



Policy Review Committee

May 23, 2019 | 10:00 a.m. – 12:00 p.m.
Pleasants Family Assembly Room
Wilson Library

The UNC Policy Review Committee (PRC) met for its May 2019 meeting and the following members were present:

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| Natalie Albertson | Derek Kemp |
| Kathy Anderson | Kristen Lewis |
| Carolyn Atkins | Becci Menghini |
| Linc Butler | Sarah Naylor |
| Anne Bryan | Tim Sabo |
| Jen DeNeal | Christy Samford |
| Catherin Gerdes | Michael Smith |
| Loretta Hester | Kim Stahl |
| David Kass | |

Other individuals in attendance were:

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| Kaitlyn Davis | Sam Oliver |
| Jessica Hernandez | Pleasance Postma |
| Micki Jernigan | Jonathan Sauls |
| Troy Morse | Matthew Teal |

Opening and Introductions

All individuals in attendance identified themselves and their affiliated school/administrative unit.

Policy Discussion Forum

Decommission: 1261 & 1261.1 – Subscriptions and Periodicals

Troy Morse presented this decommissioning request. He explained that current policy means people must put subscriptions on a purchase order. The policy is not generally followed, and most people use Procurement Cards. Policy 1252 overlaps and allows people to use P-cards for subscriptions. There were no objections to this decommissioning.

Whistleblower Policy / Decommission: Reporting Improper Government Activities

Kristen Lewis presented these changes. She explained that the improper reporting policy is old and not written in a common-sense way. She added that the Whistleblower Policy is written in more common-sense language and covers more than just the NC laws. There are a few minor additions to the Whistleblower Policy to ensure it covers everything that was in the improper reporting policy.

Micki Jernigan suggested adding something like “violating contracts, research agreements, etc.” or something like “non-compliance” to the definitions section of the policy.

Kristen responded that the plan today was just to tweak Whistleblower so that the improper reporting policy could be decommissioned, but that it might be reopening Whistleblower for further discussion.

Jen DeNeal commented that broadening the definitions section could be a good idea.

Micki replied that there’s a reference to contracts later in the document, so they should be covered in the definitions. She also commented that she had other suggestions to the policy.

Kim Stahl pointed out that Whistleblower relates to incident management and other policies.

Derek Kemp commented that this discussion was timely because the emergency management/response policy was also coming up for review.

Jen asked Micki to send the comments to the Policy Office so that Jennifer could loop in Kim Strom and the PRC could have a larger conversation about incidents, emergencies, and reporting.

1231 – Solicitation of Quotations, Bids, and Proposals

Troy Morse gave an overview of the changes to 1231, 1251, and 1253 by explaining that e-procurement (e-pro) has a \$5,000 limit before the competition requirement kicks in and that most vendors have a competitive bid process. His recommendation is to move the threshold from \$5,000 to \$25,000 for certain vendors. As an example, he explained that a department needing to purchase 5 laptops would be unable to do so in e-pro because the cost would be too expensive.

The first update to 1231 increases the threshold of the formal (sealed) bidding process (currently at \$10,000 and up) to \$25,000. Troy explained that the State put a caveat in the state purchasing guide setting the minimum for state agencies at \$10,000 and \$25,000 for universities. All other state universities use the \$25,000 threshold. The implication of this change is that UNC can do informal bidding for everything between \$5,000-25,000. Troy noted that both the System Office and State Purchasing & Contracts are on board with the change.

The second updates the policy such that purchasing agents know when they need secondary State approval. This update does not change the purchasing process for anyone else on campus.

The third change adds language under “Exclusions” that procurements from select e-pro vendors with specific punch outs and pricing can be made up to \$25,000 without solicitations of bids. Certain Vendors will not be increasing because UNC has little control over what is offered there

(it's not a University-specific punch out).

Troy explained that Finance will do the initial increase for our 4 IT vendors and observe the process for a month to make sure there are no unforeseen consequences.

Michael Smith commented that this is a great change and asked about the plan to indicate to campus which vendors are acceptable, and which aren't.

Troy responded that a pre-release message to tell campus about the change will list the phase 1 and 2 vendors. He indicated that this information will also be available on the e-pro page.

Dave Kass asked if there will be a process to bring other vendors for consideration?

Troy answered affirmatively and said that there is currently an RFP out for vendor catalog hosting. Currently, it takes 6 months to add a vendor to e-pro due to extensive IT infrastructure. Finance is working on a solution that will allow UNC to have a third-party do all the connections. The change will make it easier to add vendors (taking weeks instead of months) and have better top-line search capabilities pulling results from all available vendors.

Natalie Albertson asked Troy for a high level summary of all the changes in this set of policies.

Troy responded that the major changes include the sealed bid (RFP) threshold increasing to \$25,000 meaning that Purchasing can just do three quotes and then send an RFP to the best choice and do a Purchase Order, and that the competition requirement for certain vendors was being increased from \$5,000 to \$25,000. – can you give me a high-level what to tell people?

Dave asked if the evaluations would still be “lowest price.”

Troy said yes for materials and supplies, but not necessarily for services. He added that, for services, purchasing puts criteria in the RFP that aren't only price and also check references.

Kristen Lewis commented that she thinks campus stakeholders will love the change.

1251 – Small Order Policy

Troy explained that the University Small Order Policy is driven by State small order policy which means that any purchases under \$5,000 can be purchased with a procurement card and without formal/informal bids. The first change to this policy is to eliminate the research gas exclusion to streamline the purchasing process to be more consistent with current practice. The second change creates a policy exception for purchases up to \$25,000 with certain e-pro vendors, consistent with the policy changes in 1231.

1253 – Small Order Purchase via Business-to-Business Small Partner Agreements

Troy commented that this is the e-pro policy and references the Small Order policy as guiding what can be purchased on e-pro. The update to the small order policy takes care of this one, but Finance wanted to add the language here for consistency and usability.

Free Expression Policy and Standard

Jonathan Sauls began by thanking Kristen Lewis for helping to write the policy. He added that his is a new University policy that often restates the Board of Governors policy and is broadly applicable like the Board of Governors policy on illegal drugs. The policy and standard directly address the affirmation of free speech on campus. He pointed out that we've had ways to address speech on campus outside the bounds of protected speech and that this policy was not adding anything new; it is a codification of our principals. Jonathan commented that he is listed as the issuing officer of the policy because he is the responsible officer for 1st Amendment campus issues. Additionally, he noted that Jean Morton Elia, Kim Strom and Becci Menghini are also responsible officers representing all campus stakeholders.

Kristen Lewis added that everything in this policy is already covered by the System Office policy and that part of the reason we're making this University policy is to help people know how to find a UNC-specific policy and know it applies to them.

Derek Kemp pointed out that the policy also captures the NC free expression statute

Jonathan added that the NC statute bound all universities and prompted the System Office to create a Free Expression Policy.

Derek commented that people on the PRC have seen the System Office policy in action at events where the "opening words" are scripted reminders about first amendment speech. He gave examples like University Day and Commencement and added that this policy is codifying a great deal of existing practice.

Kim Stahl pointed out that the "students, staff, faculty" language in the scope excludes a lot of campus affiliates and asked if this was a gap.

Jonathan said the policy is broadly applicable to anyone who steps foot on campus and that the UNC policy is tracking the System Office language.

Derek added that policy enforcement is agnostic to who people are or where they're from.

Micki Jernigan commented that inconsistency in the policy is confusing.

Jen DeNeal responded that we can update the policy with language to be more inclusive.

Kristen clarified that there are some points where we want to track with the system office policy.

Anne Bryan commented that the language in the scope included "all campus visitors". She then asked how campus visitors would know about the policy.

Johnathan responded that most people know policies exist because of some kind of encounter on campus. He added that UNC is also working on building a First Amendment website, but that the primary directive from BOG is that we communicate this to the campus affiliates and that it's *available* to everyone else.

Derek also clarified that when UNC Police is involved, involved, the process starts with a warning, so people have an opportunity to sit down or leave. It only gets additive as one refuses to comply.

Jonathan closed by saying that one of the management challenges with this policy is that the

Board of Governors predicated action on the violation of an NC statute. UNC staff members don't make determinations of whether someone has violated statute.

University Policy/Standard/Procedure on Policies

Jen DeNeal presented updates to the University Policy/Standard/Procedure on policies. In her overview of updates, she noted that the purpose of updating these documents is to more closely align them with the current policy process. She pointed out that the original documents were created in January 2017 and were an aspirational vision of the policy process based on what other universities were doing. She said that major changes include restructuring for clarity, new language about Issuing Officers/designees, and removing the requirement that Unit policies be published in PolicyStat. She also highlighted two definition changes: Standards and Procedures. She clarified that Standards can now stay in the same documents as policies – they do not need to be published separately and that the definition of Procedures has been tweaked to provide more distinction between University Procedures and instructional documents. The intended effect of these definition changes is to avoid document proliferation and add clarity.

Derek Kemp asked if PRC is the body to which liaisons should bring Unit policies that are actually University Policies.

Jen answered affirmatively and Kristen Lewis added that the specific language for doing so was in the Standard and Procedure.

Kim Stahl suggested that Units submit new Unit policies to the Policy Office for awareness and so that the Policy Office has a copy.

Jen replied that she didn't want the process to artificially slow down Units, but that the Policy Office has an interest in knowing what is published, in case Unit documents have implications at the University-level. Yes – language there (KL: it's in the standard & procedure)

Derek pointed out that the Open Flame Policy is a good example of something that is addressed at the Unit level, but that doesn't require Unit policies since there's already a University Policy.

Carolyn Atkins asked about the approval of Unit policies.

Jen answered that the approval process is at the discretion of the Unit.

Kim commented that the term "Unit" has been ambiguous.

Jen pointed her to the new definition of "Unit" in the Policy Framework.

Carolyn asked if there could be a recommendation for what Units should do with their policies.

Kristen Lewis that everyone has guidelines and policies like "rules for locking the back door" which the Policy Office doesn't need to see. The real issue is when something arises to the level of a University policy.

Micki Jernigan commented that, if we have Unit policies, we need language saying they can't conflict with University policies.

Jen responded that language to that effect is in the Policy Framework.

Kathy Anderson asked if current best practice is to reference a related University Policy.

Derek responded affirmatively and gave an example with the Facilities Use Policy

Kim voiced concern with the language of Issuing Officers for units being “any appropriate faculty or staff member” and recommended a change to the Unit head (defined in the Definitions section)

Carolyn suggested we add “or their designee.”

Jen said those changes were possible.

Kim also recommended the document titles be tweaked such that they don’t all start with “University” then put the full title back in the text.

Michael Smith commented that he believes there is an understood designation of authority from Unit heads to designees in departments and asked if it was acceptable.

Jen replied affirmatively but noted that such designations were worth revisiting.

Christy Samford pointed out that the policy is asking people to use common sense.

Kim asked if the policy criteria should be expanded to include regulations/contracts/audits.

Jen responded that the Policy Office did not list specific reasons in order to keep the language more broadly applicable to a variety of situations.

Anne Bryan pointed out a grammar correction in the policy criteria section (adding an “e.g.” in parenthesis).

Jen brought up a comment in PolicyStat by Stephanie Schmitt about the language in the first paragraph of the policy and asked PRC members how they felt about the language.

Kristen was in favor of removing it.

Kathy strongly agreed with Stephanie and thought we should open the policy differently.

Kim suggested revising language in the Standard to say that UNC only publishes policies and that users must be logged in to view Standards and Procedures.

Anne asked why UNC would make some documents public but not others.

Kim cited other University practices and possible security threats from making too much public.

Jen voiced concern with the fact that there is not currently a technical solution to do this.

Christy asked if all standards and procedures would have to be private.

Kim said no, but that the Standard would set a minimum requirement for what would have to be published (only the policies), but that more could be published.

Derek commented that we need to address this in specifics.

Kim replied that there’s a tiered problem here and there are things we know we can’t publish. On the other hand, some documents are general information, not sensitive, and not particularly useful to the general public. She added that it would be helpful to have examples of what is and isn’t a procedure.

Jen suggested changing the language in the policy publication section of the Framework by removing “all Carolina community and affiliates” and changing “published” to “hosted.”

Kim suggested that we state explicitly that policies may only have one Issuing Officer and that policies must still belong to someone if the current Issuing Officer leaves the role. She also commented that the Procedure on Policy Management seemed very prescriptive.

Jen replied that the Policy Office tried to write the procedure using “may” and “should” instead of “must” to provide more flexibility (and fewer requirements) in the process.

Updates from the PolicyStat Technical Working Group

Matthew Teal told the group that we are still on track for the UI update to launch in June. He mentioned that some smaller updates are potentially in the works for later this summer when PolicyStat hires some seasonal intern support.

Matthew continued to explain an option for making University policies publicly accessible while also choosing which University procedures and standards could be made public or kept as internal documents accessible to everyone with a UNC Onyen.

Michael Smith asked if this solution would still allow for one unified search box or if people would have to search in multiple places.

Jennifer DeNeal responded that she wasn’t sure and we could ask.

Kathy Anderson asked if we would maintain two document databases.

Kim Stahl replied that there is only one database with two forward facing sites.

Loretta Hester asked if everyone would be able to see all the documents.

Jennifer responded that UNC employees would only see everything if they were logged in.

Kristen Lewis commented that there is a lot of the useful information in procedures, not the policies that we would want people in the public to see.

Kim Stahl clarified that we can choose which documents to make public.

Becci Menghini added that we have a lot of people on and off campus who use the Title IX procedural documents.

Matthew explained that there would be an option on the “Policy Properties” tab for each document to determine whether the document should be public.

Loretta commented that communication where documents will be and how to find them will be important if we take this step.

Matthew conducted a demo of the new PolicyStat homepage and told the group that he would be attending the national PolicyStat conference in Philadelphia in June and hoped to return with more information about the new interface and timelines.

Policy Liaison Updates

Loretta Hester, Internal Audit – She announced that there is a new director of Internal Audit and that they are planning to revise some existing processes and documents.

Kim Stahl, ITS – No policy updates to report.

Kristen Lewis, University Counsel - No policy updates to report.

Jennifer DeNeal, Policy – still updating the University Policy Framework and asked policy liaisons to send their photos for the new website.

Kathy Anderson, Public Health – No policy updates to report.

Sarah Naylor, Social Work – No policy updates to report.

Michael Smith, Summer School – mentioned a few issues around policies with visiting faculty members in the summer and noted that they intend to revise some of their procedures in the fall.

Catherine Gerdes, Libraries – No policy updates to report.

Natalie Albertson, Business – No policy updates to report.

Carolyn Atkins/Dave Kass, Development – voiced gratitude to Matthew Teal for assistance in cleaning up policies. Mentioned doing a wide sweep of policies and finalizing the Gift Acceptance Policy within the next month, if possible.

Tim Sabo, Communications – No policy updates to report.

Anne Bryan, Education – No policy updates to report.

Becci Menghini, Equal Opportunity & Compliance – provided an update about the Board of Governors passing a System-wide Diversity and Inclusion draft policy and that when the full version comes out later this summer, UNC will need to draft a similar policy. The current draft includes a statement of affirmation and reporting requirements. The Policy on Prohibited Discrimination, Harassment, and Related Misconduct is still with the Office of Civil Rights and we are waiting for affirmation that our changed to the policy meet federal requirements. There could potentially be changes to the federal guidelines related to Title IX and VII compliance as early as August and probably litigation, so the impact of those changes is unclear. WSEE is also working to figure out how to comprehensively review their policies.

Linc Butler, Workforce Strategy Equity, and Engagement – Reported that the hiring process for SHRA and EHRA Non-Faculty employees has been completely redesigned through an iterative process and that the rollout is almost complete. He noted the need to reconcile the new process with existing policies and procedures.

Christy Samford, Registrar – the 2019-2020 University Catalog will be published in June 2019.

Adjournment

With all policy business concluded, the PRC adjourned at 12:00 p.m.

Next Meeting: PRC Office Hours, June 20, 10:00 a.m., ZOOM Call