

Statement of the Faculty Executive Committee on the Board of Governors' Proposed Amendments to the Policy on Political Activities by Employees

The University of North Carolina System Board of Governors has proposed amendments to its policy on the "Political Activities of Employees" to prohibit "compelled speech" in the context of admitting students and hiring faculty and staff. The amendments would specifically prohibit asking prospective faculty members "to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement." A faculty member who violates this provision would be subject to disciplinary action.

As the Faculty Executive Committee of the University of North Carolina at Chapel Hill, we wish to register concern about the direct impacts of the language contained in this proposed policy change on the University faculty.

First, the vagueness of the language in the proposal creates substantial uncertainty about what faculty members may say in faculty recruitment processes. Faculty members are already aware of their duty to refrain from asking questions that could lead to impermissible discrimination, such as questions about religious affiliation. The BOG's proposed language goes well beyond existing legal requirements by prohibiting questions that solicit opinions (perhaps even knowledge) about matters of "contemporary political debate" or "social action," terms that are broad enough to capture inquiry about virtually any matter of scholarly endeavor. The vagueness and breadth of the proposal's language, combined with the specific reference to disciplinary action, will create a chilling effect on faculty speech in recruitment processes, as it is impossible to ascertain in advance which questions may later be deemed improper under the policy.

Second, it is the responsibility of the faculty to recruit, hire and promote their peers. Faculty members who are expert in their disciplines are in the best position to know what to ask to ascertain whether a potential colleague meets the standards set forth by a school or department. The proposed amendments are an unnecessary incursion into this faculty role.

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