

RESOLUTION 19

A RESOLUTION TO BE ENTITLED
AN ACT ENCOURAGING THE BOARD OF TRUSTEES OF THE NORTH CAROLINA
COMMUNITY COLLEGE SYSTEM TO RESTORE UNIVERSAL COLLEGE ACCESS

Short Title: Universal Access Support Act (Public)

Sponsored by: Student Body President LADD (corresponding) on behalf of UNC Asheville, and
Association President DOUCETTE

First Reading: November 21, 2008 **Version Date:** November 16, 2008
(Initial Edition)

Referred to: _____ Committee on Legislative & Public Affairs _____.

1 **WHEREAS,** prior to May 2008 both the University of North Carolina (UNC) and the North
2 Carolina Community College System (NCCCS) provided an “open door,”
3 universal access policy toward students seeking higher education; and,
4

5 **WHEREAS,** students admitted under this “open door,” universal access policy are charged out-
6 of-state tuition rates in the event they cannot provide satisfactory documentation
7 of residency status; and,
8

9 **WHEREAS,** these rates, at least in the case of the North Carolina Community College System,
10 were calculated at 140% of the cost to the state to provide a full-time education to
11 one student¹, essentially providing a subsidy to other students; and,
12

13 **WHEREAS,** the NCCCS “open door” policy was temporarily banned beginning in 2001 but
14 later left in the discretion of each individual community college since 2004, and as
15 of November 2007 at least 37 colleges within the system chose to abide by such
16 an “open door” policy²; and,
17

18 **WHEREAS,** on November 7, 2007, memorandum “System Numbered Memo CC 07-275” was
19 issued by NCCCS General Counsel David J. Sullivan noting that the N.C.
20 Administrative Code governing the NCCCS requires “an open-door admission
21 policy to **all applicants**”³ [emphasis in the original], thereby requiring all
22 community colleges to accept undocumented students; and,
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24

¹ Bailey, Audrey. “Community colleges change practice on illegal immigrants.” 13 May 2008.
http://www.ncccs.cc.nc.us/news_releases/Illegal_051308.htm

² *ibid.*

³ Sullivan, David J. “New Guidance on the Admission of Undocumented Individuals.” 07 November 2007.
http://www.nccommunitycolleges.edu/Numbered_Memos/docs/MemosFor2007/cc07-275.pdf

25 **WHEREAS**, following the release of this memorandum, on December 3, 2007 then-President
26 Martin Lancaster released a separate statement outlining eight (8) legal and
27 philosophical justifications for his support of Counsel Sullivan’s memorandum⁴;
28 and,

30 **WHEREAS**, on May 13, 2008, based on an advisory letter from General Counsel J.B. Kelly of
31 the North Carolina Office of the Attorney General regarding the November 2007
32 memorandum, the North Carolina Community College System rescinded its “open
33 door” policy effective immediately in light of the advisory letter’s claim that
34 federal law barred the admission of undocumented students⁵; and,

36 **WHEREAS**, following inquiries by the *Raleigh News & Observer*, officials in the federal
37 Department of Immigration and Customs Enforcements (ICE) indicated there was
38 no such federal prohibition and states must individually decide whether to accept
39 undocumented students⁶; and,

41 **WHEREAS**, these statements to the media were verified in an official letter sent by ICE to the
42 North Carolina Attorney General, received by that office on July 21, 2008 and
43 prompting Attorney General Roy Cooper to formally renounce the contents of the
44 previous advisory letter on the subject⁷; and,

46 **WHEREAS**, despite reversing its “open door” policy based on demonstrably erroneous
47 information, furnished and later renounced by the Office of the Attorney General,
48 the NCCCS Board of Trustees in its August meeting refused to rescind its policy
49 reversal and instead instructed NCCCS staff to execute a “comprehensive study of
50 the issues surrounding enrollment of undocumented students”⁸; and,

52 **WHEREAS**, throughout this debacle, the University of North Carolina has justifiably declined
53 to modify its own admission policies unless it is legally bound to do so; and,

55 **WHEREAS**, supporters of UNC’s and NCCCS’s historical “open door” policies cite a number
56 of compelling reasons for their continued implementation, including:
57 • the Supreme Court of the United States, in *Plyler v. Doe* (1982), held that a
58 Texas statute denying funding to educate the children of undocumented
59 immigrants was an unconstitutional violation of the Fourteenth Amendment
60 since the law was “directed against children, and impose[d] its discriminatory

⁴ Lancaster, Martin. “On the NC Community College System’s Admission Policy for Undocumented Immigrants.”
03 December 2007. http://www.ncccs.cc.nc.us/News_Releases/Statement_Undocumented.htm

⁵ Bailey, Audrey. “Community colleges change practice on illegal immigrants.” 13 May 2008.
http://www.ncccs.cc.nc.us/news_releases/Illegal_051308.htm

⁶ Collins, Kristin. “U.S.: Colleges may admit illegals.” *The Raleigh News & Observer*. 10 May 2008

⁷ Collins, Kristin. “AG’s ruling favors immigrants.” *The Raleigh News & Observer*. 26 July 2008.

⁸ Bailey, Audrey. “State Board of Community Colleges approves major study of immigration issues, maintains
current enrollment restrictions.” 15 August 2008.
http://www.ncccs.cc.nc.us/News_Releases/undocumented_study_approved.htm

61 burden on the basis of a legal characteristic over which children can have little
62 control”⁹;

- 63 • the overwhelming majority of our fellow students affected by the NCCCS
64 policy similarly played no decision-making role in their parents’ choice to
65 emigrate from their country of origin¹⁰;
- 66 • many students affected by the NCCCS policy have been educated with North
67 Carolina’s own public school system, including valedictorians and honors
68 graduates, and are unjustly denied the ability to continue their education and
69 pursue greater opportunities¹¹;
- 70 • it would be detrimental to the State of North Carolina to enforce policies that
71 would have as an effect the creation of a quasi-permanent underclass with few
72 marketable skills instead of developing knowledgeable workers able to
73 successfully compete in a global economy¹²;
- 74 • each of these students enrolled must pay \$7,465 per year as full-time
75 curriculum students, not only providing 100% of the cost of their education
76 but also effectively providing a \$2,090 subsidy to other students¹³;
- 77 • the United States is itself a nation of immigrants with a long history of
78 providing opportunity not available in other countries; and,
79

80 **WHEREAS**, recognizing its mission to champion the concerns of students and ensure
81 affordability and accessibility to quality higher education, the UNC Association of
82 Student Governments is concerned with the unyielding stance of the NCCCS
83 Board of Trustees and the impact such a stance takes on all students; and,
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85 **WHEREAS**, the Association’s concern is amplified in light of the substantial economic turmoil
86 that has enveloped the country during the months following the NCCCS Board of
87 Trustees decision, and the impact such turmoil has on those who would otherwise
88 be potential students of the NCCCS; now, therefore, be it
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90 **RESOLVED**, by the General Assembly of the University of North Carolina Association of
91 Student Governments that it asks the Board of Trustees of the North Carolina
92 Community College System to re-open the doors of its community colleges to all
93 students while its studies on the immigration issue progress; and be it further
94

95 **RESOLVED**, that the Association President is charged with conveying the Association’s
96 sentiments to the leadership of the North Carolina Comprehensive Community
97 College Student Government Association and securing their assistance in
98 encouraging the NCCCS Board of Trustees to reverse its current, untenable
99 position.

⁹ *Plyler v. Doe*, 457 U.S. 202 (1982).

¹⁰ Lancaster, Martin. “On the NC Community College System’s Admission Policy for Undocumented Immigrants.”
03 December 2007. http://www.ncccs.cc.nc.us/News_Releases/Statement_Undocumented.htm

¹¹ *ibid.*

¹² *ibid.*

¹³ *ibid.*