



January 18, 2020

David Powers, Chair
Committee on University Governance
UNC Board of Governors
P.O. Box 2688
Chapel Hill, NC 27514

Dear Governor Powers:

We write to notify you that we have become aware of actions by two members of the East Carolina University Board of Trustees, Phil Lewis and Robert Moore, that appear to materially violate numerous provisions of Article III(B)-(D) of UNC Policy 200.7, Duties, Responsibilities, and Expectations of Board Members, and, possibly, the North Carolina State Government Ethics Act. This formally requests that the Committee on University Governance and the Board of Governors thoroughly review this matter, and take action as deemed appropriate by the Committee and the Board, up to and including removing and requesting the removal of, respectively, Phil Lewis and Robert Moore from the ECU Board of Trustees. We base this request on the following:

1. On or around Sunday, January 12, 2020, Trustees Lewis requested a meeting with an ECU student (with whom Lewis or Moore had no previous professional or personal relationship) using Facebook messaging and phone calls for the purpose of soliciting the student to run for the position of ECU's Student Body President. As you are aware, the ECU Student Body President is a voting member of the ECU Board of Trustees.
2. The student met with Trustees Lewis and Moore at a known location on or around Monday, January 13, 2020. We are fully informed of the substance of their discussion at that meeting.
3. It is clear from the discussion during that meeting that Trustees Lewis and Moore intended that the student, if elected, would join them and other Trustees in what they described as a "seven" member majority vote for the purpose of advancing their objectives, including, but not limited to, electing a new Chair of the ECU Board of Trustees. Specifically, Trustee Lewis expressed his belief that Trustee Moore should serve as the new Board Chair. Trustees Lewis and Moore repeatedly conveyed to the student their wishes that their discussion with the student, including their promises of substantial support for the student's campaign for Student Body President, be kept confidential from other Trustees and the public at large.
4. During the meeting Trustees Lewis and Moore conveyed the following offers of support to the student for the student's campaign to be student body president:
 - 4.1. Financial contributions to the campaign so long as the student was not required to disclose the source of said contributions;

4.2. Soliciting and allegedly obtaining the support of a campaign manager with ties to “many” political campaigns in North Carolina;

4.2.1. We note that Trustees Lewis and Moore later confirmed with the student that they had spoken with the campaign manager and that the individual was excited to support the student’s campaign;

4.3. Assisting with the student’s campaign signage (Trustee Lewis indicated to the Student that Trustee Moore “is in the billboard business”);

4.4. Offering the student the support of Trustee Angela Moss, who herself is a former ECU Student Body President;

4.4.1. We note that Lewis stated to the student that Moss was aware that Lewis and Moore were having the conversation with the student about running for Student Body President and, separately, that “Moss could help you put together something really slick”;

4.5. Obtaining student information from Dr. Virginia Hardy, ECU’s Vice Chancellor for Student Affairs, that Trustees Lewis and Moore would then provide to the student for the benefit of the student’s campaign;

4.5.1. We note such action could be in possible violation of the University’s confidentiality obligations under the Federal Educational Rights and Privacy Act (FERPA);

4.6. Support against an alleged proposed increase in student fees in the new fiscal year;

4.6.1. Specifically, Trustee Lewis stated to the student, “If you would run and win we’ll give you the seven votes and they won’t be able to raise it.”;

5. During the meeting Trustees Lewis and Moore made comments that appear to demonstrate that they are advancing their personal political agenda ahead of the best interests of the University. This is especially evident with regard to Trustees Lewis’ and Moore’s statements regarding raising student fees to support the Athletics Program and their displeasure with the current Student Body President (“SBP”) because the SBP did not vote last year for Trustee Angela Moss to be Board Chair.

5.1. As you are aware, it was necessary for ECU to raise student fees this year to support the serious needs of the Athletics Program and Trustees Lewis and Moore voted in favor of this increase. Regarding their vote, however, Trustee Lewis stated to the student, “students are paying over a million dollars more . . . that they didn’t have to pay if he [the SBP] had just . . . cause at that point, when he said something to us about going up on the fees, to be honest with you, we didn’t give a damn ‘cause he voted against us and we didn’t care and . . . you know . . . just to punish him if nothing else.” Based on comments made during the meeting we believe their reference to the SBP “voting against us” refers to the fact that the SBP voted for the current Chair to serve as Board Chair and not Trustee Moss. Later in the discussion Trustees Lewis and Moore both

state they would have voted with the SBP against the student fee increase, but, in the words of Trustee Lewis, "I wasn't going to support him . . . you know, you've got to work together." Lewis further stated, "we have our six pretty strong . . . we could have won seven – six but I would have been giving [the SBP] a victory and what the hell do I want to do that for?" Moore responded to Lewis, "He didn't give me one."

6. During the meeting with the student Trustees Lewis and Moore discussed information with the student that they likely could have only obtained by virtue of their position as Trustees. While we cannot speak to the accuracy of all of these statements, we believe it highly inappropriate for Trustees to engage in discussions of Board business and ECU operations with a student without coordinating the same with the Board and ECU's Senior Administration.
7. We note that this is not the first instance in recent memory where Trustees Lewis and Moore have engaged in conduct that may have violated UNC Policy 200.7. We view this new information to demonstrate a pattern of non-compliance that we believe needs to be timely addressed by the Governors.

We will be happy to answer any questions and provide additional information concerning our request to the Committee and the Board of Governors.

Thank you for your assistance with this important matter.

Yours,



Vern Davenport, Chair



Vince Smith, Secretary and Chair of the
Audit, Risk Management, Compliance and Ethics Committee



Fielding Miller, Vice Chair

cc: Randy Ramsey, Chair