



SPEECH FIRST

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The Board of Trustees, University of North Carolina at Chapel Hill
Office of the Chancellor
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Chapel Hill, NC 27599-9150

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By email

Re: Formal Complaint – Violations of UNC Policy 1300.8 and the Campus Free Speech Act by Members of Students for Justice in Palestine

Dear Members of the Board of Trustees at the University of North Carolina Chapel Hill:

On January 31, 2024, Speech First sent a [formal complaint](#) to Jonathan Sauls, Senior Associate Vice Chancellor of Student Success and Administration at UNC-Chapel Hill, regarding violations of state law and University policy by the UNC chapter of Students for Justice in Palestine (“SJP”) on January 22, 2024, when they targeted a speaker at the Abby Lecture series event in an attempt to silence her.

Speech First is a nationwide organization of students, alumni, and other concerned citizens dedicated to preserving civil rights secured by law, including the freedom of speech guaranteed by the First Amendment. Over the last five years, Speech First has successfully argued free speech cases against major universities before multiple U.S. Circuit Courts of Appeal and held universities to the standard of the U.S. Constitution in the court of law and the court of public opinion.

SJP led a coordinated disruption of a public lecture by journalist Bari Weiss. Though disruptors were escorted out of the venue, their behavior is still in violation of both UNC Policy 1300.8 and the Campus Free Speech Act which prohibits students and student organizations from “substantially disrupt[ing]” or “substantially interfere[ing]” with “the rights of others to engage in and listen to expressive activity.” Those



prohibitions apply with particular force to disruptions of scheduled events. The protestors have apparently faced no consequences for violating UNC policy and the law.

Policy 1300.8 states that “[a]ny University student, faculty member, or staff employee who is found to have ... substantially interfered with the protected free expression rights of others shall be subject to a full range of disciplinary sanctions.” Ex. A at 4. **Moreover, UNC’s 2023-2024 Registered Student Organizations Handbook states that a student organization’s “[r]egistration may be withdrawn or denied should it be determined that ... the organization fails to comply with University policies” or “if the organization fails to comply with applicable federal, state, or local laws.”**

Some have claimed that state law and UNC policy were fully satisfied by escorting the SJP students out of the event. This is a gross misreading. The students were planning to walk out regardless to leave the room half-empty and to prevent their peers from attending by filling seats. The crucial point remains: they “substantially interfered” with this event by disrupting it for several minutes through shouting, and they have faced no consequences as required by law.

Furthermore, it should be noted why “disciplinary sanctions” are included in the state law to begin with. As witnesses can attest, a shout-down entirely derails an event. Attendees remain distracted after the disruptors are removed, which alters the dynamics of the event and undermines the event’s goals.

Does UNC really wish to set the precedent that it is perfectly fine to shout and carry on for several minutes in the middle of a serious lecture or class meeting, so long as you leave after a few minutes? **What would the university do if, instead of shouting in unison, each student had shouted individually for three minutes in succession, and then left as each had said their piece?** Have our standards sunk so low that this is what we consider reasonable conduct?

Merely stating that the policy exists and then escorting the students out of the event, and ultimately assisting the disrupters in the portion of their demonstration that involved a walkout, falls short of the stated enforcement measures specified in Section VII. Part A of the UNC policy manual 1300.8: Students “...shall be subject to a range of disciplinary sanctions, up to and including dismissal or expulsion.”

North Carolina has unique laws and policies in place to reinforce the right to free speech guaranteed by the First Amendment. In 2017, the state legislature strengthened these principles by passing “The Act to Restore and Preserve Free Speech on the Campuses of the Constituent Institutions of the University of North Carolina,” guaranteeing protections on North Carolina’s state campuses. Because of these policies, UNC has the chance to position itself as the paragon of free speech protections.

To ultimately deter groups and individuals from disrupting or interfering with protected free expression, the law addresses “protests and demonstrations that infringe upon the rights of others.” North Carolina’s General Assembly emphasized that they viewed “freedom of expression as being of critical importance” that it requires “each constituent institution ensure free, robust, and uninhibited debate and deliberation by students of constituent institutions.” This law aims to foster civil discourse and the free exchange of ideas on campus, enriching the college experience. To achieve this aim, disciplinary sanctions are necessary to deter future behavior.

National and local media outlets support Speech First’s requests to launch a formal investigation into the UNC-Chapel Hill SJP chapter and hold their club accountable for participating in a conspiracy to violate state law and campus policy. Furthermore, [campuses across the country](#) have suspended clubs that openly violate campus policies. Most recently, Massachusetts Institute of Technology President Sally Kornbluth



[suspended a student group](#) for “conduct[ing] a demonstration on campus without going through the normal processes that apply to every student group at MIT,” revoking their club status until the school’s discipline committee completes its investigation. Given university policy and state law, why is it so difficult for UNC-Chapel Hill to suspend SJP and launch a formal investigation?

Finally, this is a teachable moment for UNC students. Many have defended those who choose to shout down and silence speakers they disagree with, ironically, on free speech grounds. UNC students have reached out, criticizing Speech First’s complaint because they believed that the students who participated in the shout-down were exercising their free speech rights, as they were using their voices. This absurd rejoinder demonstrates that these students fail to understand what is and isn’t protected speech.

University leadership must foster a culture of free speech and intellectual exploration. If students are allowed to shout down speakers with viewpoints different from their own, how does that translate to healthy dialogue and debate in the classroom? Can a student stand up in class and shout for three minutes with impunity? Why should such a student be treated any differently than those who disrupted Ms. Weiss’s lecture? Furthermore, what is the point of having a campus policy that protects free speech if there are no consequences when it’s violated?

The SJP incident that targeted Jewish speaker and antisemitism expert, Bari Weiss, took place on January 22, 2024. Speech First submitted this complaint on January 31st and has yet to receive a reply or explanation from UNC. Moreover, there have been previous [incidents](#) on UNC’s campus regarding similar policies. In 2022, the Law School’s Federalist Society event was disrupted by a group who shouted down a speaker. Even after the students were emailed the campus policies regarding speaker events, the Carolina Outlaw Club [blatantly](#) violated these policies without facing disciplinary sanctions.

Based on the lack of urgency, one can only assume that UNC-Chapel Hill does not take its free speech policies seriously. Without swift investigations, facts get lost and violations get buried. Shout-downs are increasingly normalized on college campuses. Without consequences, these disruptions will continue and students will be deprived of challenging ideas. Speech First remains steadfast in our commitment to see UNC adhere to its policy and North Carolina state law.

To reiterate Speech First’s requests, we call on UNC to:

“...initiate disciplinary proceedings against all students who participated in the January 22, 2024, shutdown of Ms. Weiss’s speech. Speech First further requests that the University (1) investigate whether the UNC chapter of Students for Justice in Palestine conspired to prevent an invited speaker’s exercise of free expression in violation of University policy; and (2) hold the chapter accountable by removing its status as a University-recognized organization if such misconduct is found to have occurred.”

In closing, we invite you to consider what the university would have done if the content of the event and protester demands were different. Imagine, if you would, a public lecture on UNC’s campus focused on combatting racism. Imagine further a group of 50 hooded (or masked) white nationalist students disrupting the event by shouting and carrying on for several minutes. Imagine further that this group had used university resources to organize and plan this disruption as an officially recognized student organization. **It beggars belief to think that UNC’s leadership would shrug their shoulders** and say, “Well, at least they only disrupted the event for a little while.” There would be consequences for the individuals and the organization involved. The double standard in this instance is palpable.



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As members of the Board of Trustees at UNC-Chapel Hill, it is your responsibility to advise and instruct the university in public incidents and ensure that the university enforces its policies and acts lawfully. We call on you to urge UNC leadership to act in the best interest of the university and its students by bringing disciplinary sanctions against SJP and restoring a culture of free speech on campus.

Respectfully,

Cherise Trump
Executive Director of Speech First, Inc.