CLAIM: After, the moderator asked participants to raise their hands if they had questions.
TRUE – there were approximately 30-40 people in attendance virtually

CLAIM: Trustee Kotis, whose name was “Marty Kotis” on Zoom
TRUE

CLAIM: with no profile photo
I was participating via my mobile on the Zoom App, so not sure how it appeared on others’ devices.

CLAIM: raised his hand to ask the first question of night.
TRUE – I raised my virtual hand and was called upon by the moderator.

CLAIM: He introduced himself as a “Trustee”
PARTIALLY FALSE – The moderator recognized me as Trustee Kotis and made a couple of introductory comments welcoming me. I acknowledged that the SBP is a fellow trustee.

CLAIM: and proceeded to ask how candidates would build relationships with the UNC Board of Trustees.
FALSE – I made a couple of comments complimenting the group of candidates and their willingness to serve the University and how well-spoken they were. My question, which I had also submitted prior to the debate was: “Given that the SBP is a voting member of the BOT, how would you plan to be an effective member of the BOT?”
The DTH reporter (Hannah Rosenberger @hannahgracerose) live tweeting the debate reported: “Board of Trustees member Marty Kotis asks all candidates how they would effectively work with the Board as a voting member during their time as SBP.”

In her thread she paraphrases and quotes the candidates responses and offers commentary:
   The SBP is an ex officio voting member of the Board of Trustees during their time as president.
   @phillips4sbp said he wants to ensure that there are listening opportunities between students, BOT members and other campus decision makers under a platform of collaboration. “However, I'm not going to you know, tiptoe around the issue that the student body president is there to represent students,” @phillips4sbp said.
   @SageStaley4SBP said her experience on the Student Advisory Committee to your Chancellor has given her an avenue to learn to be a voice for her peers, much like she would with a seat on the Board and @SageStaley4SBP “Having those conversations it's all about listening,” @SageStaley4SBP said. "Not only listening to respond, but listening to understand, all the while uplifting the voices of my community."
@SamuelCRobinson said he wants to implement a program called "Hoofin' with the Heels," where BOT members, administration, and BOG members come to campus to walk casually with him and any interested students.

@TaliajahV said that it is the SBP’s responsibility to communicate with the Board of Trustees effectively with the goal of extending that relationship with a lens of understanding. "How are we able to understand each other and make positive strides forward? How can I understand where the board is coming from and what their goals are? And how can I effectively communicate the goals of our student body and their interests?" @TaliajahV said.

CLAIM: To reiterate, this was the first question of the debate ...
TRUE – The moderator asked the audience for questions, and I virtually raised my hand and was called upon. I did not establish the order; the moderator did.

CLAIM: ... so it established the tone for the rest of the evening.
FALSE – The questions were posed by members of the audience. The topics varied widely.

ASSERTION: Near the end of the debate, a student asked SBP candidates a question regarding the BOT, all candidates responded in an effective and articulate manner.

CLAIM: However, not pleased with one of the candidates’ responses ...
PARTIALLY TRUE – One candidate was making an unfair claim that the BOT was highly partisan. Given that he was a candidate in an election and someone clearly aware of politics, it made me wonder why he was making such a claim.

CLAIM: ... Trustee Kotis followed-up in the chat
TRUE – After the moderator had addressed all the questions from those who raised their virtual hands, he asked the audience to submit follow up questions either to all candidates or to a specific candidate. Since it would have required more time for all of the candidates to answer, and the request had been made by the moderator to pose questions to the full group or a single candidate, I directed my question to candidate Sam Robinson.

CLAIM: ... saying: “[I have a ] Question for (redacted) - he mentioned a lack of political diversity in leadership on the BOT, given that the Chair of the BOT and Secretary are both Democrats and the Vice Chair is republican — all of whom were elected by the full board can he elaborate on that incorrect assertion?”
PARTIALLY FALSE – I did not use the word incorrect (see screenshot below). I submitted a question in the chat to one of the moderators, then realized that other people were submitting to everyone in the chat and submitted the question in the main chat. The question was “Question for Sam – he mentioned a lack of political diversity in leadership on the BOT – given that the chair of the BOT and secretary are both Democrats and the vice chair is Republican – all of whom were elected by the full board can he elaborate on that assertion?”
diversity - given that the chair of the BOT and secretary are democrats and the vice chair is Republican - can he elaborate on that?

BOE Member Simon Palmore (he/him) to Me (Direct Message)

received, thanks Mr. Kotis—i don’t think we’ll have time for this one but i appreciate the quesiton

Kendall Winter (she/her) to Everyone

thanks for asking, and if you think it’s helpful you can

Me to Everyone

Question for Sam - he mentioned a lack of political diversity in leadership on the BOT - given that the chair of the BOT and secretary are both Democrats and the vice chair is Republican - all of whom were elected by the full board can he elaborate on that assertion?
CLAIM: To begin, Chair of the UNC Chapel Hill Board of Trustees (hereinafter referenced as “the board”), Dave Boliek, led a discussion at our last meeting of the Board (Wednesday, January 26th - Thursday, January 27th), in which he, as Board Chair, made clear the expectation that trustees were not to get involved in the ongoing Student Body Presidential election.

FALSE: Chair Boliek addressed an email that many or all of the BOT received from Cecilia Derlon (Assistant Outreach Director of State and External Affairs on Sage Staley’s Campaign for Student Body President at UNC-Chapel Hill) seeking input and support for her campaign. He cautioned the board about getting involved in supporting any one candidate’s campaign.

Good evening, Mr. Kotis,

My name is Cecilia Derlon and I am the Assistant Outreach Director of State and External Affairs on Sage Staley’s Campaign for Student Body President at UNC-Chapel Hill.

I am reaching out to you on Sage’s behalf to let you know that she is running to become Carolina’s 101st Student Body President and only the third Black woman to hold this role. We are seeking your input and support in the coming weeks and on the campaign.

As a student who grew up in rural North Carolina, Sage understands the diversity of the Carolina student body and is committed to meeting the needs of each Carolina student and acting upon the desires of UNC’s most marginalized. Sage will work to build upon the progress of past student leaders, continue to hold university administrators accountable to students in the present, and work toward a future that allows all Carolina students to feel valued and represented across campus. Sage looks forward to your support and the opportunity to foster strong relationships that will make UNC-Chapel Hill a true beacon of light and liberty.

As a member of the Board of Trustees, we would truly value your input and support for Sage’s campaign. We believe it is crucial for students and the board to work together to make Carolina a better place.

Please reach out to me if you have any questions at all and be on the lookout as our campaign continues! Thank you for your time and commitment to student leadership.


*Sponsored by Sage Staley for Student Body President.*

Sincerely,

Cecilia Derlon
Assistant Outreach Director of State and External Affairs
ceciliaderlon@unc.edu
CLAIM: Chair Boliek subsequently reminded the Board of the happenings at our sister school, Eastern Carolina University,
TRUE: And I chimed in given that I was one of the primary prosecutors of those errant BOT members.

CLAIM: ... and the severe effects of interference from any members of the Board in the student only election ...
PARTIALLY TRUE – He mentioned those BOT members had been disciplined based on UNC system policy violations

CLAIM: ...a fact to which the board agreed, with no dissent from a single member.
PARTIALLY TRUE – Several board members nodded when people said they weren’t going to respond to Cecilia Derlon’s email.

CLAIM: Yet, even with this expectation in place and with Trustees being fully versed on prior happenings of interference throughout the UNC System,
MOSTLY FALSE – There was no expectation of board members in place other than compliance with policy. Chair Boliek discouraged members from getting involved in a particular candidate’s campaign. And trustees were not fully versed (other than me – because of my prior involvement with the prosecution of the ECU trustees).

CLAIM: Trustee Marty Kotis joined the Student Body Presidential Debate on Monday, February 7th and ...
TRUE – I signed up prior to the event on heellife and was approved to attend and sent a link to the Zoom meeting

CLAIM: ... asked questions of the candidates ...
TRUE – I virtually raised my hand and asked the one question to all candidates, then later, when additional questions were solicited from the group, I posed one additional question directed to Sam.

CLAIM: ... relating to the Board, and ...
PARTIALLY TRUE – The first question was regarding the candidates plans to be an effective member and the second question was regarding the assertion regarding the makeup of the BOT.

CLAIM: ... when candidates answered questions, he entered pointed ...
PARTIALLY TRUE – The question was a follow up to an assertion one candidate made – so it was by its nature pointed.

CLAIM: ... professionally inappropriate responses in the chat ...
FALSE – The candidates for student body president are fully capable of reasoned discussion.

CLAIM: ... calling to question the answers provided by the candidates.
PARTIALLY TRUE – I asked a follow up to one candidate’s assertion. The plural use here is FALSE.

CLAIM: Following the event, I received several written complaints from attendees, candidates, and moderators regarding the Student Body Presidential election that night ...

UNVERIFIED – I requested copies of those written complaints to Trustee Richards on February 10, 2022 by text and then again by email.

CLAIM: all affirming the fact that Trustee Kotis’ presence made them uncomfortable, UNVERIFIED – I have not seen the communications.

CLAIM: was inappropriate, and

UNVERIFIED – I have not seen the communications.

CLAIM: ... that they felt they could not answer questions truthfully nor interact with their peers because of him being there.

UNVERIFIED – I have not seen the communications. But the event was being live tweeted and the debates were originally supposed to have been live streamed on social media. Additionally, students have attended BOT meetings.

CLAIM: Because of Trustee Kotis’ actions ...

FALSE – What actions with what impact?
CLAIM: ... we are now in a place where student engagement in the democratic process of the election of our Student Body President

PARTIALLY TRUE – Not because of my actions, but apathy. Even with online voting, the turnout was around 13%.

CLAIM: ... and the sanctity of the role itself is being called into question.

UNVERIFIED – By whom is it being called into question and for what reason?

ASSERTION: His actions must be accounted for and ...

TRUE – Everyone’s actions must be accounted for. I’d like to see a robust discussion of this topic including student and faculty actions and violations of UNC Policy.

CLAIM: ... he must be held responsible for this interference in the shared governance process.

FALSE – Trustee Richards does not appear to understand the concept of shared governance nor the UNC Policy which outlines governance. The citizens of NC elect the legislature. The legislature chooses to delegate some governance to the UNC BOG, which in turn delegates some powers to the President, BOT, Chancellors, etc.

ASSERTION: I write first, to receive guidance on the appropriateness of the actions of Trustee Kotis.


CLAIM: As a Trustee myself, I am expected to be held to a certain standard and ...


CLAIM: ... to comply with, especially mutually-agreed upon, board-wide expectations.

PARTIALLY TRUE – The BOG and legislature set board-wide policy and statutes. That power does not derive from the BOT however.

CLAIM: While we have seen many actions of politically-motivated interference throughout our state, and

WHICH ACTIONS? VAGUE CLAIM.

CLAIM: certainly throughout our University,

AGAIN, WHICH ACTIONS? VAGUE CLAIM.

CLAIM: I am not in the business of allowing my peers to feel threatened, unsafe, nor uncomfortable at the hands of a Trustee ...

FALSE – This very complaint is a threat and makes me uncomfortable – as a peer of Trustee Richards on the BOT.
CLAIM: …who not only served as a Governor on the Board of Governors during the ECU incident …
TRUE – And led the prosecution of the errant Trustees.

CLAIM: … but also, like me, was in the room when we had the Board-wide discussion about not getting involved (in any capacity) in the Student Body Presidential Election.
FALSE – That did not occur. Also Trustee Richards attended the debate.

CLAIM: In particular, I am most disappointed and concerned regarding Trustee Kotis’ flagrant and intentional disregard of the expectations set forward by Board Chair Boliek and …
FALSE – Trustee Richards is misrepresenting Chair Boliek, but the chair clearly does not control the actions of its members or Trustee Richards would have had an uneventful term.

CLAIM: … his lack of regard for the long-term effects his interference will have on the student body of our great university.
FALSE – Hyperbole and drama

CLAIM: If a Trustee feels as though they can flagrantly disregard the foundational pillars of shared governance and …
FALSE – See above regarding shared governance explanation.

CLAIM: … attend a student-only debate …
FALSE – I registered for the event, received a confirmation, and was clearly identified as a trustee and called upon. In Zoom, the moderator controls who attends – with one click I could have been removed.

CLAIM: … ask questions of student-candidates, and …
PARTIALLY TRUE – One question when called upon after being asked as a group to do so and one chat thread question when again the moderator called for questions from the audience.

CLAIM: … push back when answers provided are not to his liking …
FALSE – this was a debate and the questions were appropriate for the forum.

CLAIM: … I fear for what the future of our University and System looks like. Trustee Richards has a history of hyperbole and drama. I plan to address that in a defamation complaint.

ASSERTION: I have heard, and read, repeatedly, members of the UNC System and Board of Governors deny direct (or associated) interference in the shared governance system at any of our 17 institutions.

CLAIM: I wonder, then, how you might perceive the clear evidence …
FALSE – There is no evidence.
CLAIM: ... of one of your former colleagues, and a current Trustee ...
TRUE

CLAIM: directly interfering in the Student Body Presidential election by intimidating students at the debate and ...
FALSE – Participating and being called upon.

CLAIM: ... making many of my peers uncomfortable ...
UNVERIFIED

CLAIM: ... even after being explicitly asked, by the Chair of our Board, to not interfere or involve themselves in the election in any way.
FALSE

CLAIM: Per University-System Policy 200.7, upon receipt of this formal complaint, the Chair of the Committee on University Governance shall determine next steps.
PARTIALLY TRUE – But no violations of the UNC Policy have been identified by the complainant.

ASSERTION: I am asking, on the record, that you consider my words strongly as ...

CLAIM: Trustee Kotis’ actions amount to a material violation of the responsibilities and expectations of Board members when interacting with students and representing this University ...
FALSE – No violation of UNC Policy occurred.

CLAIM: ... and therefore should result in his removal as a Trustee of our great University.
FALSE – As a legislative appointee, the powers of the BOG (with a 2/3 vote) only allow for a recommendation to the legislature for removal. The legislature controls my removal or appointment.

CLAIM: You will find attached, the official summary of what took place on the evening of Monday, February 7th,
FALSE – The “official summary” includes glaring errors and a material misquote. Under what authority is it official? Please provide a recording and appropriate documentation as previously requested.

CLAIM: ... from the complaints submitted by students in attendance.
UNVERIFIED – I have requested copies of those complaints that were purportedly submitted to Trustee Richards.
CLAIM: I write this after having discussions regarding this matter with Chancellor Guskiewicz, Chair Boliek, and Trustee Kotis.

PARTIALLY TRUE – I had a text exchange with Trustee Richards on February 10th and I sent an email to Chancellor Guskiewics, Chair Bolier, Trustee Richards, Vice Chair Preyer, Trustee White and Attorney Charles Marshall on February 10th (see below)

Lamar-

I appreciate your text and our follow up call this morning. As I understand it - there were 4 written complaints about BOT members attending the SBP Debate on Zoom and specifically that I was allowed to ask a question (even though the moderator asked the audience for questions, I raised my virtual hand and was called on). My question was - “as SBP you will be a voting member of the BOT - how do you plan to be an effective member.” I briefly commented as an intro that I was impressed with all the candidates and their dedication to the university.

I also submitted a second question (we were encouraged to submit additional questions either to all the candidates or address a specific one). The question was to Sam Robinson and was regarding the assertion he made that the board was highly politicized because we were appointed by the Republican legislature and BOG. My question was - given that the chair and secretary of the BOT are democrats and the vice chair is a republican - could you elaborate on your assertion.” I direct messaged the moderator, who said there may not be enough time to address the question and so I posted it in the main chat window where others were posting their questions. Sam Robinson partially addressed the question in his closing remarks where he reiterated that the legislature was controlled by republicans and they appointed the BOG and some members of the BOT.

Dave and Kevin-

When Lamar mentioned the above concerns to me this morning - I asked him to send me the written complaints (which would be public documents) as well as a link to the video recording of the meeting. I assume those are forthcoming and will shed more light on the issue.

Other than the concerns raised about some BOT attendance (there were only 30-40 attendees including the candidates and moderators so I would have thought they would welcome a larger audience), I found the debate very enlightening. I was surprised that attendees needed an Onyen Account to participate, but even more surprised that voting was conducted online. I assumed that given the 13% voter turnout that it was a traditional voting method - it's discouraging that students could easily vote on a smartphone or computer and still only 13% choose to vote. Lamar mentioned that runoffs were instant because voter turnout for runoffs was even lower, even though it is virtual. I was not familiar with that process. So again, I learned a lot about the election process and more importantly about a whole host of student issues, ideas, solutions, etc. I was particularly impressed with Sam's concept of walking the campus with the BOT and student leaders.

I think it would be productive to have an open discussion of the various campaign platforms, any concerns about the BOT and SBP debate, and the voting process in an appropriate forum.

MK

W. M. "Marty" Kotis III
Trustee
University of North Carolina - Chapel Hill