

Resolution 2022-5. On the Right and Duty of Faculty Members to Speak Freely and the Duty of the University to Protect Faculty Speech

Whereas Chapter VI of Section 100.1 of the UNC System Policy Manual and Code requires “[t]he University and each constituent institution [to] protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth,” and forbids “[t]he University and its constituent institutions [from] penaliz[ing] or disciplin[ing] members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility;” and

Whereas Section 1 of the Trustee Policies Governing Academic Tenure in the University of North Carolina at Chapel Hill states that “[i]t is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect any member of the faculty against influences, from within or without the University, which would restrict the faculty member in the exercise of these freedoms in his or her area of scholarly interest;” and

Whereas UNC-Chapel Hill’s Policy on Freedom of Speech and Expression states that the University “is committed to providing an inclusive and flourishing environment for free speech and expression consistent with the First Amendment of the U.S. Constitution and Section 14 of the North Carolina State Constitution; and

Whereas various academic units’ promotion and tenure standards call upon faculty members to engage, in their official capacities, in expressive activities on matters of public interest and concern, including, as examples:

- “[p]roviding service to the professional or lay community through education, consultation, or other roles” (School of Medicine);
- “collaborat[ing] with individuals, organizations, and communities to apply ... knowledge through written, spoken, and visual means for the betterment of the community, state, nation, and world” (School of Social Work);
- “advocating for law reform ... not only to their academic peers but also to lawmakers, judges, and the public” (School of Law);
- performing “engaged service related to the faculty member’s professional expertise, such as consulting with private and public sector organizations or providing policy advice to governments” (Department of Economics);
- performing “engaged service related to the faculty member’s professional expertise, such as serving on external advisory boards or steering committees, or assisting state, national, or international agencies and non-governmental organizations that provide services in the public interest” (Department of Public Policy);
- “advising government officials and testifying before governmental bodies, serving in non-academic professional associations, speaking to non-academic audiences, assisting not-for-profit organizations with business issues” (Kenan-Flagler Business School); and

- “consult[ing] with industry and business where such activity provides benefits for the public good” and “speaking to and educating community organizations on public health issues” (Gillings School of Global Public Health); and

Whereas the Faculty Council has previously endorsed the “Chicago principles” for the protection and promotion of free speech on campus in Resolution 2018-3, acknowledging that “the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it,”

The Faculty Council now resolves:

Public expression on matters of local, regional, national, and international importance is a core component of the jobs of many members of the faculty and must not be suppressed.

Faculty members should be entitled to indicate their university affiliation in all expression related to their research, teaching, and service, so long as they do not indicate that they speak for the University as an institution.

The University and its leaders must actively and publicly advocate for and defend the rights of faculty members to speak and write on all matters within the ambit of their research, teaching, and service.

The Faculty Council reaffirms its endorsement of principles for the promotion and protection of free speech as adopted in Resolution 2018-3.

Submitted by Professor Eric L. Muller