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WASHINGTON, D.C.
NEW YORK
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May 10, 2024

To the Members of the UNC Board of Governors:

I write to express deep concern about a proposed amendment to the UNC Policy Manual that represents a dangerous impediment to institutional autonomy and academic freedom.

Founded in 1922, PEN America is a non-partisan, nonprofit organization that stands at the intersection of literature and human rights to protect free expression in the United States and worldwide. Our Freedom to Learn program, which I direct, defends free inquiry in higher education against policies that threaten to impose ideological orthodoxy.

The proposed revision to Section 300.8.5 of the UNC Policy Manual is just such a policy, because of the clause below:

Every employing subdivision of the University in both its organization and operation shall adhere to and comply with the strictures of institutional neutrality... Accordingly, no employing subdivision or employment position within the University shall be organized, be operated, speak on behalf of the University, or contract with third parties to provide training or consulting services regarding: matters of contemporary political debate or social action as those terms are used in Section 300.5.1 of the UNC Policy Manual; any prescribed “view of social policy” or “political controversies of the day,” as those terms are used in G.S. 116-300 (3) and (3a); or in furtherance of the concepts listed in G.S. 126-14.6(c)(1)–(13).

PEN America supports the right of university systems to adopt the principles of institutional neutrality as outlined in the University of Chicago’s 1967 Kalven Report. We object, however, to the language in this provision, which extends the precepts of institutional neutrality far beyond the remit intended by the Kalven Committee and would cast a pall of orthodoxy over every campus in the system.

Contrary to what the revised policy suggests, the terms “contemporary political debate,” “social action,” “view of social policy,” and “political controversies of the day” are not defined in the cited policies and statutes. Coupled with the

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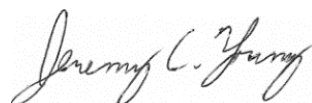
added breadth of applying these restrictions not only to the institution as a whole, but to each “employing subdivision” and “employing position,” the consequences of such restrictions could be deeply chilling.

Could the School of Medicine, for instance, celebrate the success of award-winning surgeons of color, given that diversity has become a “contemporary political debate”? Could venues associated with the Hospitality and Tourism Management Program at UNC Greensboro advertise themselves as LGBTQ+ friendly during Pride Month? Could the North Carolina Botanical Garden advertise its pursuit of renewable energy?

Such concerns apply even more to the list of “divisive concepts” outlined in G.S. 126-14.6(c)(1)–(13). Given that academic departments are “employing subdivisions” of the university system, could a sociology department organize a conference on race? If a faculty scholar of critical race theory wins an award for a peer-reviewed monograph, could the university publicize that fact?

These hypotheticals may appear a *reductio ad absurdum*, but our experience working with campuses across the country makes clear that, to university administrators, staff, and faculty, they would be very real concerns. Adoption of language this broad and general, without either attached guidance or a commitment that individual campuses may interpret the new policy as they see fit, will create a wide chilling effect on the entire system. PEN America urges the Board to scrap this unworkable provision and replace it with language similar to that adopted by many other universities. Such language should convey the true intent of the Kalven Report: to encourage campus leaders to avoid “taking collective action or expressing opinions on the political and social issues of the day,” as those leaders themselves interpret such a directive.

Sincerely,



Jeremy C. Young
Program Director, Freedom to Learn
PEN America

Cc: Peter Hans, President, University of North Carolina System