



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

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UNIVERSITY COUNSEL

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September 2, 2021

VIA ELECTRONIC MAIL (lindsie.rank@thefire.org)

Lindsie Rank
Program Officer
The Foundation for Individual Rights in Education
510 Walnut Street; Suite 1250
Philadelphia, PA 19106

Dear Ms. Rank:

I am writing in response to your August 18, 2021 letter regarding The University of North Carolina at Chapel Hill's inquiry into the disclosure of a confidential gift agreement. We are disappointed that FIRE continues to make inaccurate assumptions and conclusions regarding the motives and methods of the University's inquiry and to call into question its commitment to free speech.

We agree with the second paragraph of your letter, which states that an appropriate investigation would "necessarily seek information from those who hold potentially relevant information." That has always been the focus of the inquiry – information relevant to the document at issue, not employee speech.

Your letter, however, continues to make representations and inferences regarding the inquiry that are simply not accurate. Mindful of the University's obligations under the State Human Resources Act, the University will not identify the precise nature or extent of the specific inaccuracies. The University will again, however, categorically deny your suggestions that the inquiry is not based upon facts or evidence relevant to the disclosure of the gift agreement itself. Further, the University employees conducting the inquiry have been forthright and transparent in their communications with individuals regarding the nature of their inquiry, diligent in their review of relevant facts, and compliant with applicable law and University policy.

Despite our disappointment, we remain appreciative of the respectful, collaborative relationship the University and FIRE have enjoyed given the University's longstanding history of respecting and honoring the First Amendment and academic freedom.

Very truly yours,

Charles Marshall
Vice Chancellor and General Counsel