

October 23, 2025

Dear Chancellors of North Carolina's Public Colleges and Universities:

We write on behalf of the American Civil Liberties Union of North Carolina (ACLU-NC) in response to recent incidences of public universities taking steps to censor faculty speech and to otherwise discourage university employees from exercising their First Amendment rights. This open letter is shared in the spirit of the ACLU-NC's commitment to academic freedom and in recognition of the critical importance of free speech on college campuses.



In this moment, free speech, including on university campuses, is under grave threat. Public universities across the state are legally required to uphold the right to free expression and association for all members of the community. Policies that censor, suppress, or penalize individual speech stand in direct violation of those obligations. We expect public institutions to promptly rescind any directives or policies that infringe on these rights and publicly reaffirm their legal and ethical commitment to free speech. The ACLU-NC, along with civil rights organizations across the country, are closely monitoring universities' adherence to these fundamental freedoms and, where appropriate, will take legal action to defend individuals' constitutional rights.

Here in North Carolina, recent events indicate that university employees' free speech is under attack. Just a few weeks ago, a professor at UNC-Chapel Hill was put on administrative leave because of his prior affiliation with a political group and his past political activities outside the classroom. Dwayne Dixon, an Asian and Middle Eastern Studies professor, exercised his First Amendment rights to freely associate with a political group that reflected his personal values. He eventually left the group in 2018, and the group disbanded in 2019. Several weeks ago, flyers were distributed on Georgetown University's campus purportedly celebrating the murder of Charlie Kirk and recruiting students to this disbanded group. Though Georgetown is hundreds of miles from UNC-Chapel Hill and there was no indication that Professor Dixon himself played any role in creating or distributing the flyers, a third-party social media commentator publicly called for Professor Dixon's termination because of his previous links to the group. In response, UNC-Chapel Hill swiftly placed Professor Dixon on administrative leave and prohibited him from speaking or associating with *any* UNC-Chapel Hill students or employees, *past or present*.



UNC-Chapel Hill's precipitous actions violated Professor Dixon's constitutional rights. The right to associate with political groups, however controversial, is firmly protected by the First Amendment. "Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association." *Sweezy v. State of New Hampshire by Wyman*, 354 U.S. 234, 250 (1957). "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). "[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." *Healy v. James*, 408 U.S. 169, 186 (1972). Moreover, the restrictions that UNC officials imposed on Professor Dixon's speech in connection with his leave amounted to an unconstitutional gag order.

UNC-Chapel Hill ultimately reinstated Professor Dixon following UNC community member protests and ACLU-NC's demand letter. But disciplinary actions, such as putting a faculty member on administrative leave, can have an immediate and profound chilling effect on speech and association. For many faculty members at public universities, "[t]he threat of sanctions may deter their exercise almost as potently as the actual application of sanctions." *NAACP v. Button*, 371 U.S. 415, 433 (1963). Because the right to "engage in association for the advancement of beliefs and ideas" is beyond dispute, colleges and universities must account for the chilling effect that these actions have on free speech and refrain from infringing on the core protections of the First Amendment. *Id.* at 430.

Unfortunately, suppression of speech by North Carolina's university administrators is not limited to UNC-Chapel Hill. Recently, North Carolina State University (NC State) media professionals distributed a "best practices" guide "intended to help guide faculty in effectively using social media." While the guide paid lip service to freedom of expression and the value of diverse opinions, it included language that could chill free speech, particularly as numerous employees nationwide face terminations and other discipline for their personal commentary on current events.

The guide warns that, in formulating social media posts, faculty should "[b]e sure that what you post will not come back to haunt you or the university," and faculty should not post "material that is profane, libelous, obscene, threatening, abusive, harassing, hateful, defamatory or embarrassing to anyone." The guide also cautions that "while free speech principles may apply, your posts may be considered not protected by the



First Amendment,” and that such protection “depends on the impact to the university.” This suggests that NC State employees must censor themselves when speaking in their capacity as private citizens—or risk losing their jobs.

The First Amendment “protects not only the affirmative right to speak, but also the right to be free from retaliation by a public official for the exercise of that right.” *Adams v. Trustees of the Univ. of North Carolina, Wilmington*, 640 F.3d 550, 560 (4th Cir. 2011). While public universities “may impose certain restraints on its employees’ speech” under narrowly defined circumstances, prohibiting faculty from posting language on their personal social media platforms that could be deemed “profane” or “embarrassing” does not withstand constitutional scrutiny. *See id.* at 564–65 (university officials could not base employment decisions on a professor’s speech conducted outside of his duties as faculty). When a university employee expresses themselves in their private capacity about an issue of public concern, their speech is generally protected by the First Amendment unless it contains a specific threat of violence or is intended and likely to incite imminent lawless action. The First Amendment protects “even hurtful speech on public issues to ensure that we do not stifle public debate.” *Snyder v. Phelps*, 562 U.S. 443, 461 (2011). Indeed, “one [person’s] vulgarity is another’s lyric.” *Cohen v. California*, 403 U.S. 15, 25 (1971).

NC State administrators also recently prohibited Palestinian-American author Hannah Moushabeck from reading her children’s book at a University-sponsored event because it purportedly violated North Carolina’s neutrality law. According to the University, the book did not “show two sides to the story.” This is not a viewpoint neutral restriction on speech. Both the Constitution and NC State’s own free speech policies prohibit the University from restricting speech based on content or viewpoint. *See Christian Legal Soc’y Chapter of the Univ. of California, Hastings Coll. of the L. v. Martinez*, 561 U.S. 661, 679 (2010) (“[T]he Court has permitted restrictions on access to a limited public forum [] with this key caveat: Any access barrier must be reasonable and viewpoint neutral.”). Further, the neutrality policy does not authorize NC State to suppress speech it deems insufficiently balanced. Indeed, the decision to prevent Ms. Moushabeck from reading her book is a value judgment that violates the University’s obligation to remain neutral. NC State can best remain neutral by allowing speaker events to proceed and, if desired, clarifying that the authors’ views are their own and not those of NC State administration. The entire point of the neutrality law is to *protect* a diversity of viewpoints, not sanitize expressions of different views by outside speakers unaffiliated with the University.

Leaders at other North Carolina universities, facing pressure from the General Assembly, have instructed faculty to censor and edit their web pages and class descriptions to remove mentions of “DEI” and uncomfortable topics in U.S. history. Even as university administrators are facing pressure and outside scrutiny, they must stand on the side of academic freedom and rigorous truth-telling about America’s past and present. “The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.” *Shelton v. Tucker*, 364 U.S. 479, 487 (1960). Faculty and students must be afforded the freedom to express views—even views that are controversial or offensive—without fear of government retaliation or discipline.



The ACLU-NC calls on North Carolina colleges and universities to reaffirm their commitment to the exercise of free speech and association. These institutions must avoid the temptation to silence opinions by faculty, especially those expressed on individual social media accounts or other personal platforms for expression. The Constitution demands as much. “[The First Amendment] may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.” *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949).

In these difficult times, we urge all institutions of higher education across North Carolina to reaffirm the necessity of defending speech and tolerating profound differences of opinion. History has long shown the necessity and value of diverse perspectives, particularly on college campuses. Today’s universities must uphold this legacy of encouraging debate and fostering dissent.

Sincerely,

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