



April 9, 2026

Lee H. Roberts
Office of the Chancellor
University of North Carolina at Chapel Hill
103 South Building
Campus Box 9100
Chapel Hill, North Carolina 27599-9100

URGENT

Sent via Next-Day Delivery and Electronic Mail (chancellor@unc.edu)

Dear Chancellor Roberts:

FIRE's Student Press Freedom Initiative¹ is deeply concerned by the University of North Carolina at Chapel Hill's statements and actions regarding "April Fools" content from *The Daily Tar Heel* student newspaper and a satirical video produced by the Hill After Hours student variety show.² While FIRE appreciates that UNC-Chapel Hill is one of the few institutions in the country whose free speech policies earn a "green light" rating from FIRE, we urge the university to follow its obligations under these policies, state law, and the First Amendment by retracting its condemnation of these outlets' content and ending its investigation of Hill After Hours.

On April 1, *The Daily Tar Heel*—which is editorially and financially independent from the university—published a series of satirical articles for April Fools' Day.³ The pieces were meant "to highlight the medium of satire,"⁴ including pieces relating to immigration enforcement,

¹ For more than 25 years, the Foundation for Individual Rights and Expression (FIRE) has defended freedom of expression and other individual rights on America's university campuses. The Student Press Freedom Initiative (SPFI) defends the rights of student journalists at colleges and universities across the country. You can learn more about our mission and activities at fire.org.

² The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ Alli Pardue, *Statement from the editor on The Daily Tar Heel's satire edition*, THE DAILY TAR HEEL (Apr. 1, 2026), <https://www.dailytarheel.com/article/statement-from-the-editor-satire-edition-20260401>.

⁴ *Id.*

DEI, and other current events.⁵ A few days later, on April 6, student-run variety show Hill After Hours, a registered student organization, posted a now-deleted video on social media in which a white female student and her two male “body guards” walk through South Campus. They call the area a “third world country,” attempt to patronizingly speak Spanish to a Hispanic student, and refuse to speak with a black student.⁶

Students on TikTok highlighted *The Daily Tar Heel* articles and Hill After Hours video, prompting outrage on campus and online.⁷ On April 6, Senior Vice Provost James Orr released a statement on behalf of the university regarding the articles and video, stating “[a]ny content that demeans, harms or contributes to an unwelcoming environment in our campus is completely unacceptable.”⁸ Regarding *The Daily Tar Heel*’s April Fools’ issue, Orr stated that UNC-Chapel Hill “unequivocally condemn[s]” the satirical articles.⁹ As for Hill After Hours, Orr stated, “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.”¹⁰ Following Orr’s statement, FIRE reached out privately to urge the university to publicly retract the statement and end its investigation into Hill After Hours. The university did not.

UNC-Chapel Hill’s statements and actions raise both state law and constitutional concerns. First, North Carolina state law requires the Board of Governors of the University of North Carolina, which governs UNC-Chapel Hill, to maintain a policy on free expression that requires each institution to remain neutral “on the political controversies of the day.”¹¹ The resulting policy, titled “Equality Within the University of North Carolina,” accordingly states that “[e]very employing subdivision of the University in both its organization and operation shall adhere to and comply with the strictures of institutional neutrality required by G.S. 116-300 (3a) [the aforementioned section of state law].”¹² Orr’s statement on behalf of the university, then, defies this state law and system policy by condemning *The Daily Tar Heel* pieces and Hill After Hours video for their viewpoints and satirical expression, as taking a position about those

⁵ Jane Winik Sartwell, *UNC student newspaper’s April Fools’ satire sparks outrage on campus*, THE NEWS & OBSERVER (Apr. 3, 2026, 7:22 AM), <https://www.newsobserver.com/news/local/education/article315278530.html>.

⁶ Hill After Hours video (on file with author). *See also* Foundation for Individual Rights and Expression (@thefireorg), X (Apr. 8, 2026, 5:12 PM), <https://x.com/TheFIREorg/status/2041987474788921399>.

⁷ Sartwell, *supra* note 5.

⁸ James Orr, *Statement on behalf of the University from Senior Vice Provost 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/8QUH-NQKA>].

⁹ *Id.*

¹⁰ *Id.*

¹¹ N.C. Gen. Stat. § 116-300(3a) (“The constituent institution shall remain neutral, as an institution, on the political controversies of the day.”).

¹² UNC Policy Manual, 300.8.5, Section VII. (Adopted 05/23/24.)

pieces most certainly *does not* qualify as remaining neutral on the “political controversies of the day.”¹³

Following this principle of institutional neutrality—as established by the University of Chicago’s Kalven Report¹⁴—creates space for individual and collective voices to flourish rather than be chilled if their viewpoints do not align with the university’s institutional opinion. UNC-Chapel Hill’s own materials make it clear that the institution has adopted the Kalven Report and committed itself to neutrality on social and cultural debates.¹⁵ The university must publicly retract Orr’s statement to comport with the university’s state law obligations, and the university must recommit itself to ensuring that administrators and staff understand and follow that policy.

Orr’s statement that the university is investigating Hill After Hours also raises serious First Amendment concerns. Offensive and satirical speech maintains First Amendment protection,¹⁶ unless it also falls into one of a limited number of categories of unprotected speech. The Supreme Court has repeatedly, consistently, and clearly held that expression may not be restricted on the basis that others find it to be offensive.¹⁷ In holding that a student newspaper’s political cartoon depicting the Statute of Liberty and Goddess of Justice being raped by police officers was protected speech, the Supreme Court explained that “the mere dissemination of ideas” on campus, however “offensive” that expression may be to others, “may not be shut off in the name alone of ‘conventions of decency.’”¹⁸ The Court has also been clear that First Amendment protection extends to satire and parody, even of a very offensive nature.¹⁹

Accordingly, UNC-Chapel Hill must immediately end its investigation into Hill After Hours to avoid further unlawful chilling of protected expression. The question is not whether an institution ultimately imposes formal sanctions after an investigation, but whether its activities would “chill or silence a person of ordinary firmness from future First Amendment

¹³ See N.C. Gen. Stat. § 116-300(3a).

¹⁴ *Institutional Neutrality and the Kalven Report*, FIRE, <https://www.fire.org/research-learn/institutional-neutrality-and-kalven-report>.

¹⁵ *Free Speech FAQ*, UNIV. OF N.C., <https://freespeech.unc.edu/policies/faqs/> [<https://perma.cc/2NBE-JHCJ>].

¹⁶ In addition to misstating its state law obligations, UNC Chapel Hill stokes confusion as to what speech is permitted on campus. “Any content that demeans, harms or contributes to an unwelcoming environment” is nonetheless protected speech unless it falls within one of the narrowly defined categories of unprotected speech, such as incitement, true threats, or discriminatory harassment. *Unprotected Speech Synopsis*, FIRE, <https://www.fire.org/research-learn/unprotected-speech-synopsis> (last visited Apr. 8, 2026).

¹⁷ *Snyder v. Phelps*, 562 U.S. 443, 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.”). See also *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag is protected by the First Amendment); *Cohen v. California*, 403 U.S. 15, 25 (1971) (wearing a jacket that says “Fuck the Draft” is protected); *Matal v. Tam*, 582 U.S. 218, 246 (2017) (Supreme Court has refused to establish a limitation on speech viewed as “hateful” or demeaning “based on race, ethnicity, gender, religion, age, disability, or any other similar ground.”).

¹⁸ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 670 (1973).

¹⁹ *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988).

activities.”²⁰ UNC-Chapel Hill’s condemnation of and investigation into Hill After Hours has improperly chilled student speech, as the university has made clear that such satire and parody will not be tolerated.

UNC-Chapel Hill does not need to chill speech in order to provide resources to students offended by this expression. When the university receives a complaint that appears to allege no more than protected expression, such as the video here, the correct approach is to have administrators conduct a preliminary, *internal* review—not to announce publicly that speech is under investigation. UNC-Chapel Hill could then close the matter without ever notifying the speakers or the public, thereby avoiding a chilling effect while still offering support to complainants.

Both *The Daily Tar Heel*’s and Hill After Hours’ expression is clearly protected. Protecting free speech by law and policy does not shield these speakers from every consequence of their expression—including criticism by students, faculty, or the broader community. Indeed, criticism is a form of “more speech,” the remedy to offensive expression that the First Amendment prefers to censorship.²¹ Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on April 16, confirming that UNC-Chapel Hill will follow its state law obligations of institutional neutrality and refrain from further investigating or interfering with *The Daily Tar Heel* or Hill After Hours.

Sincerely,



Marie McMullan
Student Press Counsel, Campus Rights Advocacy

Cc: James Orr, Vice Provost

²⁰ *Mendocino Env’t. Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999) (institutional response short of formal punishment can be unconstitutional if it “would chill or silence a person of ordinary firmness from future First Amendment activities”); *U.S. Cold Storage, Inc. v. Lumberton*, 2001 WL 34149709, at *5 (E.D.N.C. Aug. 29, 2001) (citing *Mendocino*, 191 F.3d at 1300).

²¹ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).