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SALT - Society of American Law Teachers

William S. Boyd School of Law, UNLV
Box 451098
4505 S. Maryland Parkway
Las Vegas, NV 89154-1098
www.saltlaw.org

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STATEMENT OF THE SOCIETY OF AMERICAN LAW TEACHERS ON RECENT ACTIONS OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS

The Society of American Law Teachers, founded 40 years ago, is a national organization with members at nearly all law schools in the country. SALT is committed to diversity, justice, and academic excellence in the academy. We recognize that our goals of improving the law and legal education cannot be met without experiential learning opportunities for our students, the ability to make curricular decisions free from political influence, or the vigorous protection of the academic freedom of faculty members.

Like teachers, scholars, students, and community-based organizations around the country, we are very concerned about attempts by university governing bodies, state legislatures, and corporate interests to influence curricular offerings in higher education and to restrict the ability of law schools to provide law students with meaningful clinical experiences.

This trend is illustrated by the recent comprehensive review of university programs by the Board of Governors of the University of North Carolina (UNC) and its subsequent decision [Feb. 27, 2015] to “discontinue” the UNC School of Law’s Center on Poverty, Work & Opportunity, as well as two other centers within the University system addressing environmental and voting rights issues. None of these three centers received direct funding from the state,¹ but each addressed vital social and political issues. While such work may be viewed as “controversial,” particularly by those with political or economic power,

¹ http://www.journalnow.com/opinion/editorials/editorial-academic-freedom-takes-hit-from-unc-system-s-board/article_302f56d0-c370-11e4-a26f-9b9cb19a256e.html.

academic freedom has been recognized as a vital component of the Constitution’s protection of freedom of speech.

Further, the Center has been contributing to the educational mission of the University of North Carolina through the Center’s efforts to address issues of poverty through research, teaching, and advocacy. Focusing on issues of poverty is especially important in North Carolina, where over 17 percent of North Carolinians live at or below the poverty line. This is higher than the national average, and addressing poverty in the state and in the nation is critically important work and a worthy subject for educational inquiry, teaching, and experiential education.

SALT is concerned that the Board of Governors appears to have targeted the Center for its work on behalf of the poor in North Carolina and elsewhere. As the American Association of University Professors (AAUP) notes, “[t]o be true to their mission, public universities must serve all members of our society, the poor as well as the privileged. Externally funded centers must be free to sponsor curricular and extracurricular programs and provide services to the public across the broadest range of perspectives and approaches.”² This is particularly true with respect to the mission of American Bar Association (ABA) approved law schools, which the ABA Accreditation Standards require to “maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.”³

The ABA mandate for approved law schools includes maintaining a curriculum that requires each student to participate in at least six credit hours of experiential courses, substantial opportunities for law clinics or field placements, and “student participation in pro bono legal services, including law-related public service activities.”⁴ The work of the Center provided opportunities for students to engage in important pro bono work on behalf of those least able to afford attorneys.

The actions of the UNC Board of Governors raise broader concerns about a vital aspect of academic freedom—the importance of ensuring that faculty members have a central role in developing educational curricula. By closing the three centers, the UNC Governors has sent a message to faculty throughout the university system that they are no longer free to shape curricula with educational goals in mind. This action will have a chilling effect on faculty in their efforts to provide vital services and educational opportunities to address the needs of vulnerable populations.

The UNC Board actions put academic freedom at risk. The comprehensive program review conducted by the UNC Governors was praised by Anne Neal, President of the American Council of Trustees and Alumni (ACTA), as “in keeping with” a report issued in 2014 by “civic and educational leaders,” including a UNC board member.⁵ This document concludes that governing boards should

² <http://www.aaup.org/povertycenter>.

³ ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 305, *available at*

http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.authcheckdam.pdf.

⁴ *Id.* at Standard 303(b).

⁵ http://www.goacta.org/whatsNew/statement_from_anne_neal_president_of_the_american_council_of_trustees_and

closely monitor not only each program of the university,⁶ but new hires, tenure and promotion decisions in each department and discipline. SALT believes that this document outlines a plan to undermine, if not dismantle, academic freedom in the UNC system and across the country.

Because of the chilling effect this matter has had and will continue to have on the rights of faculty not only at the law school and the UNC system, but more broadly throughout the country, SALT is compelled to weigh in. We hope that the UNC Board will reconsider its decision, and permit not only the UNC School of Law's Center on Poverty, Work & Opportunity, but the two other centers as well, to continue their important work educating students about contemporary issues through their teaching, research, and advocacy efforts.

Submitted on behalf of the Society of American Law Teachers by:



Olympia Duhart
Co-President



Ruben Garcia
Co-President

⁶ https://www.goacta.org/images/download/governance_for_a_new_era.pdf.