



## Inside

### Mission, Vision statements

They are on p 2.

### Happy holidays

More seasonal offerings. p 2

### Gen ed goals

Revising mission and learning goals. p 3

**Superbugs** That's the topic of next lecture at M'Coul's. p 5

**Snowing?** Read up on adverse weather policies. p 5

**Commencement Dec. 18** Dr. Annette Van will deliver address. p 5

**University contracts** Get the complete scoop. pp 7-8

## SECC Goal Shattered

See the big total for campaign, as well as Dr. Cindy Farris' message to the UNCG community. p 4



Detail from a 1931 holiday card in University Archives & Manuscripts' Anna M. Gove Collection. (See p 2.)

## Festive Holidays

*Enjoy choral concert, chancellor's holiday reception, luminaires*

Music and light should bring holiday delight over the next weeks.

*The Holiday Choral Concert* will feature five UNCG choirs at 4 p.m. Sunday, Dec. 7, at the First Presbyterian Church in Greensboro.

The concert features the UNCG Chamber Singers, University Chorale, Women's Choir and Men's and Women's Glee Clubs. The music showcases traditional and contemporary choral music. More than 200 voices will be heard during the concert. The audience can join the UNCG singers in such traditional favorites as "Joy to the World," "O Come, All Ye Faithful," and "Hark the Herald Angels Sing" in addition to other performed choral works.

"This concert is a wonderful way for the public to join the UNCG community in celebrating the vocal traditions of the season," said Dr. Welborn E. Young, director of choral activities and associate professor of music. "It's a wonderful holiday gift to the community from the School of Music."

All choirs will be featured together in a performance of Mack Wilberg's arrangement of

*"Angels We Have Heard on High."*

The First Presbyterian Church is located at 617 N. Elm St. The concert is free. No tickets are required.

*Holiday Reception* Chancellor Linda P. Brady will host her first Holiday Reception for faculty and staff from 4 to 6 p.m. Tuesday, Dec. 9, in Cone Ballroom of Elliott University Center.

*Luminaires* will light up the night from dusk to 10 p.m. that evening in the middle of campus in the Residence Hall Quadrangle, in the Student Plaza outside the Dining Hall and along Spring Garden and Aycok streets. Faculty, staff and visitors are invited to view the nearly 6,000 luminaires and join the UNCG community in welcoming the holidays.

Since the tradition began at UNCG in 1969, the number of luminaires has ranged from 3,500 to a high of 7,000. The tradition originated in Spanish and French Christmas customs. Over the years, nearly 1500,000 candles and white bags, along with approximately 12 tons of sand, are estimated to have gone into the event. This year, Order of Omega, the honor society for fraternities and sororities, is overseeing the project.

The luminaire display is traditionally held on Reading Day, closing out the semester.

See p. 2 for more holiday offerings.

## UNCG Vision Statement

The University of North Carolina at Greensboro will redefine the public research university for the 21st century as an inclusive, collaborative, and responsive institution making a difference in the lives of students and the communities it serves.

## UNCG Mission Statement

The University of North Carolina at Greensboro is

A learner-centered, accessible, and inclusive community fostering intellectual inquiry to prepare students for meaningful lives and engaged citizenship;

A research university where collaborative scholarship and creative activity enhance quality of life across the lifespan;

A source of innovation and leadership meeting social, economic, and environmental challenges in the Piedmont Triad, North Carolina, and beyond; and

A global university in which intercultural and international experiences and perspectives inform learning, discovery, and service.

## campus weekly

Deadline for news and attachments is noon the Wednesday before publication.

This issue as well as archived issues are available at [campusweekly.uncg.edu](http://campusweekly.uncg.edu).

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2,600 copies of this public document were printed at a cost of \$442, or \$.17 per copy.

*The University of North Carolina at Greensboro is a diverse, student-centered research university, linking the Triad and North Carolina to the world through learning, discovery and service.*



## Mission and Vision Statements Posted

By Dec. 15, each of the following groups will have been invited to endorse the UNCG Mission Statement and UNCG Vision Statement in the following order: Faculty Senate, Staff Senate, Student Government Association (by email), Deans Council, Strategic Planning Committee (SPC), Alumni Board (by email) and Executive Staff.

The statements (at left) were posted on the [uncgtomorrow.uncg.edu](http://uncgtomorrow.uncg.edu) web site Nov. 24, for review.

"Although endorsement of these groups is not required, we want to continue our tradition of involvement by campus leadership in such decisions," said Dr. Rebecca Adams, SPC chair. "We will forward the Mission Statement to GA (General Administration) in advance of the Jan. 15 deadline with a note that says that it will be considered for approval by the Board of Trustees at their Feb. 19 meeting."

Adams thanked Dr. Sue Stinson and her subcommittee for their hard work. "I know from personal experience that revising our vision and mission is one of the most challenging assignments a committee can be charged to complete and Sue's committee completed this task in a very short time period. Not only were they nimble and quick, they were inclusive, for which I am sure the entire campus community is grateful."

The Plan to Revise the P&T Guidelines and the Faculty and Staff Recruitment and Retention Response were submitted to General Administration by their Dec. 1 deadline for this part of the UNCT Phase II Response, Adams added.



## Holiday Exhibition

A seasonal display is in the Jackson Library/EUC Connector: "Holiday Sampler: Holiday Books and Greeting Cards."

The items are from Special Collections & Rare Books and University Archives & Manuscripts.

Items will rotate each week. It can be viewed through Jan. 5.

## EUC Holiday Social

Elliott University Center and the Office of Campus Activities & Programs invite faculty and staff to join in this festive gathering Thursday, Dec. 4, from 9:30-11:30 a.m. in Cone Ballroom, EUC.

**WINTER HOLIDAYS AROUND THE WORLD**  
THURSDAY, DECEMBER 4  
7 PM • EUC AUDITORIUM  
DANCE • MUSIC • FOOD  
SPONSORED BY MULTICULTURAL AFFAIRS  
CALL 334-5090 FOR INFORMATION

## Council Drafts New Gen Ed Goals

Internal and external reviews have found that the university's General Education Learning Goals, which were approved by the Faculty Senate in 2000, lack clarity for both students and faculty.

During a summer workshop sponsored by the General Education Council and the Office of Undergraduate Education, a diverse group of participants drafted a revised mission and learning goals. If adopted by the Faculty Senate, these goals would guide the 36- or 37-credit hour General Education Core.

Although the Faculty Senate could endorse the new goals this month, the goals and more specific learning objectives would not be finalized until the end of the spring semester. They would not be applied to course approval and recertification until spring 2010.

The council plans to consult with faculty to refine the goals and identify which general education goals (old or new) are delivered in each GEC category. The schedule for the GEC meetings will be posted in advance, and all faculty are encouraged to attend the meetings.

According to the draft, "Our General Education Program provides students with the foundational knowledge, skills, and values necessary to be ethical decision-makers, effective communicators and collaborative and engaged global citizens. The breadth of General Education empowers our students to thrive as life-long learners who lead personally fulfilling lives." The five learning goals in the draft are:

*Foundational Skills* Think critically, communicate effectively and demonstrate fundamental skills in information and quantitative literacy.

*The Aesthetic World* Understand the perception and expression of aesthetic experience as essential features of human interaction.

*The Natural World* Understand fundamental principles of mathematics and science, and recognize their relevance in the world.

*The Social World* Explain how historical, political, social and economic forces shape individuals, social groups and communities, in diverse contexts from local to global.

*Personal Development* Develop a capacity for active citizenship, growth and lifelong learning in a global society.

The current general education philosophy and requirements are in the undergraduate student handbook, which is available through the university web site.

The General Education Council is led by Lisa Tolbert, associate professor of history. For more information about the process or to comment, please contact Tolbert at [lctolber@uncg.edu](mailto:lctolber@uncg.edu) or 4-3987.

# looking ahead

## WEDNESDAY, DEC. 3

- 2 p.m. – Open house, Warren Ashby Residential College.
- 3 p.m. – Lecture, "The Transformation of Health & Healthcare in N.C.: Building a Foundation for Electronic Healthcare," Holt Anderson, Executive director, N.C. Healthcare Information & Communications Alliance, Maple Room, EUC.
- 3 p.m. – Faculty Senate Meeting, Virginia Dare Room, Alumni House.
- 4 p.m. – Media workshop, "Incorporating Mobile Multimedia into Everyday Life: Diffusion and Use of Mobile TV," Lee Seung-Hyun, assistant professor of media studies, Room 100, Ferguson Building.
- 7:30 p.m. – Music, Wind Ensemble, Aycock Auditorium, Tickets, 4-4849.

## THURSDAY, DEC. 4

- 10 a.m. – Staff Senate Meeting, Alexander Room, EUC.
- 4:30 p.m. – Workshop, Papermaking for Teachers, Weatherspoon. Free. Pre-registration required, 6-1449.
- 7 p.m. – Film, "Dreams with Sharp Teeth: A Film About Harlan Ellison," Weatherspoon. Free.
- 7 p.m. – Men's basketball vs. The Citadel.
- 7 p.m. – Performance, "Winter Holidays Around the World," EUC Auditorium.
- 7:30 p.m. – Music, Symphonic Band, Aycock Auditorium. Tickets, 4-4849.

## FRIDAY, DEC. 5

- Blue & Gold Day, wear your school colors.
- 4 p.m. – Talk, "After the Harvest: Carter's Fifth String Quartet and the Late Late Style," J. Daniel Jenkins (South Carolina), Collins Lecture Hall, Music Building.
- 5:30 p.m. – Art, Graduate Students' Group Show Reception, EUC Gallery.
- 7:30 p.m. – Music, University Symphony Orchestra, Aycock Auditorium. Tickets, 4-4849.
- 8 p.m. – Dance, Departmental Concert, UNCG Dance Theater. Tickets, 4-4849.

## SATURDAY, DEC. 6

- 10 a.m. – Art, Weatherspoon + Starbucks Front Porch Series, holiday art activity for kids and adults, Starbucks at Horse Pen Creek Road and Battleground Avenue. Free.
- Noon – Women's basketball vs. College of Charleston.
- 2 p.m. – Dance, Departmental Concert, UNCG Dance Theater. Tickets, 4-4849.
- 3 p.m. – Men's basketball vs. College of Charleston.
- 7:30 p.m. – Music, Liberace Quartet chamber ensemble, Recital Hall, Music Building. Free.
- 8 p.m. – Dance, Departmental Concert, UNCG Dance Theater. Tickets, 4-4849.

## SUNDAY, DEC. 7

- 1:30 p.m. – Music, University Band, Aycock Auditorium. Tickets, 4-4849.
- 4 p.m. – Music, Holiday Choral Concert, First Presbyterian Church, 617 N. Elm Street. Free.

## MONDAY, DEC. 8

- Exhibition opens, sculpture/ceramics show, through Jan. 24, Gallery at the Gatewood.
- 7:30 p.m. – Music, Baroque Ensemble, Organ Hall, Music Building. Free.

## TUESDAY, DEC. 9

- 11 a.m. – Fiction/Poetry Reading, Undergraduate showcase, Faculty Center. Free.
- Noon @ the "Spoon tour, "Art on Paper," Weatherspoon. Free.
- 4 p.m. – Chancellor's Holiday Reception for faculty and staff, Cone Ballroom, EUC.
- Dusk – Luminaires throughout campus, till 10 p.m.

## SATURDAY, DEC. 13

- 10 a.m. – Art, Weatherspoon + Starbucks Front Porch Series, holiday art activity for kids and adults, Starbucks at Horse Pen Creek Road and Battleground Avenue. Free.
- 1 p.m. – Women's basketball vs. Fordham.



Justin Tornow photo: Dave Krehl

## Graduate Students Unveil Dances Dec. 13

Eight graduate students in the Department of Dance will present an affordable evening of new works at 8 p.m. Saturday, Dec. 13, at Sloan Theatre of Greensboro Day School.

Tickets cost \$5 and can be purchased at the door. Ample parking is available at the school, which is located at 5401 Lawndale Ave. Support for the show has been provided by UNCG's Entrepreneurial Innovation in the Arts, a BELL initiative.

The show will feature original works by MA and MFA choreography candidates Amanda Diorio, Loren Groenendahl, Kelly Ozust, Melissa Pihos, Linda Sabo, Justin Tornow, Alison Williams and Tricia Zewier.

The choreographers are all under the instruction of Jan Van Dyke.

For more information, call 4-5570.

## Winter Holiday Temperature Setback

In an effort to save energy, Facilities Operations will be turning off air conditioning and setting back heat to approximately 55 degrees in the buildings starting on the evening of Dec. 23 and continuing through Jan. 1. Facilities Operations will send out an email to building contacts with more details. If you have questions, contact Steve Siler at 6-0436.

## SECC's Big Total

*\$287,407 at last count*

With a drum roll provided by Jason Buterin (Enrollment Services), members of the State Employees Combined Campaign's steering committee unveiled the total at the SECC solicitors' luncheon Nov. 19. The announced tally was very similar to the previous year's. The fact that this year's came in such a tough economy made the campus' generous spirit of giving quite impressive.

Dear Colleagues,

On behalf of the Steering Committee, thank you for your unwavering support of this year's SECC! The campaign results have once again demonstrated that UNCG employees can indeed be counted on – even during these challenging economic times.

As Campus Weekly goes to press the campaign total is \$287,407, well over our original goal of \$225,000. Checks and envelopes are continuing to be sent our way!

Participation in the SECC expresses in a tangible way the long-standing commitment of the UNCG family to helping others. Your support exemplifies UNCG's century-long motto of "service" and demonstrates the true spirit of this special community.

- Cindy Farris, Chair, 2008 SECC at UNCG

**SAVE THE DATE**  
**BLUE & GOLD DAY**  
**FRIDAY, DECEMBER 5TH**

The entire campus community is asked to show Spartan spirit Dec. 5 by wearing our school colors.

Lots of fun activities and giveaways will be in store for students, faculty and staff on Blue & Gold Day:

- Chancellor Brady will distribute "I Bleed Blue & Gold" T-shirts throughout the day
- Blue & Gold Lunch in the Caf
- Have your picture made with Sparty, our Spartan mascot
- Free raffle drawings for UNCG items
- Free coupons redeemable at various Dining locations

## Basketball Dunks and Deals

Join the Spartans on Thursday, Dec. 4, in Fleming Gym as the men's basketball team faces The Citadel at 7 p.m. A special ticket price of \$6 will be offered that day to all fans.

On Saturday, Dec. 6, the Spartans play a doubleheader against College of Charleston. Tickets good for both games are \$5 for adults, \$3 for kids and seniors. The women's basketball team takes the hardwood at noon. The men's team faces Coach Bobby Cremins and the Cougars at 3 p.m.. The men's game will be broadcast live on SportSouth. A free Blue & Gold tailgate will be held from 11:30 a.m. to 2:30 p.m., between games, at the Fountain.



# news&notes

## It's Snowing. Is UNCG Open?

UNCG will remain open during adverse weather conditions unless an administrative decision is made by Chancellor Linda P. Brady to change work and class schedules.

On days when adverse weather delays the opening of the university, faculty and students should proceed to classes that would be in progress, regardless of the campus reopening time. On Tuesdays and Thursdays, for example, if the university's opening is delayed until 10 a.m., then all 9:30 a.m. classes will begin at 10 a.m. and will end at their regularly scheduled time. Make-up of any missed classes or class time will be arranged at the discretion of the professor.

All members of the university community are urged to use caution while traveling to or from the campus during adverse weather conditions.

Students, faculty and staff can receive details by dialing three campus telephone numbers: Adverse Weather Line, 4-4400; Campus Switchboard 4-5000; and University Police 4-5963. Information also will be on the UNCG home page ([www.uncg.edu](http://www.uncg.edu)) and the UNCG Emergency Information page ([www.uncg-campus.info](http://www.uncg-campus.info)).

Details also will be available on the Triad's television stations. Some area radio stations, including WFDD-FM and WUNC-FM, also will have information.

The chancellor makes decisions on schedule changes in the early morning after consultation with Campus Police. Factors include an examination of campus conditions, and contacts with the National Weather Bureau, city, county and state police. Extreme weather conditions may prompt a decision the evening before.

Efforts are always made to provide the information as early as possible, and no later than 6-6:30 a.m. In most cases, if an announcement is not made by 6:30 a.m., UNCG will open on its regular schedule. Public announcements will be carried on television and radio only if there is a change in the schedule – they do not run "normal schedule" notices.

Staff and faculty with questions should call HRS at 4-5009. They are encouraged to visit the Human Resource Services web page to familiarize themselves with the adverse weather leave policy ([http://web.uncg.edu/hrs/PolicyManuals/StaffManual/Section5/Adverse\\_Weather/](http://web.uncg.edu/hrs/PolicyManuals/StaffManual/Section5/Adverse_Weather/)) and the adverse weather conditions table ([http://web.uncg.edu/hrs/PolicyManuals/StaffManual/Section5/Adverse\\_Weather/Adverse\\_Weather\\_Table/](http://web.uncg.edu/hrs/PolicyManuals/StaffManual/Section5/Adverse_Weather/Adverse_Weather_Table/)).

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## Young Women's Activism

*Symposium examines topic Dec. 5*

A symposium will consider the parallel histories of activism by young women at Bennett and UNCG, 2-5 p.m. Friday, Dec. 5, at the city's Central Library, 219 N. Church Street.

Presented by the Linda Arnold Carlisle Distinguished Excellence Professorship in Women's and Gender Studies at UNCG (formerly Woman's College), the symposium – Affectionate Interpretation: A History of Women's Civic Engagement at Bennett and UNCG – will look at that activism through the lens of overlapping histories of social justice work.

The student histories will include women's suffrage, Civil Rights and the student sit-in movement, and will be followed by a theatrical performance and discussion about future possibilities for collaboration between the two campuses.

The event includes a reception. For more information, contact the Women's and Gender Studies Program at 4-5673.

## Do You Blog?

If you or someone in your department or program has a blog, we want to know about it. Drop us a line at [campus\\_weekly@uncg.edu](mailto:campus_weekly@uncg.edu). Some blogs will be featured in a future issue.

## Goldwater, Udall Scholarships

There are scholarships for sophomores and/or juniors planning to do graduate work in mathematics, natural science, computer science or engineering. Details about these Goldwater Scholarships are at [www.act.org/goldwater](http://www.act.org/goldwater). Likewise, there are scholarships for those interested in environmental policy issues. Details on these Udall Scholarships are at [www.udall.gov](http://www.udall.gov).

The deadline for the Goldwater is Jan. 30, 2008, and for the Udall March 3, 2008. Students interested in either of these nationally competitive scholarships should email Dr. Pam McRae at [plmcrae@uncg.edu](mailto:plmcrae@uncg.edu) soon.

## Superbugs on the March

Science on Tap lectures take place the third Thursday of each month at M'Coul's on 110 W. McGee Street. They start at 8 p.m.

On Thursday, Dec. 18, Dr. Dasantila Golemi-Kotra (Chemistry and Biochemistry) speaks on "Superbugs: Our Contribution to the Evolution of Opportunistic Germs."

## Commencement Dec. 18

UNCG will hold commencement exercises Thursday, Dec. 18, at 10 a.m. in the Greensboro Coliseum, with Dr. Annette Van, assistant professor of English, as speaker.

Van's address will be titled "Curiosity." Last spring, she received the Alumni Teaching Excellence Award from UNCG. An associate professor in the Department of English, her teaching and research interests include the Victorian period, particularly the novel, critical theory and gender studies. She is working on a project that looks specifically at intersections between the Victorian novel and economic theory. She has also contributed significantly to the Women's and Gender Studies Program.

# campus people



Eddie Radwanski

**Eddie Radwanski** (Athletics) was named Southern Conference coach of the year for women's soccer.

**Dr. Michael Frierson** (Broadcasting and Cinema) presented his film "FBI-KKK" at the Visualizing Human Rights conference at the UNC Center for Global Initiatives on Nov. 15. The film is a documentary about Frierson's father, Dargan, an FBI agent in Greensboro during the 1950s and '60s, and his informant George Franklin Dorsett, the Imperial Kludd of the United Klans of America.



Dr. Michael Frierson

**Amy Harris** (Jackson Library) has co-authored a book, "Gaming in Academic Libraries: Collections, Marketing and Information Literacy," published by the Association of College and Research Libraries. It was co-authored by former UNCG librarian Scott E. Rice. This compendium is the first book on gaming in academic libraries and, as such, it will be useful to those building game collections, using games for marketing or public relations purposes and using games for learning and teaching.



Amy Harris

**Dmitry Sitkovetsky** is a Distinguished Visiting Artist at the School of Music. As a violinist, he has performed with a number of the world's leading orchestras including the Berlin, New York and Los Angeles philharmonic orchestras, Leipzig Gewandhaus, London Philharmonia and London Symphony. In 1996, he was appointed principal conductor and artistic advisor of the Ulster Orchestra for five years; in 2001, was conductor laureate; and from 2002-2005 was principal guest conductor of the Russian State Orchestra. In 2003, he was appointed music director of the Greensboro Symphony Orchestra.



Dmitry Sitkovetsky

**Nancy Callanan** (Genetic Counseling) received the Natalie Weissberger Paul Lifetime Achievement Award, the most distinguished honor within the National Society of Genetic Counselors (NSGC). The award reflects her three decades of professional contributions to the field of genetic counseling.

## Ashby Residential College Open House

Warren Ashby Residential College is having an open house for faculty and staff, Wednesday, Dec. 3, from 2-3:30 pm. There will be a meet and greet in Ashby Parlor of Mary Foust Hall for people interested in the Ashby College program.

Enjoy refreshments, meet students, faculty and staff, learn about Ashby Residential College and tour Mary Foust Hall and its living and learning areas.

For additional information, call 4-5915 or email [warc@uncg.edu](mailto:warc@uncg.edu).

## Affectionate Interpretation: A History of Women's Civic Engagement at Bennett and UNCG

Join us on Friday, **December 5 from 2-5pm at the Greensboro Central Library** for a symposium presented by students from UNCG and Bennett College to honor the civic action and achievement of students of Greensboro's women's colleges.



Panel presentations, stories, and performance depict students at Bennett and UNCG from the early twentieth century to today, highlighting women's work for social justice and community responsibility.

Refreshments will be served! Call 336-334-5673 for more info.

## Proposal deadlines for 2009-2010 Undergraduate Research Assistantships



Proposals are due **January 23, 2009, by 5 p.m.** for URA projects requesting support to begin in **SUMMER 2009**.

Proposals are due **March 20, 2009, by 5 p.m.** for URA projects requesting support to begin in **FALL 2009**.

Deliver proposals to: The Office of Undergraduate Research, 1613 Moore Humanities and Research Administration Building.

For more details, visit <http://www.uncg.edu/our/URA/URAindex.html>, call Adrienne Middlebrooks at 334-4776, or send email to [reseinit@uncg.edu](mailto:reseinit@uncg.edu).

## You Climbed Jackson Library?

With two of the three Jackson Library Tower elevators out-of-service until the end of the semester, the University Libraries decided to make the best of the situation by starting the "Healthy Heart Take-the-Stairs Challenge." To participate, you simply need to log the number of floors you climb on a "take-the-stairs" bookmark available at the Access Services desk in the library. All who turn in their bookmarks the week of Dec. 8 will receive a prize.

## Electronic Healthcare

The McDowell Research Center for Global Information Technology Management will sponsor a lecture by Holt Anderson, executive director, N.C. Healthcare Information & Communications Alliance.

"The Transformation of Health & Healthcare in N.C.: Building a Foundation for Electronic Healthcare" will be presented in Maple Room, EUC, on Wednesday, Dec. 3, at 3 p.m.

## UNIVERSITY CONTRACTS (What you need to know)

### What is a contract?

Any agreement may create a contract if it has three things:

- an offer to provide a good or service, or a promise to do something or to refrain from doing something,
- an acceptance of the offer, and
- "consideration" (i.e., the exchange of something valuable whether it be money, work, mutual obligations, etc.)

Additionally, the law requires that there be a "meeting of the minds" about the essential terms of the contract. Thus, if both parties are operating under a mutual mistake of fact about the contract, then there is no contract. For example, in a case where a buyer and seller were both mistaken about the amount of acreage contained in a piece of property they had agreed to transfer, the Court held that there was no "meeting of the minds" due to the mutual mistake of fact and, thus, there was no contract. Unilateral mistakes will not invalidate a contract unless they were induced by fraud.

### Can a verbal contract be enforced?

Yes!!!! A verbal agreement can be legally enforced. Also, never verbally agree to amend an existing contract. All University contracts and amendments must be made in writing and signed by a person with proper authority.

### What is a "University contract?"

Contracts that obligate the University's resources or personnel in any way are "University contracts." In general, agreements are not University contracts if they are entered into on behalf of a foundation (including those affiliated with the University), a student organization, or purely private interests. Purchase orders and invoices need not be approved by University Counsel; however, these documents may create a binding commitment on the University and are subject to purchasing regulations. If there is any question about whether an agreement qualifies as a University contract, please contact the University Counsel.

### Can you give me some examples of University contracts?

The kinds of contracts we see are extremely varied; however, some typical examples include:

- Instructional and internship agreements
- Agreements with hotels and conference centers
- License agreements for plays and musicals
- *Click-wrap agreements (see below)*
- Agreements with independent contractors
- Agreements with publishers
- Articulation agreements
- Donor agreements
- Material Transfer Agreements (MTAs)
- Event contracts
- Agreements for the use of University facilities
- Dormitory contracts
- Nondisclosure agreements
- Memorandums of understanding
- Mutual Aid agreements
- Personal service/consulting agreements

### Does UNCG have a policy about University contracts?

Yes, in addition to policies of the Division of Business Affairs (<http://www.uncg.edu/baf/polproc.html>), the **Policy on Contract Review and Approval** ([http://its.uncg.edu/Policy\\_Manual/Contract\\_Approval/](http://its.uncg.edu/Policy_Manual/Contract_Approval/)) requires that all contracts which will bind the University or any of its subunits must be in writing and reviewed by the University Counsel. The Policy also specifies who is authorized to sign contracts.

Contracts or agreements over \$5,000 must be submitted to Purchasing for review and approval. Once Purchasing has completed its review, the documentation will be submitted to University Counsel for final review and approval. Exceptions include, but are not limited to: (1) construction and design services; (2) real property transactions; or (3) appointment of personnel.

### Who is authorized to negotiate and sign contracts that bind UNCG or its units?

The new contracting policy states that as a general rule, only the Chancellor, the Provost, and certain Vice Chancellors have the authority to contract for the University. Anyone else who enters into a contract that

purports to bind the University or its subunits without a written delegation from one of those officers is acting without authority and can be held *personally liable* for the contract. For a complete listing of who is authorized to sign contracts please point your web browser to the following link: <http://purchasing.uncg.edu/contract/Contract%20Delegation%20Signature%20Authority.pdf>.

#### **Are there certain things that cannot appear in a University Contract?**

Yes, the North Carolina Attorney General has provided a list of prohibited clauses including:

- Indemnification clauses
- Hold harmless agreements
- Agreements requiring the University to purchase liability insurance
- Agreement to be bound by the laws of a state other than North Carolina
- Binding arbitration agreements
- Agreements to waive a statute of limitations
- Agreements to keep information confidential that would otherwise be a public record under State law

The University Counsel has a complete listing and routinely checks all contracts for those prohibited clauses as part of the approval process. When such a clause appears, the University Counsel will negotiate with the other party in an effort to reach agreement on removal or modification of the prohibited clause.

#### **Are there clauses which must appear in University contracts?**

Yes, but this varies greatly depending on the type of contract under review. Generally, all contracts should have a beginning and ending date, provisions for termination prior to the ending date, designation of the responsibilities/obligations of the parties, a schedule of payments (if applicable), nondiscrimination and equal opportunity statements, and signatures by authorized individuals or officers.

#### **Click-Wrap Agreements**

Software click-wrap, click-through, and/or automatic update agreements (collectively "click-wrap agreements") require a user to click "I agree" or "I accept" before the software or hardware can be installed. Under recent court decisions it has become clear that click-wrap agreements are legal and binding contracts and therefore are subject to the University contracting policy. Under University contracting policy, these agreements may only be entered into by someone who has authority to enter into a contract binding the University. The major problem with these agreements is that they commonly contain provisions that are prohibited by North Carolina law or policy. In order to assist the campus in addressing these problematic agreements, University Counsel will begin adding a statement to all written contracts associated with software or hardware purchases or acquisitions that specifically says the written contract overrides any subsequent click-wrap agreements. In addition, University Counsel maintains a list of all software or hardware products that have [approved click-wraps](http://www.uncg.edu/ucn/clickwraps/approved_clickwraps.html), at the following URL: [http://www.uncg.edu/ucn/clickwraps/approved\\_clickwraps.html](http://www.uncg.edu/ucn/clickwraps/approved_clickwraps.html).

If you encounter a click-wrap agreement, please do not click on it until the appropriate approval process has been completed. Anyone encountering a click-wrap should consult the approved click-wrap list first. If the click-wrap is not approved, the text of the agreement should be forwarded to University Counsel for review as you would any other contract. Please remember that anyone who enters into a contract that purports to bind the University without proper written delegation from the Provost or appropriate Vice Chancellor is acting without authority and may be held personally liable for the contract and all costs incurred thereunder.

#### **I have other questions that you haven't answered.**

Please contact the University Counsel's office at 334-3067 or [University\\_Counsel@uncg.edu](mailto:University_Counsel@uncg.edu).