



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

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UNIVERSITY COUNSEL

O 919-962-1219 | F 919-843-1617

Carolina Square | Suite 600A | Campus Box 9105
123 West Franklin Street | Chapel Hill, NC 27516-9105

August 6, 2021

VIA ELECTRONIC MAIL (irdpfire@gmail.com)

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 4, 2021 letter in which you falsely insinuated that The University of North Carolina at Chapel Hill (“University” or “UNC-Chapel Hill”)’s inquiry into the improper disclosure of a confidential donor gift agreement is predicated upon an intent to retaliate against employees for the exercise of their free speech rights. As you note in your letter, UNC-Chapel Hill is one of only a handful of institutions in the country to have earned a “green light” from FIRE, a designation that recognizes the University’s commitment to the First Amendment rights of its community members. In addition, the University has enjoyed a very collaborative and respectful relationship with FIRE over many years. For these reasons, the University is especially surprised and disappointed by FIRE’s suggestion that UNC-Chapel Hill is violating the free speech rights of its employees and improperly targeting them as part of its fact-finding effort.

UNC-Chapel Hill is gathering information relating to the unauthorized disclosure of a confidential donor gift agreement that is subject to applicable safeguards. As it would with any unauthorized disclosure of protected information, including but not limited to student or employee data or intellectual property, the University simply seeks to understand how the unauthorized disclosure occurred.

The suggestion by FIRE that the University “target[ed]” employees for the prior exercise of their First Amendment rights is wholly unfounded. As part of the University’s fact gathering, it requested (but never “demand[ed]”) that individuals with potentially relevant information meet with a University representative to share information that could be helpful in this process. Whether an employee exercised their First Amendment rights is entirely irrelevant to whether that individual could have information regarding the receipt of, access to, or disclosure of a donor gift agreement.

The University also is appropriately limiting its conversations with these individuals to the access, possession, and disclosure of the donor gift agreement. The questions are intentionally narrow in scope and designed only to elicit information about the release of the donor gift agreement and the extent of that release.

While UNC-Chapel Hill is deeply disappointed by FIRE’s letter and its inaccurate suggestions regarding an inquiry wholly unrelated to speech, the University expects this letter satisfies FIRE’s stated concerns.

Very truly yours,

Charles Marshall
Vice Chancellor and General Counsel