



April 14, 2026

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*Sent via U.S. Mail and Electronic Mail (Kara\_Simmons@unc.edu)*

Dear Vice Chancellor Simmons:

FIRE appreciates the University of North Carolina at Chapel Hill’s April 10 response to our April 9 letter regarding Senior Vice Provost James Orr’s statement on behalf of the university condemning *The Daily Tar Heel*’s and Hill After Hours’ satirical works. While UNC-Chapel Hill may not have intended to chill the free expression rights of those in the campus community, Orr’s statement has undeniably had that effect. If UNC-Chapel Hill is to fulfill its First Amendment and institutional neutrality obligations—as the university stated it is committed to doing—the university must *publicly* retract Orr’s statement and *publicly* clarify that no group is under investigation because of constitutionally-protected satire.

Following Orr’s statement condemning *The Daily Tar Heel*’s satirical articles as “completely unacceptable” and “highly inappropriate and offensive,”<sup>1</sup> the newspaper’s editorial team released an apology sharing steps the newsroom would be taking following its April 1 edition.<sup>2</sup> Those changes powerfully illustrate the chill being felt in the newsroom. Referring to themselves as “the perpetrators of the [April Fools’] edition,” *The Daily Tar Heel* announced its opinion desk “will not produce satire for at least the rest of the semester.”<sup>3</sup> Additionally, *The Daily Tar Heel* announced it would be instituting “regular DEI training” from “outside

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<sup>1</sup> James Orr, *Statement on Behalf of the University from Senior Vice President James Orr on Recent April Fools Incidents*, UNIV. OF N.C. AT CHAPEL HILL (Apr. 6, 2026), <https://studentaffairs.unc.edu/statement-on-behalf-of-the-university-from-senior-vice-provost-james-orr-on-recent-april-fools-incidents/> [<https://perma.cc/U23B-S979>].

<sup>2</sup> The Daily Tar Heel Editors, *A statement of apology and our plan for the newsroom following last week’s satire edition*, THE DAILY TAR HEEL (Apr. 8, 2026), <https://www.dailytarheel.com/article/statement-apology-action-from-the-newsroom-satire-edition-20260408>.

<sup>3</sup> *Id.*

professionals” and adding a professional (presumably non-student) “news adviser.”<sup>4</sup> For the rest of the semester, then, satire is off-limits, and through the foreseeable future, student journalists and editors will feel obliged to defer their editorial judgment, at least in part, to non-students. Browbeaten into submission, student editors have been convinced they are guilty of wrongdoing and are opting to self-censor rather than engage in protected speech.

Moreover, the chill of announcing an investigation into the Hill After Hours video—even if, as UNC-Chapel Hill assures FIRE, no such investigation is taking place—is real. Students, including those who wish to produce controversial satire, have undoubtedly seen or heard about Orr’s message, which states: “Student Affairs is investigating this incident to determine more information about how and by whom the video was authorized and produced as well as next steps needed to address concerns.”<sup>5</sup> There is no ambiguity to Orr’s statement; he says, “Student Affairs *is investigating* this incident.”<sup>6</sup> Students, therefore, have every reason to fear that unpopular expression will lead to an investigation by Student Affairs (the same department that houses the Office of Student Conduct), because that is exactly what Orr announced was happening. This most certainly “would chill or silence a person of ordinary firmness from future First Amendment Activities.”<sup>7</sup>

Despite our concerns about the announced investigation, we are heartened to hear from your April 10 response that UNC is “not investigating any student or student group” for the expression in *The Daily Tar Heel* or Hill After Hours. Presuming, then, that the announced investigation is now over with no action taken, it is incumbent upon UNC-Chapel Hill to make that fact public and to refrain from announcing investigations into protected expression.

UNC-Chapel Hill must also publicly retract Orr’s statement expressing its official disapproval of the satirical articles and video if it is to abide by its institutional neutrality obligations. Orr’s statement on behalf of the university plainly violates G.S. 116-300(3a)<sup>8</sup> and the resulting UNC system policy adopted to enforce that statute.<sup>9</sup> UNC-Chapel Hill must remain neutral “on the political controversies of the day,”<sup>10</sup>—and around April Fools’ Day this year, the content put out by *The Daily Tar Heel* and Hill After Hours was most certainly the political controversy of the

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<sup>4</sup> *Id.*

<sup>5</sup> Orr, *supra* note 1.

<sup>6</sup> *Id.* (emphasis added).

<sup>7</sup> *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999); *See also Balt. Sun Co. v. Ehrlich*, 437 F.3d 410, 416 (4th Cir. 2006) (“The determination of whether government conduct or speech has a chilling effect or an adverse impact is an objective one—we determine whether a similarly situated person of “ordinary firmness” reasonably would be chilled by the government conduct in light of the circumstances presented in the particular case.”).

<sup>8</sup> N.C. Gen. Stat. § 116-300(3a) (“The constituent institution shall remain neutral, as an institution, on the political controversies of the day.”)

<sup>9</sup> *UNC Policy Manual*, 300.8.5, Section VII. (Adopted May 23, 2024) (on file with author).

<sup>10</sup> *Id.* *See also* N.C. Gen. Stat. § 116-300(3a).

day in Chapel Hill. Orr's statement, made definitively on behalf of the university,<sup>11</sup> takes a clear, non-neutral stance on that controversy.

UNC-Chapel Hill's responses to satirical student speech and to FIRE's letter are insufficient, given its obligations under the First Amendment and to institutional neutrality. As such, we request a substantive response to this letter no later than the close of April 21, confirming UNC-Chapel Hill will publicly retract its statement condemning these groups' speech, announce that any investigations have been closed without action, and take steps to meaningfully educate university administrators on the First Amendment and institutional neutrality. FIRE would be happy to assist with such efforts if desired, free of charge and in accordance with our charitable mission.

Sincerely,



Marie McMullan  
Student Press Counsel, Campus Rights Advocacy

Cc: Lee H. Roberts, Chancellor  
James Orr, Senior Vice Provost for Student Success

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<sup>11</sup> Orr, *supra* note 1.