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THE JOURNAL

A talk with President

Journal photo/publicity



Friday

a journal interview

On February 17, at about 3:30 p.m., the Journal was able to speak with President Bill Friday of the University of North Carolina. From his Chapel Hill office, President Friday spoke with Journal editor Michael McCulley about the recent dismissals of non-tenured faculty at UNCC, commonly referred to as "The Jordan Case."

Printed below is the transcribed conversation:

Journal: "Hello?"

Friday: "President Friday, sir, this is Michael McCulley with the Journal down at UNCC. How are you?"

Journal: "All right, Mike, how are you today?"

Friday: "Fine, sir. We've never met but I am familiar with you and I just wanted to see if you were aware of our situation at the University at this time concerning our non-academic... uh, non-tenured faculty."

Journal: "I am familiar with it to this extent, Mike. I have read your recent issue and I talked with a student, Hamilton, when I was down there. I have outlined the procedures that one has to follow when filing an appeal and, at present, these are the procedures of the University Board of Trustees which I am sure you are familiar with."

Friday: "Yes, sir. The Code."

Journal: "...and that's what I have done up to now."

Friday: "The problem is, I suppose, the tension that's building because of, we feel, a particular question over the reasons that were not given to the professor in a particular case, Jordan, in writing. As we understood, the students that are concerned about this, the Code, it provides the exterior limit and that the other side of the coin, what is not specifically asked for in the Code, is within the realm of the Administration. The idea that the man doesn't know, the prerogative being his to release it further, is sort of central to the question right now. We did want to advise you of this situation and that we are very concerned..."

Journal: "That is very thoughtful of you..."

Friday: "...and we hope that the appeal process will prove successful in a judicious manner."

Journal: "Well, let me say this to you, Mike. Heretofore, in cases not like this one but that could be subject to error, I can't remember everything, but I do not know of an appeal of like circumstances, if they are as your paper has characterized them to be. But, the procedure is clear, in terms of how it is to be perfected. Proper consideration will be given to it: I can say that to you."

Friday: "Okay, sir."

Journal: "...when it gets to me (it has to follow a certain route, as you know)..."

Friday: "I always operate on the principle that anytime an appeal is filed with me by a student or a faculty member, it gets careful attention. I've tried to follow that rule ever since I've been here."

Journal: "I think you have, sir. This is one of the reasons we were contacting you. It is something I have been unfortunate enough to see come up, where we don't feel that we have had our open communication that we would like. We've tried to stay reasonable... though at times we do get carried away, but it seems very important to us and we just wanted you to know that it is important."

Friday: "Well, it is important, and I commend you for keeping the thing in perspective. I am sure you know that — now I am not talking about Jordan or his circumstances — but, I am saying that, across the country, the question of this

particular classification of faculty member is under consideration, by others, in other contexts.

"So, in that sense, it is something that is being looked at, as I judge it, in several places in the country and other Universities. The question, of course, is: what procedure should be followed?"

"The one thing that the Code provision tried to do — and let me say to you that in 1957, when that particular language was drafted, I asked the then-President of the AAUP here in the University at Chapel Hill, along with, I think there were five or six other faculty members, to submit the procedure that they felt would be fair and would be the proper one to have the Trustees look at. What you are familiar with grew out of that particular faculty committee, which was headed by Mr. Henry Brandis, who, if you don't know it, was head of the Law School here and a strong believer in academic freedom."

"It was his committee that drafted this particular section of the Code, and I carried it from that committee's deliberations to the Board of Trustees and requested its enactment. That's the way it got to where it is. I want you to know that it was a faculty-conceived document, at the time."

Journal: "Okay, sir. We'll try to bring that to light."

Friday: "I can't recall who else was on it (faculty committee), but I can recall that because it was something that I really wanted to get done so that the faculties of all our campuses would know, in writing, what the policy of the University was going to be in terms of declared policies that should be there with reference to academic freedom."

"That was the way it evolved back there fourteen or fifteen years ago."

Journal: "You know, it comes down to application at the individual Universities and it seems that we've been lax here... and this is only an indication (Jordan). As long as this question is before the courts, and it is before so many Universities, it is essential that, as much as North Carolina can, in our University, (we) strive to be in the leadership. If there is an injustice, if our own policies aren't quite in alignment with today's thinking, let's line them up. That's all we're hoping to speak to."

Friday: "There are actually two considerations — and this is based on a rather superficial inquiry — I've said that when an appeal, if it comes to me, I will take time out to, with my colleagues, examine it carefully."

"But, there are really two things here. One is that the prescribed procedures have met with due process, the guarantees in terms of an appeal, and that's what I'm reassuring you on; and, then, a substantive judgment about it."

"It might be that a look by a representative Trustee group would have to be taken at this since it is the Board of Trustees' prescribed policy, which you know, but I'm just re-stating it for you."

"So those are the two issues that would ordinarily arise and I don't..."

Journal: "Do you believe, in the area of due process, as it has come up before, that it involves a man being able to adequately defend his position, the knowledge, the preknowledge of the accusations? That is, as we understand the idea of due process, that's almost necessary for due process to work."

Friday: "Well, that's what I meant by saying to you that the document, as it exists, was drawn and the procedure therein prescribed by this faculty group, to reflect, what in their judgment, was the answer to your question. And that was the reason I carried it forward. They felt that, in the application of those particular procedures, due process would be accorded. That's why I've been very careful..."

Journal: "In a sort of spirited application, if you take into account the spirit of justice, equal justice, this type of thing... you have to have good faith and good will in the people who are following an admittedly open-ended type of Code, which is, in a sense, necessary."

Friday: "I don't want you to construe anything I'm saying as in any way a judgment on Mr. Jordan because I really don't know the facts of his case. I am not involving myself in this at all at this point. I will wait for when it comes through the regular process to see if it will come. I'm trying to say to you that in

'the spirit of justice, equal justice...'



prior experience, involving both student and faculty petitions, that what we've tried to do, as best we know how, is to insure that what anyone would recognize as the essentials of due process requirements were accorded. And that would certainly be the case in any situation involving a tenure petition or a petition like this one, if it ever comes."

"But, I don't want you to print anything or in any way relay anything that would be construed in the slightest as any pre-judgment on my part about Mr. Jordan. I am very careful in all these cases to wait until I have the record before me."

Journal: "I agree, sir."

Friday: "You'd do the same I'm sure."

Journal: "We'd try. I just want you to know we're going to try to stay with this as much as we can and, I assure you, I'll do everything I can to keep it open. We're trying to publicize it... we don't want it to be a detrimental thing, but we feel it is essential to our questioning of this to bring it to attention. We intend to invite several members of the Charlotte-area Board (of Trustees)... the people who live around Charlotte... and several legislators to come into our meeting on March 1st, so we can talk about the question."

"Should it come up (at the Board, Legislature), they will be, hopefully, informed of a particular case — let's say the Code has to be revised. They'll have some first-hand knowledge of what it means and how we feel about it, in a particular instance."

Friday: "That's certainly your privilege, but, I'll just have to await the regular process of a petition from here on until I see what's really in this case."

Journal: "Yes, sir. One of the problems, again, is we have... there are no time limits on this sort of thing, and we are somewhat afraid that... we have no idea when an appeal answer will be forthcoming and that puts us a little on edge."

Friday: "Do you know, as a matter of fact, whether he (Jordan) has formally petitioned the Administration in proper procedure?"

Journal: "Yes, sir. In the meeting yesterday, he informed us that he had written, on February 1st, a letter to Vice Chancellor McEniry indicating a request for a formal appeal of the decision... telling him that it had started through the department chairman... and he received notification back from Dr. McEniry that, as of February 4th, I believe, Dr. McEniry was recognizing the fact that he was making an appeal of his (McEniry's) decision."

Friday: "All right. That tells me something I didn't know."

Journal: "That's just what we were able to determine yesterday."

Friday: "Thank you, Mike, for calling. I do appreciate it."

Journal: "I enjoyed talking with you, sir. I know you are very busy. Thank you."

Friday: "I hope to see you sometime when I'm there."

Journal: "I'd like to very much."

Friday: "We'll talk some."

Journal: "Thank you."

Friday: "Good-bye."

Journal: "Good-bye."