The Board of Trustees met in regular session in the Multi-Purpose Room of Mendenhall Student Center on Friday, October 6, 2006, at 9:00 a.m.

Mr. Stephen D. Showfety, Chair, presided, called the meeting to order and made the following comments:

I would like to draw your attention to the updated strategic plan document that is at your place today and the materials that accompany that document. We have a revised agreement with the City of Greenville regarding police jurisdiction that was also faxed to you, materials on Conflicts of Interest and the Ethics and Lobbying Act documentation are also provided. We will address some of these materials in Closed Session but I would like to ask Secretary Kelly to please call the roll at this time.

Roll Call

Members present:

Bruce N. Austin                         Michael W. Kelly
David S. Brody                           E. David Redwine
Joel K. Butler                          Stephen D. Showfety
Robert O. Hill, Jr.                     Mark E. Tipton
M. Cole Jones                           Margaret C. Ward

Members absent:

Robert J. Greczyn, Jr.

APPROVAL OF MINUTES

It was moved by Mr. Bodenhamer and seconded by Mr. Kelly that the minutes of the July 25, 3006 full meeting of the Board of Trustees be approved as submitted.
The motion and carried with no negative votes.

Chairman Showfety asked Secretary Kelly for a motion to go into Closed Session.

Mr. Kelly moved that we go into Closed Session to:

1. consult with our attorney and to preserve the attorney-client privilege and to consider and give instructions concerning judicial claims entitled:
   a) William Swart v. East Carolina University;
   b) Frank Salamon v. East Carolina University, et. al.; and
   c) James Dautremont v. East Carolina University, et. al.
   d) Kelly McGrory v. East Carolina University and Dr. Monica Hough
2. prevent the disclosure of privileged information under N.C. General Statutes #126-22 to #126-30;
3. consider the qualifications, competence, performance, character, fitness or conditions of appointment of prospective employees and employees;
4. prevent the premature disclosure of honorary degrees and/or awards.

Mrs. Ward seconded the motion and it passed by a voice vote with no negative votes.

Chairman Showfety explained the Trustees would now move to the Trustees Suite to conduct business in Closed Session, mentioned there was a lengthy agenda and asked for the audience’s patience.

Upon returning from Closed Session at 11:25, Chairman Showfety asked Mr. Kelly to announce any action items from Closed Session. There were two. Mr. Kelly moved approval of permanent tenure for Dr. Francis Cucinotta, professor in the Department of Physics, Harriot College of Arts and Sciences.
Mr. Austin seconded the motion and it carried by a voice vote with no negative votes.

Mr. Kelly moved approval of the amendment to Nick Floyd’s September 8, 2004 letter of appointment as presented in Closed Session.

Mr. Butler seconded the motion and it was approved with no negative votes.

Chairman Showfety thanked Nick Floyd for his continued service and stated it was a well earned acknowledgement. He then asked the Chancellor for his remarks.

CHANCELLOR’S REPORT

Thank you Mr. Showfety and I would like to combine my comments with the strategic planning discussion which is the next item on the agenda because they are very much related and I would like to start by welcoming Jim Phillips to our Board meeting and vice chair Craig Souza. We appreciate your time and your attention to East Carolina University. I would like the audience to know that I think it is a great time for higher education in the state of North Carolina. We have great leadership in the office of the president, great leadership on the Board of Governors and we believe ECU is being paid attention to. We are trying to do the right things and it makes a difference at every campus when you come here and when we all feel that we are working for the same thing which is to provide the nation’s best education for our North Carolina residents and for other people who need our services and we are certainly committed to doing that as my remarks today will show in terms of how we are serving our students.

Let me start today with a little bit of good news about East Carolina University. My favorite phrase is that “it is a great time to be a pirate” and it certainly is a great time to be a pirate. I think Saturday night at 9:00 will be an even greater time to be a pirate. We look forward to the events there.

Six of us, as many of you know and many of you have asked questions about, recently returned from Oxford University and I just want to spend a minute there because of a couple of things I noticed. The purpose of this trip was that we were one of seven universities invited to go to the second conclave of leadership in education and this particular conclave was on ethical leadership and the imperatives that we have to ensure that what we do in the
public university and how we lead is infused with the ethical standards. We were very happy that out of thirty seven applicants ECU was one of the seven public universities that were invited to attend there. Three administrators, myself, the provost and the vice chancellor for research and one of our faculty members, David Segall from higher education and two of our students who were juniors last year and are now seniors were also invited to come and that was about the standard entourage for every one of the universities and we spent a week with some very prestigious people in many conversations over how we can assure that our leadership is going in the right direction.

I won’t get into the full details of that conclave other than to say that we have continued our discussions here on campus and we take this imperative to be extremely important as to how we do things and other comments that I make today will show you our commitment, I think, to doing the right things at East Carolina University.

The most heartwarming aspect of this week at Oxford University, the university that has been in existence since the 13th century and I think many of the buildings and especially the residence halls that we stayed in were actually built in the 13th century but what a great experience that was. The best part of the experience was in my view the two students, Stephen and Otto who were the cream of the crop among about 25 students from seven universities. There were may other good undergraduate students there but the values that ours had, the education that they brought with them to this leadership conference, the leadership that they took among the other students and the ideas that they put forward and the respect that they earned during this week were just wonderful for a chancellor to see that kind of commitment so I congratulate through the provost everybody that made that possible and it reflects a great deal about the soul of this university that our students could show the great leadership that they did in that conclave. We are seriously considering an on-going participation in this because we think it is important but more importantly we will be making additions to our curriculum and our programs and our approach to how we think about ethics because of our commitment to this topic.

Let me mention some other elements of good news at this point.

On October 26, Dr. Deirdre Mageean, vice chancellor for research and graduate studies will announce the creation of the Center for Sustainable Tourism at East Carolina University. This will be a unique center east of the Mississippi focused on providing knowledge and expertise to every community in eastern North Carolina that has an opportunity to really expand tourism. It will be community based and community driven so that all communities will have access to the great faculty expertise that we have across many departments here related to business development, tourism, and all of the things that are related to it-service, research and the development of tourism.
expertise. Dr. Mageean thank you for your leadership on this. It is extremely important as we make a commitment to economic development that these kinds of programs go forward. We already make a tremendous difference to the economy of our region – we are a catalyst for that economy. The biggest impacts occur when our strengths are married to the needs and the opportunity of the eastern region and that’s what this center does. I think in her comments Dr. Mageean will say more about this center but I wanted to publicly acknowledge that when we had this opportunity, our leaders stepped forward to make a difference for the communities especially in the eastern part of the state.

I would also like to congratulate Mickey Dowdy who is new to ECU and has only been here a few months but has hit the ground running and has made many contributions. I just want to mention two of them but the entire organizational structure and the approach being taken in our advancement division is a brand new day. It is making a great difference. I am very pleased to note that he has secured $1.3 million from several local sources to contribute to endowed chairs in the East Carolina Heart Institute and if you are not aware of it, endowed chairs is how we ensure excellence moving forward to get the kind of faculty to ensure that this institute will be among the very best in the country. So Mickey saw the opportunity there, developed the relationships and moved quickly to move forward on this very significant beginning of getting private monies invested into this heart institute that was made possible by the generosity of the general assembly of North Carolina two years ago.

Secondly, because of Mickey’s leadership last meeting – last week – the ECU Foundation endorsed and actually expanded his concept of access scholarships. A concept that will add to many other capabilities we have to increase the affordability of our educational resources to North Carolina students who have the biggest need.

Mickey this is great work and this adds to many things that we have already done.

Let’s pause for just one moment and reflect a bit on the commitment that we are making to access and affordability at ECU. We have over 5,000 distance education students who are getting exactly the same curricula, faculty, and educational resources that our on campus students get but those distance ed students cannot be on our campus or any campus because of their life situations that don’t allow that. But they are getting the degrees; they are getting the skills, getting the competencies. That is a huge benefit to the economic development of those communities to ensure that those people skills and competencies are being upgraded so that they can be productive members of the workforce. What a service that program is to those people who cannot be residential students but in most cases the economies of the
local region have mandated that they get new degrees, new skills, and new competencies.

Let me also emphasize on this same point what we did with our campus based tuition from last year. We set aside over 70% of the campus based tuition for need based and middle income scholarships for our students. This percentage was by far the biggest set aside for access and affordability of any of the 16 constituent institutions. The next highest was 55%. So I appreciate the hard work that went into that and we foreclosed some other opportunities to ensure that we were making good in our commitment improve the access and affordability to our students. I appreciate the great leadership of Mr. Seitz and our Provost Smith in making sure that this occurred.

I also want to congratulate in an entirely different sphere Coach Holland and Marilyn Sheerer, who could not be with us today, for the tremendous work that they did between the first football game that I missed and the West Virginia home football game. As many of you know we had some difficulties in our stands. Some of our very supportive student sections in our stands were being perhaps less than complimentary to our guests as they should have been and that became known to us and when the full scope of that became known to us Coach Holland and Marilyn Sheerer, Chief Stroud—who is here – and many others, stepped up to take the leadership role. I have received over 30 emails from the West Virginia game about how great and welcoming our fans were to the West Virginia fans, how well they were treated and how supportive our students and our fans were at the game but also how respectful they were of the people that came in here and that’s what we want to happen. We want everybody to feel welcome here and then we want to beat the tar out of them at the football game. We didn’t quite get that done against West Virginia but give us one more year there and I think we will be ready to do that.

To everyone that was associated with making that huge transition from the first game to the second game, that was about values. Our people stepping forward and identifying what the right thing to do was – and we got it done. It wasn’t perfect—we had a few incidents as you always have when you get 40,000 people together but there was a huge difference between the first game and the second one. I appreciate the leadership Coach that you and your whole staff evidenced to make sure that happened.

Let me talk for a second about research because when I came here then President Molly Broad told me that was the biggest single weakness she saw in East Carolina University. I was told by some people when I came here that East Carolina could never be a research campus and I disagreed with that. I found in a national search a truly great leader for a research enterprise. She is here with us today and we are making great strides in research. It is not at the cost of great teaching and great service which are very much at the heart
of East Carolina University. They are because it is part of the mission of the public university to ensure that we are doing that well.

Recently Dr. Ronald Cartwell was awarded a prestigious and highly competitive grant from the National Institutes of Health. It’s called an RO 1 grant – extraordinarily hard to get and years ago they had a 15% hit rate so 85% of them were rejected. I don't know what the hit rate is this year, perhaps Dr. Mageean does but this is a four year grant giving East Carolina University over $700,000 to study one of the most important illnesses that affects obesity and diabetes affecting the eastern part of the state so drastically and most importantly I think this grant addresses why some groups of people are more susceptible to those diseases than other groups of people are and that is especially the case in eastern North Carolina. So once again our expertise is being related to some of the major needs of our region. Thank you Glen Gilbert, Dean Gilbert and all of the faculty who contributed to that.

Just a few days ago we learned that the College of Human Ecology received a $2.8 million grant from the Department of Health and Human Services emphasizing the readiness of our National Guard families and our reserve families to meet the expanding challenges of military service today. Congratulations to that College and especially to Professors Linda Robinson and Betty Carroll who were the principal investigators of this. This will be a huge benefit we think to our military who do so many things for our society and it is also evidence that in every one of our colleges that we are making substantial advances not only in what we are doing but in how we are relating our priorities to the needs of our state and the needs of our region.

Let me say just a minute about budget because it’s that time of the year and because Mr. Souza and Mr. Phillips can help us a tremendous amount so don’t let them leave today without really getting them aside and reinforcing our needs on this. We have had great support from the Board of Governors in my two and one-half years here as we have from the General Assembly and we appreciate that. Last year was perhaps the best year ever for higher education and a lot of that has to do with the ability of Erskine Bowles to get 16 chancellors working together – it is like herding cats – and somehow he is able to do it in a way that I have not seen in any of the other state systems that I’ve been involved in. So we appreciate that greatly and we will be aggressive this year in trying to pursue our priorities. At the same time, I want everyone here to know that the theme in our leadership this year for budgeting is self-reliance. We know that we have to secure more funds from every one of the major sources we have in order to be as good as we need to be in all of our programs. We are doing that in many ways. The research that I just mentioned certainly is a significant part of that. We will generate certainly over $40 million of funded research this year, perhaps $50 Dr. Mageean, and I hope before long over $100 million of funded research. I just
drive her crazy when I specify those things but there is no reason why we can’t get there.

We also know that private giving must be increased radically. Mickey knows this. When he came here I said, “Mickey, our expectations for you are unreasonable and perhaps cruel and unusual” and I think he has found out that those expectations remain and he is stepping up to that challenge so we will certainly do our part in a great Centennial campaign starting in 2007 that will make a huge difference.

We are also working very hard with our partners because some of our partners must make a bigger contribution to the joint enterprises that we have and that will be a continuing theme. We also know that a culture of giving is absolutely essential in many of the activities of this Board with the fountain and other giving is critical to that. The work that the foundation has done in access scholarship will make a huge statement to many of our other constituencies because every one of the constituencies of East Carolina University will be asked to make that contribution. We are also very active participants through Kevin Seitz and Henry Peel and many other people in the President’s initiative on effectiveness and efficiency. This is a very significant opportunity to not only reduce duplication and to consolidate but to put our money in those core functions that make the most difference. Those core functions of teaching, research, service and economic development. We have already identified many areas where this is happening and we expect to be a leader in assuring the efficiency of our operations so that no one in the state can question whether or not we are spending our money in the right ways.

Let me move now if I may, Chairman Showfety to strategic planning. I will pause here and ask if there are any questions from the Board on what I have said at this point. (There were no questions.)

Linda is passing out a document if you don’t already have it in your folders on the process of strategic planning. I would like for you not to look at those yet because I want to say a few things first.

Our objective is to have a useful strategic plan that identifies our priorities and puts our resources where we say our priorities are going to be. If we can’t do that, we will stop the strategic planning process but we have been engaged in the prioritization process virtually every month since I came here and that’s what this is about. This is not about a glossy document. We are not even close to a glossy document. This is about ensuring that we have all identified what our priorities should be. We have defined this university in the best way we can and then we have identified how we will ensure that the fiscal resources are available to ensure the excellence of those priorities. There is no other way to proceed into the future than to define our university in the right way and make the biggest difference that we possibly can. We
have a huge opportunity to design our own future. East Carolina University is poised to explode in the next five years. We already have over 24,000 students and 1,200 new students this year according to our almost final figures. That would be the most new students of any campus in the system. We have great new leadership, our research is doubling every year – perhaps more than that Deirdre – our private giving is increasing. There is no barrier to what we can achieve in the future if we are all together on what the definition of this University is and what our priorities are. That is the opportunity we have in front of us. This is not something a chancellor can do but it is something an administration and a board can lead and then to get every element, every constituency of this university on the same page with respect to the broad 30,000 foot picture of what kind of university we need to be in the future.

The role of the Board – and this is critical – Mr. Tipton frequently asks me what is the best thing I can do. What is the role of the Board, how can we make the biggest difference. Mark, this is certainly one of the areas where the Board can make a huge difference. Not the only area but if the Board and the administration agree to the strategic directions that we are taking, and the strategic framework that we are about to talk about, it will make all of the difference in the world. If we can agree on that – and whether it is today or in two weeks or in four weeks – I’m not going to give you more than four weeks, it doesn’t really matter about that but the rest of the community once we do agree, it sets free the rest of the community to really take that strategic framework and specify it and say how they will be great. Once we identify the priorities and the definition of the this university we will then take those priorities – every division, every department, every college and ask every one of those units to take those strategic directions and fill them out. Add the passion to them, add the programs, add the new doctorate programs, the masters’ degree programs, the ethical leadership programs that will make the biggest difference to this institution as we move forward.

So it’s not the purpose of this Board, in my view, to tell the department of political science – which is my discipline – how to do their strategic plan. As a matter of fact, that is something that the faculty and staff in that department with the deans of that area with overview by the provost must do. There must be that bottom up process but we must challenge them and we must review what they are doing so that political science, biology, occupational therapy, Brody School of Medicine, every one of our units is in line with what we are doing but also identifying how to be the best possible institution for this state that we can possibly be. That is what I am asking every unit in the university to do but it starts with the Board and it starts with the administration to ensure that we have defined the university the right way.
Now let me call your attention to the planning process. Mr. Showfety will not let me go through every page on this so I won’t do that but there are a couple of things about the process that are absolutely critical for you to know today.

The first is that the Board of Governors and Erskine Bowles are taking a serious look at our mission statements and that is entirely called for. Our past mission statement, while it has some excellent phrases in it does not speak to our internal or external audiences about who we are. We must change that. We will work in great concert with the activities that are happening at general administration including work that Eva Klein and others are currently doing and we will spend the entire year ensuring that we are internally developing our mission statement but we are also coordinating it with what the general administration and the Board is asking all of the constituent institutions to do.

One of the most important things about our mission statement is that it will include what is distinctive and what is special about East Carolina University. That is hard to do because in part we are one of 250 doctoral granting universities in the country and we have certain commonalities with every one of those. We know that we must do teaching, research and service to be a part of that national system which is among the very best in the world. We don’t want to abrogate any responsibilities there. At the same time our mission will identify the distinctiveness we have and the commitments that we are making.

So our mission statements will be a work in progress. We don’t feel that we are ready to talk really about mission statements today in early October but you will see much more defined mission statements within a couple of months as we understand better the system processes on this.

The second really important part of strategic planning has to do with our strategic framework and our strategic directions. I would like to call your attention for just a moment to the first page of the handout which is called The East Carolina University’s Strategic Framework. If the Board can try to find that in the blue packet. This is something vital for your review and approval. It is not a final approval. It is, however, extremely important for you to say that this is the right direction for East Carolina to go because we cannot give the strategic directions to the deans and the provost and the vice chancellors and the department chairs until the Board has a level of comfort with the strategic directions that we have identified and I want to talk about each of them for a second in just a minute but what we need from the Board either today or this week or next week or Chairman Showfety if it’s better perhaps three members of the Board at your discretion to work with us to ensure that we’ve got the concepts right. What I am talking about here Board members is the concepts – not the wording – that is changed almost by the
day. It is not the details that go under them because we add to the details every day but it is the concept of those strategic directions that make the most difference if nothing else happens, which strategic directions must we ensure that we are excellent at.

Now I could go on and on about each one of these strategic directions not that any are finished – far from it. Not that any are articulated as well as we want it. We have been working for over two years to ensure that we’ve got the concepts correct. We have heard feedback from literally thousands of people on this. That feedback process won’t stop. The Board’s review will never be finished. It will occur at many places but we really need the Board to engage with us to ensure that these concepts capture the heart of the institution. When we get that done, then the rest of the process and the framework that is described in this packet and I won’t go into that but there are a lot of details there then all of these other things can move forward. So we are at a critical crossroads, Mr. Showfety, in finding a way – it doesn’t have to be today but it does need to be soon – in moving forward because it’s vital in how we spend our resources.

That’s probably more than you hoped I would say but it is very important to where we are so I thank you for your attention and I would be happy to answer any questions and the real tough ones as always, I will give to my provost. Thank you.

Mr. Showfety thanked the Chancellor his comments and remarked that they were very informative. The strategic plan is a critical element of the Board’s involvement with administration. Shaping the future is a big part of our action plan for this year. On campus and off campus people do not have a good picture of the role of the Board and what authorities the Board does and does not have so Mr. Showfety took the opportunity to ask John Durham to prepare a news article that would appear in one of the publications produced by the University speaking to our scorecard that we went over at our last meeting of activities of the Board.
Mr. Showfety asked to move directly into comments from our sister organizations and asked Doug Byrd, chair of the Board of Visitors to come forward and offer brief remarks.

Transcripts of the comments from Mr. Byrd, Mr. John Hudson (President of the Pirate Club), Brenda Myrick (President of the Alumni Association), Craig Souza (Vice Chair of the UNC Board of Governors) and Jim Phillips (Chair of the UNC Board of Governors) are available at the Office of the Assistant Secretary of the Board, 202 Spilman Building.

Mr. Showfety called on Mark Taggart, Chair of the Faculty, for his report. These comments are available at the Office of the Assistant Secretary of the Board on one line at www.ecu.edu/cs-acad/fsonline/speeches/bot.cfm.

Chairman Showfety thanked Dr. Taggart for his comments and recognized Professor Henry Ferrell for his historical perspective.

HISTORICAL MOMENT BY UNIVERSITY HISTORIAN

Professor Ferrell presented a report on the various seals and logos of East Carolina University at the request of Chairman Showfety. A transcript of these remarks is available from the Office of the Assistant Secretary to the Board.

Chairman Showfety thanked Henry Ferrell for his enthusiastic presentation and asked for the committee reports beginning with the Executive Committee.
COMMITTEE REPORTS and RECOMMENDATIONS

EXECUTIVE COMMITTEE REPORT

The following report items were approved by the full Board since the last meeting:

--Appointment of Dr. Larry M. Boyer, Director and Professor with Tenure in Academic Library Services;
--Lease Out Space in the old Laupus Library for Nine Months to Pitt County Memorial Hospital; and
--Settlement Agreement for Blount/Eastern Realty Company Property.

Mr. Showfety announced there were no action items from the Audit Committee and mentioned there was a meeting on September 22 with Stacie Tronto with a full agenda. Minutes from that meeting will be approved at the December 15th Board meeting. He mentioned that this committee has a priority from General Administration and he appreciated the time and effort Mrs. Tronto had put into it.

Chairman Showfety asked Mr. Brody for any action items from his committee.

ACADEMIC AFFAIRS and STUDENT LIFE COMMITTEE REPORT

Committee Chair Brody stated there were no action items.

ADVANCEMENT and NAMING COMMITTEE REPORT

Committee Chair Bodenhamer said there were no action items but he had a few comments and asked for an organizational chart to be passed out while he asked for approval of the committee minutes.

Mr. Lucas moved approval and Mr. Tipton seconded the motion. It carried with no negative votes.
Mr. Bodenhamer stated there were currently 11 new positions and 7 open positions in the division for a total of approximately 50 employees. He stated at the meeting yesterday Mr. Dowdy shared a detailed report of the 2007 goals of university advancement and the university foundations. The overall development for next year is $20 million and what’s more important is that there will be a personal goal of 100 face to face meetings of donors and potential donors by Mickey. All of the divisions are reporting to Mr. Dowdy and his organizational skills have proven to be excellent and plans are being fine tuned. Mr. Bodenhamer asked for Mr. Dowdy’s comments.

Mr. Dowdy began by saying at the July Board meeting he commented that he was excited to be here – and he still is. It’s a great time to be a Pirate! The theme of the division, however, has been orienting people to the division and to the work of the university, recruiting new individuals and at the same time taking advantage of the opportunities they have and raising some dollars. The Chancellor has commented that he has high expectations and Mr. Dowdy concurs that it is all about results. He accepts those challenges and looks forward to reporting to the Trustees regarding that progress on a regular basis. Some wonderful gifts have been received in the last 90 days which is indicative of the good work all across campus. He looks forward to the Centennial Campaign and involving the ideas and priorities of the Trustees so that when the campaign is concluded it will have a tremendous impact for the university.

Mr. Bodenhamer asked for questions and Mr. Tipton asked to make a comment.

Mr. Tipton stated he felt much like Mr. Bodenhamer did – that Mr. Dowdy has made a tremendous difference in a short amount of time. He reminded the Board that on October 19th there would be a web cast which is the first in a series that includes leaders of the housing industry and gave kudos to Sharon Hamilton of Mr. Dowdy’s office for her expertise and hard work. He asked anyone that could attend this program to come and stated the residential side of the housing industry needs 60,000 management type employees every year. He further stated that the 158 spring graduates had at least 1.5 job offers per student at an average starting salary of $46,000. ECU has been chosen by the National Housing Endowment as the gold standard for the housing industry for all of the universities throughout the country on construction management.

Mr. Bodenhamer stated that concluded his report.
ATHLETICS COMMITTEE REPORT

Chairman Showfety asked Committee Chair Ward for any action items from her committee. There were none.

FINANCE and FACILITIES COMMITTEE REPORT

Mr. Showfety asked Committee Chair Kelly for any action items. There were none.

HEALTH SCIENCES COMMITTEE REPORT

Committee Chair Hill reported that they had their committee meeting yesterday for three hours and wanted to share a chart referencing the medical school to show what ECU could do with a dental school. Mr. Hill stated he had no action items but did need approval of the minutes. Mr. Redwine moved approval and it was seconded by Mr. Austin. The motion carried with no negative votes.

Mr. Brody asked to make a comment regarding a task Mr. Hill had assigned him with the steering committee and he wanted to commended Kevin Seitz and Chris Collins publicly for the amount of time and dedication they have put in. He also requested that Jim Phillips be reminded that ECU is not being treated fairly when it comes to indigent care. We are being asked as an institution to take care of this population and it is not being asked of Chapel Hill or any other medical school.

RESEARCH, ECONOMIC DEVELOPMENT and COMMUNITY ENGAGEMENT REPORT

Mr. Showfety asked Mr. Butler for any action items in Committee Chairman Greczyn’s absence. There were no action items but he did state the
minutes for July and October would be available for approval at the December meeting. Dr. Deidre Mageean had a report for the Board but Mr. Butler asked her to make brief comments instead.

Dr. Mageean shared the figures from the first quarter and compared them to last year to assure everyone that we were on the right path. For the time period of July – October the research awards are $9.655 million to $14.606 million – an increase of 51% and the proposals the faculty are putting in are up 64%. A workshop was held yesterday regarding grant writing and she has been told two years ago they might have had 20 participants. Yesterday they closed the doors at 82 and had to turn people away. This is indicative of the change in our culture.

The Milliken Report came out this year and for every million dollars in research at ECU, we rank third in the country in the number of patents issued, sixth in the number of inventions, and sixth in the country in the number of start up companies. Not only are our numbers good, but the way we apply them is as well. She left the Trustees with the thought that we are working towards the $100 million that the Chancellor would like!

Mr. Butler commended Dr. Mageean and her team on a job well done.

OLD BUSINESS

Chairman Showfety asked Mr. Lucas for a report from the Committee on Committees in Mr. Greczyn’s absence.

Mr. Lucas stated the committee consists of Mr. Greczyn, Mr. Butler, Mrs. Lucas, Mr. Tipton and Mrs. Ward. A meeting was held a few weeks ago in which the on-going suggestions were reviewed. There are basically two items to consider. (1) the committees themselves. Committees from other institutions were viewed and it seems reasonable to decrease the number of committees that we presently have. Of course this means that their duties will be expanded and the committee is presently working on what their duties will be. It is hopeful that this will be presented to the Board in December.

The Board meetings themselves were also discussed and it was proposed that the dates should be announced at least a year in advance with committee meetings taking place between the full Board meetings. Having so many people meet at one time may prevent everyone speaking in the interest of time. Better interaction with administration would also be a plus. Mr. Lucas used the example of Finance and Facilities meeting in between dates due to their heavy schedule of topics. This way the topics can receive the
attention they deserve. You could also be hooked up by conference call. The bulk of the work of the Board is done in committee meetings so they need to be as convenient as possible.

Mr. Showfety hoped that the Trustees that had some term remaining would give this new format – if approved – a try. He did caution not to have too few committees with too many topics. He stated he had attended other Board meetings and was pleased to note that our Board members know much more about what is going on saying we are an “engaged” Board.

Mr. Lucas responded that presently they are looking at committees going from eight to six.

Mr. Brody asked if the Board of Governors had any say in any of these decisions and that he had mentioned to President Bowles when he first saw him that there was no manual of best practices to assist a new Trustee. It appears to him that Boards across the system do things quite differently and in terms of assuring good governance within the institutions perhaps it would be helpful to have a protocol set.

Mr. Phillips, Chairman of the Board of Governors, agreed that was a good point but he did not want to tell another institution how to run their business but having a suggestion of minimum requirements or best practices seems like a good idea. He will follow up on it.

Mr. Brody stated at the interviews for the Vice Chancellor of Finance, he asked each applicant how the budget process worked and what he heard was that there was no consistency. He also stated that some committees are more intense than others.

Mr. Showfety said he saw this project as a refinement of using everyone’s time more wisely. He asked that the minutes from the meeting be distributed to the Trustees and that anyone with any type of input convey it to a committee member by tomorrow. He hoped to get closure of this at the next stage.

OLD BUSINESS

Chairman Showfety asked Mr. Durham for a quick background on the police jurisdiction topic.

Mr. Durham reminded the Board they had approved an agreement for extended jurisdiction and increased cooperation with the City of Greenville in
February. With the hiring of a new police chief there were minor changes to be made to the agreement, which has been approved by the Greenville City Council. University Attorney Wetherington and Chief of ECU Police Stroud are here to answer any questions.

Hearing none, Chairman Showfety asked for a motion for approval.

Mr. Kelly moved for approval of the Revised Agreement for Police Cooperation and Campus Law Enforcement Agency Extended Jurisdiction between ECU and the City of Greenville as presented. (See Attachment A)

Mr. Butler seconded the motion and it carried with no negative votes.

NEW BUSINESS

Chairman Showfety had asked Kevin Seitz for a presentation on Conflicts of Interest but in the interest of time, asked for a brief overview. Basically Mr. Seitz asked the university attorney to research the renegotiation of the Blue Cross Blue Shield agreement to be sure there was not a conflict of interest due to the CEO of BCBS, Bob Greczyn, being on the ECU Board of Trustees. There is a Board of Governors’ policy regarding dual memberships and conflicts of interest which states Board approval is needed before the contract can go forward based on three criteria. The criteria are: 1) the renegotiation of the contract is financially advantageous to the University, 2) that the goods and services are demonstrated to be unique, and 3) that the contract is a continuation of a contract that was in effect before the person with substantial interest became affiliated with the University. Mr. Seitz
believes we have met the criteria and Mr. Greczyn has signed a letter stating he will not be involved in the negotiations.

Mr. Kelly moved that in compliance with Chapter 200.1 of the UNC Policy Manual entitled Dual Memberships and Conflicts of Interest, I move that based upon a careful review we determined that renegotiating the continuation of the master physician agreement between ECU and Blue Cross Blue Shield of NC constitutes permissible activity despite BOT vice chair Bob Greczyn’s substantial interest in Blue Cross and Blue Shield. This approval is under the condition that Mr. Greczyn 1) will not participate in administering the renegotiation or continuation of the agreement and 2) not attempting to cause or influence the university to renegotiate the continuation of the agreement and 3) not attempting to influence the renegotiation of the agreement, specifications or contracting clauses for the agreement. This approval was based upon our determination that the agreement is in the best interest of the university because 1) it has financially advantageous terms and 2) the goods and services to be provided are unique and 3) the contract is a continuation of a contract which was in effect before Mr. Greczyn became affiliated with ECU.

Mr. Bodenhamer seconded the motion it carried with no negative votes.

Mr. Showfety drew attention to the Centennial Calendar and reminded the Trustees they were invited to any and all events. This calendar will be updated and will be posted on the ECU website. He then continued the use of
“New Business” as an open forum for each of the Trustees to offer any comments and asked Cole Jones to go first.

Mr. Jones passed out some favors on behalf of Student Government and stated this year was his second term and last year was a revamping year, including the establishment of a new constitution. This year they have been able to reap the benefits including having a student elected to ASG, the Association of Student Government which covers the 16 campus area. He stated how proud he was of his team and all that they have accomplished.

Mr. Austin had no comments. Mr. Tipton thanked Craig Souza and Jim Phillips for taking the time to come to Greenville—it meant a lot to him as a Board member—especially since Mr. Souza was a mentor for him. He also wanted to say one more time that Steve Ballard was the right man for the job at the right time and he thinks he will take ECU to the next level.

Mr. Brody asked the Board’s indulgence to repeat one more time a comment from the Health Sciences Committee meeting, which is the medical school carries the load of indigent care in North Carolina with no help. ECU needs the Board of Governor’s assistance for some relief. Mr. Showfety added that our burden was a little more intense than other hospitals and Mr. Brody reminded the audience since we do not own the hospital we do not get state money or other money. The rules really work against us.

Mr. Bodenhamer had no comments. Mrs. Ward thanked everyone for being here and Mr. Kelly added the Chancellor, Deirdre Mageean, Austin Bunch and John Durham recently came to Dare County to speak about ECU
and they were very well received and got some good publicity—they were above the fold in the newspaper!

Mr. Hill also thanked Mr. Phillips and Mr. Souza for coming and to recognize that our meeting was a short one in their honor. Mr. Redwine had nothing to add except it was nice to see everyone again.

Mr. Butler had no comments and Mr. Lucas said that Mr. Phillips was a good attorney and a good friend and he thanked him for coming.

Mr. Showfety gave Chancellor Ballard the last word and hearing no further business, Chairman Showfety announced that the next full meeting of the Board would be Friday, December 15, 2006 with Commencement the next day.

The meeting was adjourned at 2:50 p.m.

_____________________________________
Stephen D. Showfety, Chairman

_____________________________________
Michael W. Kelly, Secretary

Minutes of the committee meetings are on file in the Office of the Assistant Secretary to the Board of Trustees and shall be retained for the term of this administration.
MEMORANDUM

TO: ECU Board of Trustees

FROM: Kitty H. Wetherington
University Attorney

Marilyn Sheerer
Interim Vice Chancellor for Student Life

SUBJECT: Agreement for Police Cooperation and Extended Jurisdiction

DATE: October 3, 2006

We respectfully request your approval for the Chancellor to sign the attached "Agreement for Police Cooperation and Campus Law Enforcement Agency Extended Jurisdiction" ("Agreement") on behalf of East Carolina University.

At your February 24, 2006 meeting, you approved an earlier version of the attached Agreement, which had been drafted by the City of Greenville. (We have included a copy of this previous Agreement, as well as the February 7, 2006 Memorandum from Gartic Moore and Kitty Wetherington to you regarding it.) Since your February meeting, we were informed by the City of Greenville that some changes needed to be made to the Agreement before the City of Greenville would execute it. Therefore, the Agreement before you now differs from the February 24th version in two substantive ways:

1. Section 1.6: The area of extended jurisdiction has been narrowed from the city limits of Greenville to the area described here.

2. Section 3.2: The final two subsections describing arrestable areas, §§ 3.2.3 (misdemeanor or traffic offenses occur in an officer’s presence) and §§ 3.2.4 (person to be arrested has a legal service requiring an arrest), have been deleted.

While the current version of the Agreement is not as broad as we had originally anticipated, we believe it will be beneficial to the University and the community as we continue to seek ways we can best serve the East Carolina University and Greenville communities.
Please do not hesitate to contact Marilyn Sheerer at (252) 328-6541, or Kitty Wetherington at (252) 328-6940, if you have any questions or concerns. (Please note that Interim Vice Chancellor Sheerer will not be able to attend Friday's meeting).

cc: Chief Robert Stroud

Attachments
AGREEMENT FOR POLICE COOPERATION AND
CAMPUS LAW ENFORCEMENT AGENCY EXTENDED JURISDICTION

This Agreement is between the City of Greenville, a municipal corporation organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “City” and East Carolina University, a constituent institution of the University of North Carolina as designated by N.C.G.S. §116-4, hereinafter referred to as the “University.”

WHEREAS, the City, pursuant to NCGS §160A-281 and §160A-285, has organized and maintained an accredited City Law Enforcement Agency with territorial jurisdiction and all law enforcement powers as authorized by statute, case law, and the common law of the State of North Carolina within the corporate limits of the City of Greenville; and

WHEREAS, the University, pursuant to NCGS §116-40.5(a) has established an accredited Campus Law Enforcement Agency with territorial jurisdiction and law enforcement powers as provided by statute; and

WHEREAS, the City and the University have a close working relationship in the function of law enforcement, which both desire to maintain; and

WHEREAS, the City and the University recognize the need of the Campus Law Enforcement Agency to have an extension of law enforcement authority beyond the boundaries of the campus and other buildings, and property leased by the University as provided by NCGS §116-40.5(b); and

WHEREAS, the City Council has authorized the City Manager to enter into this Agreement to provide a limited extension of the jurisdiction of the Campus Law Enforcement Agency and the Board of Trustees of the University has authorized the Chancellor to enter into this Agreement to provide a limited extension of the jurisdiction of the Campus Law Enforcement Agency;
THEREFORE, in consideration of these mutual interests, NCGS §116-40.5(b) and NCGS §160A-288, the City and the University agree to the following:

1.0 Definitions.

1.1. "Campus" shall mean all property owned and/or leased by the University within the corporate limits of the City of Greenville.

1.2. "City Law Enforcement Agency" shall mean the Greenville Police Department.

1.3. "Head of City Law Enforcement Agency" shall mean the Chief of Police of the City of Greenville.

1.4. "Campus Law Enforcement Agency" shall mean the East Carolina University Police Department.

1.5. "Head of Campus Law Enforcement Agency" shall mean the Chief/Director of East Carolina University Police.

1.6. "Campus Law Enforcement Agency Area of Extended Jurisdiction" shall include the areas as bounded by the area including the streets BEGINNING at the North side of the Tar River where the Greene Street Bridge crosses the Tar River down Greene Street in a southerly direction to Reade Circle then in an ESE direction to Cotanche Street and continuing down Cotanche in a southerly direction until it becomes Charles Blvd, then along Charles Blvd, to S.E. Greenville Blvd, thence along S.E. Greenville Blvd in a northerly direction until S.E. Greenville Blvd becomes NE Greenville Blvd across the bridge located on the road currently designated as the Highway 264 Bypass to the North side of the Tar River thence along the Tar River in a western direction to the bridge at Greene Street, the point of beginning. See Exhibit A which is attached and incorporated herein by reference as if fully set forth herein.

1.7. "Primary Responsibility" shall mean the responsibility to initiate and conclude an investigation with the assistance of the City Law Enforcement Agency.

1.8. "Mutual Aid Agreement" shall mean that agreement in effect to provide temporary assistance pursuant to N.C.G.S. §160A-288.

1.9. "On-Duty" shall mean the period of time immediately before an officer's scheduled work period, when the officer is driving to work. It also includes the period of time immediately following an officer's work period when the officer is driving from work. An officer must be in radio
contact with the department and must be in uniform with all equipment available in order to be considered on-duty.

2.0 Responsibilities for Campus Law Enforcement Agency and City Law Enforcement Agency for Offenses Committed on Campus.

2.1. The City Law Enforcement Agency shares with the Campus Law Enforcement Agency the authority to investigate offenses committed on campus.

2.2. Notwithstanding the provisions of paragraph 2.1, the Campus Law Enforcement Agency maintains the authority and primary responsibility to investigate offenses committed on campus.

2.3. Notwithstanding the provisions of paragraph 2.1, the City Law Enforcement Agency maintains the authority and primary responsibility to investigate offenses committed within the Campus Law Enforcement Agency Area of Extended Jurisdiction.

2.4. Notwithstanding the provisions of paragraph 2.1, the City Law Enforcement Agency has the primary responsibility for investigating parking violations occurring on City streets adjacent to the Campus.

2.5. Notwithstanding the responsibilities described in paragraph 2.2, the Head of Campus Law Enforcement Agency, exercising discretionary authority, may request the assistance of the City Law Enforcement Agency in investigating any offense committed on the Campus. This provision has no effect on the obligation of the Campus Law Enforcement Agency to notify the State Bureau of Investigation as required by statute, regulation, directive or policy.

2.6. Notwithstanding the primary responsibilities described in paragraphs 2.3 and 2.4, the Head of the City Law Enforcement Agency, exercising discretionary authority, may request that the Campus Law Enforcement Agency assume full responsibility for investigations of any offense, and the Head of the Campus Law Enforcement Agency, exercising discretionary authority, may accept such responsibility.

3.0 Extension of Authority of Campus Law Enforcement Agency Beyond Campus.

3.1. The Campus Law Enforcement Agency shall have primary authority for the investigation of offenses as described in paragraph 2.2 although such investigation may require that officers of the Campus Law Enforcement Agency to make inquiries and arrests beyond the perimeter of the Campus in the following cases:
3.1.1. An offense committed on Campus for which the suspect or alleged perpetrator is no longer present on campus, whether or not officers are in active or immediate pursuit; and

3.1.2. An offense alleged to have been committed by a University student in off-campus buildings occupied by students by virtue of their association with an organization given formal recognition by the University Administration.

3.2. When on-duty, officers of the Campus Law Enforcement Agency will have police authority beyond the Campus and within the Campus Law Enforcement Agency Area of Extended Jurisdiction as defined in paragraph 1.6 in the following areas:

3.2.1. The officer has probable cause to believe that the person to be arrested has committed a felony, or

3.2.2. The officer has probable cause to believe that the person to be arrested has committed a misdemeanor in or out of the officer's presence and has probable cause to believe that one of the following conditions exists:

   3.2.2.1. The person to be arrested will not be apprehended unless immediately arrested, or

   3.2.2.2. The person to be arrested may cause physical injury to self or others unless immediately arrested, or

   3.2.2.3. The person to be arrested may damage property of another unless immediately arrested, or

4.0 Privileges, Rights and Immunities

4.1. While acting in a law enforcement capacity within the corporate limits of the City of Greenville's jurisdiction under the authority of N.C.G.S. §116-40.5(b) and this agreement, officers of the Campus Law Enforcement Agency shall have the same powers, rights, privileges, and immunities (including those relating to civil actions and payment of judgments) as officers of the City Law Enforcement Agency, in addition to the powers the officers normally possess.

4.2. The City of Greenville, its managers, officers, directors or employees make no assumption of liability or waiver of any sovereign for the actions taken by the officers of the Campus Law Enforcement Agency while such officers are acting in a law enforcement capacity within the
corporate limits of the City of Greenville’s jurisdiction under the authority of N.C.G.S. §116-40.5(b) and this agreement.

4.3. The University, its governing board, officers, agents and employees make no assumption of liability or waiver of any sovereignty for the actions taken by the officers of the City Law Enforcement Agency within the corporate limits of the City of Greenville’s jurisdiction.

5.0 Terms and Amendments.

5.1. This Agreement does not supercede any mutual aid agreement between the City Law Enforcement Agency and the Campus Law Enforcement Agency currently in effect.

5.2. Any mutual aid agreement in effect on the effective date of this Agreement shall be read in conjunction with this Agreement and not contrary to the terms of such mutual aid agreement.

5.3. This Agreement shall be effective on the date last signed by a signatory to this Agreement.

5.4. This Agreement shall remain in force and effect until terminated by either party upon written notice. Such notification shall be effective upon date of receipt by the party not issuing the termination notice. All such investigations, citations, cases and actions opened by the Campus Law Enforcement Agency pursuant to this Agreement shall be completed by the Campus Law Enforcement Agency and so much of this Agreement as needed shall remain in effect until all such cases, investigations, citations, and judicial action are completed and closed.

5.5. The parties to this Agreement may amend this Agreement by written concurrence of both parties.

FOR AND ON BEHALF OF
THE CITY OF GREENVILLE

Wayne Bowen
City Manager

DATE: 9-26-06

Attest: Wanda S. Elka
City Clerk

DATE: 9-27-06
This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Bernita Hemery
Director, Finance

DATE: 9/24/06

Approved as to form:

[Signature]
City Attorney

FOR AND ON BEHALF OF THE BOARD OF TRUSTEES
EAST CAROLINA UNIVERSITY

[Signature]
Chancellor

DATE: ____________________
MEMORANDUM

TO: ECU Board of Trustees
    Executive and Audit Committee

FROM: Kitty H. Wetherington
      University Attorney

Garrie Moore
Vice Chancellor for Student Life

SUBJECT: Agreement for Police Cooperation and Extended Jurisdiction

DATE: February 7, 2006

We respectfully request your approval for the Chancellor to sign the attached "Agreement for Police Cooperation and Campus Law Enforcement Agency Extended Jurisdiction" ("Agreement") on behalf of East Carolina University. This Agreement has been under consideration by the University for some time but, in light of recent events, its execution has become all the more relevant.

North Carolina General Statutes provide that campus police departments have jurisdiction on real property owned by or in the possession and control of the University they serve and on the "portion of any public road or highway passing through or immediately adjoining that property." East Carolina University has experienced significant growth over the last few years, and will continue to do so in the foreseeable future. As a result of this growth, the University currently owns or is in the possession and control of buildings in various parts of the city. For example, the Voice of America site is located several miles outside of the city limits west of the Brody School of Medicine, and there are plans for an Intramural Sports Complex that will be located several miles to the east of the city limits. Chief Stroud has shared with us that, as our officers patrol these areas and respond to calls, they are constantly traveling through areas in which they have no jurisdiction. At times, intervention by our police officers outside their jurisdiction is necessary to protect themselves and others. The proposed Agreement would help to mitigate this problem within the Greenville city limits. Other universities within the University of North Carolina have already executed agreements such as this one, including UNC-CH and UNC-Greensboro.

The proposed Agreement specifically allows for ECU police officers to make inquiries and arrests off-campus for crimes occurring on campus in two circumstances:
(1) For an offense committed on campus for which the suspect or alleged perpetrator is no longer present on campus, whether or not officers are in active or immediate pursuit; and

(2) For an offense alleged to have been committed by a University student in off-campus buildings occupied by students by virtue of their association with an organization given formal recognition by the University administration.

In addition, pursuant to the proposed Agreement, while on-duty, ECU Police Officers will have police authority off-campus in the following instances:

(1) The officer has probable cause to believe that the person to be arrested has committed a felony, or

(2) The officer has probable cause to believe that the person to be arrested has committed a misdemeanor in or out of the officer's presence and has probable cause to believe that one of the following conditions exists:

   (a) The person to be arrested will not be apprehended unless immediately arrested, or
   (b) The person to be arrested may cause physical injury to himself or others unless immediately arrested, or
   (c) The person to be arrested may damage property of another unless immediately arrested, or

(3) A misdemeanor or traffic offense occurs in the officer's presence and is in one of the areas defined in a specific geographical area (described in paragraph 1.6 of the Agreement), or

(4) The person to be arrested is subject to arrest due to an outstanding warrant, order for arrest, or other legal service requiring an arrest.

We believe that the proposed Agreement would be beneficial to the University and the community as we collaborate and seek ways we can best serve the East Carolina University and Greenville communities. Please do not hesitate to contact Garrie Moore at (252) 328-6541, or Kitty Wetherington at (252) 328-6940, if you have any questions or concerns.

Attachment
AGREEMENT FOR POLICE COOPERATION AND CAMPUS LAW ENFORCEMENT AGENCY EXTENDED JURISDICTION

This Agreement is between the City of Greenville, a municipal corporation organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “City” and East Carolina University, a constituent institution of the University of North Carolina as designated by N.C.G.S. §116-4, hereinafter referred to as the “University.”

WHEREAS, the City, pursuant to NCGS §160A-281 and §160A-285, has organized and maintained an accredited City Law Enforcement Agency with territorial jurisdiction and all law enforcement powers as authorized by statute, case law, and the common law of the State of North Carolina within the corporate limits of the City of Greenville; and

WHEREAS, the University, pursuant to NCGS §116-40.5(a) has established an accredited Campus Law Enforcement Agency with territorial jurisdiction and law enforcement powers as provided by statute; and

WHEREAS, the City and the University have a close working relationship in the function of law enforcement, which both desire to maintain; and

WHEREAS, the City and the University recognize the need of the Campus Law Enforcement Agency to have an extension of law enforcement authority beyond the boundaries of the campus and other buildings, and property leased by the University as provided by NCGS §116-40.5(b); and

WHEREAS, the City Council has authorized the City Manager to enter into this Agreement to provide a limited extension of the jurisdiction of the Campus Law Enforcement Agency and the Board of Trustees of the University has authorized the Chancellor to enter into this Agreement to provide a limited extension of the jurisdiction of the Campus Law Enforcement Agency; and
THEREFORE, in consideration of these mutual interests, NCGS §116-40.5(b)
and NCGS §160A-288, the City and the University agree to the following:

1.0 Definitions.

1.1. “Campus” shall mean all property owned and/or leased by the University
within the corporate limits of the City of Greenville.

1.2. “City Law Enforcement Agency” shall mean the Greenville Police
Department.

1.3. “Head of City Law Enforcement Agency” shall mean the Chief of Police
of the City of Greenville.

1.4. “Campus Law Enforcement Agency” shall mean the East Carolina
University Police Department.

1.5. “Head of Campus Law Enforcement Agency” shall mean the
Chief/Director of East Carolina University Police.

1.6. “Campus Law Enforcement Agency Area of Extended Jurisdiction” shall
include the areas bounded by Reade Circle where it intersects with Evans
Street on the west and then in a northerly direction along Reade Street to
Tar River and along the Tar River on the north to Cemetery Road,
excluding the cemetery, to the intersection of Fifth Street on the East and
along Fifth Street to the intersection of Tenth Street as the southerly
boundary and along Tenth Street to the intersection of Evans Street and
then in a northerly direction to the intersection with Reade Circle the point
of beginning. Also including the areas bounded from the intersection of
Tenth Street and Evans Street, proceeding in a southerly direction to
Fourteenth Street and then along Fourteenth Street to Elm Street,
excluding C.M. Eppes Middle School, then along Elm Street in a northerly
direction to Tenth Street, then along Tenth Street to the intersection with
Evans Street, the point of beginning.

1.7. “Primary Responsibility” shall mean the responsibility to initiate and
conclude an investigation with the assistance of the City Law
Enforcement Agency.

1.8. “Mutual Aid Agreement” shall mean that agreement in effect to provide
temporary assistance pursuant to N.C.G.S. §160A-288.

1.9. “On-Duty” shall mean the period of time immediately before an officer’s
scheduled work period, when the officer is driving to work from home. It
also includes the period of time immediately following an officer’s work
period when the officer is driving home from work. An officer must be in
radio contact with the department and must be in uniform with all equipment available in order to be considered on-duty.

1.10. "His or Him" shall mean and include both male and female gender designations.

2.0 Responsibilities for Campus Law Enforcement Agency and City Law Enforcement Agency for Offenses Committed on Campus.

2.1. The City Law Enforcement Agency shares with the Campus Law Enforcement Agency the authority to investigate offenses committed on campus.

2.2. Notwithstanding the provisions of paragraph 2.1, the Campus Law Enforcement Agency maintains the authority and primary responsibility to investigate offenses committed on campus.

2.3. Notwithstanding the provisions of paragraph 2.1, the City Law Enforcement Agency maintains the authority and primary responsibility to investigate offenses committed within the Campus Law Enforcement Agency Area of Extended Jurisdiction.

2.4. Notwithstanding the provisions of paragraph 2.1, the City Law Enforcement Agency has the primary responsibility for investigating parking violations occurring on City streets adjacent to the Campus.

2.5. Notwithstanding the responsibilities described in paragraph 2.2, the Head of Campus Law Enforcement Agency, at his discretion, may request the assistance of the City Law Enforcement Agency in investigating any offense committed on the Campus. This provision has no effect on the obligation of the Campus Law Enforcement Agency to notify the State Bureau of Investigation as required by statute, regulation, directive or policy.

2.6. Notwithstanding the primary responsibilities described in paragraphs 2.4 and 2.5, the Head of the City Law Enforcement Agency, at his discretion, may request that the Campus Law Enforcement Agency assume full responsibility for investigations of any offense, and the Head of the Campus Law Enforcement Agency, at his discretion, accept such responsibility.

3.0 Extension of Authority of Campus Law Enforcement Agency Beyond Campus.

3.1. The Campus Law Enforcement Agency shall have primary authority for the investigation of offenses as described in paragraph 2.2 although such
investigation may require that officers of the Campus Law Enforcement Agency to make inquiries and arrests beyond the perimeter of the Campus in the following cases:

3.1.1. An offense committed on Campus for which the suspect or alleged perpetrator is no longer present on campus, whether or not officers are in active or immediate pursuit, and

3.1.2. An offense alleged to have been committed by a University student in off-campus buildings occupied by students by virtue of their association with an organization given formal recognition by the University Administration.

3.2. When on-duty, officers of the Campus Law Enforcement Agency will have police authority beyond the Campus and within the corporate limits of the City in the following areas:

3.2.1. The officer has probable cause to believe that the person to be arrested has committed a felony, or

3.2.2. The officer has probable cause to believe that the person to be arrested has committed a misdemeanor in or out of the officer’s presence and has probable cause to believe that one of the following conditions exists:

3.2.2.1. The person to be arrested will not be apprehended unless immediately arrested, or

3.2.2.2. The person to be arrested may cause physical injury to himself or others unless immediately arrested, or

3.2.2.3. The person to be arrested may damage property of another unless immediately arrested, or

3.2.3. A misdemeanor or traffic offense which occurs in the officer’s presence and is in the areas defined in paragraph 1.6, or

3.2.4. The person to be arrested is subject to arrest due to an outstanding warrant, order for arrest, or other legal service requiring an arrest.

4.0 Privileges, Rights and Immunities.

4.1. While acting in a law enforcement capacity within the corporate limits of the City of Greenville’s jurisdiction under the authority of N.C.G.S. §116-40.5(b) and this agreement, officers of the Campus Law Enforcement
Agency shall have the same powers, rights, privileges, and immunities (including those relating to civil actions and payment of judgments) as officers of the City Law Enforcement Agency, in addition to the powers the officers normally possess.

4.2. The City of Greenville, its managers, officers, directors or employees make no assumption of liability or waiver of any sovereignty for the actions taken by the officers of the Campus Law Enforcement Agency while such officers are acting in a law enforcement capacity within the corporate limits of the City of Greenville's jurisdiction under the authority of N.C.G.S. §116-40.5(b) and this agreement.

4.3. The University, its governing board, officers, agents and employees make no assumption of liability or waiver of any sovereignty for the actions taken by the officers of the City Law Enforcement Agency within the corporate limits of the City of Greenville's jurisdiction.

5.0 **Terms and Amendments.**

5.1. This Agreement does not supersede any mutual aid agreement between the City Law Enforcement Agency and the Campus Law Enforcement Agency currently in effect.

5.2. Any mutual aid agreement in effect on the effective date of this Agreement shall be read in conjunction with this Agreement and not contrary to the terms of such mutual aid agreement.

5.3. This Agreement shall be effective on the date last signed by a signatory to this Agreement.

5.4. This Agreement shall remain in force and effect until terminated by either party upon written notice. Such notification shall be effective upon date of receipt by the party not issuing the termination notice. All such investigations, citations, cases and actions opened by the Campus Law Enforcement Agency pursuant to this Agreement shall be completed by the Campus Law Enforcement Agency and so much of this Agreement as needed shall remain in effect until all such cases, investigations, citations, and judicial action are completed and closed.

5.5. The parties to this Agreement may amend this Agreement by written concurrence of both parties.
FOR AND ON BEHALF OF
THE CITY OF GREENVILLE

______________________________  DATE:____________________
City Manager

Attest: ______________________  DATE:____________________
    City Clerk

This instrument has been preaudited in the manner required by the Local Government
Budget and Fiscal Control Act.

______________________________  DATE:____________________
Director, Finance

Approved as to form:

______________________________
City Attorney

FOR AND ON BEHALF OF THE BOARD OF TRUSTEES
EAST CAROLINA UNIVERSITY

[Signature]  DATE: 2/8/16
Chancellor