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2 October 2015

Governor McCrory:

The UNC system Faculty Assembly urges you to veto Senate Bill 670 for the fundamental and long-term public interest of the people of this state. This legislation purports to correct but in reality reinforces the politicization of Board of Governors appointments, and promotes an ill-advised interference in the legitimate and proper prerogative authority of the UNC Board of Governors to guide and direct the activities of one of the country's most prestigious public university systems.

Both the timing and precursors of this legislation are important for understanding its intended purposes.

This bill appears to have originated in a conflict between some legislators and some members of the Board of Governors surrounding the UNC President search. That is plainly evident from the reporting by Jane Stancill in the News and Observer on 26 September 2015.

The provisions regulating the UNC President search proposed in the "draft bill" Stancill cited would be vigorously opposed by the University community, as well as many in the legislature who do not support such stark and blatant legislative meddling in the governance of the University.

Nonetheless, the current provisions in S670 reforming term limits of the Board are clearly intended to sustain this intrusion into the Board's activities, targeting the removal of certain Board members. Many faculty members are deeply critical of many of the Board's actions and the failings of its leadership, most particularly in the lack of transparency, and failure to seek input from UNC stakeholders including the faculty, staff, students, alumni and other concerned citizens. However, there is no possible circumstance in which the faculty would support laws that strengthen the legislature's arbitrary power to dictate the composition of the Board, even to remove members with whom faculty might disagree.

Further, even if the unfeasible claim that these provisions would protect legislators from intimidation by political donors vying for Board seats were true, the appropriate response is not a change in term limits, but to follow the more common governance practices of other states by removing the appointment authority from the legislature, and passing legislation that insulates higher education governance authorities from partisan political interests.

Our principles of opposition to the debasement of University governance in fact applies to all legislative interference with UNC governance, including the President search, whether that takes the form of those (first approved, then rejected) provisions requiring the Board to open the process to greater transparency -- a goal the Faculty Assembly has itself consistently advocated since the Board of Governors removed President Ross – or the weakened provisions in the ratified bill (i.e. G.S. 116-14 Section 1.5) directing the Board to have a certain number of candidates, and a certain procedure, and a certain set of conditions for the selection of a regular or interim President of the system.

The point is that any goal ill-obtained, whether laudable or not, is merely a precedent for further abuse of power.

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Our responsibility to the citizens of this state requires us to oppose the corruption of University governance, whether that corruption emanates from the Governor's office, the General Assembly, the UNC Board of Governors, UNC General Administration, campus administrations, or even segments of the faculty itself. We hope you will join us in that commitment, and veto S670 as a reassurance to the people of this state that our elected leaders will strive to promote integrity, effectiveness, and excellence in the governance of North Carolina public higher education.

For the UNC system Faculty Assembly Executive Committee, on behalf of the UNC Faculty Assembly,

Stephen Leonard  
Chair, UNC system Faculty Assembly

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