



FIRE

Foundation for Individual
Rights and Expression

May 8, 2023

Franklin D. Gilliam
Office of the Chancellor
University of North Carolina Greensboro
PO Box 26170
Greensboro, North Carolina 27402-6170

Sent via U.S. Mail and Electronic Mail (chancellor@uncg.edu)

Dear Chancellor Gilliam:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ appreciates that UNC Greensboro is one of the few institutions in the country whose policies earn it a “green light” rating from FIRE.² We are, however, concerned by reports of students erasing Students for Life’s pro-life chalk messages on UNC Greensboro’s sidewalks. As a public institution bound by the First Amendment,³ UNC Greensboro must investigate and address the censorship of these messages and ensure students are free to share their opinions on controversial topics in the public, open areas of campus.

On March 22 and 29, SFL members followed UNC Greensboro’s Chalking Policy to share their pro-life views with chalked messages, which included “Love them Both, Mom & Baby,” “Abortion Hurts Women,” “Human Equality for All + Pre-Born,” and “Women Need Resources, Not Abortion.”⁴ Other students reportedly erased SFL’s messages with water, telling the SFL

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America’s college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² *UNC Greensboro earns North Carolina’s second ‘green light’ rating for free speech in a month*, FIRE (May 11, 2017), <https://www.thefire.org/news/unc-greensboro-earns-north-carolinas-second-green-light-rating-free-speech-month>.

³ *See Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

⁴ Claire Caton, *EXCLUSIVE: WATCH: Pro-abortion students vandalize pro-life messages, compare unborn to vermin*, *CAMPUS REFORM* (Apr. 22, 2023), <https://campusreform.org/article?id=22202>. The recitation of facts here reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us.

members the pro-life messages were offensive and that students have the freedom of speech to erase the messages.⁵ According to SFL, a club representative met with members of the university's Bias Education and Support Team about this incident and was told there was nothing UNC Greensboro could do beyond offering SFL counseling services.

UNC Greensboro's First Amendment obligations require it to have zero tolerance for vandalism of otherwise protected expression on campus. Just as UNC does not tolerate students stealing newspapers or ripping down other students' posters,⁶ SFL students cannot fully and meaningfully exercise their freedom of speech if those opposed can erase the displays with impunity. That students or administrators may be offended by the messages is no excuse for permitting this censorship to continue unchecked.

As the Supreme Court has explained, our nation has "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open . . ."⁷ Just like students who may object to a poster might post one of their own, or those who disagree with an op-ed might write one promoting different views, students who object to SFL's chalk messages may write their own nearby on the vast expanses of chalk-able space on UNC's campus. They may not, however, destroy their fellow students' expressive messages.

FIRE calls on UNC Greensboro to address this censorship by making clear to students that the answer to offensive speech is "more speech"⁸ and that destroying other students' written messages is not freedom of speech.⁹ The university should attempt to identify those responsible for destroying the SFL chalk messages and ensure they understand the gravity of their anti-speech action so they will not engage in such censorship in the future. To this end, we recommend that you adopt and utilize FIRE's "Free Speech at Freshman Orientation" materials, which aim to teach incoming students about their free speech rights from the start of their time at UNC Greensboro.¹⁰

⁵ *Id.*

⁶ *Student Code of Conduct, Responsibility*, UNIV. OF N.C GREENSBORO, <https://osrr.uncg.edu/wp-content/uploads/2019/07/Student-Code-of-Conduct-12-3-18-2.pdf> [<https://perma.cc/LMN6-5LCL>] (prohibiting "acts that damages, destroys, or defaces property of the university or another.").

⁷ *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); *see also Snyder v. Phelps*, 562 U.S. 433, 448, 461 (2011) ("As a Nation we have chosen . . . to protect even hurtful speech on public issues to ensure that we do not stifle public debate.").

⁸ *Whitney v. California*, 274 U.S. 357, 377 (1927).

⁹ FIRE notes that UNC Greensboro has previously responded in favor of free speech when students called for censorship of controversial speech, and so UNC Greensboro should continue to do so here. *A Reminder of UNCG's Policy on Free Speech and Civil Discourse*, UNIV. OF N.C GREENSBORO DIVISION OF STUDENT AFFAIRS, <https://sa.uncg.edu/a-reminder-of-uncgs-policy-on-free-speech-and-civil-discourse/> [<https://perma.cc/54M3-48BQ>]; Anelise Powers, *UNC Greensboro: Ben Shapiro speaks at green light university and 'you cannot stop it'* (Apr. 15, 2022), <https://www.thefire.org/news/unc-greensboro-ben-shapiro-speaks-green-light-university-and-you-cannot-stop-it>.

¹⁰ *Free Speech at Freshman Orientation*, FIRE, <https://www.thefire.org/research-learn/free-speech-freshman-orientation>.

We look forward to hearing from you and request a substantive response to this letter no later than the close of business on May 22, 2023, confirming UNC Greensboro will address SFL's chalk messages being destroyed by reminding students what is and what is not protected under the First Amendment and that acts of censorship will be investigated and addressed.

Sincerely,

A handwritten signature in cursive script that reads "Haley Gluhanich".

Haley Gluhanich
Program Officer, Campus Rights Advocacy

Cc: Brian Daniel, Dean of Students