



June 10, 2021

Richard Y. Stevens
Chair, Board of Trustees
University of North Carolina at Chapel Hill
Office of Public Affairs
310 South Building – CB #9150
Chapel Hill, North Carolina 27599-9150

Sent via U.S. Mail and Electronic Mail (richardstevens@unc.edu)

Dear Chairman Stevens and Members of the Board of Trustees:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

FIRE is concerned by the process by which the University of North Carolina at Chapel Hill declined to offer tenure to Knight Chair appointee Nikole Hannah-Jones, notwithstanding a faculty recommendation that she be tenured. That recommendation for tenure, reached by the usual process for tenure appointments, was also consistent with the practice of granting tenure at the time of appointment to the last four Knight Chairs at UNC. However, what followed in the process with regard to Hannah-Jones, which included trustees airing objections and then declining to offer tenure to a recommended candidate, appears to be a sharp departure from the Board's practice with previous tenure candidates. Given that several trustees reportedly told a journalist that the trustees' evaluation of the matter was marred by "political" considerations, that emails were exchanged between a key donor and the university regarding Hannah-Jones's viewpoint, and that there have been significant efforts by lawmakers across the United States to squelch classroom discussion of the 1619 Project (a *New York Times Magazine* initiative developed by Hannah-Jones), we are concerned that this departure in practice represents differential treatment based on political views or considerations.

I. UNC-Chapel Hill’s Board of Trustees “Takes No Action” on Nikole Hannah-Jones’s Tenure Application

The following is our understanding of the pertinent facts, which is based on public information. We appreciate that you may have additional information to offer and invite you to share it with us.

As a preliminary matter, Nikole Hannah-Jones’s experience and work has been widely reported and debated, so this letter will not repeat at length the range of awards that preceded and followed the 1619 Project, except to note that Hannah-Jones received her master’s degree from UNC’s Hussman School of Journalism and Media, where she served as a Roy H. Park Fellow. Since 2019, the Hussman School has housed an organization co-founded by Hannah-Jones, the Ida B. Wells Society for Investigative Journalism, which mentors young journalists and now has more than 4,500 members. Hannah-Jones is the recipient of the 2020 Pulitzer Prize for Commentary, the “highest national honor in print journalism[.]”¹ Hannah-Jones was also elected as a fellow for the Society of American Historians after her work on the 1619 Project.²

This letter will also not endeavor to detail the complicated and charged debate surrounding the 1619 Project, which “aims to reframe the country’s history by placing the consequences of slavery and the contributions of black Americans at the very center of our national narrative.”³ But we will note that it has yielded efforts at all levels of government—from school boards to state legislatures to the White House—to prevent its content from being discussed in classrooms. These efforts have criticized the 1619 Project as “racially divisive and revisionist,” as attempting “to deny or obfuscate the fundamental principles upon which the United States was founded,”⁴ and as “un-American propaganda,”⁵ and come among broader campaigns to ban critical race theory, “divisive concepts,” and “social justice” from K-12 and higher education.⁶ The 1619 Project’s proponents, on the other hand, argue that its “basic impulse” is

¹ Jeff Barrus, *Nikole Hannah-Jones Wins Pulitzer Prize for 1619 Project*, PULITZER CTR. (May 4, 2020), <https://pulitzercenter.org/blog/nikole-hannah-jones-wins-pulitzer-prize-1619-project>; UNIV. OF WASH., *Pulitzer Prize*, <https://www.washington.edu/research/or/honors-and-awards/pulitzer-prize> (last visited May 25, 2021).

² *Newly Elected Fellows of the Society of American Historians*, SOC’Y OF AM. HISTORIANS (Apr. 30, 2020), <https://sah.columbia.edu/content/newly-elected-fellows-society-american-historians>.

³ Jake Silverstein, *Why We Published the 1619 Project*, N.Y. TIMES MAGAZINE (Dec. 20, 2019), <https://www.nytimes.com/interactive/2019/12/20/magazine/1619-intro.html>.

⁴ Sarah Schwartz, *Lawmakers Push to Ban ‘1619 Project’ From Schools*, EDUC. WEEK (Feb. 3, 2021), <https://www.edweek.org/teaching-learning/lawmakers-push-to-ban-1619-project-from-schools/2021/02>.

⁵ Orion Rummier, *Trump says he will sign executive order on “patriotic education” in rebuke of 1619 project*, AXIOS (Sept. 17, 2020), <https://www.axios.com/trump-1619-project-race-education-d00c8e64-9d5a-44df-84fd-1c8775e68222.html>.

⁶ Tyler Coward, *State legislatures continue efforts to restrict academic freedom*, FIRE (Apr. 29, 2021), <https://www.thefire.org/state-legislatures-continue-efforts-to-restrict-academic-freedom>.

shared by a majority of historians, who teach “that the African American experience must be considered central to every aspect of American history.”⁷

In April, UNC announced that Hannah-Jones would join its faculty as the Knight Chair in Race and Investigative Journalism.⁸ The announcement recognized Hannah-Jones’s years of work with the Hussman School and quoted *New York Times*’ executive editor Dean Baquet praising Hannah-Jones as “a born teacher and mentor.”⁹

Each prior Knight Chair has received tenure at the outset of assuming the role. Because it is intended to bring practitioners and those with experience outside of academia to UNC,¹⁰ past Knight Chairs—and other faculty at the Hussman School—often had no prior teaching experience in higher education. For example, Penny Abernathy, who retired from the position in 2020, had no significant teaching experience before taking the post.

The preceding January, Hannah-Jones was among a “slate” of tenure candidates offered by Provost Bob Blouin for consideration at the January 28, 2021, meeting of the UNC-Chapel Hill Board of Trustees.¹¹ To reach this stage, a candidate for tenure must have been reviewed and recommended at the “Departmental and School-levels,” reviewed and recommended by a committee composed of 12 faculty members, and reviewed and recommended by the Provost,¹² at which point the slate is submitted to the Board of Trustees’ University Affairs Committee (UAC), which is “charged with reviewing” the Provost’s recommendations.¹³

The Board did not vote on Hannah-Jones’ tenure.¹⁴ Instead, Chuck Duckett, who chairs the Board of Trustees’ UAC, had “questions for clarification about [her] background” and

⁷ A.C.L., *From the Editor’s Desk: 1619 and All That*, 125 AMERICAN HIST. REV. xv (Feb. 3, 2020), available at <https://academic.oup.com/ahr/article/125/1/xv/5714757>.

⁸ Press Release, UNIV. OF N.C. AT CHAPEL HILL, *Pulitzer Prize-winning MacArthur ‘Genius’ Nikole Hannah-Jones of The New York Times to become Knight Chair in Race and Investigative Journalism* (Apr. 26, 2021), <http://hussman.unc.edu/news/pulitzer-prize-winning-macarthur-%E2%80%98genius%E2%80%99-nikole-hannah-jones-new-york-times-become-knight>.

⁹ *Id.*

¹⁰ The Knight Foundation “has a continuing interest in ensuring that the chair bearing our founders’ names is held by someone distinguished in a field relevant in the judgment of the journalism school... It is [] clear to us that Hannah-Jones is eminently qualified for the appointment[.]” *Statement from Knight President Alberto Ibarguen on Nikole Hannah-Jones’ appointment as Knight Chair at UNC*, KNIGHT FOUND. (May 21, 2021), <https://knightfoundation.org/press/releases/statement-on-nikole-hannah-jones-appointment-as-knight-chair-at-unc>.

¹¹ *Tenure for slavery project journalist back to UNC trustees*, ASSOC. PRESS (May 26, 2021), https://www.washingtonpost.com/national/tenure-for-slavery-project-journalist-back-to-unc-trustees/2021/05/26/5bc61988-be63-11eb-922a-c40c9774bc48_story.html.

¹² UNIV. OF N.C. AT CHAPEL HILL, *Dossier: Format for Tenure Track or Tenured Faculty Review*, <https://academicpersonnel.unc.edu/policies-and-procedures/faculty-appointments/dossier-format-for-tenure-track-or-tenured-faculty-review> (last visited May 27, 2021).

¹³ *UNC-CH officials discuss controversy over tenure decision*, WRAL (May 20, 2021), <https://www.wral.com/unc-ch-officials-discuss-controversy-over-tenure-decision/19688143>.

¹⁴ Nick Anderson & Susan Svrluga, *Pressure builds on UNC board to grant tenure to journalist Nikole Hannah-Jones*, WASH. POST (May 26, 2021), <https://www.washingtonpost.com/education/2021/05/26/unc-trustees-hannah-jones-tenure-1619>.

“suggested more time and postponed the review to consider those questions and her overall application,” which you explained is “not unusual” when a candidate does not “come from a traditional academic-type background.”¹⁵ The *News-Observer* later cited Duckett as having “questions related to Hannah-Jones’ experience in the classroom, among others, and that no one answered them.”¹⁶

On March 2, UNC offered Hannah-Jones a five-year term contract without tenure.¹⁷ She may be considered for tenure during or at the conclusion of that term.¹⁸

On May 19, *NC Policy Watch* reported that Hannah-Jones’s tenure bid had stalled, as the Board of Trustees “chose not to take action,” leading administrators to instead offer the five-year contract, which does not require Board approval.¹⁹ One trustee, speaking anonymously, described the matter as “a very political thing,” and a second “confirmed the political environment made granting Hannah-Jones tenure difficult, if not impossible.”²⁰ Susan King, Dean of the Hussman School, warned of the “chilling effect” cast by the decision.²¹

On Tuesday, May 25, Hannah-Jones’s tenure application was re-submitted to the UAC.²² The *News-Observer* reported that Duckett “said he received Hannah-Jones’s tenure dossier and CV with Tuesday’s submission and that he had not seen it before.”²³

On May 30, reports emerged that donor Walter Hussman Jr. had contacted several UNC administrators, including the Vice Chancellor for University Development, Dean of the Hussman School, and the university’s Chancellor, to express misgivings about Hannah-Jones’s viewpoint and the possibility of bringing her on to teach in the school that bears his name.²⁴ Hussman also reportedly shared these concerns with at least one trustee, Kelly Matthews Hopkins.²⁵

¹⁵ WRAL, *supra* note 13.

¹⁶ Kate Murphy, *UNC trustees can reconsider tenure for Nikole Hannah-Jones*, NEWS OBSERVER (May 26, 2021), <https://www.newsobserver.com/news/local/education/article251692383.html>.

¹⁷ Letter from Robert A. Blouin, Exec. Vice Pres. & Provost, Univ. of N.C. at Chapel Hill, to Nikole S. Hannah-Jones, Mar. 2, 2021, *available at* <https://www.scribd.com/document/508669092/EXCLUSIVE-Nikole-Hannah-Jones-offered-180-000-PER-YEAR-to-work-at-UNC>.

¹⁸ Joe Killian & Kyle Ingram, *PW special report: After conservative criticism, UNC backs down from offering acclaimed journalist tenured position*, NC POL’Y WATCH (May 19, 2021), <http://www.ncpolicywatch.com/2021/05/19/pw-special-report-after-conservative-criticism-unc-backs-down-from-offering-acclaimed-journalist-a-tenured-position>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Murphy, *supra* note 16.

²³ *Id.*

²⁴ John Drescher, *Nikole Hannah-Jones, a Mega-Donor, and the Future of Journalism*, THE ASSEMBLY (May 30, 2021), <https://www.theassemblync.com/long-form/nikole-hannah-jones-a-mega-donor-and-the-future-of-journalism>.

²⁵ *Id.*

II. Demurring on Hannah-Jones’s Tenure Bid Appears Inconsistent with Past Practices, Threatening a Chilling Effect

While it is not inappropriate for a university to consider the teaching experience of a candidate for tenure in a traditional post, UNC’s past practices—and the purpose of the Knight Chair—indicate that this post is *intended* for candidates who may not have that form of experience, because their accomplishments in private employment are themselves valuable to a school whose mission is to “prepare students to ignite the public conversation in our state, the nation, and the world[.]”²⁶ A political appointee’s insistence on re-evaluating a candidate’s teaching experience—when already known to the multiple levels of faculty members and administrators who reviewed and approved her application, and when similarly situated candidates were not given the same scrutiny—raises serious concerns that the Board’s decision is motivated by opposition to the candidate’s political views or other impermissible grounds.

A. *Board Members Must Work to Protect Freedom of Expression, the “Lifeblood” of the University, from Chilling Effects.*

The trustees of a public university—where the “vigilant protection of constitutional freedoms is nowhere more vital” because the “classroom is peculiarly the ‘marketplace of ideas’”²⁷—are stewards of its academic mission. That responsibility obliges you and your fellow trustees to forswear any action that would cast a “chilling effect” on freedom of expression, which “is of critical importance because it is the lifeblood of academic freedom.”²⁸ Preserving unrestrained freedom of inquiry is a nonnegotiable duty of trustees, particularly those appointed through political processes, lest they impose (or appear to impose) a “pall of orthodoxy over the classroom.”²⁹

Members of governing boards often serve their communities in a voluntary capacity and have considerable experience in managing businesses and other organizations. Yet they are rarely themselves academics and therefore are less prepared to make academic decisions. A business magnate, for example, may not be best suited to determine the qualifications of a mathematician proposed for tenure. As a result, they inherently must rely in large part on the judgment of academics to satisfy their duty of care in making decisions. Additionally, because tenure dossiers are critically reviewed at multiple academic levels, recommendations for tenure are often well-vetted. As a result, it is rare that a board refuses or delays tenure. Departure from that deference, especially when dealing with politically controversial candidates, is more likely to risk a breach of that duty of care.

²⁶ *About UNC Hussman*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/about> (last visited June 9, 2021).

²⁷ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (quoting, in part, *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)).

²⁸ *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d Cir. 2008).

²⁹ *Keyishian*, 385 U.S. at 603.

Because of their stature and role as political appointees, trustees' actions—particularly those undertaken during sessions closed to the public—carry the inherent risk that they will be perceived to be driven by political considerations. As a result, trustees must take special care to avoid actions that may inadvertently cause a chilling effect, and adverse actions on tenure—which are exceedingly rare at the board level³⁰—must consider the potential chilling effects that would be occasioned by an unexplained departure from traditional procedure or practice.

Such departures cause other faculty members and even students to self-censor their research, teaching, and public commentary to avoid running afoul of trustees or administrators. Academic administrators may similarly discourage faculty and students from engaging in controversial research or writing in order to prevent interference by trustees. They may also hurt the university's reputation and cause it to lose out on other academic candidates. Indeed, this has already occurred; Professor Lisa Jones of the University of Maryland, Baltimore, withdrew her candidacy with UNC's chemistry department upon learning about how the Board handled Hannah-Jones's tenure recommendation.³¹ In contrast, decisions which follow objective criteria publicly laid out in consistently enforced, viewpoint-neutral, written policy—rather than a policy of unfettered discretion or an unrestrained veto—are more likely to be supportable and less likely to have a chilling effect.

A university's consideration of tenure is itself an exercise of one of the “four essential freedoms” of a university, which include the right “to determine . . . on *academic grounds* who may teach[.]”³² While FIRE takes no position on the constitutionally appropriate level of involvement of trustees in employment decisions, we note that tenure decisions are afforded deference in the courts of law and public opinion because they necessarily involve “subjective

³⁰ TIAA-CREF INSTITUTE, FACULTY, GOVERNING BOARDS, AND INSTITUTIONAL GOVERNANCE 3 (2009) *available at* https://www.tiaainstitute.org/sites/default/files/presentations/2017-02/ahe_governance0110_03.pdf (last visited June 9, 2021) (noting that only 8% of boards of public institutions of higher education review candidates' qualifications when approving tenure recommendations). Even the expression of reservation about a faculty member's tenure has raised concerns for academic freedom. *See, e.g.,* Bracey Harris, *Ole Miss professor who urged people to stick their fingers in senators' food granted tenure*, CLARION LEDGER (May 16, 2019), <https://bit.ly/2Tdd3mX>. Trustees' involvement at a granular level appears to be a recent development in American institutions of higher education: in 1983, a review of literature and research on trustees' involvement in academic decisionmaking noted that there were “even those” who argued that board members should concern themselves with “more mundane tasks such as . . . selection and promotion of faculty, [and] policies governing faculty tenure[.]” ROBERT E. ENGEL & PAUL P.W. ACHOLA, BOARD OF TRUSTEES AND ACADEMIC DECISIONMAKING: A REVIEW OF LITERATURE AND RESEARCH (1983). Similarly, in 1951, William F. Buckley noted (derisively) that the “notion of mere trustees influencing the choice of textbooks was—and is—thought scandalous[.]” WILLIAM F. BUCKLEY, GOD AND MAN AT YALE: THE SUPERSTITIONS OF ‘ACADEMIC FREEDOM’ (1951). At the University of North Carolina in particular, a journalist who spoke to eight “past chairs of UNC's faculty” reported that none could “remember an instance during his or her tenure when the institution's board of trustees didn't accept a recommendation for tenure.” David Gura (@davidgura), TWITTER (May 24, 2021, 10:48 PM), <https://bit.ly/3oWLpq5>.

³¹ Colleen Flaherty, *More Fallout for UNC Chapel Hill*, INSIDE HIGHER ED (June 4, 2021), <https://www.insidehighered.com/news/2021/06/04/hannah-jones-tenure-case-costs-unc-chapel-hill-noted-chemistry-faculty-candidate>.

³² *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring) (emphasis added).

and scholarly judgments,”³³ requiring “a degree of subjectivity.”³⁴ Yet the courts, the constituents of a university, and the public are not likely to extend the same deferential confidence to decisions made by non-academic political appointees.³⁵

B. The 1619 Project is Expression Protected by the First Amendment and Has Support Among Academic Historians and Journalists.

To the extent that trustees’ opposition to Hannah-Jones is predicated upon the merits of the 1619 Project—points on which FIRE takes no position—that opposition risks displacing academics’ judgment of the work and replacing it with that of political appointees.

Critics of the 1619 Project believe that it makes factual or theoretical errors and presents a false construction of American history. But the Project likewise enjoys firm support among other academics.³⁶ And even a number of the leading critics of the 1619 Project’s particulars and conclusions have criticized the Board’s inaction on Hannah-Jones’ tenure bid.³⁷ Even if Hannah-Jones were the 1619 Project’s *only* proponent, it would enjoy full constitutional protection. Expression does not lose its protection because some subjectively believe the expression to be false, misleading, or offensive. The First Amendment bars the government—including public universities—from punishing or retaliating against speech on the basis that it offends “concepts virtually sacred to our Nation as a whole” in order to ensure they “go unquestioned in the marketplace of ideas.”³⁸ Even if critics’ perspectives on the 1619 Project were held by the majority of academics, under the First Amendment, there is “no such thing as a false idea.”³⁹ “However pernicious an opinion may seem, we depend for its correction not on the conscience” of officials, “but on the competition of other ideas.”⁴⁰ The First Amendment

³³ *Adams v. Trs. of the Univ. of N.C.-Wilmington*, 640 F.3d 550, 557 (4th Cir. 2011) (quoting *Smith v. Univ. of N. Carolina*, 632 F.2d 316, 345–46 (4th Cir. 1980)).

³⁴ *Smith v. Univ. of N. Carolina*, 632 F.2d 316, 345 (4th Cir. 1980).

³⁵ Courts will show deference to “the faculty’s professional judgment” when asked to “review the substance of a *genuinely academic decision*. . . .” *Regents of the Univ. of Mich. v. Ewing*, 474 U.S. 214, 225 (1985) (emphasis added).

³⁶ See, e.g., Press Release, *Statement from the OAH Academic Freedom Committee on the Broader Implications of the UNC Decision to Deny a Tenured Appointment to Nikole Hannah-Jones*, ORG. OF AM. HISTORIANS, May 27, 2021, <https://www.oah.org/insights/posts/2021/may/oah-academic-freedom-committee-issues-statement-on-the-unc-decision-to-deny-tenure-to-nikole-hannah-jones>.

³⁷ Keith E. Whittington & Sean Wilentz, *We Have Criticized Nikole Hannah-Jones. Her Tenure Denial Is a Travesty*, CHRON. OF HIGHER ED. (May 24, 2021), <https://bit.ly/3fswHUB> (scholars who “remain critical” of the 1619 Project write that the trustees’ action—or lack thereof—“is an attack on the integrity of the very institution it oversees.”); Leslie Harris (@ProfLMH), TWITTER (May 19, 2021 7:44 PM), <https://bit.ly/3yKuNqb> (fact-checker who criticized the 1619 Project calls UNC’s failure to grant Hannah-Jones tenure “an embarrassment to academic claims to free intellectual inquiry.”); Conor Friedersdorf, *A Culture of Free Speech Protects Everyone*, THE ATLANTIC (May 21, 2021), <https://bit.ly/3wDdR30> (journalist and critic of the 1619 project writes to criticize UNC’s inaction, adding that he would “eagerly take a class” with her).

³⁸ *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

³⁹ *Gertz v. Robert Welch*, 418 U.S. 323, 339–40 (1974).

⁴⁰ *Id.*

and our public universities are designed to promote “the marketplace of ideas,” in which ideas from across the political and viewpoint spectrum are debated.

It is inevitable that the quality of a candidate’s work will be evaluated in deciding whether to grant tenure. That evaluation, however, requires cognizance that academic freedom is intended to protect the right to be wrong, and that “the best test of truth is the power of the thought to get itself accepted in the competition of the market”⁴¹ Academics, not appointed Board members, are best positioned to evaluate the 1619 Project’s academic merit⁴² and whether it contains errors sufficient to disqualify her from scholarly work. Here, the academics involved in hiring Hannah-Jones and recommending her for tenure clearly believed that her work held sufficient academic merit to qualify her for the position and tenure upon appointment.

C. UNC-Chapel Hill’s Response to Hannah-Jones’s Tenure Application Appears to Deviate from Treatment of Other Applicants

When protected speech is a “substantial” or “motivating” factor in an adverse employment decision,⁴³ as trustees have suggested it was here, a government actor must show that “it would have reached the same decision . . . even in the absence of the protected conduct.”⁴⁴ Evaluating the university’s past responses to similarly situated tenure bids is probative of whether the application of facially neutral criteria is merely pretextual.⁴⁵ Here, the justifications proffered for the delay in Hannah-Jones’s tenure bid—that the Chair of the UAC had questions about her prior teaching experience and whether it is appropriate to award tenure—are difficult to square with how UNC has treated comparable tenure applications.

First, the Knight Chair role is *intended* to be held by “journalism practitioners” and “professional journalists” whose experience is derived not from classroom teaching and traditional academic research, but from work within their profession.⁴⁶ Drawing faculty from *outside* the academy is a way to help foster intellectual diversity, as students learn not only from those who have spent their career in academia, but in the board room, newsroom, or in

⁴¹ *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

⁴² Through engaging with her critics, Hannah-Jones herself, for example, has publicly acknowledged and accepted some of the criticism of the project. Adam Serwer, *The Fight Over the 1619 Project Is Not About the Facts*, THE ATLANTIC (Dec. 23, 2019), <https://www.theatlantic.com/ideas/archive/2019/12/historians-clash-1619-project/604093>. This demonstrates the marketplace of ideas at work.

⁴³ Denial of tenure may, in some circumstances, qualify as an adverse employment decision for purposes of First Amendment retaliation. *See, e.g., Lopez v. Bd. of Trs. of the Univ. of Ill. at Chi.*, 344 F. Supp. 2d 611, 619 (N.D. Ill. 2004).

⁴⁴ *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977).

⁴⁵ *See, e.g., Harris v. Wood*, 888 F. Supp. 747, 752 (W.D. Va. 1995) (in First Amendment retaliation cases, where “motive is central” to the inquiry, “extrinsic circumstances” such as “treatment of a similarly situated employee” is relevant); *Stephens v. City of Austin*, No. 1:12-CV-659-DAE, 2014 U.S. Dist. LEXIS 97474, at *20 (W.D. Tex. July 18, 2014) (allowing First Amendment plaintiff to explore disciplinary actions against “similarly situated” employees to rebut government employer’s proffered non-retaliatory reasons for discipline).

⁴⁶ Press Release, Knight Found., *Former Dow Jones and New York Times Executive Named Knight Chair at UNC Journalism School* (Jan. 28, 2008) <https://knightfoundation.org/press/releases/former-dow-jones-and-new-york-times-executive>.

practice. In keeping with this approach, the previous Knight Chair in Journalism at UNC had an illustrious career as a business executive at the *The New York Times*, *Harvard Business Review*, and the *Wall Street Journal*, but did not appear to have substantial teaching experience when she joined UNC.⁴⁷ And FIRE is informed that each of the past four holders of this post was granted tenure at the time of commission.

Further, Hannah-Jones appears to have had *more* teaching experience pre-commission than did UNC's current Knight Chair in Journalism, having previously taught Reporting and Writing for Mass Media at North Carolina Central University.⁴⁸ Hannah-Jones also regularly teaches virtual workshops in journalism as part of her work with the Ida B. Wells Society, and has lectured at institutions including Harvard University, Emory University, the National Museum of African American History and Culture, and UNC itself. While this experience may not be the same as that of a traditional tenure-track faculty member, it is not unreasonable that the faculty hiring committee felt this experience, in tandem with Hannah-Jones's professional work, sufficient to qualify her for tenure. According to conversations with those knowledgeable about the situation, faculty committee members further cited her guest lecture at UNC, which was attended and positively reviewed by students and other faculty members, as part of their decision to recommend her for tenure.

Second, to the extent that objections lie with Hannah-Jones's master's degree (that is, that she does not have a doctorate), these objections are misplaced. Again, given that the chaired position is intended to draw professional candidates to the university, requiring a doctorate would undermine the chair's purpose. UNC's last Knight Chair, for example, does not have a doctorate.⁴⁹ Moreover, tenured and tenure-track journalism faculty—including the dean of the Hussman School—typically have a master's degrees and do not always have a PhD.⁵⁰

⁴⁷ *Id.*

⁴⁸ Nikole Hannah-Jones, *Résumé*, archived on Jan. 26, 2015 at

<http://web.archive.org/web/20150126180547/http://nikolehannahjones.com/resume>. Hannah-Jones's résumé then styled the class as "newsgathering." We assume this refers to NCCU's MSCM 2440 (Reporting and Writing for Mass Media), which was then offered at the university. N.C. CENTRAL UNIV., *BULLETIN OF NORTH CAROLINA CENTRAL UNIVERSITY* 284 (June 2006), archived at

<https://web.archive.org/web/20060904101432/http://www.nccu.edu/catalog/U2006/complete.pdf>.

⁴⁹ *Penny Abernathy*, NORTHWESTERN MEDILL SCHOOL OF JOURNALISM,

<https://www.medill.northwestern.edu/directory/faculty/penny-abernathy.html> (last visited June 9, 2021).

⁵⁰ *See, e.g., Susan King*, HUSSMAN SCH. OF JOURNALISM AND MEDIA,

<http://hussman.unc.edu/directory/faculty/susan-king> (last visited June 2, 2021); *Andy Bechtel*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/andy-bechtel#education> (last visited June 2, 2021); *Paul Cuadros*, HUSSMAN SCH. OF JOURNALISM AND MEDIA,

<http://hussman.unc.edu/directory/faculty/paul-cuadros#education> (last visited June 2, 2021); *Patrick Davison*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/patrick-davison#education> (last visited June 2, 2021); *Chad Heartwood*, HUSSMAN SCH. OF JOURNALISM AND MEDIA,

<http://hussman.unc.edu/directory/faculty/chad-heartwood#education> (last visited June 2, 2021); *Steven King*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/steven-king#education>

(last visited June 2, 2021); *Erin Siegal McIntyre*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/erin-siegal-mcintyre#education> (last visited June 2, 2021); *Terence Oliver*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/terence-oliver#education> (last visited June 2, 2021); *Laura Ruel*, HUSSMAN SCH. OF JOURNALISM AND MEDIA,

<http://hussman.unc.edu/directory/faculty/laura-ruel#education> (last visited June 2, 2021).

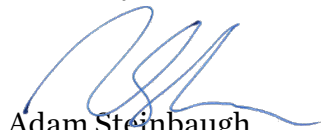
Third, Chairman Duckett asserted he had not seen Hannah-Jones’s dossier and curriculum vitae—in other words, the substance of her substantive tenure application⁵¹—until it was submitted a second time, on Tuesday, May 25.⁵² Was Duckett provided the dossiers and curriculum vitae of other candidates on the slate presented to him for consideration at the January Board meeting? If not, how did he determine those other candidates’ applications merited grants of tenure? If the 1619 Project’s controversy—which is inextricable from political debates about the project—led to heightened Board scrutiny of Hannah-Jones’s proposed tenure as compared to the other candidates on the same slate, it would reflect that differential treatment was motivated by her protected speech.

Finally, if it is not “unusual” for a trustee to solicit further information about a candidate for tenure, and all prior applicants subject to such a request were subsequently awarded tenure, why did *this* request lead the provost to instead offer Hannah-Jones a five-year contract without tenure? This seems to suggest the exchange between the Board and administrators was not simply limited to seeking more information, but forecasted doubt that the Board would permit the bid to move forward.

III. Conclusion

We urge the University of North Carolina to ascertain whether there were deviations in the process afforded to Hannah-Jones’s tenure bid, to transparently address any deviations it discovers, to establish policy guidance for trustees charged with making such decisions, and to avoid actions which might reasonably lead to a chilling effect on the institution whose policies they oversee. This chilling effect will have a lasting effect on UNC’s reputation as a leading research institution if the Board does not account for its actions in this matter.

Sincerely,



Adam Steinbaugh
Director, Individual Rights Defense Program

<http://hussman.unc.edu/directory/faculty/laura-ruel#education> (last visited June 2, 2021); *John Sweeney*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/john-sweeney#education> (last visited June 2, 2021); *Ryan Thornburg*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/ryan-thornburg#education> (last visited June 2, 2021); *Lisa Villamil*, HUSSMAN SCH. OF JOURNALISM AND MEDIA, <http://hussman.unc.edu/directory/faculty/lisa-villamil#education> (last visited June 2, 2021).

⁵¹ *Dossier: Format for Tenure Track or Tenured Faculty Review*, UNIV. OF N.C. AT CHAPEL HILL, <https://academicpersonnel.unc.edu/policies-and-procedures/faculty-appointments/dossier-format-for-tenure-track-or-tenured-faculty-review> (last visited June 7, 2021).

⁵² Murphy, *supra* note 16.

A handwritten signature in black ink, appearing to read "Lindsay Rank". The signature is stylized and cursive.

Lindsay Rank

Program Officer, Individual Rights Defense Program
Hussman School of Journalism & Media, MA Class of 2018
UNC School of Law, Class of 2018

Cc: Susan King, Dean, Hussman School of Journalism and Media