

October 2, 2025

UNC-CH Office of University Counsel
Paul Newton, Vice Chancellor and General Counsel

Cc:

James W. Dean, Jr., Interim Provost
James W.C. White, Dean of the College of Arts and Sciences
Lee Roberts, Chancellor



North Carolina

P.O. Box 28004
Raleigh, NC 27611
(919) 834-3466
acluofnc.org

Jenna Beckham
Board President

Chantal Stevens
Executive Director

Re: Suspension of Professor Dwayne Dixon in Violation of the First Amendment

Dear Mr. Newton,

We are attorneys with the American Civil Liberties Union of North Carolina, a nonprofit organization dedicated to defending the civil rights of all North Carolinians. We represent Professor Dwayne Dixon and demand urgent intervention by your office to remedy the violation of Professor Dixon's constitutional rights. The University's decision to place Professor Dixon on administrative leave merely because of his association with certain groups is a textbook violation of the First Amendment.

As we understand it, on September 24, Georgetown University officials discovered and removed flyers on campus referencing the recent killing of Charlie Kirk and purportedly attempting to recruit students for the John Brown Club. On September 27, Fox News published an article identifying Professor Dixon as a member of this group. That same day, a spokesperson for Turning Point USA made a public post calling for Professor Dixon's termination because of Dixon's alleged association with the John Brown Gun Club and the Redneck Revolt's Silver Valley Chapter. There is nothing to suggest Professor Dixon was in any way involved with, or even aware of, the flyers distributed on Georgetown's campus. Indeed, Professor Dixon has not been affiliated with the John Brown Gun Club or Redneck Revolt since 2018. The Redneck Revolt website indicates the group "officially disbanded in 2019."

On September 29, 2025, Professor Dixon received a letter from James Dean Jr., Interim Provost, informing him he was being placed on administrative leave with pay, effective immediately, in response to "recent reports and expressions of concern regarding your alleged advocacy of politically motivated violence." We attach Provost Dean's



letter for your reference.

The letter further informed Professor Dixon that he is banned from campus during his leave and is “not to be in contact with any current or former employees or students in person, by telephone, in writing or in any other way unless [] instructed or approved to do so in advance by the Dean.”

These measures taken by UNC against Professor Dixon blatantly violate the First Amendment and directly conflict with Supreme Court and Fourth Circuit precedent. If UNC fails to reinstate Professor Dixon and rescind all the restrictions on his speech detailed above, he is prepared to file suit to defend his rights to freely associate and to be free of retaliation and viewpoint discrimination under the First Amendment.

I. UNC’s Actions Violate Professor Dixon’s First Amendment Rights to Associate

Professor Dixon’s right to “engage in association for the advancement of beliefs and ideas” is beyond dispute. *NAACP v. Button*, 371 U.S. 415, 430 (1963) (quotation marks and citation omitted); *Sweezy v. State of New Hampshire by Wyman*, 354 U.S. 234, 250 (1957) (“Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association.”) (plurality opinion).

Professor Dixon’s administrative leave is based on alleged complaints that he is associated with Redneck Revolt and the John Brown Gun Club. Professor Dixon has not been a member of these organizations for over five years. Moreover, Georgetown University is hundreds of miles away, and Professor Dixon was not involved in posting the flyers that gave rise to UNC’s actions against him.

Even if Professor Dixon was still affiliated with the organizations believed to be responsible for the Georgetown flyers, such memberships are protected by the First Amendment. “The right to associate does not lose all constitutional protection merely because some members of the group may have participated in conduct or advocated doctrine that itself is not protected.” *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 908 (1982). Members of a group cannot, without more, be punished merely for their association. *See Healy v. James*, 408 U.S. 169, 186 (1972) (“‘[G]uilt by association alone, without (establishing) that an individual’s association poses the threat feared by the Government,’ is an impermissible basis upon which to deny First Amendment rights.”) (quoting *United States v. Robel*, 389 U.S. 258, 265 (1967)); *Baird v. State*



Bar of Arizona, 401 U.S. 1, 6 (1971) (“The First Amendment’s protection of association prohibits a State from excluding a person from a profession or punishing him solely because he is a member of a particular political organization or because he holds certain beliefs.”).

II. UNC is Retaliating and Discriminating Against Professor Dixon Based on His Perceived Viewpoint

The decision to put Professor Dixon on administrative leave also constitutes retaliation and viewpoint discrimination under the First Amendment. “[A]s a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions’ for engaging in protected speech.” *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019) (quoting *Hartman v. Moore*, 547 U.S. 250, 256 (2006)). Similarly, under the viewpoint discrimination doctrine, government officials cannot restrict “speech or even expressive conduct because of disapproval of the ideas expressed.” *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992) (internal citations omitted). Despite these well-established rights, Professor Dixon was seemingly disciplined solely for his constitutionally protected activity. Because the First Amendment squarely protects Professor Dixon from adverse employment actions that are motivated by his constitutionally protected activity, the University must reverse its decision to place Professor Dixon on leave.

Placing Professor Dixon on leave under these circumstances jeopardizes the First Amendment’s protection of the right to speak and “associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.” *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984). Universities cannot single out for censorship, discipline, or disproportionate treatment any particular viewpoint or punish someone merely for their association with a specific group. See *Adams v. Trustees of the Univ. of North Carolina, Wilmington*, 640 F.3d 550, 564–565 (4th Cir. 2011) (holding that university officials could not base employment decisions on a professor’s speech conducted outside of his duties as UNC faculty).

III. The Speech Restrictions Imposed on Professor Dixon are Unconstitutional Prior Restraints

The conditions imposed on Professor Dixon as part of his administrative leave are sweeping, patently unconstitutional prior restraints. Prior restraints are orders “forbidding certain communications when issued in advance of the time that such communications are to occur.” *Alexander v. United States*, 509 U.S. 544, 550 (1993) (cleaned up). “Any system of

prior restraints of expression . . . bear[s] a heavy presumption against its constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963) (citations omitted).

UNC purports to have the authority to forbid Professor Dixon from any communication with UNC employees and students, *current or former*, without the dean’s prior approval. Any prior restraint “contingent upon the uncontrolled will of an official” and which “may be granted or withheld in the discretion of such official” is “unconstitutional censorship.” *Shuttlesworth v. City of Birmingham, Ala.*, 394 U.S. 147, 151 (1969) (cleaned up).



UNC apparently takes the astonishing position that it can, under threat of further discipline (up to and including termination), prohibit Professor Dixon from speaking to his UNC-affiliated medical and dental providers, numerous UNC-affiliated friends and colleagues, and any present or former UNC student, regardless of whether these individuals are currently affiliated with the university. Moreover, given the prevalence of UNC graduates and former employees in the area, it is unlikely that Professor Dixon would even know whether he is engaging in prohibited communication with individuals in the course of conducting his daily activities. Does UNC intend to discipline Professor Dixon for speaking to a coffee shop barista who happens to be enrolled at UNC? Will he be fired for chatting with an Uber driver who used to work at UNC? These restrictions are not only unconstitutional, they are also virtually impossible to comply with.

We demand that the University fully reinstate Professor Dixon without any conditions on his employment by **Friday, October 3 at 5pm**. We are available to discuss this matter at your convenience. If you fail to reinstate Professor Dixon, we intend to take prompt legal action on his behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivy Johnson", written over a horizontal line.

Ivy Johnson

Staff Attorney

ACLU of North Carolina Legal Foundation

ijohnson@acluofnc.org

/s/ Corina Scott

Corina Scott*

Staff Attorney

ACLU of North Carolina Legal Foundation

cscott@acluofnc.org

*Barred in New York. Seeking admission to North Carolina Bar.

Practicing under the supervision of NC attorneys.

Kristi Graunke

Kristi Graunke

Legal Director

ACLU of North Carolina Legal Foundation

kgraunke@acluofnc.org



North Carolina

September 29, 2025

VIA CERTIFIED AND ELECTRONIC MAIL

Dwayne Dixon



Dear Professor Dixon:

This notice is to inform you that you are being placed on administrative leave with pay, effective immediately.

The University of North Carolina at Chapel Hill has received recent reports and expressions of concern regarding your alleged advocacy of politically motivated violence. Depending upon the nature and circumstances of this activity, this conduct, if true, could be grounds for disciplinary action up to and including potential termination of employment according to the standards set forth in the [Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill](#). In order to investigate these allegations in a manner that protects the integrity of its assessment, the University is placing you on administrative leave with pay, effective immediately.

While on administrative leave, you may not perform any University teaching, research, or service and may not report to work without prior authorization from Dean Jim White. You are not required to submit a work plan, and you will not be subject to evaluation by your supervisor for any period during your leave. Your access to University email and other electronic systems will be suspended during the term of your leave.

You are not to be in contact with any current or former employees or students in person, by telephone, in writing or in any other way unless you are instructed or approved to do so in advance by the Dean. Please direct any questions regarding appropriate communications or any ongoing responsibilities to the Dean.

If you feel this administrative leave has been implemented in error, you may wish to contact the Faculty Grievance Committee to learn about potential available resolution options. The University offers confidential support resources, including the Employee Assistance Program and the University Ombuds Office to assist you. I encourage you to make use of these and any other resources that may be available to you.

While on administrative leave, you will continue to receive your standard monthly pay and benefits. Since you will remain in paid status, you are required to be available during regular work hours to address questions or meet with University representatives if instructed to do so.

At this time the total length of the administrative leave has not been determined, as it will depend on the time needed to thoroughly assess the allegations and investigate, if needed. Thank you for your understanding and cooperation.

Dr. Dwayne Dixon
September 29, 2025
Page 2 of 2

Sincerely,

A handwritten signature in blue ink that reads "James W. Dean, Jr." The signature is written in a cursive style with a large initial 'J' and a distinct 'J' at the end.

James W. Dean, Jr.
Interim Provost

cc: James W.C. White, Dean of the College of Arts and Sciences
Office of Faculty Affairs
Personnel File