



NORTH CAROLINA GENERAL ASSEMBLY

PRESIDENT PRO TEMPORE
PHIL BERGER

SPEAKER OF THE HOUSE
TIM MOORE

RALEIGH 27601

October 15, 2015

Dear Members of the University of North Carolina Board of Governors:

It has come to our attention that your Chairman has called an "emergency meeting" of the Board of Governors for tomorrow afternoon. Board members inform us that the Chairman intends to present one candidate for the presidency of the University system for discussion by the Board.

As you certainly are aware, the North Carolina General Assembly passed Senate Bill 670 by final votes of 47-0 in the Senate and 107-4 in the House. The bill specifies a procedure for the Board to follow when it conducts a search for the presidency, requiring the full Board to consider at least three final candidates. While the bill has not yet been signed by the Governor, calling an emergency meeting to discuss only one candidate could be viewed as the Board's attempt to circumvent the overwhelming will of the elected people of the State of North Carolina prior to the bill becoming law. Our concern is not about any candidate for the presidency but rather the process by which at least a few members of the Board have utilized that appears to cut against the fundamental notions of transparency and procedural due process.

Section 8 of the North Carolina Constitution vests the responsibility for maintaining a system of higher education with the General Assembly. Pursuant to its authority the General Assembly has created the Board of Governors in North Carolina General Statute section 116-3 et. seq. to help fulfill this responsibility. Please understand that any action or process undertaken by the Board that goes against the will of the elected members of the General Assembly would not be viewed favorably and would undermine the trust the General Assembly has placed in the Board.

The decision and process used to elect the President of the University system should not be rushed or made without the thoughtful consideration of all members of the Board. The University system is important to the people of North Carolina. The full Board must have an opportunity to make a decision consistent with the North Carolina Constitution and laws passed by the General Assembly.

Sincerely,

A blue ink signature of Phil Berger, written in a cursive style.

Phil Berger, President Pro Tempore
North Carolina Senate

A black ink signature of Tim Moore, written in a cursive style.

Tim Moore, Speaker
North Carolina House of Representatives

cc: Members of the North Carolina General Assembly