



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE

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Rev. Dr. William J. Barber, II
President

Rev. Michelle A. Laws
Executive Director

February 23, 2016

Thomas Shanahan, General Counsel
University of North Carolina- Board of Governors (“BOG”)
Raleigh Road
Chapel Hill, NC

Public Records Request

Via e-mail and hand-delivered

Dear Mr. Shanahan:

We write on behalf of the Youth & College Division of the North Carolina NAACP. Most of our members are students or alumni at the 17 campuses which the people of North Carolina have built with our taxes, and in the case of the HBCU’s our sweat equity--the magnificent University of North Carolina! These 17 islands of ideas, civil discourse, intellectual renewal and development have been the source of much of the greatness of North Carolina, and its leadership in southern education in the difficult task of eradicating the badges and incidents of slavery and Jim Crow.

Anyone who is paying attention is aware that a growing consensus across the University and its public has developed about the methods used by a caucus of the new BOG, in violation of the spirit and letter of the state’s Open Meetings Law, in making two monumental decisions in secret sessions. We speak, of course, of the backroom firing of BOG President Thomas Ross and a secret political society hiring of what appears to be a woefully unqualified Texas political operative, Margaret Spellings, to replace him. How and why these two decisions were made must have a full public hearing.

The people of North Carolina, through our constitution and statutes, have delegated to the BOG great power to insure the intellectual and moral heart of our state continues to broaden and deepen our democracy. The powers delegated to

you, however, are not absolute. We also passed laws to prevent a small band of ideologues, bent on stealing rather than guarding our state treasure and treasury, to at least conduct their thefts in broad daylight. This insures that voters would know, through our media and watchdog organizations like the NAACP, how and why the theft occurred. There shall be no burglaries—night time robberies—by our public servants in N.C.

The Open Meetings Law states, in part, the BOG meets “solely to conduct the people's business . . . it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.”

In reviewing the processes followed by the BOG when it fired President Ross and replaced him with President-Elect Spellings, we believe a majority caucus was convened that violated the spirit and letter of the open meetings law. We believe this caucus secretly met in person, electronically, and by phone to make decisions in an effort to avoid the strict sanctions of the Open Meetings Law. We remind you the law defines an "Official meeting" as “a meeting, assembly, or gathering together at *any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body* for the purpose of conducting hearings, *participating in deliberations*, or *voting upon or otherwise transacting the public business within the jurisdiction, real or apparent*, of the public body.” Of course we understand that purely social and informal gatherings are not necessarily “official meetings.” But the statute expressly provides such gatherings *cannot be called or held to “evade the spirit and purposes of this Article.”*

Because the BOG’s two decisions last year were shrouded in secrecy, we believe the spirit and letter of the Open Meetings Law were violated in several instances. To aid North Carolinians’ understanding of the motives for these decisions before we vote in March, we respectfully request an expedited response, pursuant to G.S. 132-1 et seq., this information:

1. The “full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-

318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.” All quotes from the Open meetings law. These minutes should be readily available.

2. All information, in paper or electronic form, about the decision to fire President Ross generated by any Board or staff member of the UNC BOG.
3. All information, in paper or electronic form, about the potential candidacy, the candidacy, and the selection of Ms. Spellings for the President of BOG generated by any Board or staff member of the UNC BOG.
4. All information provided to the BOG and staff when it considered the decision about Ms. Spellings about the nature of her close association with Karl Rove and others who participated in efforts to prevent damaging information about George W. Bush’s short stint in the Texas Air National Guard from 1968-1972 from reaching the public.

If you have any questions about the information we seek, please contact us immediately. Because the public was kept in the dark about how and why these two decisions were made, we take seriously our responsibility to obtain and publicize this information as soon as possible, so students and others concerned with the future of North Carolina and UNC will be fully informed when they vote and act this year. Please e-mail your response to Mr. Tyler Swanson, our Field Secretary. Thank you for your quick and fulsome response to this request.

Respectfully,

For the NAACP Youth and College Division Executive Committee

C: Rev. Dr. William J. Barber II, President NC Conference of NAACP Branches
Alan McSurely, Attorney at Law, volunteer with Youth and College Division.
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