



# **THE UNIVERSITY OF NORTH CAROLINA SYSTEM**

## **2023-2024 Report on Free Speech and Free Expression Within the University**

**September 5, 2024**

**University of North Carolina System  
Office Raleigh, North Carolina**

## UNC Board of Governors

### Committee on University Governance, acting as the designated Board Committee on Free Expression 2023-2024 Report on Free Speech and Free Expression Within the University

#### I. Executive Summary

This report addresses free speech and free expression at the constituent institutions<sup>1</sup> of the University of North Carolina System (“UNC System” or “the University”) for the period of time between July 1, 2023, and June 30, 2024, as required by the [Restore/Preserve Campus Free Speech Act](#) (“the Act”).<sup>2</sup> In preparing and publishing this report, the University of North Carolina Board of Governors Committee on University Governance (“committee”), as the designated Committee on Free Expression,<sup>3</sup> was guided primarily by the elements required by the Act.<sup>4</sup>

With the requirements of the Act in mind, this report provides background on and context for free speech and free expression at UNC System constituent institutions. The report is effectively a “well visit.”

Specifically, as will be further detailed in this report, the committee found that:

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<sup>1</sup> Because of the additional protections afforded to K-12 institutions under the First Amendment, the North Carolina School for Science and Math, the University of North Carolina School of the Arts for its high school students, and any lab schools operated by a constituent institution are not included within the scope of the report. Even so, these institutions are expected to comply with Article 36 of Chapter 116 to the extent there is not a conflict with relevant First Amendment jurisprudence applicable to K-12 institutions.

<sup>2</sup> The Restore/Preserve Campus Free Speech Act was enacted in 2017 as [S.L. 2017-196](#) and is codified in the North Carolina General Statutes as Article 36 of Chapter 116.

<sup>3</sup> The Act requires the Board of Governors to establish a Committee on Free Expression. [N.C. Gen. Stat. § 116-301](#) (hereinafter G.S.). Section 10.3 of [S.L. 2018-5](#) (“Current Operations Appropriations Act of 2018”) amended G.S. 116- 301 to allow the chair of the Board of Governors to designate a standing or special committee of the Board as the Committee on Free Expression.

<sup>4</sup> [G.S. 116-301\(c\)](#) articulates specific information to be provided in the annual report. See Section IV. for more information.

1. The constituent institutions remain committed to promoting and protecting free speech and free expression;
2. Disruptions and interference at scheduled expressive events have been minimal;
3. Constituent institutions have developed and utilized mechanisms for receiving, investigating, and resolving complaints regarding alleged free expression policy violations;
4. The constituent institutions are regularly providing information to campus constituencies about rights and responsibilities associated with expression on campus through policies, training, and other outreach;
5. The Foundation for Individual Rights and Expression (FIRE), which rates college and university speech policies, has awarded its highest rating to 15 UNC System constituent institutions.
6. No reporting constituent institutions have incurred undue financial costs related to security surrounding speakers or expressive events on campus; and
7. Constituent institutions continue to accept the recommendations for improvement contained in last year's report.

In addition to work happening on each individual campus, the University's collection of Responsible Officers, which are designated to ensure compliance with [Section 1300.8](#) of the UNC Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System*, have also engaged cooperatively to create and improve resources regarding free expression within the University System. The UNC System Office continues to maintain and update a webpage dedicated to providing information and resources related to free speech and free expression within the University.

Finally, it is important to note that the Board of Governors recently adopted Section 300.8.5 of the UNC Policy Manual, *Equality Within the University of North Carolina*, and its implementation is ongoing.

## **II. Background**

### ***A. University Commitment to Free Speech and Free Expression***

As the nation's first public university, the University of North Carolina System affirms its long-standing commitment to free speech and free expression for its students, faculty members, staff employees, and visitors under the First Amendment of the U.S. Constitution and Article 1, Section 14, of the North Carolina Constitution. The University and its constituent institutions protect and promote these freedoms, consistent with First Amendment jurisprudence.<sup>5</sup> Through its policies, the University has expressly established that no employment decision or academic decision shall be based on the exercise of these constitutional rights.<sup>6</sup>

### ***B. Restore/Preserve Campus Free Speech Act***

Through statute, the North Carolina General Assembly has affirmed that the primary function of the University of North Carolina System and each of its constituent institutions is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, each constituent institution must strive to ensure the fullest degree of intellectual freedom and

free expression. According to G.S. 116-300(2), “it is not the proper role of any constituent institution to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.”<sup>7</sup>

The General Assembly has also established several requirements for the Board of Governors, the University of North Carolina System, and its constituent institutions regarding free expression. In response, the Board of Governors has designated a Committee on Free Expression and adopted a University-wide free expression policy which, among other elements, maintains institutional neutrality. A copy of the policy is linked [here](#). Additionally, the University meets its statutory obligations by providing training for institutional officers and administrators charged with responsibilities for compliance with the Act and coordinating campus-based training (“Responsible Officers”) and publishing this annual report. A list of current Responsible Officers is available at this [link](#).

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<sup>5</sup> See, e.g., Sections 601, 604, and 608 of *The Code of the University of North Carolina (“The Code”)*. See also Sections 101.3.1, 300.1.1., 300.2.1, 700.4.2, and 1300.8 of the UNC Policy Manual.

<sup>6</sup> See Sections 601, 604, and 608 of *The Code*. See also Sections 101.3.1, 300.1.1, 300.2.1, 700.4.2 of the UNC Policy Manual.

<sup>7</sup> G.S. 116-300(2).

### **III. Discussion of Free Speech and Free Expression at the University During the 2023-24 Academic Year and Committee Findings**

Pursuant to the Act, the University's policy, and the Board's interest in a broad review of free expression across the University, the committee received information from responding constituent institutions in nine areas. The questions and summaries of the institutional responses are provided below.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(1) A description of any barriers to or disruptions of free expression within the constituent institution, including specific incidents and/or particularized complaints. <sup>8</sup>	<ul style="list-style-type: none"> <li>• No constituent institution reported an institutional barrier or disruption of free expression during the academic year.</li> <li>• Notwithstanding the foregoing, UNC-Chapel Hill and UNC Charlotte reported student and outsider gatherings of varying size that resulted in disruptions of campus activities and consequently arrests. Both institutions' experiences were reported in the news.</li> </ul>
(2) A description of the administrative handling and discipline relating to disruption or barriers identified in response to (1). <sup>9</sup>	<ul style="list-style-type: none"> <li>• Other than UNC-Chapel Hill and UNC Charlotte, no responding institutions had administrative action to report.</li> <li>• In the case of UNC-Chapel Hill and UNC Charlotte, student behavior on campuses in the vein of disruption resulted in student conduct proceedings and in some instances criminal arrest and prosecutions.</li> </ul>
(3) Identification and description of any difficulties, controversies, and successes in maintaining a posture of administrative and institutional neutrality about political or social issues. <sup>10</sup>	<ul style="list-style-type: none"> <li>• The responding institutions reported consistently that the work of free expression went on.</li> <li>• The responding institutions consistently reported steady and regular efforts to foster a culture of free expression.</li> <li>• UNC Asheville experienced many successes in maintaining a posture of institutional neutrality. In December 2023, UNC Asheville invited Will Creeley of the Foundation for Individual Rights and Expression to present to the university's senior staff. Mr. Creeley's presentations discussed the principles and importance of free expression in higher education. Institutions reported success in maintaining institutional neutrality regarding the ongoing conflict in Israel and Gaza.</li> </ul>

<sup>8</sup> [G.S. 116-301\(c\)\(1\)](#) and Section 1300.8, VIII.C.1 of the UNC Policy Manual.

<sup>9</sup> [G.S. 116-301\(c\)\(2\)](#) and Section 1300.8, VIII.C.2 of the UNC Policy Manual.

<sup>10</sup> [G.S. 116-301\(c\)\(3\)](#) and Section 1300.8, III and VIII.C.3 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(4) Any assessments, criticisms, commendations, or recommendation the constituent institution would like the committee to consider in preparing the annual report. <sup>11</sup>	<ul style="list-style-type: none"> <li>One campus recommended additional training to ensure Free Speech Responsible Officers are able to maintain their credibility as a resource on campus.</li> <li>UNC Asheville raised a thoughtful question about how to reconcile the commitment to institutional neutrality with a recent “Dear Colleague” letter from the Department of Education regarding a university’s communication of opposition to stereotypical, derogatory opinions.</li> </ul>
(5) Confirmation of whether the institution fulfilled the University policy requirements to disseminate information about institutional policies during the 2023-24 academic year.	<ul style="list-style-type: none"> <li>All responding institutions indicated that they had disseminated information as required by policy.</li> </ul>
(6) Identification of representative institutional policies that reinforce commitment to free speech and free expression (e.g., academic freedom, tenure regulations, facilities use, etc.).	<ul style="list-style-type: none"> <li>Many institutions reported amending or adopting policies, including facilities use policies, student codes of conduct, and student organization policies or referenced back to having previously undertaken those efforts in prior years.</li> <li>Here, too, UNC Asheville was leader in updating and modernizing its facility use policy and student conduct policies in light of an expected rise in the number of student gatherings in the coming semester.</li> <li>Most notably, the Board of Governors adopted Section 300.5.8 of the UNC Policy Manual which restates in one place the myriad laws and policies affirming equality, nondiscrimination, and institutional neutrality within the University.</li> <li>Finally, UNC-Chapel Hill recently updated its student conduct policies in a meaningful way ensuring even more timely, fair adjudication of conduct proceedings on that campus.</li> </ul>

<sup>11</sup> [G.S. 116-301\(c\)\(4\)](#) and Section 1300.8, VIII.C.4 of the UNC Policy Manual.

QUESTIONS SENT TO THE CONSTITUENT INSTITUTIONS	SUMMARY OF INSTITUTIONAL RESPONSES
(7) Examples of speakers or other events that have been held at the institution during the 2023-24 academic year.	<ul style="list-style-type: none"> <li>• See Exhibit 1 attached.</li> </ul>
(8) Identification of communications, trainings, or other educational outreach regarding free speech and free expression that have been provided during the 2023-24 academic year.	<ul style="list-style-type: none"> <li>• All institutions identified free expression communications, trainings, or outreach that had taken place during the academic year.</li> </ul>
(9) Information about security and other costs associated with protecting and affirming free expression on campus.	<ul style="list-style-type: none"> <li>• Most Institutions report either no or minimal additional security costs associated with expressive events.</li> <li>• WSSU provided itemized costs related to law enforcement while acknowledging that breaking those costs down between free speech-related and other events is impractical.</li> </ul>

As a result of the information gathered, it appears again this year that (1) the constituent institutions remain committed to promoting and protecting free speech and free expression; (2) disruptions and interference at scheduled speaking or expressive events have been minimal over the past year; and (3) the constituent institutions continue to work to provide information to various campus constituencies about rights and responsibilities associated with speech and expression on campus



through policies, training, and other outreach; (4) the Foundation for Individual Rights and Expression (FIRE), which rates college and university speech policies, has awarded its highest rating (“green light”) to 15 of 16 UNC System constituent higher education institutions; and (5) no constituent institutions have reported incurring meaningful additional costs related to security surrounding speakers or expressive events on campus, likely due to the use of virtual platforms.

#### **IV. Implementation of Past Report Recommendations**

Constituent institutions reported a variety of processes and resources that have been introduced or improved to implement recommendations from the committee’s 2022-23 free expression annual report.

#### **V. New Initiatives & Committee Recommendations for 2023-24**

The committee recognizes that there are always opportunities for improving the University’s commitment to free speech and free expression.

This annual report provides a welcome opportunity to consider options that will demonstrate our Systemwide leadership and action in support of free speech and free expression. The committee therefore offers these recommendations for consideration for implementation by the UNC System Office:

1. Continue to foster opportunities for free speech and free expression among campus communities that are geographically disconnected due to social distancing guidelines.
2. Continue to adapt traditional free expression expectations within increased virtual instruction and online interaction.
3. Continue to provide training to constituent institution administrators who have transitioned into the Responsible Officer title.
4. Continue to foster a culture of conversation among all stakeholders about the importance of free expression. High repetition of low intensity reminders pays dividends in the way that all campus stakeholders consider the importance of free expression in their daily lives.
5. Seek universal “green” status across the UNC System from FIRE.
6. Monitor implementation of the Compelled Speech Policy and the Equality Policy and answer to the best of our ability specific, concrete questions as they arise in consultation with the Division of Legal Affairs.

#### **V. Conclusion**

The committee continues to support the UNC System Office’s and the constituent institutions’ work and efforts in promoting and protecting free speech and free expression, increasing awareness and understanding of the broad protections for speech and expressive activities on campus, and taking action, when needed, to prevent substantial disruption or interference in scheduled events.

The annual obligations that produce this report effect a culture of periodic “well visits” checking into the health of free expression on our campuses. This report confirms that the transparency and accountability

required by the originating legislation are having their desired effect, and the content of this report remains consistent generally year over year. The reporting and survey responses document that the importance of free expression is at the fore of our responding institutions' minds and creating neutral forums in which diverse thought is fostered has become a habit at our universities and within the committee itself.

**Accepted by the UNC System Board of Governors Committee on University Governance, the designated Board Committee on Free Expression on September 5, 2024.**

## Exhibit 1

### Examples of Free Speech Events Held on Campuses

1. **Winston-Salem State University.** A survey of WSSU's scheduling and space reservation platform (25 Live) was conducted to identify instances of speakers and lectures on campus. Approximately 27 events were found. Additionally, a search of the RAMSync database for student-led events was conducted to identify speaker events. Twenty-six (26) events were identified with topics ranging from Bible studies or the importance of the black vote in American history to a forum with Liz Cheney at Wake Forest University.

2. **Appalachian State University.** Constitution Week Events, which included a bipartisan panel of local leaders to a discussion called "Our Constitution and the Call for Public Service" on September 18, 2023. We attended a local Temple service to discuss campus resources and opportunities around free speech.

3. **East Carolina University.** ECU continued to host its "Cupola Conversations" discussion series and held regular events and invited speakers throughout the 2023-24 academic year.

4. **UNC-Chapel Hill.** Aside from the events described above where there were disruptions to campus, many peaceful protests and speaker events occurred. The following list is a sampling. September 21, 2023, students held a peaceful protest sit-in on the steps of Wilson Library to advocate for a Palestinian flag to fly at Kenan Flagler Business School, among the other flags. October 4, 2023, the Hussman School of Journalism and Media co-hosted a panel with the FIRE on legal challenges faced by media professionals. Two protests occurred October 12, 2023. Students for Justice in Palestine held a rally, which attracted a counterprotest of pro-Israel individuals. UNC-Chapel Hill Police supervised the event, which remained peaceful. Students gathered outside the Carolina Inn to protest an event inside hosting speakers from Starbucks. Protesters did not enter the building and disrupt the event. October 17, 2023, Kristan Hawkins, president of Students for Life of America, spoke inside the Carolina Union, while other student groups held a pro-choice party in the Pit. October 26, 2023, Dr. Ben Carson spoke at UNC-Chapel Hill. January 30, 2024, Cornel West spoke in a panel along with UNC-Chapel Hill faculty. February 7, 2024, Jonathan Haidt spoke on social media and free speech. February 23, students hosted speaker Imam Wisam Sharieff. March 6 Turning Point USA hosted Candace Owens. NASA astronaut and alumna Zena Cardman was the keynote speaker for the 2024 Commencement. April 12, 2024, students peacefully marched on South Building to demand that a suspended law student be permitted to attend graduation.

5. **UNC Asheville.** UNC Asheville hosted a variety of expressive activities in 2023-24. These included student organization events, spontaneous demonstrations, University-sponsored events, and use of university space by public users.

6. **UNC Wilmington.** UNCW experienced three peaceful student protests this year that did not cause any incidents or disruptions to the campus. These included a spring 2024 demonstration of around 50 students marching in support of DEI resources and a group of fewer than five students who convened in the university amphitheater by Fisher Student Union to talk about the conflict Gaza. Another group of around 20 students convened at the dining hall to support peace in the Gaza area by doing artwork. Again, there were no incidents or disruptions associated with these examples of expression by our students. Only the larger event required, and was, registered in advance of the convening. There were no additional security costs. Freedom of Expression/Constitution Day Event "F.O.E.-

on-the-Go” Freedom of Expression event, Wednesday, Sep 20, 2023, featuring 10 didactic posters depicting pivotal free-speech cases in U.S. history; an interactive activity inviting input on participants’ attitudes about free expression; a First Amendment quiz; and distribution of free pocket copies of the U.S. Constitution. Leadership Lecture Series Tuesday, October 17, 2023. Leadership Lecture Series featuring Tara Schuster, former vice president of Talent and Development at Comedy Central. Monday, November 6, 2023. Chancellor's Dare to Learn Lecture featured Donna Brazile, veteran Democratic political strategist, and Karl Rove, foremost conservative commentator. Tuesday, March 19, 2024. Leadership Lecture Series featured Rebekah Taussig, disability advocate, educator, and best-selling author. Wednesday, April 10, 2024. Leadership Lecture Series featured Jason Collins, first openly gay player in major league sports and former NBA player. 2023-2024- Events Conducted by Student Organizations 1. Ranked Choice Voting Information Session with Better Ballot North Carolina – College Democrats 2. Meet Josh Stein- NC Governor Candidate– College Democrats 3. Meet Jeff Jackson- NC Attorney General Candidate – College Democrats 4. Chalk Against Hate, Hate Prevention Union a. Join The Hate Prevention Union in an evening of chalking to spread solidarity and hope to members of the Seahawk community. 5. Chalk Against Hate II, Hate Prevention Union a. Join us for our second Chalk Against Hate event! Help us fill our campus with chalk to show solidarity with all of our marginalized students. 6. Debate Prep: Private Prisons, Dialectic and Ethikos Parliamentary Societies a. In preparation for our next debate, we will be doing a prep session on private prisons! This is a topic with a lot of complexity, so the purpose of this meeting is for people to share their knowledge and experience of privatization so that we can all go into the debate with similar knowledge bases. 7. Resolved: Abolish Private Prisons, Dialectic and Ethikos Parliamentary Societies a. This week's discussion. All are welcome. 8. Resolved: The United States Should Re-Legalize Dueling, Dialectic and Ethikos Parliamentary Societies a. This is our second general meeting of the Fall 2023 term. We will be meeting in Centro Hispano as opposed to our normal meeting spot. Hope to see you all there! 9. Resolved: An Omniscient and Omnipotent God Must Be Evil, Dialectic and Ethikos Parliamentary Societies a. For our 3rd general meeting, we will be tackling a classic question argued by great minds like Fyodor Dostoyevsky and Gottfried Leibniz. As always, our podium is open for all students to attend, listen, and speak their mind! 10. Weekly Meeting with Guest Speaker Councilman Luke Waddell, College Republicans 11. Weekly Meeting with Guest Speaker Dane Scalise, College Republicans 12. Weekly Meeting with Guest Speaker Chairman Nevin Carr, College Republicans

7. **UNC Pembroke.** UNCP hosted 57 Deliberative Dialogue events across campus focused on building civil discourse and communication across differences with a focus on listening to understand one another. Some creative examples of free expression events and topics include: JusticeCon, a hybrid academic conference and ComicCon type event, hosted 26 presentations over two days with faculty, staff, and students presenting a variety of sessions. Other hosted events during the year included Activating Civic Leaders, Sustainability & Fast Fashion, and the Impact of Service on Mental Health. Two deliberative dialogue dinner events were hosted with speakers/panels: a military leadership panel with alumni and faculty in fall 2023 and one with UNCP BOT chair Allen Jamerson in spring 2024.

8. **NC State.** December 2023 Commencement Ceremony – Debbie Antonelli (ESPN and CBS College Basketball Analyst) Spring 2024 Commencement Ceremony – Dr. David W.C. MacMillan (Nobel Prize-winning Chemist) Institute for Emerging Issues forum – Michelle Singletary (Personal Finance Columnist, Washington Post); Mariel Beasley (Co-Founder, Common Cents Lab); Senator Sydney Batch; Representative Stephen Ross Shelton Leadership Forum – Adam Markel (Author); Dr. Taryn Marie Stejskal (Founder and Chief Resilience Officer, Resilience Leadership Institute) Materials Science and Engineering Seminar Speaker – Jay Guo (University of Michigan) MADTech Lecture – Stella Rosen (Animator) Architecture Lecture – Arthur J. Clement, FAIA (Architect) Paul Zia Distinguished Lecture – Ellen Spangler (Senior Project Manager, Mortenson Construction); Frank Freudenberger (Structural Engineer and

Associate Principal, Arup) Labcorp Leadership in Technology Speaker Series – Jerry Heneghan (Co-Founder and Chief Design Officer, BioMojo) GXD Speaker Series – Will Hall (Chief Creative Officer, RAIN)

10. **UNC Charlotte.** “Political Frenemies Live! with Berny Jacques and Geston Pierre” - Children of Haitian immigrants, childhood friends Berny Jacques and Geston Pierre don’t agree on much politically, but both love our country, and respect each other. In this presentation, they tackled extraordinarily controversial issues while modeling constructive dialogue and remaining friends. (September 2023). “The Identity Trap” - Yascha Mounk, associate professor of the practice of International Affairs at Johns Hopkins University's School of Advanced International Studies. Dr. Mounk discussed his new book, positing that equality is not helped but harmed when we obsess over group identity, when we stifle discourse, and when we deny that members of different groups can truly understand each other. (September 2023) Constructive Dialogue Institute Faculty Workshop/Luncheon on integrating respectful conversations into the classroom” - Jake Fay, director of education, Constructive Dialogue Institute. Faculty workshop to learn how to incorporate simple techniques into the classroom to engage students to talk to one another. (November 2023) “Speak Louder” - Riley Gaines, The Riley Gaines Center at the Leadership Institute. Open event sponsored by FECD Task Force. Riley Gaines is a leader defending women’s single-sex spaces, advocating for equality and fairness, and standing up for women’s safety, privacy, and equal opportunities. (February 2024) “You Can Play” - Kurt Weaver, COO of You Can Play. Open event sponsored by FECD Task force. You Can Play is a nonprofit committed to “inclusive sport through education, advocacy and support. (March 2024). "Simple Interactions" - Emma Lee, director, Fred Rogers Institute. Simple Interactions is a practice-based, strengths-focused, and community-driven approach to facilitate best practices for interactions with others for support helpers who serve children, youth, and families. (April 2024).

11. **UNC Greensboro.** Representative events include: Critical Conversations Conference on March 16, 2024. The keynote speaker was Dr. Bettina L. Love, who is the William F. Russell Professor at Teachers College, Columbia University; in the spring 2024 semester, students gathered to protest/vigil the unrest in Palestine and the student demonstration featured various student speakers; Jodi Hays, Visiting Artist Talk sponsored by the School of Art (9/7/23); Natalie Rogers-Cropper, executive director of Garth Fagan Dance, April 3, 2024; Chris Botti pre-concert masterclass hosted by Mark Engebretson, November 3, 2023; Department of Peace and Conflict Studies (PCS) panel discussion "Navigating Dialogue in an Intractable Conflict: Perspectives on the Middle East Turmoil" November 20; Dr. Jeremy Rinker (UNCG PCS), Dr. Ali Askerov (UNCG PCS), and two external speakers: Max Carter (retired Guilford College faculty) and Roy Schwartzman (former Communications Studies professor at UNCG).

12. **Elizabeth City State University.** Know Your Rights Forum (no invited speaker), Tunnel of Oppression (no invited speaker), Vikings Voices Matter Event (no invited speaker), March to the Polls event (no invited speaker), Protecting Your Voice (Nonpartisan speaker panel), What Matters to You: Having Your Say (no invited speaker; student forum)