

August 14, 2017

STATEMENT OF THE SOCIETY OF AMERICAN LAW TEACHERS ON THE UNIVERSITY
OF NORTH CAROLINA (UNC) CENTER FOR CIVIL RIGHTS

The Society of American Law Teachers, founded more than 40 years ago, is a national organization with members at law schools throughout the United States. SALT is committed to diversity, justice, and academic excellence. Consistent with these values, SALT strongly supports legal education that offers experiential learning opportunities for students, allows curricular decisions free from political influence, and vigorously protects faculty members' academic freedom.

Like teachers, scholars, students, and community-based organizations around the country, SALT condemns recent efforts by university governing bodies, state legislatures, and corporate interests to influence curricular offerings at colleges and universities and to restrict the ability of law schools to provide students with meaningful educational experiences.

One such effort is being undertaken by the Board of Governors of the University of North Carolina (BOG). In September, the BOG will take up the recommendation of its Committee on Educational Planning, Policies and Programs that the UNC School of Law's Center on Civil Rights ("Center") be prohibited from engaging in civil rights litigation brought by vulnerable North Carolina residents.¹ Civil rights litigation often challenges governmental power. While those with political or economic power might view these claims as "controversial," the academic freedom of the Center to engage in such litigation remains a vital component of the Constitution's protection of freedom of speech. Over 600 law professors, students, including many SALT Members, have individually signed a letter opposing the BOG's proposed prohibition of civil rights litigation by the Center.

The privately funded Center contributes to the University of North Carolina's educational mission by addressing poverty through civil rights 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 BOG appears to have targeted the Center for its work on behalf of the poor and minorities in North Carolina and elsewhere.

As the American Association of University Professors (AAUP) notes in its May 8 Statement on the Center: "[e]fforts to prevent the center from engaging in litigation represents a challenge to both the principles of academic freedom and shared governance."² The AAUP statement goes on to note the importance of the educational purpose of the Center's litigation: "One of the critical functions of the center is to train students by giving them hands on experience with litigation." This is particularly true with respect to the mission of American Bar Association (ABA) approved law schools, since the ABA Accreditation Standards require an accredited law school to "maintain a rigorous program of legal

¹ <https://www.insidehighered.com/news/2017/07/28/debate-over-civil-rights-center-unc-focuses-advocacy-and-academic-freedom#.WXuRvMliunA.twitter>

² <https://www.aaup.org/news/statement-unc-center-civil-rights#.WYI7ha2ZP-Y.twitter>

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 provides opportunities for students to engage in important pro bono work on behalf of those least able to afford attorneys.

The move to prohibit the Center from engaging in litigation raises broader concerns about a vital aspect of academic freedom—the importance of ensuring that faculty members have a central role in developing educational curricula—to which the BOG has recently shown a faltering commitment. By closing three centers in 2015, including one on Work and Poverty (also opposed by SALT), the BOG has already sent a message to faculty throughout the university system that they are no longer free to shape curricula with educational goals in mind. Its current proposal will have an even greater chilling effect on the faculty’s efforts to provide vital services and educational opportunities to address the needs of vulnerable populations.⁵

The past and potential actions of the BOG put academic freedom at risk. SALT believes that the proposal to prohibit litigation by the Center is part of a larger effort to undermine, if not dismantle, academic freedom in the UNC system and across the country. The prohibition of civil rights claims, especially those funded with private sources, raises serious constitutional questions about the right and ability of citizens to petition their government under the United States Constitution.

Because of the chilling effect this matter has had and will continue to have on the rights of law faculty and students not only within the UNC law school and system but more broadly throughout the country, SALT is compelled to oppose the attempt to remove the Center’s ability to conduct litigation with clients. We urge the BOG to permit the Center to continue its important work educating students about contemporary issues through teaching, research, *and* advocacy efforts, as it has done since the Center’s founding in 2001.

SUBMITTED ON BEHALF OF THE SOCIETY OF AMERICAN LAW TEACHERS BY:



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³ ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 301(a), available at https://www.americanbar.org/groups/legal_education/resources/standards.html.

⁴ *Id.* at Standard 303(b).

⁵ See, e.g., *Velazquez v. Legal Services Corporation*, 531 U.S. 533 (2001) (striking down a federal prohibition on certain types of claims using private funding as an impermissible content-based violation of the First Amendment).