Gen. Stat. §100-2.1.
- That the placement of any new monument in the areas previously occupied by the Monument will require the approval of the North Carolina Historical Commission.
- That First Amendment considerations weigh in favor of an indoor location as such a location will allow the University greater ability to preserve the Monument and promote public safety consistent with the First Amendment.
- That the satisfaction of zoning requirements will take some time and effort, but should not be a barrier to relocation of the Monument on campus.
- That the return of the Monument to its pedestal creates unacceptably high safety risks that results in unacceptably high legal risks.
- That the best way to reduce potential legal exposure would be to relocate the Monument to minimize exposure to negligence claims, claims under 42 U.S.C. §1983, and under Title VI.
- Relocation of the Monument into an indoor, single-use, stand-alone facility with heightened security would also serve to reduce potential legal exposure associated with the Monument. New construction at a location with appropriate buffers and site characteristics that incorporated safety and security measures

into the building design would serve to reduce the risk to public safety and the associated legal risk.

An analysis for how moving the Monument indoors complies with the law follows:

- The statute that governs the relocation of the Monument is N.C. Gen. Stat. §100-2.1. That statute allows the North Carolina Historical Commission to approve the relocation of the Monument under certain conditions. Under that statute, the Monument qualifies as an “object of remembrance” because it falls within the definition of “a monument, memorial, plaque, statue, marker or display of a permanent character that commemorates an event, person, or military service that is part of North Carolina’s history.” N.C. Gen. Stat. §100-2.1(b) states that an object of remembrance can be relocated “when appropriate measures are required by the State or a political subdivision to preserve the object” or “when necessary for construction, renovation, or reconfiguration of buildings, open spaces, parking or transportation projects.”
- The toppling of the Monument on August 20 and the report from our security consultants establish that preserving the Monument in its historical location in McCorkle Place is not feasible and that it is likely to be repeatedly targeted for toppling in that location. As a result, the University believes that the Monument’s preservation requires that it be moved to an indoor location where it can be preserved. N.C. Gen. Stat. §100-2.1 recognizes that “appropriate measures” can be used to preserve an object of remembrance.
- In addition, the University has plans to renovate and reconfigure McCorkle Place to provide a gateway to the University that provides a more complete picture of its storied history. Thus, both justifications for relocation under N.C. Gen. Stat. §100-2.1(b) are satisfied.
- N. C. Gen. Stat. §100-2.1(b) provides that an object of remembrance can be relocated to “a site of similar prominence, honor, visibility, availability and access that are within the boundaries of the jurisdiction from which it was relocated.” The University has put forward as its plan a relocation of the Monument to a History and Education Center to be located in what is now Odum Village. The University will be able to establish that relocation into such a building is an “appropriate measure” to preserve the Monument consistent with the applicable law and that such a location can provide a secure location in which the Monument can be preserved. The Monument will also remain with the Town of Chapel Hill, Orange County and the State of North Carolina, so there can be no question that it remains “within the boundaries of the jurisdiction from which it was relocated.”
- The site in Odum Village will also be of similar prominence, honor, visibility, availability and access. The Monument will be placed in a growing part of a

campus that is prominently featured in our University Master Plan. The site will have access to parking in the large public lots on Manning Drive in a manner not available at its current location. The new light rail line will be a short walk from the site and allow a new form of access. The History and Education Center will allow the Monument to be used as a teaching tool. The Center will allow the Monument to be displayed in a manner where people will have a better ability to see it up close and appreciate its artistic features. It will remain on campus as an important artifact of the University's history.

- N.C. Gen. Stat. §100-2.1(b) provides that a Monument “may not be relocated to a museum, cemetery or mausoleum unless it was originally placed at such a location.” The History and Education Center is not a “museum, cemetery or mausoleum” but will be built as a place of teaching the University's history using interactive technology, classroom teaching, presentations and events. The Center will be an educational facility that will be used consistent with the University's educational mission.
- The placement of the Monument at a site in a growing part of our campus in a new building where it can be secured and preserved, thoughtfully displayed and used as a teaching tool is the kind of “appropriate measure” to preserve an object of remembrance that is consistent with both N.C. Gen. Stat. §100-2.1 and the charge of the Board of Governors.

November 21, 2018

TO: Chancellor Folt and Provost Blouin

FROM: Jonathan Pruitt

SUBJECT: Requested Cost Estimates

Background

As requested, we have estimated the potential costs of options that were provided to us as part of the process to develop a plan to present to the Board of Governors for the monument's disposition and preservation. All options provided to us assume the creation of a new UNC History and Education Center, except for one. As a result, the financial analysis includes major cost categories such as capital construction, both renovation and new construction, depending on the site, and the associated operating costs of the Center. It is important to note that capital construction costs are one-time in nature and operating costs are recurring. In addition to cost information, we have provided site maps and if applicable, the required permitting, zoning and other approvals necessary for each potential site.

Methodology

Construction

Each site was assessed to determine the gross square feet and usable square feet. Additionally, cost estimates for both new construction and renovation of existing buildings were based on our most recent experience with actual costs of comparable campus construction projects. More specifically, for renovation of existing buildings, we used the Burnett-Womack Renovation, Hill Hall Renovation and Howell Hall Renovation. For new construction, we used Carroll Hall Addition and Kenan Music Building. If buildings completed construction/renovation more than one year ago, we adjusted numbers to reflect 2018 costs.

Exhibit Space

Given the use of the building is to be a history and education center, we estimated the cost of exhibit space using the same cost per square foot for usable space. The cost per square foot was based on consultation with a third-party expert and assumes a highly interactive exhibit space. This element of cost applied to all options except for the NC Museum of History.

Building Security

Another category of cost includes the interior and exterior security of the building. For lighting, alarms and cameras we relied on a third-party estimate from security consultants which remains the same for all options except the NC Museum of History. Additionally, for sites that are adjacent to roads or parking, the cost of bollards was included and based on the university's most recent actual costs for installation on Cameron Avenue.

Displacement

Several options for the History and Education Center would require moving existing programming (academic, parking or exhibit/performance space) to new locations. These costs have been estimated based on the size and scope of affected programming specific to each location.

Annual Recurring Operating Costs

In addition to the cost of construction, this analysis includes the costs to operate a UNC History and Education Center. This includes the addition of four staff positions (one program director and three staff) as well as three additional law enforcement personnel. Also included are the costs for building maintenance and marketing and communications. These costs are included for all potential sites except the NC Museum of History.

Limitations of Cost Estimates

While based on sound benchmarking information, it should be noted and understood that cost estimates for this purpose have been made prior to the formal design of facilities and are based on preliminary operational programming. Interpretation and use of the information should recognize these limitations. Accuracy and completeness of cost estimates will improve with formal construction planning and operational design.

	South Campus Odum Village New Construction [6,000 SF]	Wilson Court New Construction [6,000 SF]	S-11 Parking Lot at UNC Family Medicine Clinic New Construction [6,000 SF]	Friday Center New Construction [6,000 SF]	440 W. Franklin St. Courtyard New Construction [6,000 SF]	210 Pittsboro St. New Construction [4,000 SF]	Granville Towers South Parking Lot New Construction [6,000 SF]
Capital Costs (One-time, Nonrecurring)							
Acquisition(1)	NA	NA	NA	NA	NA	NA	NA
Demolotion(2)	\$100,000	NA	NA	NA	NA	\$50,000	NA
Renovation/New Construction(3)	\$3,436,992	\$3,436,992	\$3,436,992	\$3,436,992	\$3,436,992	\$2,353,536	\$3,436,992
Exhibition Area and Display(4)	\$576,000	\$576,000	\$576,000	\$576,000	\$576,000	\$384,000	\$576,000
Security, Lighting, Alarms, & Cameras(5)	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Security, Bollards(6)	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Programmatic and Other Displacement Costs(7)	\$280,000	\$1,800,000	\$1,760,000	NA	NA	\$360,000	\$1,000,000
Artifact Restoration(8)	\$13,000	\$13,000	\$13,000	\$13,000	\$13,000	\$13,000	\$13,000
Contingency (9)	\$635,699	\$635,699	\$635,699	\$635,699	\$635,699	\$444,380	\$635,699
Other(10)	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000	\$32,000	\$48,000
Capital Total	\$5,314,691	\$6,734,691	\$6,694,691	\$4,934,691	\$4,934,691	\$3,861,916	\$5,934,691
Annual Recurring Operating Costs							
Personnel(11)	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000
Personnel, Security(12)	\$202,185	\$202,185	\$202,185	\$202,185	\$202,185	\$202,185	\$202,185
Maintenance(13)	\$129,000	\$129,000	\$129,000	\$129,000	\$129,000	\$86,000	\$129,000
Marketing and Communications(14)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Operating Total	\$801,185	\$801,185	\$801,185	\$801,185	\$801,185	\$758,185	\$801,185
Total Nonrecurring	\$5,314,691	\$6,734,691	\$6,694,691	\$4,934,691	\$4,934,691	\$3,861,916	\$5,934,691
Total Annual Recurring	\$801,185	\$801,185	\$801,185	\$801,185	\$801,185	\$758,185	\$801,185
Endowment Necessary to Fund Operating Costs(16)	\$16,023,700	\$16,023,700	\$16,023,700	\$16,023,700	\$16,023,700	\$15,163,700	\$16,023,700

(1)Based on market comparables

(2)Based on recent demolition costs of comparable properties

(3)Based on recent \$/SF costs for comparable construction including escalation per Office of State Construction guidelines

(4)Based on \$120/SF for highly interactive exhibit space

(5)Based on security expert consultation

(6)Based on most recent bollard installation on Cameron Avenue

(7)Includes relocation of existing facility (Person); exhibit replacement space (Wilson); and parking replacements costs (S11, Wilson Court, Granville Cameron Ave., South Campus, and 210 Pittsboro)

(8)Includes crating, shipping, and installation

(9)Assumes 15% for building costs

(10)Includes one-time maintenance costs; Replacement organ cost (Person); Sprinkler system on fifth floor (Wilson)

(11)Assumes 1 Director (\$130,000), 3 Staff (\$240,000) at all locations except NC Museum of History

(12)Includes 3 additional FTE

(13)Based on state budget process building reserve model to estimate maintenance costs for NC buildings

(14)Assumes existing University capacity will be leveraged

(15)Based on estimate from NC Museum of History - Appendix B

(16)Assumes 5% return to fund annual operating costs

	Mrs. D's	Person Hall	Gerrard Hall	Historic Playmakers Theater	Wilson Library	NC Museum of History(15)
	New Construction [2,000 SF]	Renovation [7,900 SF]	Renovation [2,338 SF]	Renovation [7,153 SF]	Renovation [2,600 SF]	[500 SF]
Capital Costs (One-time, Nonrecurring)						
Acquisition(1)	\$600,000	NA	NA	NA	NA	NA
Demolotion(2)	\$50,000	NA	NA	NA	NA	NA
Renovation/New Construction(3)	\$1,176,768	\$4,154,283	\$689,908	\$3,988,284	\$777,779	NA
Exhibition Area and Display(4)	\$192,000	\$758,496	\$224,448	\$686,688	\$249,600	\$0
Security, Lighting, Alarms, & Cameras(5)	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$0
Security, Bollards(6)	\$25,000	NA	\$25,000	\$25,000	\$25,000	NA
Programmatic and Other Displacement Costs(7)	NA	\$5,876,860	NA	NA	\$270,600	NA
Artifact Restoration(8)	\$13,000	\$13,000	\$13,000	\$13,000	\$13,000	\$13,000
Contingency (9)	\$239,065	\$766,917	\$170,903	\$734,996	\$187,857	NA
Other(10)	\$16,000	\$2,062,000	\$3,500	\$10,000	\$700,000	\$2,000,000
Capital Total	\$2,511,833	\$13,831,556	\$1,326,760	\$5,657,968	\$2,423,835	\$2,013,000
Annual Recurring Operating Costs						
Personnel(11)	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000	\$0
Personnel, Security(12)	\$202,185	\$202,185	\$202,185	\$202,185	\$202,185	\$0
Maintenance(13)	\$43,000	\$266,000	\$48,000	\$105,000	\$53,378.96	\$0
Marketing and Communications(14)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
Operating Total	\$715,185	\$938,185	\$720,185	\$777,185	\$725,564	\$0
Total Nonrecurring	\$2,511,833	\$13,831,556	\$1,326,760	\$5,657,968	\$2,423,835	\$2,013,000
Total Annual Recurring	\$715,185	\$938,185	\$720,185	\$777,185	\$725,564	\$0
Endowment Necessary to Fund Operating Costs(16)	\$14,303,700	\$18,763,700	\$14,403,700	\$15,543,700	\$14,511,279	\$0

(1)Based on market comparables

(2)Based on recent demolition costs of comparable properties

(3)Based on recent \$/SF costs for comparable construction including escalation per Office of State Construction guidelines

(4)Based on \$120/SF for highly interactive exhibit space

(5)Based on security expert consultation

(6)Based on most recent bollard installation on Cameron Avenue

(7)Includes relocation of existing facility (Person); exhibit replacement space (Wilson); and parking replacements costs (S11, Wilson Court, Granville Cameron Ave., South Campus, and 210 Pittsboro)

(8)Includes crating, shipping, and installation

(9)Assumes 15% for building costs

(10)Includes one-time maintenance costs; Replacement organ cost (Person); Sprinkler system on fifth floor (Wilson)

(11)Assumes 1 Director (\$130,000), 3 Staff (\$240,000) at all locations except NC Museum of History

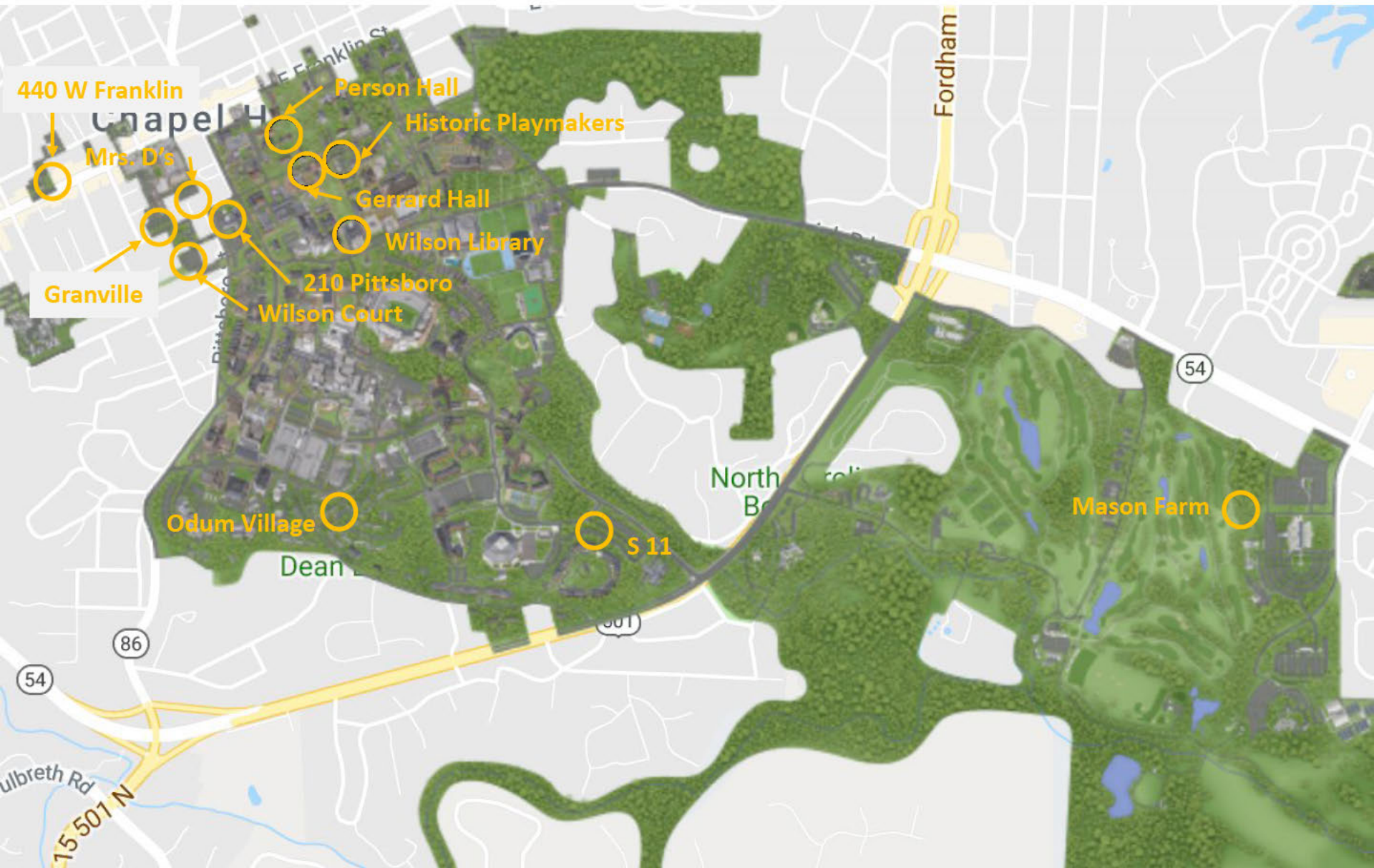
(12)Includes 3 additional FTE

(13)Based on state budget process building reserve model to estimate maintenance costs for NC buildings

(14)Assumes existing University capacity will be leveraged

(15)Based on estimate from NC Museum of History - Appendix B

(16)Assumes 5% return to fund annual operating costs





Wilson Court

Zoning: OI-1, Historic District

Available Site SF: 40,000

Permissible Building SF: 11,500

Town Approval: Historic District Commission and Planning Board

Current Use: Parking for employees and Carolina Inn

Adjacent Use: Cameron McCauley Neighborhood, Newman Center, Community Garden, Carolina Inn, University

Physical Site Constraints: Underground steam tunnel along southern edge

Displaced UNC Parking Spaces: 90



Odum Village

Zoning: OI-4

Available Site SF: 40,000

Permissible Building SF: N/A

Town Approval: Administrative

Current Use: Vacant student housing

Adjacent Use: Carolina Veteran's Center

Physical Site Constraints: Topography

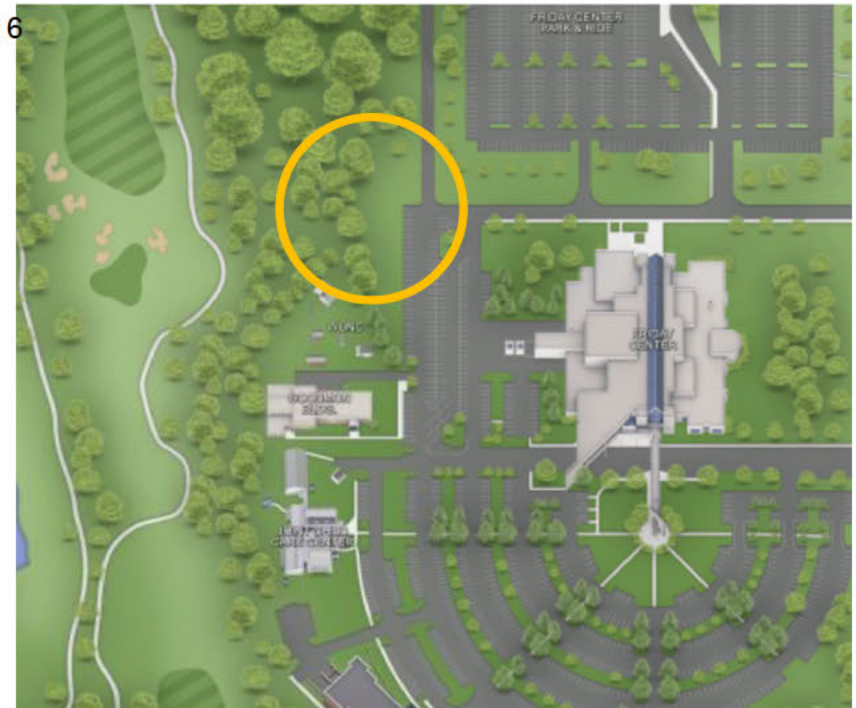
Displaced UNC Parking Spaces: 14

Document 6



S 11 Lot

Zoning: OI-4
Available Site SF: 40,000
Permissible Building SF: N/A
Town Approval: Administrative
Current Use: Parking for employees and students; Athletic events
Adjacent Use: Family Medicine, Dean Smith Center
Physical Site Constraints: Underground utility bank along western edge, Topography
Displaced UNC Parking Spaces: 88

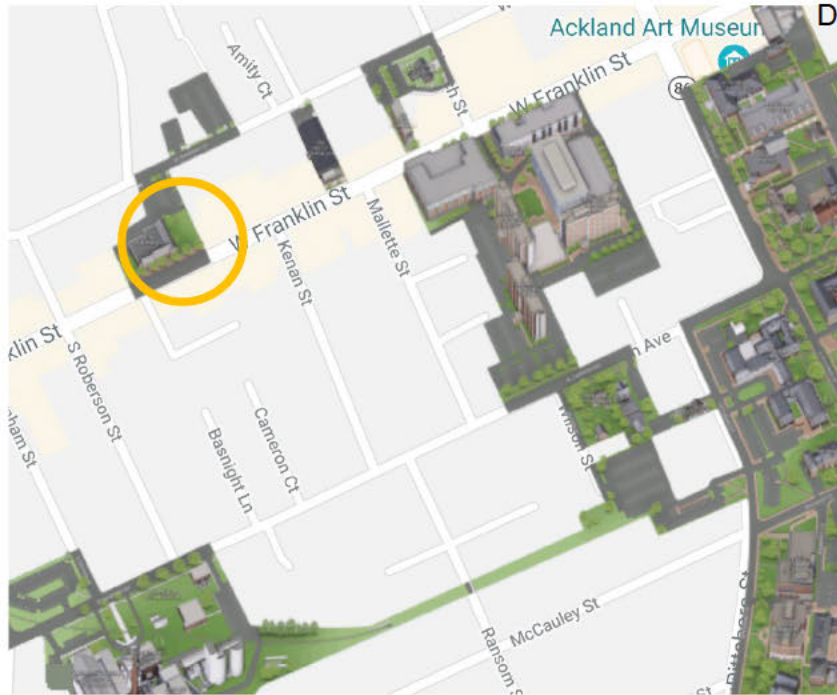


Mason Farm

Zoning: OI-2
Available Site SF: 40,000
Permissible Building SF: 20,000
Town Approval: Planning Board, Administrative Zoning Compliance
Current Use: Undeveloped
Adjacent Use: Friday Center, Remote park and ride
Physical Site Constraints: None
Displaced UNC Parking Spaces: 0

Ackland Art Museum

Document 6



440 W Franklin Courtyard

Zoning: TC-2

Available Site SF: 25,000

Permissible Building SF: 25,000

Town Approval: Planning Board, Administrative Zoning Compliance

Current Use: Courtyard

Adjacent Use: UNC ITS, Downtown businesses

Physical Site Constraints: None

Displaced UNC Parking Spaces: 0



210 Pittsboro

Zoning: OI-2

Available Site SF: 15,000

Permissible Building SF: 4,000

Town Approval: Planning Board, Historic District Commission Administrative Zoning Compliance

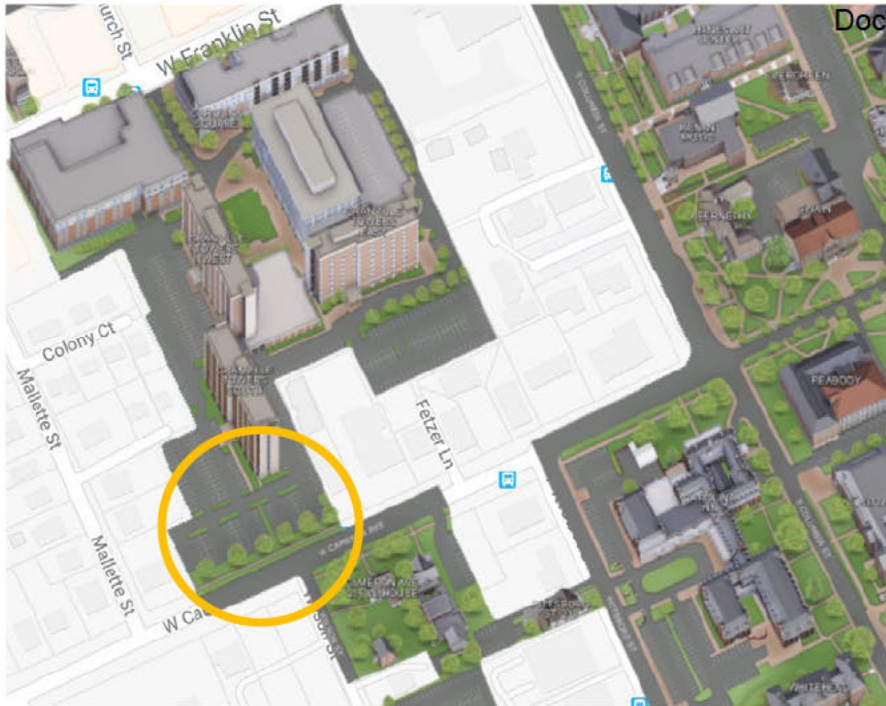
Current Use: UNC Office Space

Adjacent Use: Cameron McCauley Neighborhood, Newman Center, Community Garden, Carolina Inn, University

Physical Site Constraints: None

Displaced UNC Parking Spaces: 18

Document 6



Granville

Zoning: OI-1

Available Site SF: 20,000

Permissible Building SF: 6,000

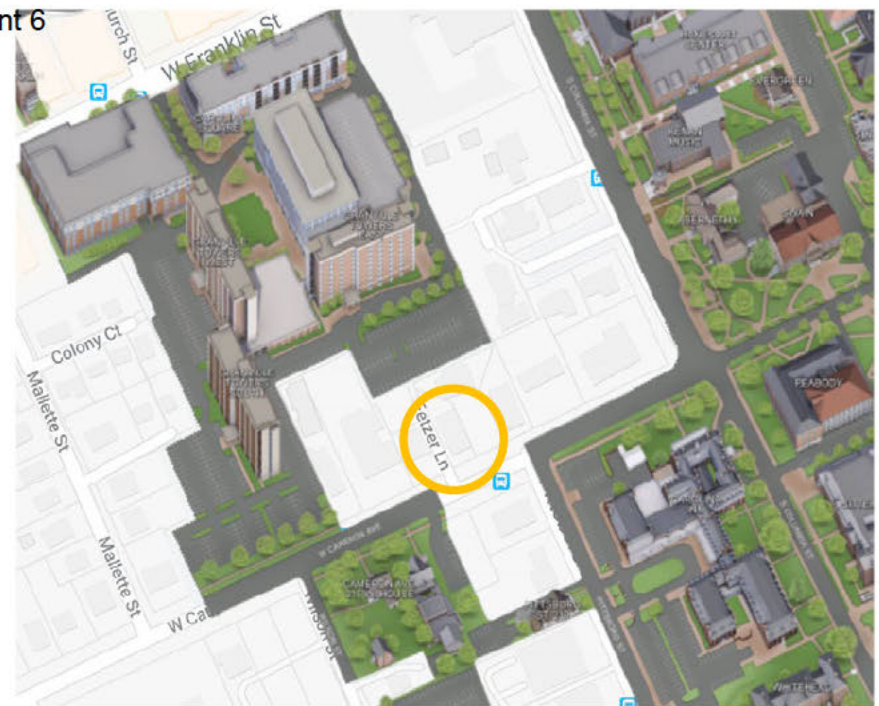
Town Approval: Town Council Special Use Permit

Current Use: Parking for Granville Towers

Adjacent Use: Cameron McCauley Neighborhood

Physical Site Constraints: Adjacent University underground utilities

Displaced UNC Parking Spaces: 50



Mrs. D's

Zoning: OI-1

Available Site SF: 7,500

Permissible Building SF: 2,000

Town Approval: Planning Board, Historic District Commission, Administrative Zoning Compliance

Current Use: Private student housing

Adjacent Use: Granville Towers, Cameron McCauley Neighborhood

Physical Site Constraints: None

Displaced UNC Parking Spaces: 0



Gerrard Hall

Zoning: OI-4, Historic District

Available Site SF: Existing Building

Permissible Building SF: 2,338. Useable space: 1,993

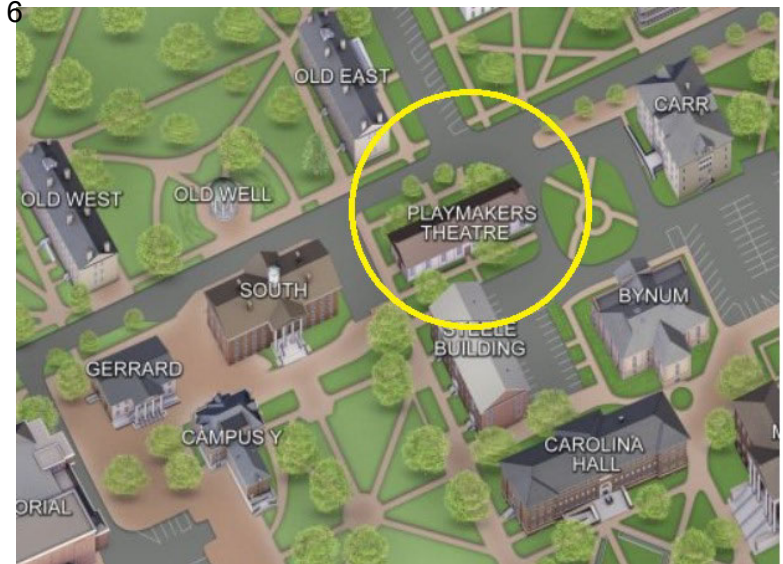
Town Approval: N/A

Current Use: Lectures, events, performances, ceremonies, rehearsals

Adjacent Use: Student housing, Memorial Hall, Classrooms, administrative offices, Campus Y

Physical Site Constraints: Artifact installation limited to one location.

Displaced UNC Parking Spaces: N/A



Historic Playmakers

Zoning: OI-4, Historic District

Available Site SF: Existing Building

Permissible Building SF: 7,153. Useable space: 4,447

Town Approval: N/A

Current Use: Performances and rehearsals.

Adjacent Use: Student housing, Classrooms, administrative offices.

Physical Site Constraints: Requires comprehensive renovation

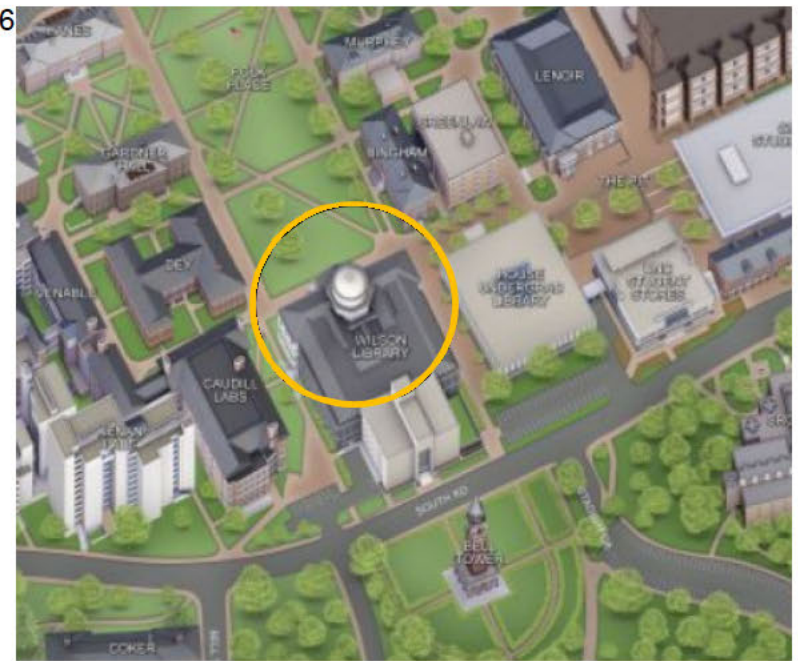
Displaced UNC Parking Spaces: N/A

Document 6



Person Hall

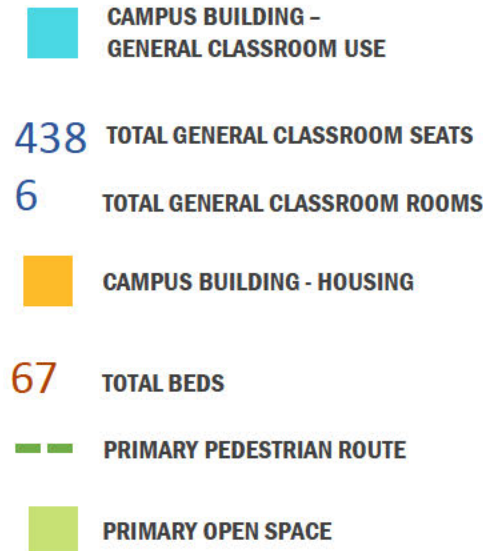
Zoning: OI-4, Historic District
Available Site SF: Person Replacement – 12,300
Permissible Building SF: N/A
Town Approval: Person Replacement – Administrative
Current Use: Faculty offices, rehearsal/recital space
Adjacent Use: Student housing, Academic and event space
Physical Site Constraints: Person Replacement – Adjacent Steam and CW lines.
Displaced UNC Parking Spaces: Person Replacement - 8



Wilson Library

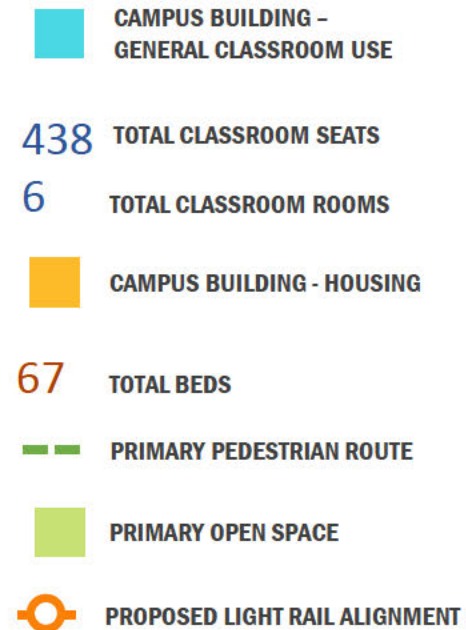
Zoning: OI-4
Available Site SF: 2,600
Permissible Building SF: N/A
Town Approval: N/A
Current Use: North Carolina Collection
Adjacent Use: Library and Special Collections
Physical Site Constraints: Artifact installation limited due to structural constraints. Requires installation of fire sprinklers of exhibit floor.
Displaced UNC Parking Spaces: N/A

General Classrooms + Student Housing



Campus South

General Classrooms +
Student Housing



WORK OF THE CHANCELLOR'S TASK FORCE ON UNC-CHAPEL HILL HISTORY

The Chancellor's Task Force on the University of North Carolina at Chapel Hill History is responsible for developing a comprehensive approach to curating and teaching the history of the University.

In May 2015, the Board of Trustees voted to rename Saunders Hall to Carolina Hall, to develop new curation and education initiatives, and to place a 16-year freeze on renaming historic buildings to provide adequate time for the new efforts to take root.

Chancellor Carol L. Folt appointed the Task Force to ensure that everyone – students, prospective students, faculty, staff, alumni and visitors – has the opportunity to learn about Carolina's history and contributions to society.

In announcing the History Task Force, Folt said, "An honest and thoughtful account of Carolina's history will encourage people to reflect on how race, class and privilege have shaped the university and the nation. In telling our full history, we have the chance to educate our students and community, and to respectfully engage in difficult dialogues that encompass varying perspectives. In this way, we can truly honor our tradition of excellence and make Carolina ever stronger for the future."

The work of the Task Force is ongoing. These efforts are intended to tell the rich and diverse history of UNC-Chapel Hill, and its role in the state and the nation. Their work to date is outlined below.

1. The Task Force has inventoried named campus buildings, monuments, memorials, and landscapes to make recommendations for the education and interpretation of university spaces.
2. In November 2016, the History Task Force opened [a permanent exhibit inside the south entrance to Carolina Hall](#) and launched a [companion website](#).

The intent of the [Carolina Hall Story](#) is to teach about a critical era in the history of this state, this region, and this University. The exhibit provides historical background about the building's original namesake, William L. Saunders, the broader history covering emancipation at the end of the Civil War, through the period of Reconstruction when Saunders was an active leader of the Ku Klux Klan. It also tells about the era of the building's construction and the trustees' decision to name the building for him; and, the context for the decision in 2015 to rename the building Carolina Hall.

3. The Task Force on the University of North Carolina at Chapel Hill History has developed a strategy for contextualizing [McCorkle Place](#) – the site of the University's first buildings and the historic heart of campus. The goal is to place the campus story in the broader history of the state, the nation, and the world by

tracing the University's development from its founding in 1789 to becoming a leading global public research university.

As part of the first phase of an interpretative plan for McCorkle Place, the Task force has designed:

- Entrance signs and threshold markers at the north and south entrances that will mark the birthplace of American public higher education and acknowledge indigenous peoples who were the first stewards of this land.
- Educational markers at the Confederate Monument and at the Unsung Founders Memorial to further contextualize both pieces.
- Mobile-friendly digital content presentations to tell an expanded story of the entrance signs and threshold markers.

Slavery, segregation and civil rights figure prominently in that telling and the completion of this work is currently underway.

4. Working with the UNC Visitors' Center, Wilson Libraries, and tour leaders, in 2017, the History Task Force developed a website of excerpts from three popular [Priceless Gem](#) tours. The history tours, originally created as walking tours by faculty and students, unfold its story through time, to interpret the past, and help all members of the Carolina community better understand today's campus and university.

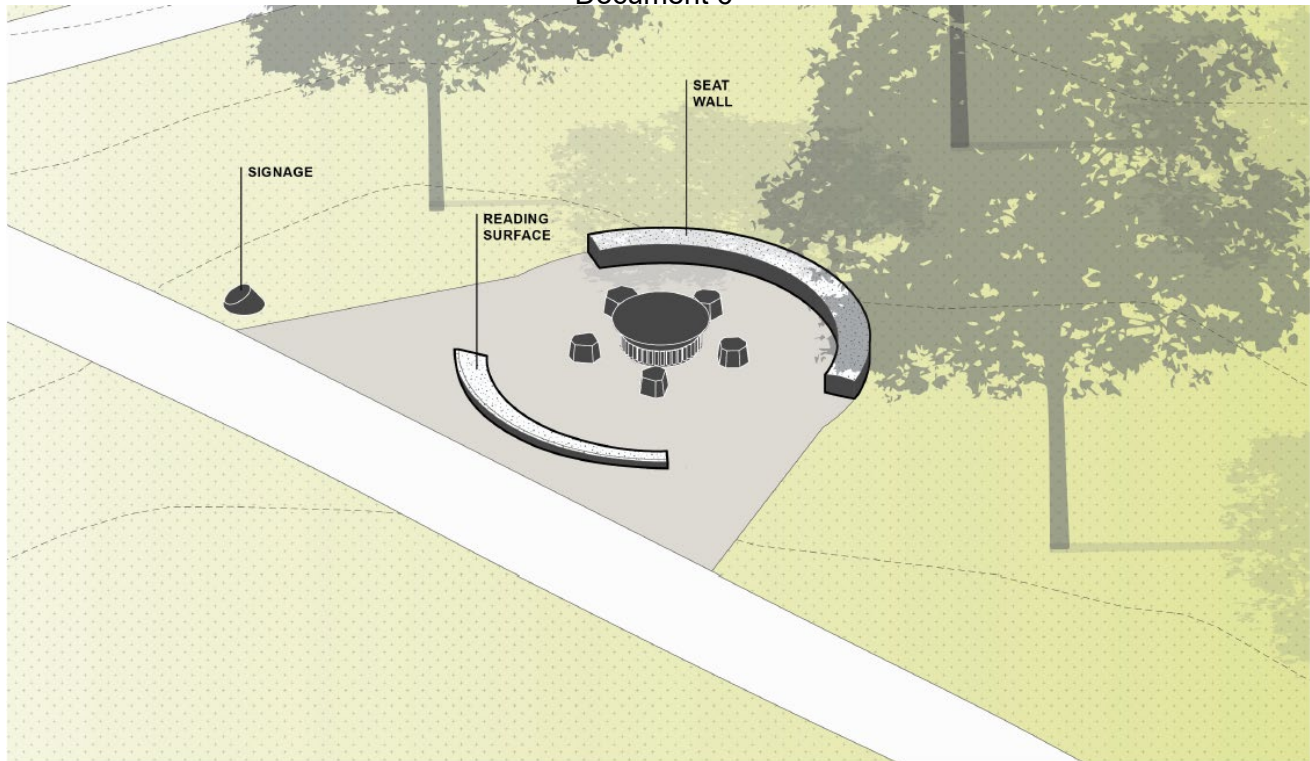
These [history tours](#) include:

- the [Black and Blue Tour](#), which tells some of the history and involvement of African Americans on campus and in the Chapel Hill community from enslavement to the present;
- the [Native Narrative Tour](#), which accounts the history of the American Indian presence at UNC, and uses the native tradition of storytelling to create an archival record for the future;
- and [Herstory of Women at Carolina Tour](#), which chronicles the efforts of women to gain admittance to UNC as students, faculty and staff.

The project was initiated in order to make some of UNC-Chapel Hill's history more accessible to both our campus and the wider community. The online history tours will hopefully encourage others to go on the Priceless Gem walking tours and to learn more about the university's history and contributions to society.

5. The History Task Force is currently working with Campus Facilities staff on a plan to enhance and stabilize the Unsung Founders Memorial. This artwork, a gift of the Class of 2002, honors enslaved and free African American workers that helped build the University. The piece is on McCorkle Place and these plans will coordinate with the larger plans for McCorkle Place.

Document 6



6. The Task Force is working with UNC Chapel Hill Athletics to meet the desire of the Kenan family to change the plaques at Kenan Stadium to remove the honorific reference to William R. Kenan, Sr. and instead focus on the donor who made the gift, William R. Kenan Jr., and to tell the full and complete history of William R. Kenan, Sr. who was a leader in the Wilmington insurrection of 1898.
7. The next phase of digital contextualization will include those named campus buildings, monuments, memorials, and landscapes on Polk Place inventoried by the Task Force.

SITE EVALUATION

The University has analyzed a number of locations. Not all sites that were analyzed are set forth below. The sites listed below were considered most appropriate based on the Board of Governors' charge, input from the public and Trustees and evaluation by University senior administrators. Each location discussed below that is an existing building would need to be renovated to create a University History and Education Center into which the Monument could be relocated, its history contextualized and the University's history presented in a manner consistent with the University's mission as a teaching institution.

Sites Evaluated but Ruled Out Due to Security and Preservation Considerations

The security and legal considerations described above led to two potential options being ruled out:

1. Replacement of the Monument to the Pedestal: This site was ruled out as a result of the work of the security consultants as reinforced by the considered view of senior administrators who understand our campus and town climate. The public and open location of the site on McCorkle Place; its well-established history as a lightning rod for protest; its proximity to churches and day-cares, the Morehead Planetarium, classrooms and offices; the challenge of respecting the First Amendment rights of all protestors in a public location when people who want to commit unlawful behavior are mixed into the protest; the potential of harm to bystanders or passers-by; and the ongoing cost and challenge of policing protest events combine to make this a location where it is untenable to protect public safety or preserve the Monument. Our security consultants concluded that returning the Monument to McCorkle Place would not be a location where public safety or preservation of the Monument could be achieved. This location meets none of the criteria identified by the Board of Governors in its charge.
2. Wilson Library: Wilson Library had been identified as a potential site for the relocation of the Monument before it was unlawfully toppled. The security consultants' analysis of this site ruled it out from a public safety standpoint. Wilson Library is a large, multi-use building that houses the invaluable Southern Historical Collection. A large number of employees work there, and the Library has many visitors that bring in bags and backpacks. Wilson Library does not have the kind of security infrastructure that facilitates the protection of the Monument, and it is a challenging building in which to build that infrastructure. It would be difficult from a practical standpoint to have a policy that required people to check bags or have bags inspected who visited the library. There is a great deal of glass in Wilson Library, and it is an easy place for protestors to hide themselves and do damage to persons and property. For these reasons, and

others related to public safety security, Wilson Library was ruled out as a potential location.

Existing Buildings on Campus Evaluated

Public safety and security considerations, as described above, led to focusing on three buildings that were free-standing and could be renovated into a single-use configuration where the Monument could be used consistent with the University's educational mission. The three existing buildings that met these criteria were Gerrard Hall, Historic Playmakers Theatre, and Person Hall. These buildings share common characteristics: each could be reconfigured into a single-use as an educational center for the University's history, each is located on campus, each would require renovation to bear the weight of the Monument and to provide the appropriate contextualization needed for teaching; and each would require renovations to address safety concerns. In addition, none of these buildings have access to parking that is not already fully occupied. An analysis of the buildings characteristics and renovation costs associated with each building is shown in Appendix D.

These three buildings present similar and significant concerns with respect to campus safety and preservation of the Monument. Although the security consultants believe that each building could be renovated in a manner that would allow the Monument to be protected, the locations of the buildings at the academic center of the campus in close proximity to the historic location of the Monument raise safety and security issues. The issue for the security consultants, and the concern identified through our campus discernment process, is that moving the Monument a few hundred feet or yards and leaving it as a potential lightning rod for protest simply moves the location of our safety and security problem rather than resolve it. As one security consultant stated, the concern is "that out of sight is not out of mind" if the Monument is relocated to a central location on campus in close proximity to its current location. Because these three buildings are old and not designed with modern safety features in mind, it is more difficult to incorporate state-of-the-art security features in them as part of a renovation than it is to build these security features into any newly constructed facility. They also lack the kind of buffers and are not constructed with the materials or in the manner that the security consultants recommend.

Moreover, each of these locations moves the potential problem closer to the academic heart of the campus where teaching takes place in classroom buildings, students live and study and the University's administrative and operational functions reside. The security consultants recommended that the location of the Monument be "as far as possible from residential areas, commercial areas, churches, preschools, and busy streets." These three sites fail to meet that criteria. Other factors weigh against these three locations. Important University functions take place at these locations, and displacement costs are associated with converting their use to a University History and Education Center.

From a legal standpoint, the movement of the Monument to any of these locations will require the approval of the North Carolina Historic Commission.

A more in-depth analysis of these three sites is set forth below.

1. Gerrard Hall

- a. General Information and History: Gerrard Hall was built in 1822 and was occupied by the University in 1837. Gerrard Hall is assigned to and managed by Carolina Performing Arts and is used to host University and community events.
- b. Location: Gerrard Hall is located in central campus on Cameron Avenue across from Old West and is between the Campus Y (the center of many campus activities and organizations led by students and includes the campus faculty lounge), Memorial Hall (which hosts campus events and various performances).; and South Building (the main administrative building that houses the Chancellor, Provost, and other senior administrators). The site lacks the buffer space recommended by the security consultants.
- c. Size: Gerrard Hall is 2038 square feet of which 1837 square feet is usable.
- d. Needed renovation: The balcony would remain unchanged and would remain inaccessible, but renovation of the building, including renovation of the foundation and relocation of HVAC infrastructure would be required.
- e. Estimated Cost: \$1,326,760 for capital costs; \$720,185 in annual recurring operating costs.
- f. Displaced functions: Gerrard Hall is an event venue. Gerrard Hall hosted 119 events in 2016-17, such as meetings, dinners, lectures, performances and receptions. It does not house faculty or host classes. These functions would need to find additional space elsewhere on campus.

2. Person Hall

- a. General Information and History: The original section of Person Hall was built in the 1790's and served as the University's chapel. Person Hall is assigned to the College of Arts and Sciences and used by the Music Department. Person Hall is composed of two recital rooms connected by a corridor of offices.
- b. Location: Person Hall is located on the west side of McCorkle Place in close proximity to Hill Hall, which is the home of the Music Department, and the United Methodist Church. It is the closest option to the current location of the Monument. The closest available parking is in the Swain

Lot. The site lacks the buffer space recommended by the security consultants.

- c. Size: Person Hall is 7900 with 4450 sq. ft. of usable space located on the first floor. It contains two large recital rooms on either end that are frequently used by the Music Department.
- d. Needed renovation: The building would require total renovation. The building houses the University's only organ. Conversion of Person Hall to an educational center for the University's history would require that the organ be moved.
- e. Estimated cost: \$13,831,556 for capital costs; \$938,185 for annual recurring operating costs.
- f. Displaced functions: The Music Department occupies Person Hall and uses the space for offices, recitals and practice. Ten faculty members have their offices in Person Hall. Eight of the offices contain pianos. Person Hall houses the University's only organ in Classroom 100. Person Hall's proximity to Hill Hall and the availability of recital space makes it a critical part of the Music Department's facilities.

3. Historic Playmakers Theater

- a. General Information and History: Construction on Historic Playmakers began in 1850 and finished in 1852. It was originally known as Smith Hall. The building was remodeled and transformed into a theater in 1925 and was renamed as Playmakers Theater at that time. Historic Playmakers Theater is assigned to and managed by Carolina Performing Arts.
- b. Location: Historic Playmakers Theater is located in central campus on Cameron Avenue across from Old East and is in between South Building and Steele Building and near Bynum Hall. The site lacks the buffer space recommended by the security consultants.
- c. Size: Historic Playmakers Theater is 7900 sq. ft. with usable space of 3800 sq. ft.
- d. Needed renovation: Total renovation would be required. The building is not air-conditioned and would need an overhaul of all systems as well as work to make it ADA compliant.
- e. Estimated cost: \$5,657,968 in capital costs; \$777,185 in annual recurring operating costs.
- f. Displaced functions: Historic Playmakers Theater hosted 39 events in 2016-17.

Campus Locations for New Construction

The security issues with a location at the academic heart of the campus, the renovation costs and the displacement effects led to consideration of other sites⁵ which would allow construction of a new, free-standing building that would be home to the University History and Education Center to be constructed as described above. The sites analyzed were the Mason Farm Property near the Friday Center, a site in Odum Village Campus and a site along Manning Drive near the Dean E. Smith Center.

As noted above, new construction would allow the use of safer design features, safer building materials, incorporation of state-of-the-art security measures in and around the building, the use of security barriers and buffers, and the thoughtful use of topography to promote security. A new building also allows the ability to provide appropriately sized display space, classroom space, and a small auditorium. New construction would also allow a history and education center to be built with the kinds of state-of-the-art presentation facilities and interactive technology that would be more consistent with its use as a teaching facility and education center.

Critically, a new building at any of these locations would not displace any existing functions or activity and would avoid the attendant cost of accommodating those displaced functions.

The security issues with free-standing locations that are not at the academic heart of the campus are not eliminated but are significantly different from those at Gerrard Hall, Person Hall or Playmakers Theater. The interaction between protestors and students or bystanders would be reduced, which enhances public safety. With a campus location, if a pro-Silent Sam protestor arrives, anti-Silent Sam protestors will counter-protest almost immediately. The location of the Monument as a practical manner at any of the three locations below reduces the likelihood of that kind of confrontation between pro- and anti-Monument groups and the attendant security threat. There is far less walking traffic associated with a location that is not in close proximity to Franklin Street. We also believe that the media will be less inclined to cover protests where interaction between students and protestors is more limited and the backdrop of McCorkle Place is not present. Our security consultants have advised us, and our own experience has confirmed, that a major attraction to protestors and to an escalation of confrontation is the presence of media coverage.

Our security consultants do not believe that large scale protests can be ruled out at any on-campus location. The security consultants did conclude that new construction with state-of-the-art security on an appropriately buffered site allows for better crowd management, the separation of protestors and counter-protestors and the ability to maintain order.

⁵ Other sites that were evaluated and ruled out as part of the process included off-campus properties that presented substantial safety and security challenges, displacement issues and cost issues. They can be found in Appendix I.

The security consultants have expressed concerns that the location near the Friday Center could present the potential for disruption at the heavily attended events that take place at that location. They have also noted the presence of a daycare at the Friday Center that is in proximity to this location. They have expressed similar concerns regarding the site on Manning Drive in the S-11 parking lot due to heavily attended events at the Dean E. Smith Center. The easiest site at which to provide public safety and security would likely be the Odum Village site in the opinion of our security consultants.

From a legal standpoint, the movement of the Monument to any of these three locations will require approval of the North Carolina Historic Commission.

The analysis of new construction at these locations is as follows.

1. New Construction in Odum Village in emerging South Campus Hub

- a. Location: Between Hibbard Drive and Mason Farm Road directly behind the parking decks for UNC Hospitals and will be in close proximity to the new light rail line. The site has buffer space and facilitates optimal design for security, safety and crowd control in the opinion of our security consultants.
- b. Size: 6000 square feet of which 4200 sq. ft. would be usable.
- c. Needed renovation: None.
- d. Estimated cost: \$5,314,691 in capital costs; \$801,185 in recurring annual operating costs.
- e. Displaced functions: 88 parking spaces, but parking is in close proximity to the site at the existing parking decks located on Manning Drive.

2. New Construction West of William and Ida Friday Center at Mason Farm Property

- a. Location: Off Raleigh Road, Highway 54, at a place to be determined west of the Friday Center site on the Mason Farm Property. This site is located in proximity to the Friday Center. A day care center, WUNC and the Center for School Leadership Development are located at the Friday Center site. The site has buffer space and facilitates optimal design for security, safety and crowd control in the opinion of our security consultants.
- b. Size: 6000 square feet of which 4200 sq. ft. would be usable.
- c. Needed renovation: None due to new construction.
- d. Estimated cost: \$4,934,691 in capital costs; \$801,185 in recurring annual operating costs.

e. Displaced functions: 90 parking places.

2. New Construction in S-11 Parking Lot on Manning Drive

- a. Location: In S-11 parking lot adjacent to the Aycock Family Medicine Center off Manning Drive and Skipper Bowles Drive. The lot is used by UNC employees and patients visiting the Aycock Family Medicine Center during the day, and for game-day parking for men's basketball at the Smith Center. The site has buffer space and facilitates optimal design for security, safety and crowd control in the opinion of our security consultants.
- b. Size: 6000 square feet of which 4200 sq. ft. would be usable.
- c. Needed renovation: None.
- d. Estimated cost: \$6,694,691 in capital costs; \$801,185 in recurring annual operating costs.
- e. Displaced functions: 88 parking places.

Off-Campus Locations

Given the unique nature of a college campus, the University also evaluated the availability of off-site options that while not currently allowed by law and do not meet the charge of the BOG, are otherwise preferred. The University identified the North Carolina Museum of History as a potential location given its stated purpose of being a place to teach the State's history and to preserve historical material and its prominence as a site in our State's capital. A relocation of the Monument to this site would effectively eliminate the safety, security and preservation risks associated with returning the Monument to campus and allow the University to focus on its core mission.

SUMMARY OF POSSIBLE SITES FOR DISPOSITION OF CONFEDERATE MONUMENT

To: Board of Trustees
From: Carol L. Folt
cc: Provost Bob Blouin
Re: Summary of Possible Sites for Disposition of Confederate Monument
Date: November 21, 2018

Trustees:

At your request, I am providing the following summary of campus sites the Board asked me to consider, sites that my team and I identified and other sites recommended through community and public input for the disposition of the Confederate Monument (here and after referred to as the “artifact”). The sites included in this summary are: 1) owned by the University or an affiliated entity (except one), 2) located within a reasonable walk from the academic center of campus (except one) and 3) offer access for the public. It is important to note that cost variance between sites is primarily driven by the size of structure, timeline to completion and displacement costs associated with current use. Full cost estimates and maps of locations are attached. We anticipate getting the final public safety and security report on Tuesday, and we'll let you know and post it as soon as we receive it.

This Memorandum is organized by the following groupings:

- Group 1: Returning the artifact to the Confederate Monument pedestal
- Group 2: Considering other outdoor locations on campus
- Group 3: Includes those sites that are located in the North Campus Hub
- Group 4: Sites that are in town or near-town locations
- Group 5: Includes sites that are on the emerging South Campus Hub
- Group 6: One site that is on campus, but not contiguous
- Group 7: One site that is off campus

As you head into the Thanksgiving weekend, I want to wish you a wonderful holiday. I appreciate the tireless efforts of members of the Board of Trustees on this complex and emotional issue, and remain confident that we're going to get this right. I am also very grateful for the incredible effort and care that my team has been putting forward to get you information you need and to help develop a plan to present to the Board of Governors that we all support.

Thanks, again. Happy holiday. Go Heels!

Group 1: Returning the Artifact to the Confederate Monument Pedestal

Consideration was given to returning the Confederate Artifact to its pedestal on McCorkle Place.

General Considerations:

- The consultants' public safety report is forthcoming. As you heard from the consultants, they will be recommending the University not consider returning the artifact to the pedestal due to significant public safety and associated cost issues.
- We will be deliberating with you on what to recommend for the future of the pedestal, pending the selection of a proposed location.
- We will also be contemplating how to best contextualize the artifact as we move forward with the contextualization of McCorkle Place.

A. Confederate Artifact

Location: McCorkle Place

Costs: \$13,000

Zoning: N/A

Site Size: N/A

Permissible Building Size: N/A

Projected Building Size: N/A

Town of Chapel Hill Approval: N/A

Current Use: N/A

Adjacent Use: N/A

Physical Site Constraints: N/A

Displaced Parking Spaces: N/A

Additional Considerations

- The Town of Chapel Hill has been on record twice – in [2017](#) requesting the University remove the Artifact from McCorkle Place and in [2018](#) requesting the University not return the Artifact to McCorkle Place, citing safety concerns and civil rights issues in both letters.
- The Orange County Commissioners also approved a [resolution](#) calling for the University to not return the Artifact to McCorkle Place.
- The [Chapel Hill Chamber of Commerce](#) and [Chapel Hill Downtown Partnership](#) (CHDP) both sent letters to the University requesting the Artifact not be returned to McCorkle Place, citing that downtown businesses lost an average of \$200,000 every time there was a major demonstration at the artifact. The University is the largest member and major benefactor of the Chamber and CHDP.
- The Chapel Hill Police Department has publicly stated that they will not expend resources to protect the artifact. We can assume that they could extend that policy to any building in their jurisdiction that houses the artifact. Any demonstrations conducted by anti-Artifact protestors would certainly create disruptions to downtown businesses, including likely closures of Franklin and Rosemary Streets.

Group 2: Other on-campus outdoors locations

Consideration was given to identifying other on campus outdoors locations as an alternative to returning the Artifact to its current location on McCorkle Place.

General Consideration:

- The consultants' public safety report is forthcoming. As you heard from the consultants, they will be recommending the University not consider any alternative outdoors locations anywhere on campus due to significant public safety and associated cost issues.

A. Alternative on-campus outdoors locations

Location: N/A

Costs: N/A

Zoning: N/A

Site Size: N/A

Permissible Building Size: N/A

Projected Building Size: N/A

Town of Chapel Hill Approval: N/A

Current Use: N/A

Adjacent Use: N/A

Physical Site Constraints: N/A

Displaced Parking Spaces: N/A

Additional Considerations

- none.

Group 3: North Campus Hub: Person Hall, Gerrard Hall, Historic Playmakers Theater and Wilson Library

Following are campus sites located in the North Campus Hub, the University's primary operational area for classroom and laboratory instruction, the arts, and student life.

General Considerations: There are four sites under consideration located within the heart of the University's central academic campus. One is located directly adjacent to McCorkle Place, in close proximity to the site of the Confederate Artifact pedestal. The other four are located on nearby Polk Place, home to the campus's core academic learning environment and central to student life. Each of these buildings is over 100 years old and carries with it a long history deeply rooted in academic operations.

A. Person Hall **7,900 gross square feet; \$13.8M capital cost, \$0.9M operating cost**

Location: Person Hall is located on the west side of McCorkle Place in close proximity to Hill Hall, which is the home of the Music Department, and the United Methodist Church. It is the closest option to the current location of the Artifact. Person Hall is one of the oldest buildings on campus. The original part of the building dates to the 1790s. The closest available parking is in the Swain Lot.

Costs: The cost to renovate Person Hall is \$4.2 M. \$2M would be required to replace the organ located in Person Hall. The cost of additional space to move displaced students and teachers and replace parking is \$5.9 M.

Zoning: OL-4, Historic District (Person Hall and Person Replacement)

Site Size SF: Existing building (Person); 12,300 (Person Replacement)

Permissible Building Size: N/A

Projected Building Size: N/A (Person); 7,900 (Person Replacement)

Town of Chapel Hill Approval: N/A

Current Use: The Music Department occupies Person Hall and uses the space for offices, recitals and practice. Ten faculty members have their offices in Person Hall. Eight of the offices contain pianos. Person Hall houses the University's only organ in Classroom 100. Person Hall's proximity to Hill Hall and the availability of recital space makes it a critical part of the Music Department's facilities. 4,450 sq. ft. of usable space located on the first floor. It contains two large recital rooms on either end that are frequently used by the Music Department.

Adjacent Use: Hill Hall, McCorkle Place, United Methodist Church (Person); Academic and event space (Person Replacement)

Physical Site Constraints: Artifact installation limited to one location (Person); Adjacent steam and CW lines (Person Replacement)

Displaced Parking Spaces: N/A (Person); 8 (People Displaced)

Additional Considerations:

- The original section of Person Hall was built in the 1790s and served as the University's chapel.
- The building is assigned to the College of Arts and Sciences and used by the Music Department.
- Person Hall is composed of two recital rooms connected by a corridor of offices.
- Needed renovation: The building would require total renovation. The building houses the University's only organ. Conversion of Person Hall to an educational center for the University's history would require that the organ be moved and eventually retrofitted to a new space or replaced by a new custom organ.

B. Gerrard Hall **2,338 gross square feet; \$1.3M capital cost, \$0.7M operating cost**

Location: Gerrard Hall is located in central campus on Cameron Avenue across from Old West and is between Memorial Hall (which hosts campus events and

various performances), the Campus YMCA (which is the center of many campus activities and home to student organizations) and South Building (the main administrative building that houses the Chancellor, Provost, and other senior administrators).

Costs: Capital Construction/Renovation (one-time) = \$1.3M Operating (recurring) \$0.7M

Zoning: OI-4, Historic District

Site Size SF: Existing building

Permissible Building Size: 2,338, Useable space: 1,993

Projected Building Size: N/A

Town of Chapel Hill Approval: N/A

Current Use: Lectures, events, performances, ceremonies, and rehearsals; Gerrard Hall hosted 119 events in 2016-17. It does not house faculty or host classes.

Adjacent Use: Student housing, Memorial Hall, classrooms, administrative offices, Campus Y

Physical Site Constraints: Artifact installation limited to one location

Displaced Parking Spaces: N/A

Additional Considerations:

- General Information and History: Gerrard Hall was built in 1822 and was occupied by the University in 1837. First called New Chapel, Gerrard Hall served as a chapel and assembly hall for many years. Gerrard Hall was renovated in 2007 with its Greek Revival portico restored. Gerrard Hall is assigned to Carolina Performing Arts and is used to host University and community events.
- Needed renovation: The balcony would remain unchanged and would remain inaccessible, but renovation of the building, including renovation of the foundation and relocation of HVAC infrastructure would be required.
- Over the years, the university has invested a considerable amount of time, energy and money in branding our legacy gift society (planned giving society) as the Gerrard Society. As a result of our success, we have 1,598 alums and friends who have made estate gifts and have chosen to be members of the Gerrard Society. These 1,598 gift expectancies represent \$1.1B in future gifts to the university. If Gerrard Hall becomes a controversial building on campus because of protests around that building, we could have some donors who decide to express their displeasure by either revoking or threatening to revoke their future commitments. If Gerrard were to be chosen, we would have to think about re-branding our planned giving society.

C. Historic Playmakers Theater 7,153 gross square feet; \$5.7M capital cost, \$0.8M operating cost

Location: Historic Playmakers Theater is located in central campus on Cameron Avenue across from Old East and is in between South Building and Steele Building and near Bynum Hall.

Costs: Capital Construction / Renovation (one-time) = \$5.7M Operating (recurring) \$0.8M

Zoning: OI-4, Historic District

Site Size SF: Existing Building

Permissible Building Size: 7,153, Useable space: 4,447

Projected Building Size: N/A

Town of Chapel Hill Approval: N/A

Current Use: Performances and rehearsals; Historic Playmakers Theater hosted 39 events in 2016-17

Adjacent Use: Student housing, classrooms, administrative offices

Physical Site Constraints: Requires comprehensive renovation

Additional Considerations:

- Construction on Historic Playmakers began in 1850 and finished in 1852.
- The building was remodeled and transformed into a theater in 1925, was renamed as Playmakers Theater at that time and dedicated as a National Historic Landmark in 1974.

D. [Wilson Library](#) 2,600 gross square feet; \$2.4M capital cost, \$0.7M operating cost

Location: Wilson Library anchors the south end of Polk Place.

Costs: Capital construction/renovation (one-time) = \$2.4M operating, \$0.7M recurring

Zoning: 01-4

Site Size SF: 2,600

Permissible Building Size: N/A

Projected Building Size: N/A

Town of Chapel Hill Approval: N/A

Current Use: North Carolina Collection

Adjacent Use: Library and special collections

Physical Site Constraints: Artifact installation limited due to structural constraints. Requires the installation of fire sprinklers on exhibit floor.

Displaced Parking Spaces: N/A

Additional Considerations:

- Initial construction assessment finds that the only feasible area within the Library, the Sir Walter Raleigh Room, would require significant structural reinforcement.
- The security consultants' analysis of this site ruled it out from a public safety standpoint.
- Wilson Library is a large, multi-use building that houses the invaluable Southern Historical Collection.
- A large number of employees work there, and the Library has many visitors. Wilson Library does not have the kind of security infrastructure that facilitates the protection of the Artifact.
- It would be difficult from a practical standpoint to have a policy that required people to check bags or have bags inspected who visited the library.
- There is a great deal of glass in Wilson Library, and it is an easy place for protestors to hide themselves and do damage to persons and property.

Group 4: Town/Near Town Locations: 440 W. Franklin Courtyard, Granville Towers South Parking Lot, 210 Pittsboro, Mrs. D's (206 W. Cameron), Wilson Court (parking lot)

Following is a category of sites that are located either in the buffer area between the campus and Town of Chapel Hill or in the Downtown Chapel Hill business district.

General Considerations:

- Town of Chapel Hill, the Orange County Commissioners, Chapel Hill Chamber of Commerce, local clergy, Chapel Hill Downtown Partners are all on record opposing the return of the artifact to the pedestal.
- The Chapel Hill Police Department has publicly stated that they will not expend resources to protect the Artifact. We can assume that they could extend that policy to any building in their jurisdiction that houses the artifact. Any demonstrations conducted by anti-Artifact protestors could create disruptions to downtown businesses, including likely closures of Franklin and Rosemary Streets.
- With the exception of the 440 W. Franklin St. Courtyard, the sites are either adjacent to or within steps of:
 - The Newman Catholic Student Parish (Newman) was one of the many Chapel Hill churches that signed on to a [letter](#) asking the University to not return the artifact to McCorkle Place.
 - The North Carolina Hillel Center (Hillel), the foundation for Jewish student life on campus.
 - The American Indian Center and Carolina Center for Public Center are located in the center of all considered locations in this group.
 - The Cameron-McCauley Historic District is considered one of three historical districts in Chapel Hill.
 - The Carolina Inn business impact is unclear.

A. 440 W. Franklin Courtyard 6,000 gross square feet; \$4.9M capital cost, \$0.8M operating cost

Location: The courtyard to the west of and adjacent to the UNC Information Technology Services (ITS) office at 440 W. Franklin St. This courtyard is located in the heart of the Downtown Chapel Hill business district.

Costs: Capital Construction / Renovation (one-time) = \$4.9M Operating (recurring) \$0.8M

Zoning: TC-2

Site Size: 25,000

Permissible Building Size: 25,000

Projected Building Size: 6,000

Town of Chapel Hill Approval: Planning Board, Administrative Zoning Compliance **Current Use:** Courtyard

Adjacent Use: UNC Information Technology Services, Downtown Businesses

Physical Site Constraints: None

Displaced Parking Spaces: None

Additional Considerations:

- Town of Chapel Hill public parking lots are located within easy walking distance.
- This is a heavily travelled area and high visibility fronting Chapel Hill's main and most prominent thoroughfare.
- The site is very close to campus and offers access within walking distance to visitors.

B. Granville Towers South Parking Lot 6,000 gross square feet; \$5.9M capital cost, \$0.8M operating cost

Location: The parking lot is adjacent to the South Tower. It is adjacent to the McCauley/Cameron Historic District. It would offer campus and public access via Cameron Ave.; visitors would also be able to access the location via Franklin St.

Costs: Capital Construction / Renovation (one-time) = \$5.9M Operating (recurring) \$0.8M

Zoning: OI-1

Site Size: 20,000

Permissible Building Size SF: To Be Determined

Projected Building Size SF: 6,000

Town of Chapel Hill Approval: Town Council Special Use Permit

Current Use: Parking for Granville Towers

Adjacent Use: Cameron McCauley Historic District

Physical Site Constraints: Adjacent underground utilities

Displaced Parking Spaces: 50

Additional Considerations:

- The site is very close to campus and offers access within walking distance to visitors.
- The site is open and would require no building demolition.
- The site is a high-traffic area, travelled by students who live in Granville as well as those who reside in rental properties in the Cameron-McCauley area.
- There is nearby parking in the Granville Deck and Franklin St. public parking lots.
- The Center would eliminate parking spaces currently be utilized by Granville Towers residents.
- The site is adjacent to the Historic McCauley/Cameron neighborhood.
- The site is near Hillel and Newman.

C. 210 Pittsboro St. 4,000 gross square feet; \$3.9M capital cost, \$0.8M operating cost

Location: The building is located directly across from the main entrance to the Carolina Inn and easily accessible for hotel guests, the campus community and visitors to Chapel Hill. The building has housed departments within University Communications for several decades, including the University's photography studio. Today, along with the studio, the building houses University Communications' Internal Communications team and the Office of Public Records.

Costs: Capital Construction / Renovation (one-time) = \$3.9M Operating (recurring) \$0.8M

Zoning: OI-2

Site Size: 15,000

Permissible Building Size: 4,000

Projected Building Size: 4,000

Town of Chapel Hill Approval: Planning Board, Historic District Commission, Administrative Zoning Compliance

Current Use: UNC Office Space

Adjacent Use: Cameron-McCauley Neighborhood. Newman Center, Community Garden, Carolina Inn

Physical Site Constraints: None

Displaced Parking Spaces: 18

Additional Considerations:

- The site is very close to campus and offers access within walking distance to visitors.
- The entrance to the Carolina Inn is well-traveled and heavily attended for major events year-round. The Inn's summertime Friday Front Porch event is well-attended and brings hundreds to the area each week.
- The site currently houses approximately 15 University Communications employees and the UNC Photography Studio.
- The site is next door to Newman and near Hillel, the American Indian Center and Carolina Center for Public Service.
- The site is within the Cameron-McCauley Historic District.
- Carolina Inn business impact is unclear.

D. Mrs. D's House (206 West Cameron) 2,000 gross square feet; \$2.5M capital cost, \$0.7M operating cost

Location: The building is not owned by the University and is located adjacent to Granville Towers site (1B).

Costs: Capital Construction / Renovation (one-time) = \$2.5M Operating (recurring) \$0.7M

Zoning: OI-1

Site Size: 7,500

Permissible Building Size: 2,000

Projected Building Size: 2,000

Town of Chapel Hill Approval: Planning Board, Historic District Commission, Administrative Zoning Compliance

Current Use: Private Student Housing, Not University Owned

Adjacent Use: Granville Towers, Cameron-McCauley Historic District

Physical Site Constraints: None

Displaced Parking Spaces: None

Additional Considerations

- The site is very close to campus and offers access within walking distance to visitors.
- The site is a high-traffic area, travelled by students who live in Granville as well as those who reside in rental properties within the Cameron-McCauley area.
- Nearby parking in the Carolina Square parking deck and Franklin St. public parking lots.
- The site is within the Historic Cameron-McCauley neighborhood.
- The site is adjacent to several fraternity houses.
- The site is near Newman and Hillel.

E. Wilson Court 6,000 gross square feet; \$6.7M capital cost, \$0.8M operating cost

Location: This is a University employee and Carolina Inn parking lot that is directly adjacent to several University offices. It is just to the west of 210 Pittsboro St. (option 1C) adjacent to the Newman Catholic Student Parish; it is also directly across the street from the Carolina Campus Community Garden at 236 Wilson St.

Cost: Capital Construction / Renovation (one-time) = \$6.7M Operating (recurring) \$0.8M

Zoning: OI-1, Historic District

Site Size SF: 40,000

Permissible Building Size SF: 11,500

Projected Building Size SF: 6,000

Town of Chapel Hill Approval: Historic District and Planning Board

Current Use: Parking for Employees at Carolina Inn

Adjacent Use: Cameron-McCauley Neighborhood. Newman Center, Community Garden, Carolina Inn

Physical Site Constraints: Underground steam tunnel along southern edge

Displaced Parking Spaces: 90

Additional Considerations:

- Behind Newman Center and close to Hillel, American Indian Center and Carolina Center for Public Service.
- UNC Campus Community is directly across from the site. (The Carolina Campus Community Garden makes use of volunteer support to provide UNC housekeepers with fresh, local, sustainably-grown produce for free.)

Group 5: Emerging South Campus Hub: S-11 parking lot, former Odum Village site

Following is a category of sites that are located on south campus and walkable from the Central Academic Campus.

General Considerations:

- They are on campus and within a 20-minutes or less walk from the central academic campus.
- Both sites are well-served by various mass transportation options. There would be additional parking available for visitors at either location.
- With appropriate street signage, both sites would be highly visible to the heavily travelled Manning Drive and Highway 54 corridors.
- On UNC football and basketball game days, there would be ample opportunities to open the new Center to alumni and state residents who are already traveling to that side of campus.
- Future demonstrations at these sites would limit disruptions to central academic campus or Chapel Hill businesses. Further, road closures could be contained to a smaller area.

A. S-11 Parking Lot at UNC Family Medicine Clinic 6,000 gross square feet; \$6.7M capital cost, \$0.8M operating cost

Location: The location is off Manning Drive and Skipper Bowles Drive on South Campus, directly adjacent to the Aycock Family Medicine Center, part of the UNC School of Medicine. The lot is used by UNC employees during the day, as well as patients who are visiting the Clinic. In addition, it is also used for game day parking for UNC men's basketball at the nearby Smith Center.

Costs: Capital Construction / Renovation (one-time) = \$6.7M Operating (recurring) \$0.8M

Zoning: OI-4

Site Size SF: 40,000

Permissible Building Size SF: N/A

Projected Building Size: 6,000

Town of Chapel Hill Approval: Administrative (Town Manager)

Current Use: Parking for employees and students and athletic events

Adjacent Use: Underground utility bank along western edge, Topography

Physical Site Constraints: Underground utility Bank along western edge,
Topography

Displaced Parking Spaces: 88

Additional Considerations:

- The clinic receives 68,000 medical visits each year.
- The site is a parking lot and requires no building demolition.
- New construction would not disrupt existing University operations.
- Building in the lot would eliminate parking spaces.
- Patients and pedestrian traffic impact unclear.
- Attending physician and staff impact unclear.
- Demonstrations could heavily impact Manning Drive and Skipper Bowles Drive.
- The site would eliminate parking for UNC Family Medical Center and game day parking for men's basketball.

B. Odum Village **6,000 gross square feet; \$5.3M capital cost, \$0.8M operating cost**

Location: The site is located between Hibbard Dr. and Mason Farm Rd., directly behind the UNC Hospitals parking decks and is adjacent to the Carolina Veteran's Resource Center. It is reachable by foot from central campus.

Costs: Capital Construction / Renovation (one-time) = \$5.3M Operating (recurring) \$0.8M

Zoning: OI-4

Site Size: 40,000

Permissible Building Size: N/A

Projected Building Size: 6,000

Town of Chapel Hill Approval: Administrative (Town Manager)

Current Use: Vacant student housing slated for demolition

Adjacent Use: Carolina's Veteran's Center

Physical Site Constraints: Topography

Displaced Parking Spaces: 14

Additional Considerations:

- With the previously planned demolition of Odum Village, the site will be open space.
- Construction would not have to disrupt existing University operations. There are no academic buildings or clinics adjacent to the site.
- UNC Hospitals parking decks are adjacent to the site, the proposed Durham/Orange County Light Rail Transit system will have a station nearby and all regional and local bus transit systems operate along nearby Manning Drive.
- Utilizing the site for a previously unplanned History and Education Center would take away from potential other uses.

Group 6: Campus, Not Contiguous: Friday Center

To include the broadest net possible across the UNC-Chapel Hill campus/jurisdiction, the Friday Center has been included in our evaluation.

A. Mason Farm Property (The Friday Center) 6,000 gross square feet; \$4.9M capital cost, \$0.8 operating cost

Location: Friday Center Dr., off of Raleigh Rd., abutting Finley Farms and intersecting with the Meadowmont area. The UNC Tennis Center is within a half-mile. The Friday Center is considered part of the UNC-Chapel Hill campus and falls under the University's jurisdiction. This location is not walkable from campus.

Costs: Capital Construction / Renovation (one-time) = \$4.9M Operating (recurring) \$0.8M

Zoning: OI-2

Site Size SF: 40,000

Permissible Building Size: 20,000

Projected Building Size: 6,000

Town of Chapel Hill Approval: Planning Board, Administrative Zoning Compliance

Current Use: Undeveloped

Adjacent Use: Friday Center, Remote Park and Ride

Physical Site Constraints: Underground Steam Tunnel

Displaced Parking Spaces: N/A

Additional Considerations:

- The site is not walkable from central campus.
- Friday Center has a large parking area for visitors, including ample area for tour and school busses.
- Buses from Chapel Hill and the Triangle regional mass transit already serve the park-n-ride customers for campus; the proposed Durham/Orange County Light Rail Transit system will have a station just steps away.
- It would be located within steps of the Joint Child Care Center where dozens of children receive daycare, the WUNC-FM studios and the Scholarship Development Center, which is also the home of the UNC Board of Governors (BOG) committee meetings and BOG open sessions.

Group 7: Off Campus: N.C. Museum of History

In consideration of the North Carolina Museum of History's unique place in preserving and displaying North Carolina's rich history, this site was evaluated as a potential site.

General Considerations

- The North Carolina Museum of History was built in 1902 and today, is a Smithsonian affiliate that includes a research library, classroom spaces, a 315-seat auditorium, design shops and 55,000 sq. ft. of exhibition space.
- The Museum has a rich history in telling the story of North Carolina's role in the Civil War.

A. North Carolina Museum of History 500 gross square feet; \$2M capital cost, N/A operating cost

Location: 5 East Edenton Street, Raleigh

Size: Appropriate display space to be determined by Museum staff.

Costs: Capital Construction / Renovation (one-time) = \$0.2M Operating (recurring) N/A

Current Use: Museum exhibit space

Adjacent Use: NC Museum of Natural Sciences, NC State Capitol, NC General Assembly

Physical Site Constraints: N/A

Additional Considerations:

- It is home to a number of Civil War artifacts of significance, including flags, uniforms and weapons. A Confederate battle flag carried by the 7th Regiment North Carolina State Troops at the Battle of Gettysburg is located in the Museum.
- Placement of the Artifact at the Museum would allow it to be treated as an important artifact that is part of the State's history. There would be a host of advantages to a location in the North Carolina Museum of History:
 - The Artifact would be placed in a visible and accessible location in an existing secure environment that would enhance its preservation and allow it to be curated by an existing professional staff. The Museum's staff includes registrars and handlers, conservators, and curators.
 - The Artifact would be placed in our capital city in a location that is visited by students from throughout the state that would expand its use as a tool to teach North Carolina history.
 - The Artifact would no longer be a lightning rod for protest on our campus, which would decrease the number and intensity of protests and consequently improve campus security.
 - The likelihood of pro-Silent Sam protestors and anti-Silent Sam protestors being present together on our campus in a way that requires the extraordinary application of law enforcement resources to police such events and the attendant cost would be dramatically reduced or eliminated.
 - Removal of the Artifact from campus, more than any other option, would allow the University's faculty, students and staff and its senior administrators to return their efforts to "its core mission of education, research, economic stimulation, and creating the next generation of leaders" consistent with the Board of Governors' charge.
 - The potential for legal action against the University from activities around the Artifact would be eliminated.
- Moving the Artifact to the Museum would require the General Assembly to amend N.C. Gen. Stat. § 100-2.1, which does not allow an object of remembrance to be relocated into a museum from a non-museum location. This option would require a change in the law as it now stands.

SUMMARY OF COMMUNITY AND PUBLIC INPUT

The Trustees and Chancellor concurred that the best process for generating options on the preservation and disposition of the Monument would be an open process that solicited ideas from a variety of sources. The solicitation of options was accomplished by providing both structured and unstructured means of input and targeting faculty, staff and student stakeholders for personal interaction.

We provided an avenue of input that was open and fully accessible to the public by setting up an email, uncmonument@unc.edu to receive comments. In addition, numerous individuals sent letters or emails directly to the Chancellor regarding the preservation and disposition of the Monument. Through these three sources, nearly 5000 responses have been received. All of these responses have been reviewed, analyzed and summarized and made available to the Trustees and senior administrators for their review.

For the campus community, we also solicited the input of faculty, employees and students using a collaborative process. That process is multi-step and requires individuals or groups to establish and consider goals, obstacles, principles, ideas and solutions for meeting the Board of Governor's charge. Established campus leaders from student, faculty and staff governance entities participated in a training seminar for the Collaborative Process and employed it in the manner that best suited their constituents. Some held open forums for dialogue while others implemented a survey or used a combination of both.

- Faculty used the Collaborative Process at 11 Faculty workshops attended by approximately 125 faculty members. The Chancellor, Provost and members of the Board of Trustees attended many of the workshops. The Office of Faculty Governance released a [report](#) of their findings.
- Undergraduate students through the Student Advisory Committee (SACC) using the Collaborative Process format solicited and received feedback from approximately 500 students. Students reached out to more than 50 student organizations, as well as every residence hall. Many students responded via survey or through several forums within resident halls and organizations. SACC also hosted general student body forums for any student to attend. The leadership of SACC drafted a [Memorandum](#) to the Chancellor and Board of Trustees summarizing their findings.
- The Executive Board of the Graduate and Professional Student Federation (GPSF) surveyed graduate students to obtain input on the Monument, including its disposition and preservation. The survey generated 92 responses and the Executive Board released a [statement](#) of their findings.

- Employees through the Employee Forum used an electronic survey based on The Collaborative Process that received input from 418 employees.

Many other avenues of input were used to provide input on the Monument from a host of sources as well, including but not limited to:

- Hundreds of faculty members expressed their views in letters directly to Chancellor Folt and the Trustees. The Faculty Council passed a [resolution](#) supporting the idea that the Monument should not be returned to its original location and should be relocated.
- The Employee Forum passed their own [resolution](#) affirming the position of the Faculty Council's stance in favor of permanent removal of the Confederate Monument and its base from campus.
- In addition to this input, the College of Arts & Sciences surveyed all their faculty and staff. They received nearly 400 responses that they summarized in an [Executive Summary](#).

The processes described above, along with the many individual conversations that senior administrators and Trustees have had with the University's stakeholders, have allowed meaningful and robust input into how to address the Board of Governors' charge and yielded a number of potential alternatives which we have evaluated. In addition, the senior administrative team exhaustively examined the campus to identify additional sites that warranted evaluation.

Most people either want the Monument permanently removed or moved to an alternate location either off campus or within a contextualized setting on campus. Few people (particularly faculty, staff and students) want the Monument restored to its original location.

Document 7

MOTION

We applaud the recommendation from Chancellor Folt and UNC-Chapel Hill's Board of Trustees regarding the disposition and preservation of the Confederate Monument.

However, the UNC Board of Governors cannot support the current recommendation, given the concerns about public safety and the use of state funds for a new building or the proposal to expend \$5.3 million, as cited in UNC-Chapel Hill's report entitled *Recommendation for the Disposition and Preservation of the Confederate Monument*.

Therefore, I am asking the following Board members -- Darrell Allison, Jim Holmes, Wendy Murphy, Anna Nelson, Bob Rucho -- to work in conjunction with Chancellor Folt and the UNC-Chapel Hill Board of Trustees to review the options set forth in the report and offer a revised recommendation to the UNC Board of Governors by Friday, March 15, 2019.

John J. Dougherty

From: Robert Rucho <brucho@carolina.rr.com>
Sent: Tuesday, February 19, 2019 6:11 PM
To: Thomas C. Shanahan
Subject: [External] Fwd: Request for Possible Meeting/Discussion

[CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to spam@northcarolina.edu]

Sent from my iPhone

Begin forwarded message:

From: Jake Sullivan <jakersullivan@gmail.com>
Date: February 19, 2019 at 2:14:22 PM EST
To: brucho@carolina.rr.com
Cc: Donald Archer <generaljohnston1@gmail.com>
Subject: Request for Possible Meeting/Discussion

Mr. Rucho,

I am reaching out on behalf of the North Carolina Division, Sons of Confederate Veterans to see if you would be willing to meet, in your capacity as a member of the UNC System Board of Governors, with a few of our members who live near you in either the Charlotte area or in Iredell County. Specifically, they would like to discuss the "Silent Sam" controversy and our collective wish that the law be followed and the dignity of the University's veterans restored.

If you are amenable to meeting for such a discussion, I have copied Mr. Donald Archer, Jr., who will coordinate the meeting locally. Whether it be lunch, dinner, or even a quick meeting wherever you suggest, we are totally at your disposal.

Thanks in advance for your consideration of this request. We hope to be able to work something out well in advance of the March 15 meeting of the Board.

Best,

Jake Sullivan
Chief of Staff
North Carolina Division, Sons of Confederate Veterans

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered into as of the date that this Agreement is fully executed ("Effective Date") by and between North Carolina Sons of Confederate Veterans, Inc., a North Carolina corporation (hereinafter referred to as "SCV"), and The University of North Carolina, inclusive of its constituent institutions (hereinafter together referred to as "the UNC System"), acting by and through its authorized officials;

WHEREAS, on the Effective Date of this Agreement there is litigation proposed to be filed by SCV, captioned North Carolina Sons of Confederate Veterans, Inc. v. The University of North Carolina and The University of North Carolina Board of Governors, to be filed in a court of competent jurisdiction in the North Carolina General Court of Justice; and

WHEREAS, UNC System and SCV desire to resolve on mutually agreeable terms disputes related to and in conjunction with that proposed litigation separate and apart from the proposed litigation, even though UNC System denies the basis of any and all such claims or causes of action, if any such existed;

NOW, THEREFORE, in consideration of the mutual releases, covenants, and undertakings contained herein, and for good and valuable consideration, which each party acknowledges, SCV and UNC System hereby agree to the following terms of settlement in full satisfaction of all claims or causes of action or potential claims or causes of action separate and apart from the proposed litigation described above, which have been, or could be, asserted by either party against the other:

I. WARRANTIES

- A. Each party warrants and represents to the other that it has been fully informed and has full knowledge of the terms, conditions and effects of this Agreement.
- B. Each party warrants and represents to the other that no promise or inducement has been offered or made except as herein set forth, and that this Agreement is executed without reliance upon any statement or representation by any other party or its agent.
- C. Each party warrants and represents to the other that they have been advised to, and have had the opportunity to, consult with legal counsel prior to executing this Agreement.

II. OBLIGATIONS

- A. SCV will:
 - 1. Agree to the releases and assurances in Section III of this Agreement.
- B. As soon as administratively feasible, UNC System will:
 - 1. Pay SCV a sum in the amount of \$74,999; and
 - 2. Agree to the releases and assurances in Section III of this Agreement.

Initials

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III. RELEASES AND ASSURANCES

- A. UNC System's payment of \$74,999 to SCV is good and valuable consideration for the actions of SCV as set forth in paragraphs B. and C. below, and SCV's actions as set forth in paragraphs B. and C. are good and valuable consideration for the receipt of the payment from the UNC System as set forth above.
- B. As consideration for the receipt of \$74,999 from the UNC System, SCV agrees and certifies that it will not seek to hold, sanction, sponsor, or otherwise hold a meeting, ceremony, or other group event on any UNC System constituent institution campus or UNC System- or constituent institution-controlled property for a period of five (5) years following the Effective Date of this Agreement, subject to the provisions set forth in paragraph C. below.
- C. In the event that the proposed litigation as described on Page 1 of this agreement is resolved by the entry of a consent judgment in a court of competent jurisdiction, the provisions in paragraph B. above shall be replaced by the provisions in this paragraph. As consideration for the receipt of \$74,999 from UNC System, UNC System agrees and certifies that SCV may seek to hold, sanction, sponsor, or otherwise hold a group event or ceremony on the campus of or property controlled by the UNC System or any constituent institution and permission shall not be unreasonably denied, withheld, conditioned, or delayed. In exchange for the consideration as described above, SCV agrees and certifies that, to the extent that SCV intends to hold, sanction, or otherwise sponsor a group event or ceremony on the campus of or property controlled by the UNC System or any constituent institution, SCV shall cooperate with UNC System and/or the constituent institution, including any safety and security personnel, as to the time, place, and manner of such a group event or ceremony, and shall comply with UNC System and any constituent institution policies and procedures in connection with any group event or ceremony. SCV further agrees and certifies in consideration for the payment as described above that, to the extent that SCV intends to hold, sanction, or otherwise sponsor a group event or ceremony on the campus of or property controlled by the UNC System or any constituent institution, SCV shall not display any Confederate flags, banners, or signs before, after, or in conjunction with the group event or ceremony separate and apart from the wearing of SCV membership lapel pins by individual SCV members. The provisions in this paragraph shall apply for a period of five (5) years following the Effective Date of this Agreement.

IV. COMPROMISE OF DISPUTED CLAIMS

Each party understands and agrees that this settlement is in compromise of doubtful and disputed claims; that no covenant herein is to be construed as an admission of liability on the part of any party hereby released; that each party hereby released denies any liability for such claims; and that each party intends merely to resolve the disputed claims between them separate and apart from the issues that are the subject of the proposed litigation described above.

Initials



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V. EFFECT OF AGREEMENT

- A. This Agreement shall be binding upon and inure to the benefit of the parties of their agents, officers, employees, successors, assigns, heirs, executors, and administrators.
- B. This Agreement constitutes the entire Agreement between the parties separate and apart from the issues that are the subject of the proposed litigation described above, and supersedes previous discussions or agreements that the parties may have had or made regarding the settlement of their disputes separate and apart from the proposed litigation described above.

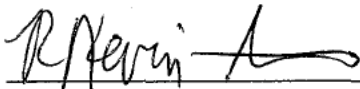
VI. SEVERABILITY

If any of the provisions of the Agreement are determined to be invalid or unenforceable, that provision so determined shall be severable from the other provisions of the Agreement, and the Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been included herein.

VII. GOVERNING LAW AND FORUM SELECTION

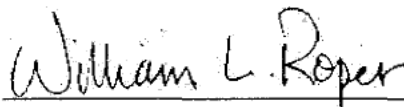
It is agreed, between the parties, that this Agreement shall be governed by, construed and enforced in accordance with laws of the State of North Carolina and that the place of this contract, its situs and forum shall be Orange County, North Carolina, where all matters relating to the validity, construction, interpretation, and enforcement shall be determined.

**North Carolina Sons of Confederate
Veterans, Inc.,** a North Carolina corporation



Kevin Stone November 21, 2019
Division Commander

The University of North Carolina



William L. Roper November 21, 2019
Interim President

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Chapter 200 Board of Governors Affairs

200.5 Initiating and Settling Potential and Pending Litigation

By virtue of N.C.G.S. § 116-3, the capacity and authority to initiate litigation, as well as to settle potential and pending litigation, in the name of the University of North Carolina, and on behalf of the constituent institutions, lies exclusively with the Board of Governors. A constituent institution has no independent capacity or authority to initiate litigation or to settle potential or pending litigation in its own name or in the name of the University of North Carolina.

Potential or pending litigation may involve issues and claims that do not require the attention of the Board of Governors to approve their initiation or settlement. The Board of Governors therefore delegates the authority to initiate and settle potential and pending litigation only in the circumstances below:

- I. A constituent institution may initiate litigation in the name of the University of North Carolina or the constituent institution if the amount in controversy is less than the jurisdictional amount for civil actions in superior court as set out in N.C.G.S. § 7A-243 upon the approval of the chancellor. The University of North Carolina may initiate litigation concerning issues that do not arise at a constituent institution, or that arise at more than one constituent institution, if the amount in controversy is less than the jurisdictional amount for civil actions in superior court as set out in N.C.G.S. § 7A-243 upon the approval of the president.
- II. The Committee on University Governance may authorize the initiation of litigation in the name of the University of North Carolina if the amount in controversy is greater than the jurisdictional amount for civil actions in superior court, or if injunctive relief is sought.^[1] A request to initiate litigation shall be made by the chancellor of a constituent institution, or by the request of the president for issues that do not arise at a constituent institution or that arise at more than one constituent institution. In an emergency, if a constituent institution or the University needs to seek an order from a court sooner than it is practical to call a meeting of the Governance Committee, the constituent institution or the University may initiate litigation on the authorization of the president or the senior vice president and general counsel of the University. The president or general counsel shall consult with the chair of the Governance Committee before authorizing the litigation if it is practical to do so. If emergency litigation is initiated without the authorization of the Governance Committee, the president, or the president's designee, shall inform the Governance Committee about the litigation at the Committee's next regular or special meeting.
- III. If a settlement of potential or pending litigation involving a constituent institution or the University of North Carolina:
 - A. Is solely for monetary relief, and if the amount that the University of North Carolina is to pay pursuant to an agreement to settle the potential or pending litigation is less than \$75,000, or if the University is to receive a payment, and the amount claimed was less than \$75,000, then the chancellor of a constituent institution is authorized to approve the settlement. If a matter did not arise at a constituent institution or involves more than one constituent institution, the president is authorized to approve the settlement.
 - B. Is solely for monetary relief, and if the amount that the University of North Carolina is to pay is \$75,000 or greater, or if the University will receive a payment, and the amount claimed was \$75,000 or greater, then the Committee on University Governance is authorized to approve the settlement.^[2]
 - C. Includes an agreement by the University, or one or more constituent institutions, to take, or refrain from taking, a specific action, and the agreement affects only the named parties in the litigation or parties reasonably anticipated to be named in potential litigation, such as actions that affect only named employees or students, then the president or the chancellor of the constituent institution may authorize the settlement agreement.
 - D. Includes an agreement by the University, or one or more constituent institutions, to take or refrain from taking a specific action which affects a group or class of people or which results in changing a University or constituent institution policy, procedure or regulation, then the Committee on University Governance is authorized to approve the settlement.
- IV. The Committee on University Governance may refer a request to initiate or settle potential or pending litigation to the Board of Governors, in the committee's discretion. The president may refer a request to settle potential or pending litigation to the Committee on University Governance in the president's discretion. If the president makes such a referral, the Committee on University Governance is authorized to decide the matter, or it may make a recommendation to the Board of Governors.
- V. Any settlement approved pursuant to this policy shall be reported to the Committee on University Governance and to the Board of Governors either in writing before the next regular meeting of the Board of Governors or at the next regular meeting of the Board of Governors after the settlement is finalized.^[3]
- VI. The University of North Carolina may appear as *amicus curiae* in a lawsuit or judicial proceeding only after receiving the approval of the Committee on University Governance. The Committee, in its discretion, may refer the question to the Board of Governors.
- VII. A constituent institution, or a school or college of a constituent institution, may appear as *amicus curiae* in a lawsuit or judicial proceeding only after receiving the approval of the chancellor of the institution and after providing advance written notice to the president. Nothing in this section is intended to limit the ability of an individual University employee or group of employees to appear as *amicus curiae* in the individual's or employee group's name.

This policy applies to the University of North Carolina Health Care System, to the UNC Physicians and Associates, and to the ECU Medical Faculty Practice plan except as otherwise provided in Policy §§ 1200.4 and 1200.5 and except as otherwise provided by State law, including G.S. § 116-219 *et seq.*

Document 10

The requirements of this policy shall be effective on the date of adoption by the Board of Governors. The foregoing policy is meant to supplement, and does not supplant or modify, those statutory enactments which may govern the initiation and resolution of legal claims. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

[1] Pursuant to N.C.G.S. § 116-11(13), and notwithstanding *The Code* or any other Board of Governors policy, the Board of Governors has delegated certain authorities to the president of the University. See UNC Policy 200.6, *Delegation Authority to the President of the University*, adopted 11/13/06.

[2] See Footnote 1.

[3] See Footnote 1.

200.5: Adopted 08/14/98, Replaced 05/14/04, Amended 09/08/05, Amended 09/09/16



MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

CLOSED SESSION

November 27, 2019
University of North Carolina System Office
Center for School Leadership Development, Room 128
Chapel Hill, North Carolina

THE MEETING RESUMED IN CLOSED SESSION AT 10:03 a.m.

1. Legal Affairs Report (Item A-3)

The chair called on Mr. Jim Holmes for his report. Mr. Holmes provided the following chronology of events regarding the Confederate Monument (Monument) that was located at UNC-Chapel Hill (McCorkle Place). Following the August, 2018 toppling of the statue portion of the Monument, the Board of Governors directed UNC-Chapel Hill to develop a plan to preserve the Monument.

In December 2018, UNC-Chapel Hill submitted its plan to the Board of Governors on the recommendations for the disposition and preservation of the Monument, which included locating it at a location on campus with an appropriate building at a cost of \$5.3 million. See, Recommendation for the Disposition and Preservation of the Confederate Monument from UNC-Chapel Hill. The Board of Governors did not accept the recommendations. The Board chair asked Mr. Holmes, Mr. Allison, Mrs. Murphy, Mrs. Nelson, and Dr. Rucho to work with the UNC-Chapel Hill administration and the UNC-Chapel Hill Board of Trustees on approaches to dealing with issues associated with the Monument.

Through various conversations with UNC-Chapel Hill administrators, faculty, and staff, Board members heard that the primary considerations for disposition of the Monument were public safety and the impact the Monument had on the educational mission of the University.

Mr. Holmes explained that the Sons of the Confederate Veterans threatened legal action to preserve the statute and return it to its original location, which led to conversations concerning settlement.

Discussion by the committee and members of the Committee on University Governance and members Board of Governors in attendance followed.

MOTION: Resolved, that the Committee on University Governance approved the proposed settlement between the North Carolina Sons of Confederate Veterans, the UNC System, and the Board of Governors; authorize the payment of \$2,500,000 to a trust for the maintenance of Silent Sam to resolve the case; authorize Interim President Roper and Chair Ramsey to execute the consent judgment and the trust documents on behalf of the UNC System and the Board of Governors; and, authorize our attorneys to file the consent judgment in court.

Motion: David Powers

Motion carried.

Mr. Goolsby opposed and asked that the record reflect his vote.

Mr. Fetzer was not on the call at the time of the vote and therefore did not vote. Mr. Fetzer asked that the record reflect this.

THE MEETING RESUMED IN OPEN SESSION at 10:35 a.m.

Thomas H. Fetzer, Secretary