



THE UNIVERSITY
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at CHAPEL HILL

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September 20, 2007

Mr. Ernie Patterson, Chair
The Employee Forum
CB# 3488

Dear Ernie:

Thank you for your September 6 letter transmitting the Employee Forum's resolution about the University Gazette's decision not to publish an article on collective bargaining provided by the forum.

I have given this serious consideration. The University has a long and cherished tradition of free speech and open debate. It is in the context of that long history that I conclude that the forum's position is unfounded. This issue has nothing whatsoever to do with freedom of speech or censorship. It is an editorial decision that the editor and publishers of the Gazette are well within their authority to make.

The Gazette is published by University Relations, acting on behalf of the University. The editor, and those to whom that person reports in University Relations, are responsible for deciding upon the content of the Gazette. I concur with their position that the July insert, though sponsored by the forum, was part of the Gazette. The insert was placed inside of and distributed as part of the Gazette.

This is not censorship because the forum is free to post the collective bargaining article on its Web site or to distribute it to people on campus as part of the "In Touch" newsletter. I encourage the forum to take those steps now and use the resources the University has provided to publish the article.

Additionally, the topic of the content in question – pending legislation dealing with state law on collective bargaining – raises a legitimate issue about University legislative priorities and the protocol for how employee views are represented to General Administration and to other audiences. I shared my concerns last fall with the forum about this issue and my reading of the University code approved by the Board of Governors. The Gazette's decision not to publish the proposed article was based in part on the fact that the University's legislative agenda did not include any items seeking to change state law about collective bargaining. Neither does the UNC system's legislative agenda.

The Gazette itself has reported openly about the forum's concerns and has pointed out that, under the First Amendment, a government agency such as the University has a right to speak for itself and to ensure that its message – or, in this case, official position – is clear. As the University's faculty-staff publication, the Gazette has a responsibility to accurately represent the University's priorities. Including the forum's article advocating for collective bargaining in an insert published with the Gazette would have been in direct conflict with that responsibility.

Members of the forum are always free to share their views about these or any issues directly with me. So can any other staff or faculty member. Part of my responsibility, in turn, is to communicate the concerns of our employees to President Bowles and others in General Administration. Also, as I made clear last fall, as individuals, we all have the right to contact our elected officials and offer opinions, provided we do so on our own time, as private citizens, not speaking for the University.

For these reasons, I fully support the decisions made by University Relations. Although we may not agree on this issue involving the Gazette, I hope that by sharing these thoughts now we can all move on to continue our work together this fall. I sincerely appreciate the forum's interest in University issues, and I encourage you to share your ideas with Associate Vice Chancellor for Human Resources Brenda Malone.

Thank you again for bringing your concerns about this issue to my attention and for your continued work on behalf of your fellow staff employees.

Sincerely,



James Moeser

JM:bl

cc: Roger Perry, chair, Board of Trustees
Bernadette Gray-Little
Dick Mann
Nancy Davis