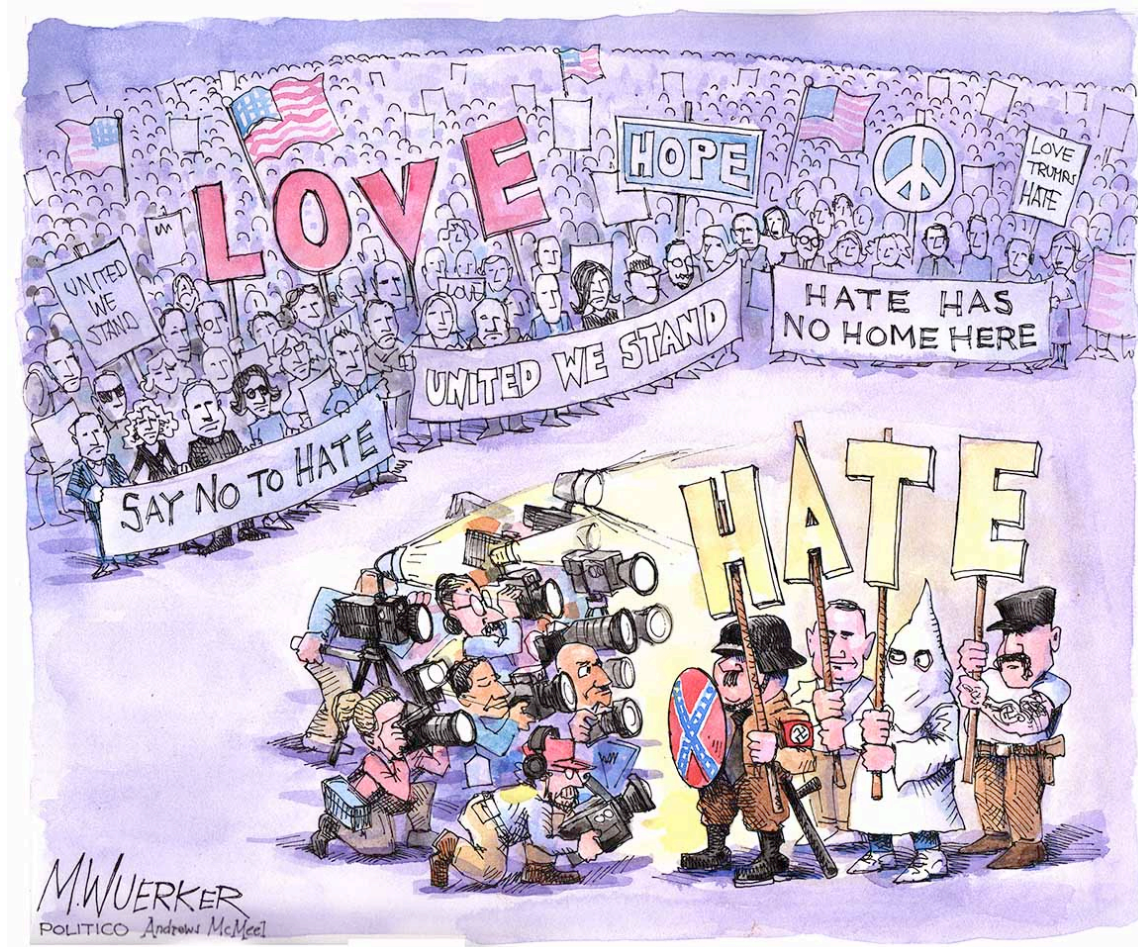


FREEDOM OF SPEECH ON THE UNC CHAPEL HILL CAMPUS: WHAT STUDENTS UNDERSTAND ABOUT FIRST AMENDMENT ISSUES

2019 SURVEY REPORT



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UNC
CENTER FOR
MEDIA LAW & POLICY

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INTRODUCTION

STUDY OVERVIEW

In Fall 2018, the UNC Center for Media Law and Policy, in conjunction with an undergraduate class at the UNC School of Media and Journalism and the UNC Office for Undergraduate Research, conducted a campuswide representative study of undergraduate students. The survey investigated students' knowledge of First Amendment protections for different types of speech, students' support for free expression of unpopular opinions on campus, their experiences with controversial speech in the classroom, and their attitudes towards hate speech, invited speakers, and UNC's Confederate Monument known as Silent Sam.

The impetus for the survey was the passage of the 2017 Restore/Preserve Campus Free Speech Act by the North Carolina State Legislature. The new law, prompted in part by the threat of violence and cancellation of campus speakers at universities nationwide, sought to ensure "free, robust, and uninhibited debate and deliberation by students of constituent institutions" and established freedom of speech as a "fundamental right" across UNC member institutions. Modeled after proposed legislation by the conservative Goldwater Institute, the new law requires those institutions to retain their "viewpoint neutrality" on "the public controversies of the day" and allow for discussion and assembly on campus consistent with constitutional time, place, and manner restrictions "necessary to achieve a significant institutional interest." The law also carries sanctions for anyone who "substantially disrupts the functioning of the constituent institution or

substantially interferes with the protected free expression rights of others.” Those penalties include suspension and dismissal of students in violation of the law.

To investigate the actual state of student understanding of the First Amendment and attitudes toward freedom of expression, this survey of UNC undergraduate students sought to explore their knowledge, attitudes, and behaviors regarding First Amendment protected expression on campus.

The survey found that students have a moderate level of knowledge about First Amendment protections for speech at a public university, and that they prefer an open learning environment where students are exposed to a wide range of views and opinions. Students also generally welcome guest speakers whose views might be considered controversial and are willing to express disagreements using counterspeech means. Support for student media is strong, although use of student media is low.

Despite generally strong support for freedom of speech and controversial speakers on campus, students reported feeling less comfort discussing controversial subjects in classroom settings than in non-academic settings with peers. They are also less willing to protect campus speech that is bullying, offensive and hateful. In general, the findings suggest that students have a general understanding of the scope and purpose of the First Amendment and support healthy debate in public university settings, but are hesitant to engage in debate about controversial issues, particularly within classroom settings. The report recommends more education and research regarding how the University can help students grapple with controversial subjects in politically partisan times.

This report details the findings of the survey.

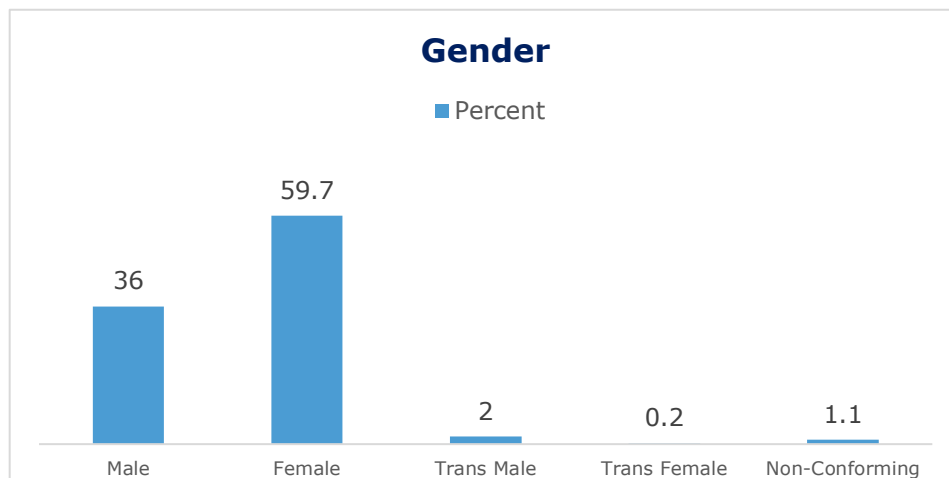
Survey Methodology

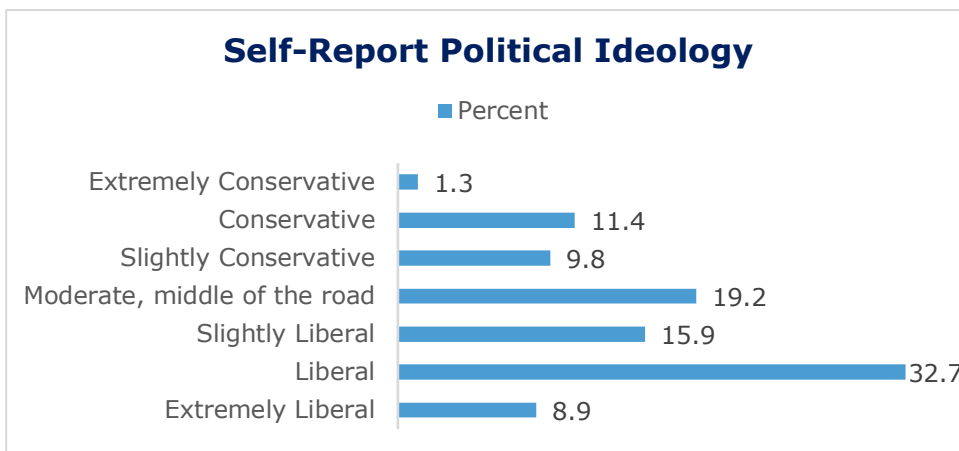
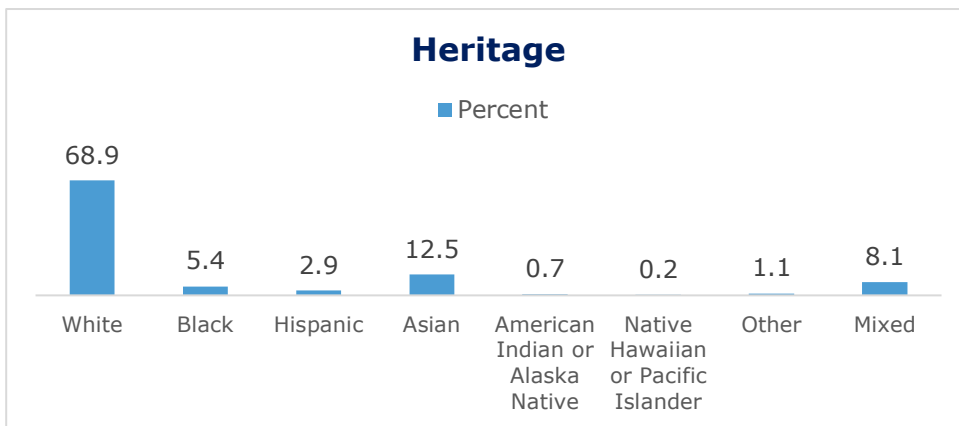
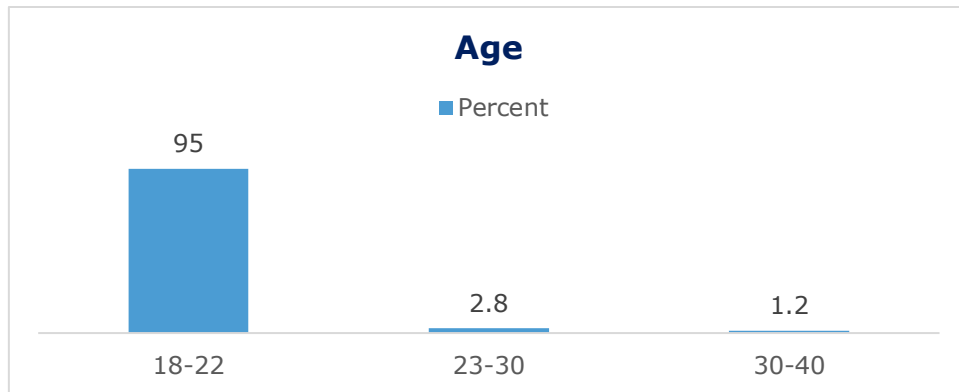
This campuswide survey, conducted by the authors and undergraduates in the UNC School of Media and Journalism between Nov. 8, 2018 and Nov. 22, 2018, was supported by the UNC Center for Media Law and Policy and the UNC Office for Undergraduate Research. An online survey questionnaire was sent to a random sample of 7,000 undergraduate students via an email list provided by the UNC Office of the University Registrar. Participants were offered an opportunity to win a \$25 Visa gift card for completing the survey. All procedures in the survey were approved by the Institutional Review Board at UNC Chapel Hill.

The overall response rate for the online survey was 11.2 percent (784 responses). After deleting incomplete responses and those who finished the questionnaire in less than five minutes, 448 valid responses were used for data analysis. For results based on this sample, the margin of sampling error is ± 5 percentage points with a 95% confidence level. In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings.

SAMPLE DEMOGRAPHICS

The sample demographics matched the overall demographics of enrolled undergraduate students at UNC Chapel Hill. About 60 percent of the participants were female and 36 percent were male. The majority was between age 18-22. Most participants were White (68.9%), followed by Mixed (8.1%), Asian (12.5%), Black (5.4%), and Hispanic (2.9%).





Self-reported political ideology showed that most of the participants (57.5%) identified themselves as slightly liberal, liberal, or extremely liberal, while 22.5 percent indicated that they were slightly conservative, conservative, or extremely conservative. Another 19.2 percent said they were in the middle of the road regarding political ideology.

The following reports the highlights of the survey. Additional information about the raw data and detailed cross tabulation may be obtained upon request.

KEY FINDINGS

UNC undergraduate students are generally knowledgeable about First Amendment protections

- More than half of students (51%) correctly named the five freedoms guaranteed under the First Amendment of U.S. Constitution.
- Based on an overall assessment of their answers to 11 questions testing their knowledge of the First Amendment, students averaged 6.5 correct answers.

UNC undergraduate students strongly support freedom of speech in principle, but many are less willing to protect speech that is bullying, offensive, and hateful

- The majority of students said UNC students should be allowed to express unpopular opinions on campus (92.8%), even if what they say could be seen as offensive to others (60.9%).
- Fewer than half of students feel that speech should be protected when it could be seen as hateful (43.4%) or bullying (41.5%).

While the majority of UNC undergraduate students believe that the University should create an open learning environment by exposing students to all types of viewpoints, many are willing to prohibit hate speech on campus

- The majority (94.2%) agreed that it is important for the University to create an open environment by exposing students to all types of views and opinions.
- Most students (65.7%) said it is important for the University to create a positive learning environment by prohibiting hate speech.

UNC undergraduate students' awareness of First Amendment protection for peaceful protest on campus is high, but most students did not attend a protest or demonstration

- The majority of students (98%) understood that public university students are protected by the First Amendment when they hold peaceful protests on campus, while a little more than half (56%) knew that the University could also constitutionally establish and enforce time, place, and manner restrictions on protests.
- Fewer than one-third of students (32%) attended protests or demonstrations on campus in the past three years. A minority of students (21.7%) participated in student organizations that engage with political and social justice issues.
- The majority of students (70%) felt that it is acceptable for campus police to use force to stop a protest or rally that shows signs of turning violent.

UNC undergraduate students have strong feelings about the Silent Sam Memorial, with a majority of students saying that it should not be returned to its original location

- The majority of students said that the Silent Sam Memorial serves as a symbol of hate (65.1%) and believed that it should not be returned to its original location (63.3%), while only a minority (12.3%) said that the memorial should be returned to its original location on campus. Fewer than half of the students (43.8%) agreed that the memorial serves as a reminder of student sacrifice during the Civil War.

UNC undergraduate students prefer that the University invite a variety of guest speakers, even if the guest speaker's presence on campus might create the potential for violence

- The majority of students (86%) agreed that the University should invite speakers with a variety of viewpoints on political, social, economic, and other issues to campus, including speakers whose perspectives are very different from their own.
- The majority of students (65.1%) agreed that the University should not cancel the invitation when a speaker's presence on campus might create

the potential for violence. They prefer that the University make every effort to protect the speaker and the crowd.

- Very few students (6.9%) reported that they would interrupt a guest speaker during a lecture. The majority reported that they would challenge a speaker whose viewpoint they disagreed with in a Q&A session (84.3%) or picket a lecture outside the lecture hall (51.2%).

UNC undergraduate students feel more comfortable discussing controversial subjects outside of class with peers than they do in class settings and with professors

- While the majority of students (81.2%) said they feel comfortable talking about controversial subjects, such as student and campus response to Silent Sam, outside class with peers, only about half of students (51.7%) said they feel comfortable discussing controversial subjects in class.
- Conservative students feel less comfortable talking about controversial subjects than do liberal students. Female students feel more comfortable discussing controversial subjects than do male students (See statistical results on page 21).

While support and trust toward student media are high, consumption of student media is low and mainly through social media and Apps

- The majority of students agreed that student media should be allowed to report on issues without the approval of school authorities (85.7%), and supported the use of student fees for student media (64.2%).
- Fewer than one-third of the surveyed students (29%) regularly follow UNC student media such as The Daily Tar Heel. The majority of those who follow UNC student media did so through social media platforms (63.1%) and using news websites or Apps (60.8%).

Students are active on social media platforms and are concerned about university surveillance

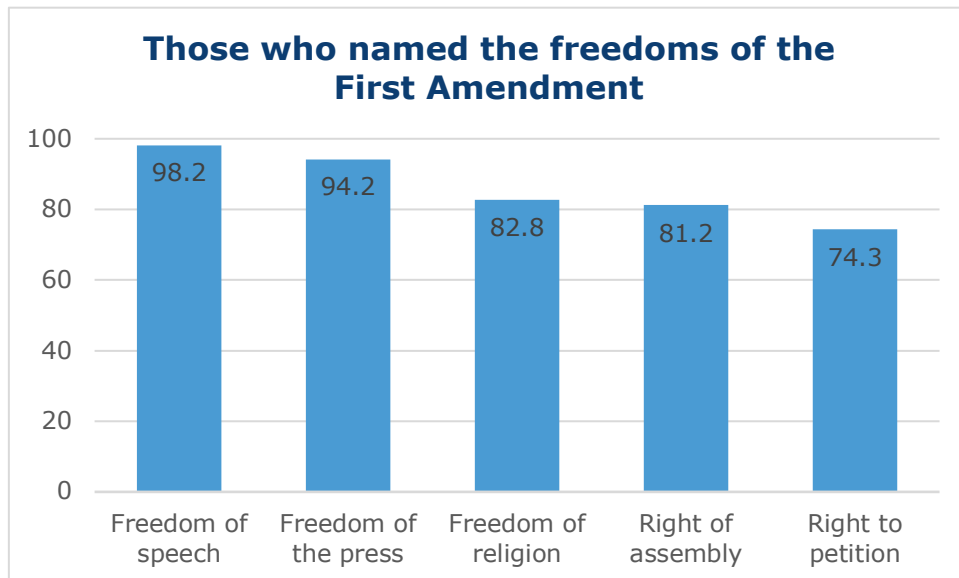
- The majority of students reported using Instagram, Facebook, and Twitter on daily basis. Instagram (80.8%) is the most used social media platform, followed by Facebook (75.2%) and Twitter (52.3%).

- The majority of students (58.1%) said they are concerned about the University's ability to monitor student Internet activity. Fewer than one-third of students (29.5%) believed the University should have the authority to monitor the online speech of students for security purposes.

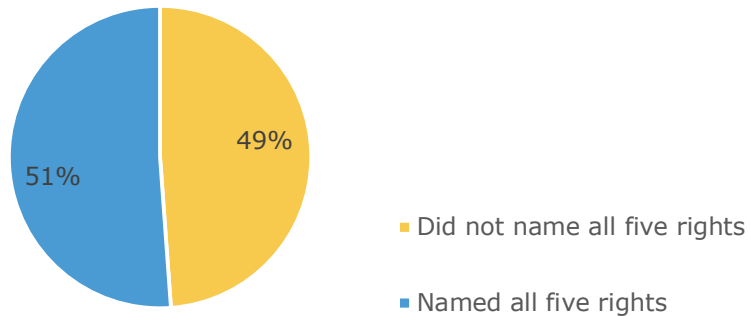
DETAILED FINDINGS

1. Students are generally knowledgeable about First Amendment protections

When asked to name the five specific freedoms in the First Amendment from ten options, 98.2% of the surveyed students checked freedom of speech, followed by 94.2% who chose freedom of the press, 82.8% who named freedom of religion, 81.2% said the right of assembly, and 74.3% named the right to petition. Altogether, 51% of students correctly named all five freedoms guaranteed under the First Amendment.



Those who named all five freedoms of the First Amendment



When asked about specific kinds of speech, including defamation, hate speech, obscenity, advocating violence in an abstract manner, false and deceptive advertising, social media speech, and the rights and obligations of public universities under the First Amendment, students reported varying levels of knowledge.

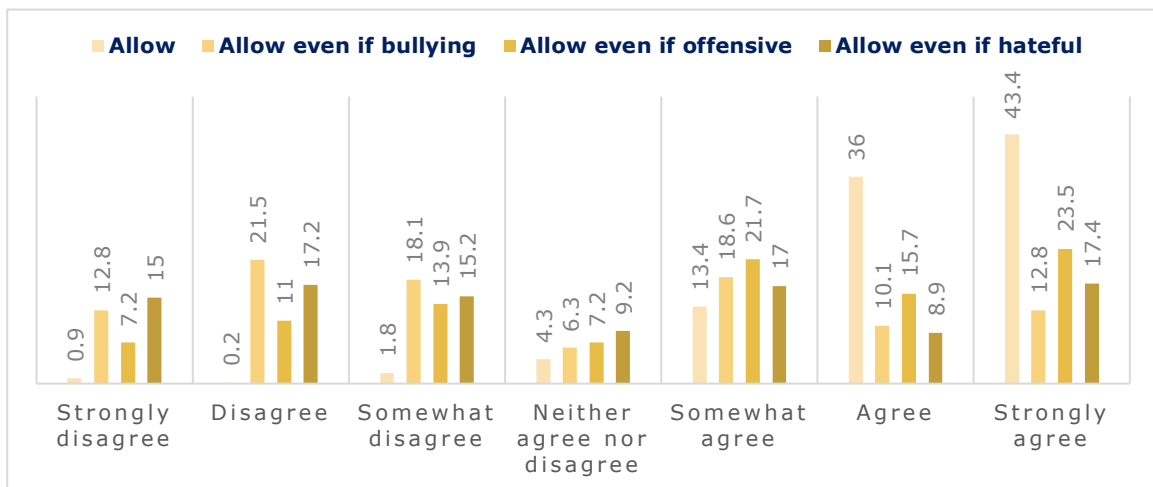
First Amendment knowledge questions	True %	False %	I don't know %	Correct %
Defamation is protected	19	65	16	65
Hate speech is protected	48	36	16	48
Obscenity is protected	31	41	28	41
Advocating violence in an abstract manner is protected	32	41	27	32
False and deceptive advertising is protected	22	54	24	54
One can claim FA rights when banned by social media platforms	21	60	19	60
Public universities are bounded by the First Amendment	89	5	6	89
Public universities can constitutionally regulate student speech	52	24	24	52
UNC students can hold peaceful protests on campus	98	1	1	98
UNC can constitutionally enforce time, place, and manner restrictions on protests	56	17	27	56

Combining the First Amendment freedoms question and the 10 knowledge questions, knowledge of the First Amendment scale is an 11-item scale measuring how much students know about free speech protections on a public university campus like UNC Chapel Hill. Results showed that the surveyed UNC undergraduate students on average scored 6.5 on the 11-point test.

2. Students strongly support freedom of speech in principle, but many are less willing to protect speech that is bullying, offensive, and hateful

To measure support for freedom of speech on campus, students were asked to indicate on a 7-point scale the degree to which they agree with the following four statements:

- UNC students should be allowed to express unpopular opinions on campus.
- UNC students should be allowed to say whatever they want, even if what they say could be seen as bullying others.
- UNC students should be allowed to say whatever they want, even if what they say could be seen as offensive to others.
- UNC students should be allowed to say whatever they want, even if what they say could be seen as hateful.

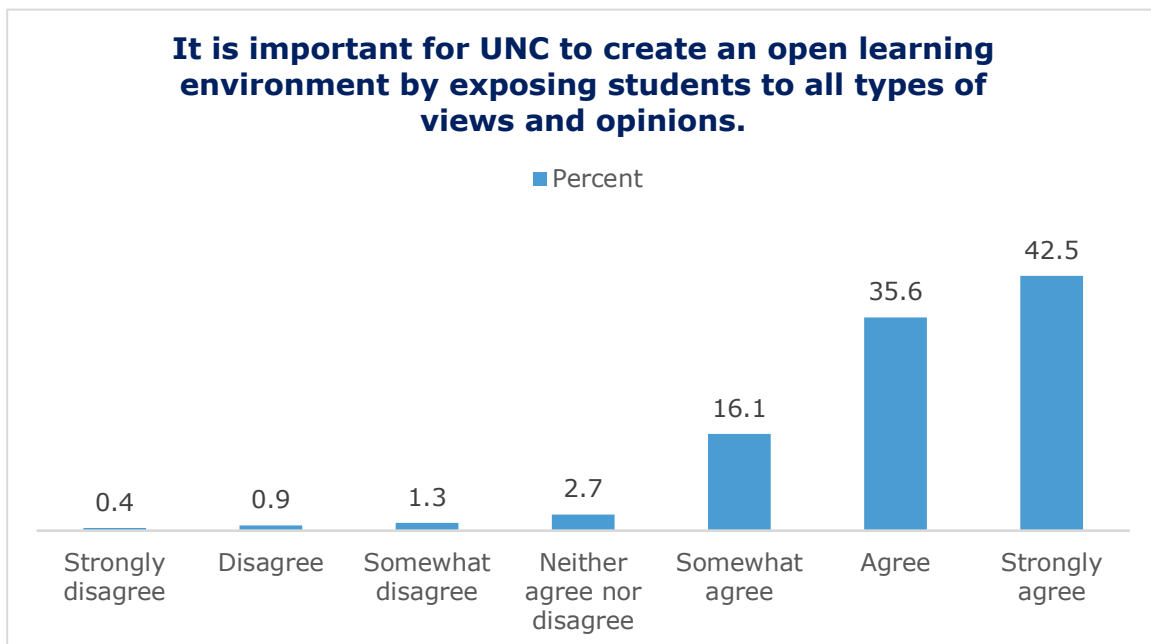


The results indicated that the absolute majority (92.8%) believed that the expression of unpopular opinions should be protected on campus, but fewer

students would still protect that speech when it could be seen as bullying (60.9%), offensive (43.4%), or hateful (41.5%).

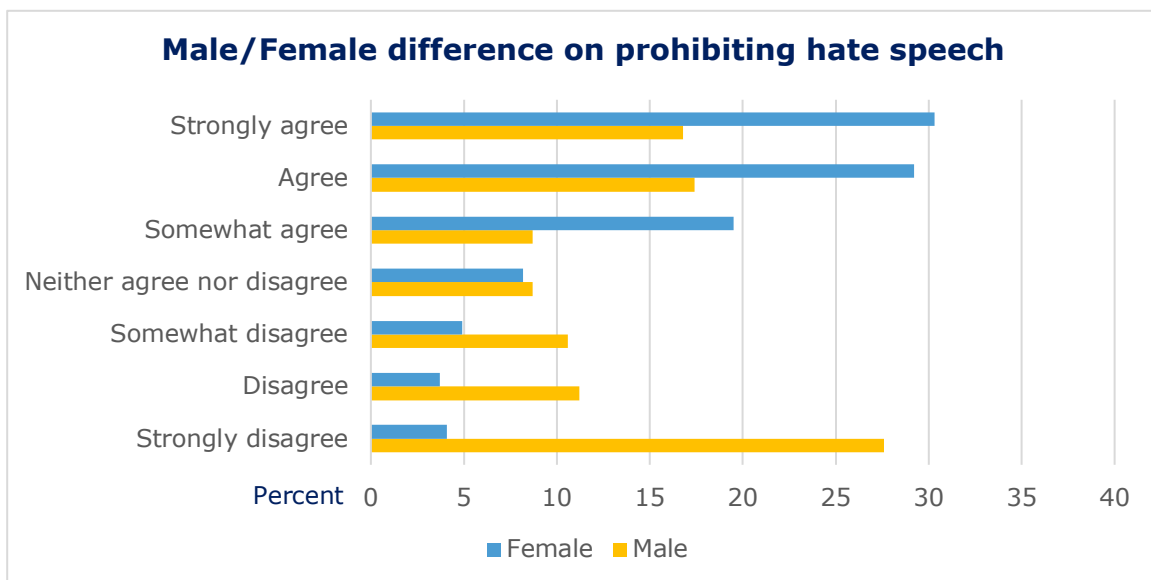
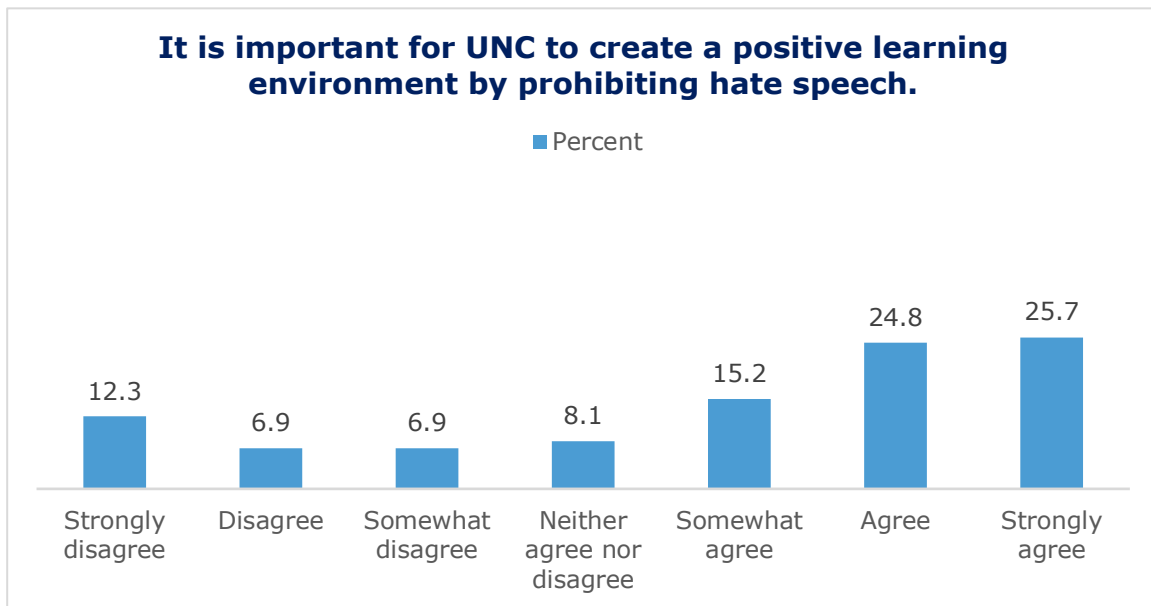
3. While the majority believes that the University should create an open learning environment by exposing students to all types of viewpoints, many are willing to prohibit hate speech on campus

Students were asked to identify whether the University should prohibit hate speech in order to nurture a positive learning environment, and whether it is important to have an open learning environment where students are exposed to all types of views and opinions. The results showed that while an absolute majority (94.2%) agreed that it is important for the University to create an open environment by exposing students to all types of views and opinions, almost two-thirds of students (65.7%) believed that it is also important for the University to create a positive learning environment by prohibiting hate speech, defined as “speech that is intended to insult, offend, or intimidate someone because of their race, religion, sexual orientation, gender identity, national origin, or disability.”



There was a significant gender difference in student attitudes toward prohibiting hate speech. More female students (79%) agreed that the

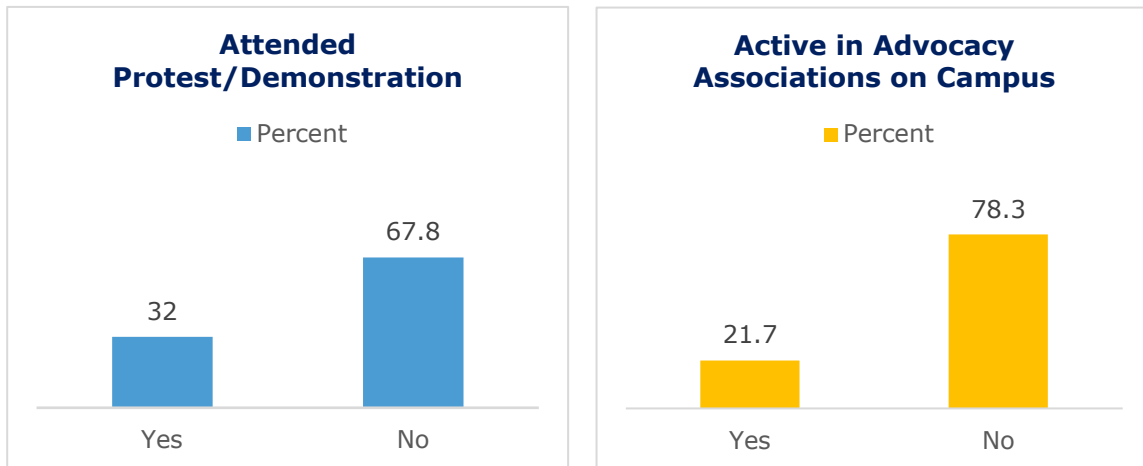
University should create a positive learning environment by prohibit hate speech than did male students (42.9%).



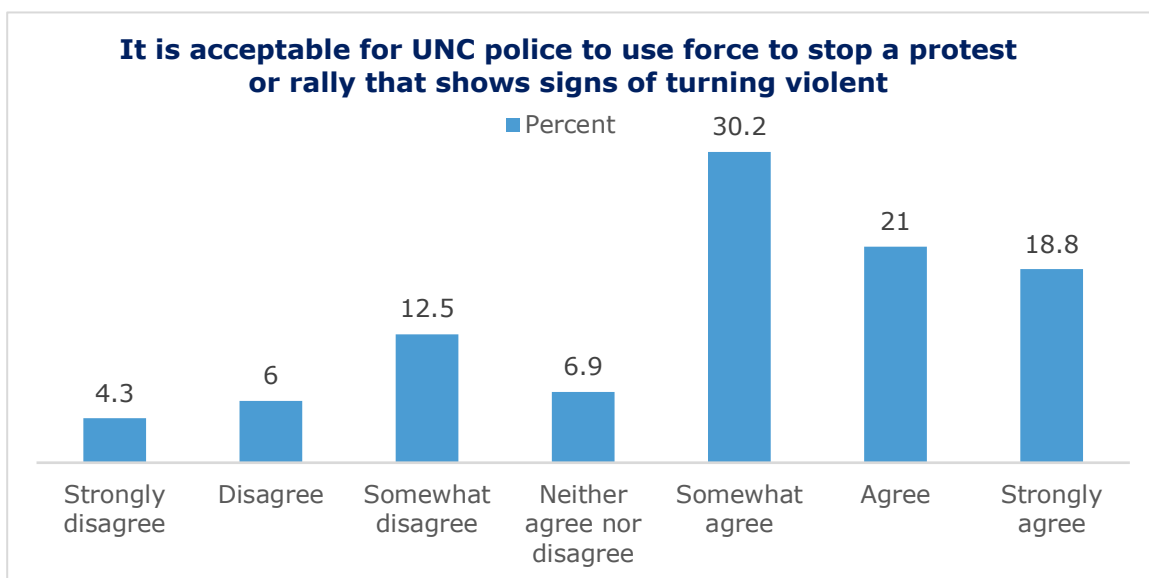
4. Students' awareness of First Amendment protection for peaceful protests on campus is high, but participation in protests is low

Recalling student responses to the knowledge questions (page 7), while an absolute majority of students (98%) understood that the First Amendment

allows students in a public university to hold peaceful protests on campus, a little more than half of students (56%) knew that the University could also constitutionally establish and enforce time, place, and manner restrictions on protests.

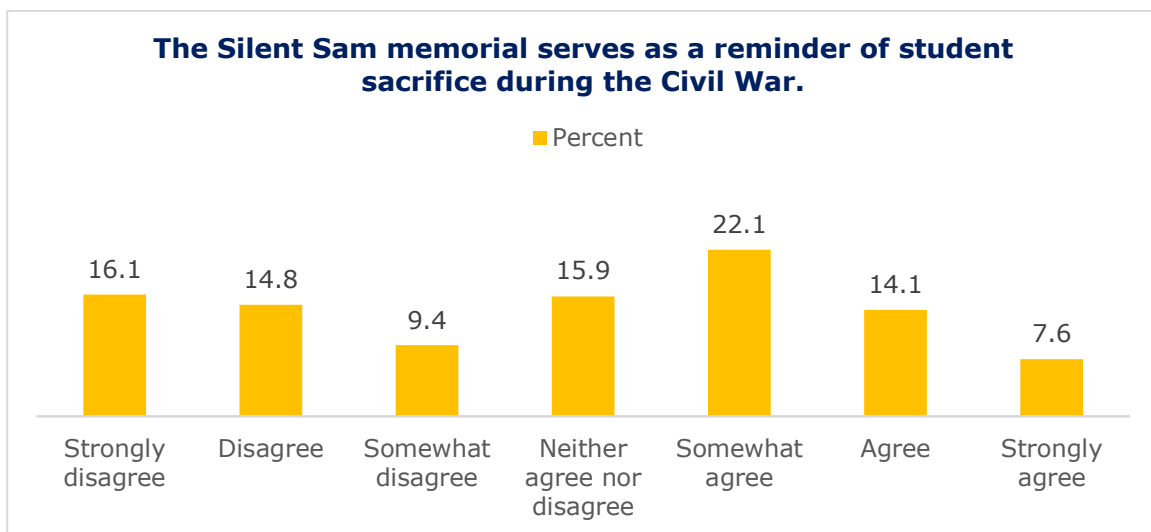
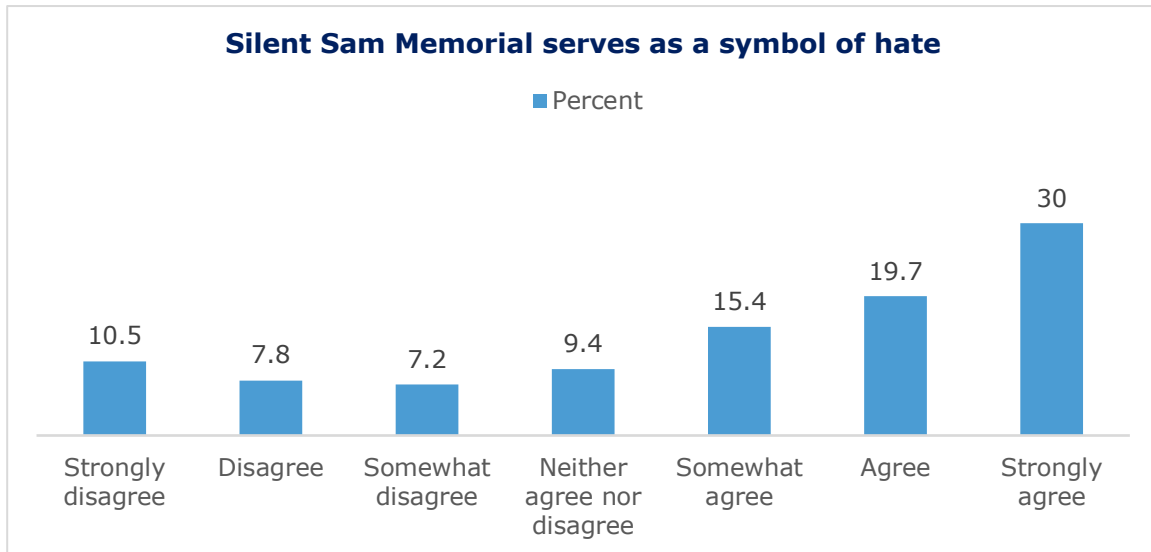


When asked whether they have attended protests or demonstrations on campus in the past three years, less than one-third (32%) of the surveyed students answered affirmatively. Only a minority of surveyed students (21.7%) reported participating in student organizations that engage with political and social justice issues on campus in the past three years. The majority of students (70%) agreed that it is acceptable for campus police to use force to stop a protest or rally that shows signs of turning violent.

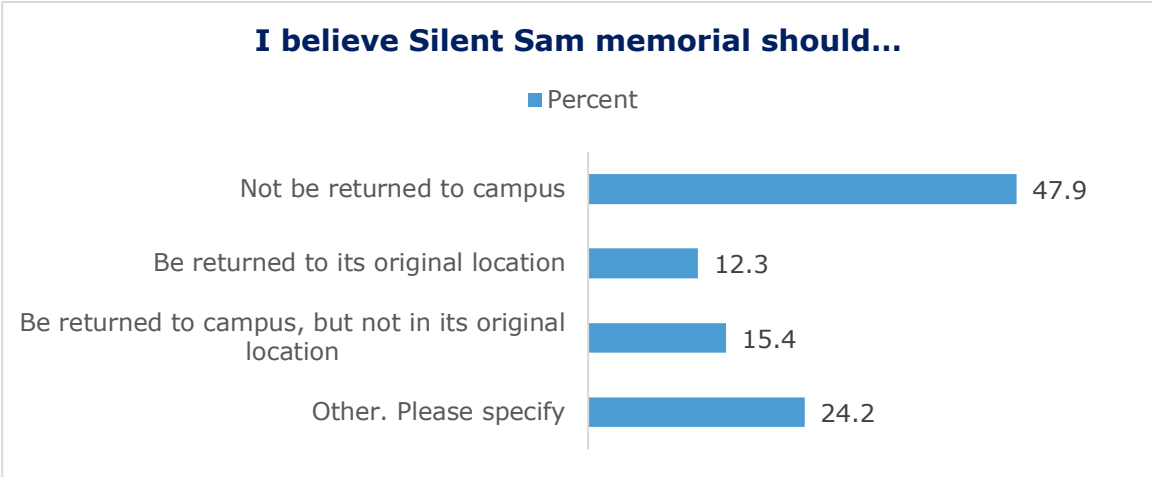


5. UNC undergraduate students have strong feelings about the Silent Sam Memorial, with a majority of students saying that it should not be returned to its original location

The majority of students said that the Silent Sam Memorial serves as a symbol of hate (65.1%), while fewer than half of the students (43.8%) said the memorial serves as a reminder of student sacrifice during the Civil War.

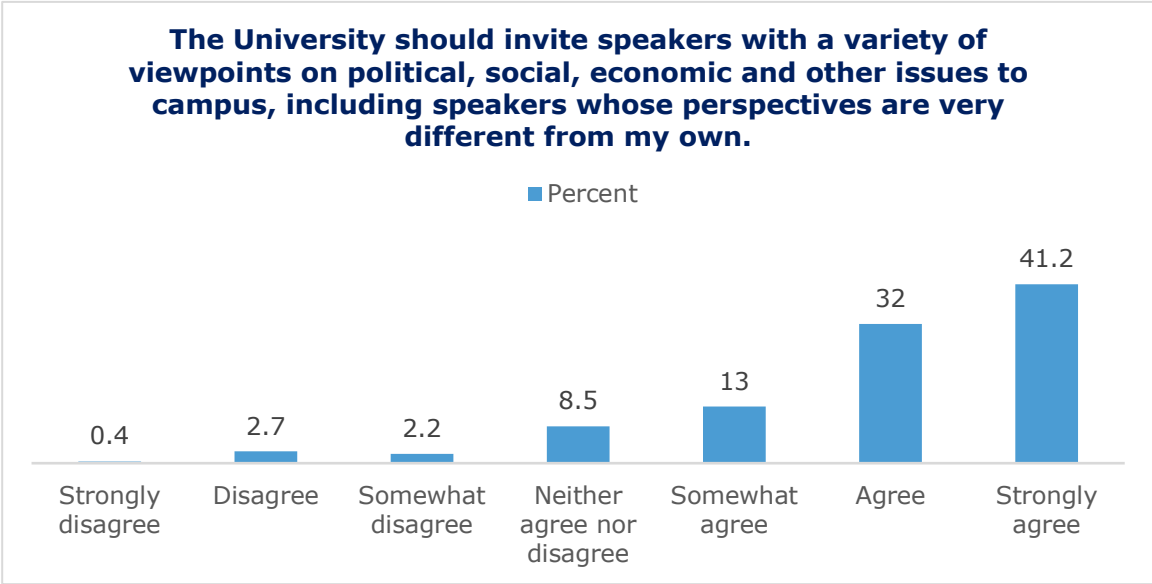


When asked about what should be done about the memorial, the majority of students believed it should not be returned to its original location (63.3%), while only 12.3% said the memorial ought to be returned to its original location on campus. Others (24.2%) proposed solutions such as putting it in a museum for contextualization or a cemetery.

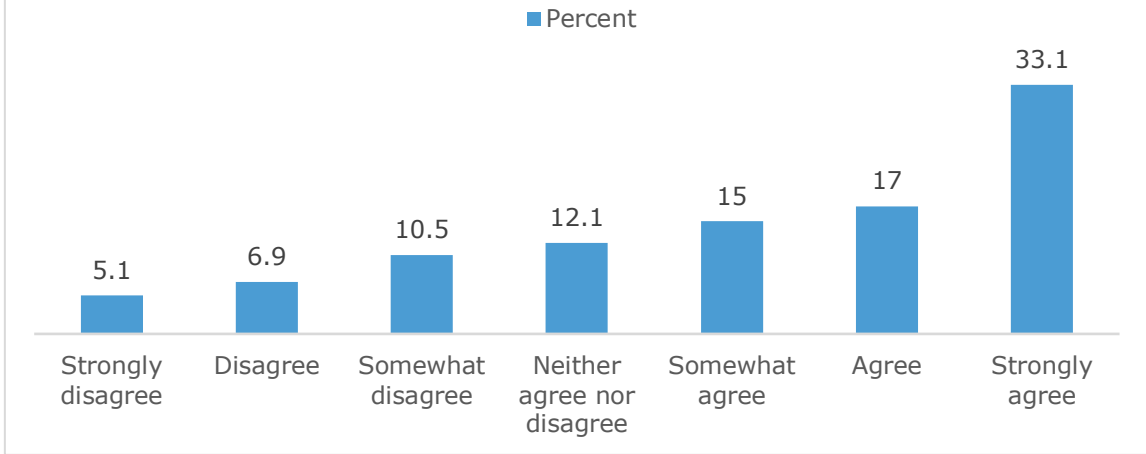


6. Students prefer that the University invites a variety of guest speakers, even if the guest speaker’s presence on campus might create the potential for violence

UNC undergraduate students in general support having controversial guest speakers on campus. The majority (86%) agreed that the University should invite speakers with a variety of viewpoints on political, social, economic, and other issues to campus, including speakers whose perspectives are very different from their own. Most students (65.1%) agreed that the University should not cancel the invitation when a speaker’s presence on campus might create the potential for violence.

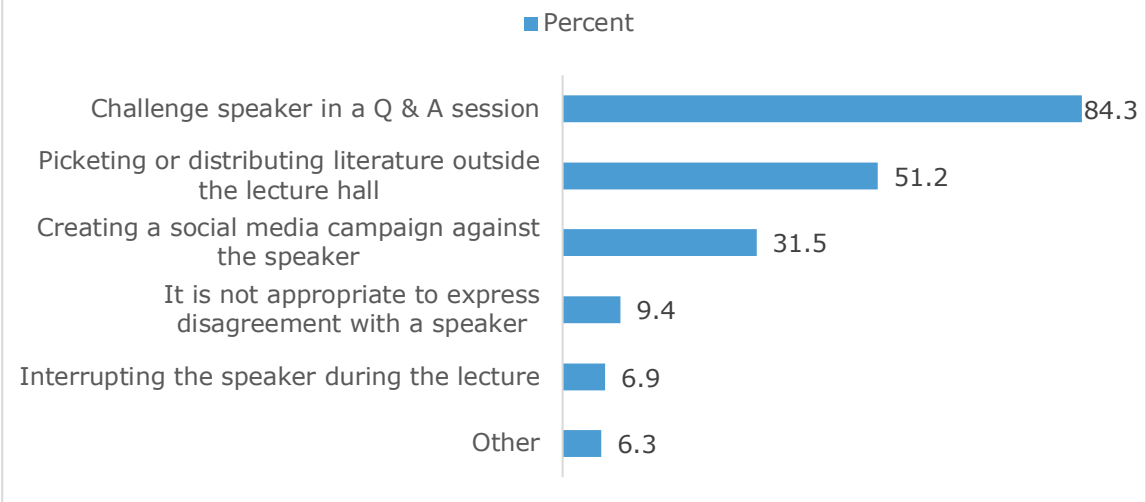


When a speaker's presence on campus might create the potential for violence, the University should make every effort to protect the speaker and the crowd rather than cancel the invitation.



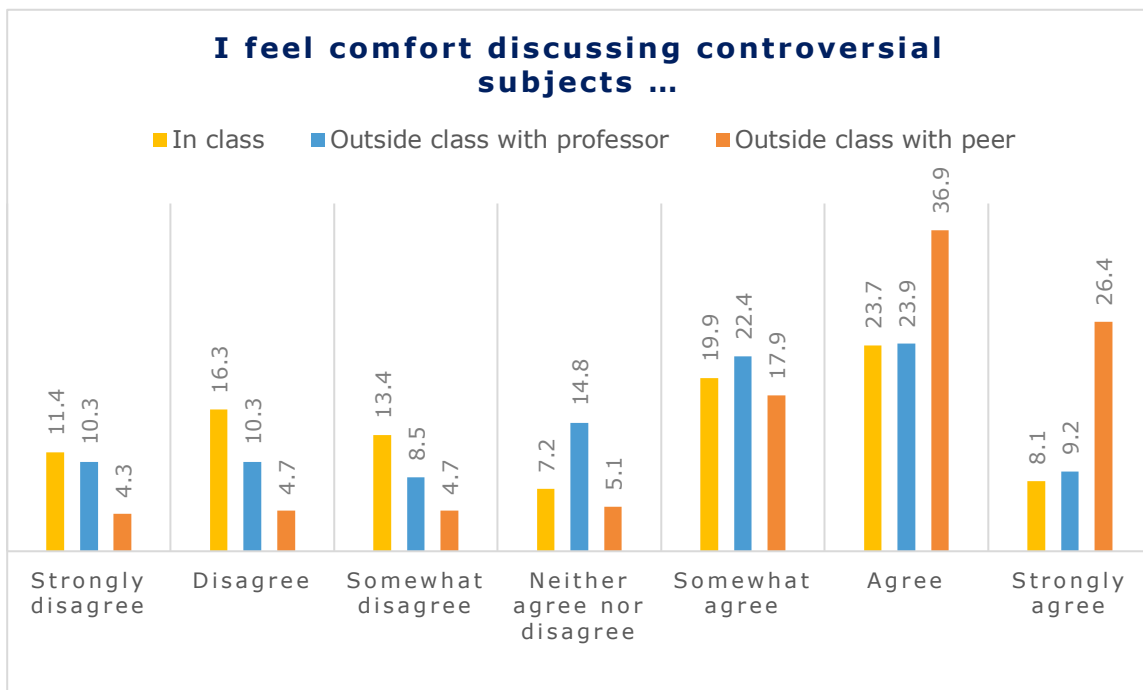
When asked in what ways they prefer to express disagreement with a guest speaker, very few students (6.9%) reported that they would interrupt a guest speaker during a lecture. The majority said that they would challenge a speaker whose viewpoint they disagree with in the Q&A session (84.3%) or picket a lecture outside the lecture hall (51.2%). Some (31.5%) would choose to create a social media campaign against the speaker.

In what way would you choose to express disagreement with a guest speaker on campus?



7. Students feel more comfortable discussing controversial subjects outside of class with peers than they do in class settings and with professors

When asked to indicate how comfortable they feel when talking about controversial subjects in class, outside class with professors, and outside class with peers, the majority of students (81.2%) reported feeling comfortable talking about controversial subjects outside class with peers. About half of students (55.5%) said they feel comfortable discussing controversial subjects outside of class with professors, while only about half students (51.7%) said they feel comfortable discussing controversial subjects in class.



When averaged, comfort talking about controversial subjects across all three settings are significantly different between male and female students, as well as between conservative and liberal students.

Comparing the mean scores on comfort between male and female students using *t*-test analysis showed that female students feel more comfortable discussing controversial subjects than do male students. When the same comparison analysis was applied between liberal and conservative students, results showed that conservative students feel less comfortable discussing controversial subjects than do liberal students.

	Male		Female		t-test
	M	SD	M	SD	
Comfort discussing controversial subjects in all three settings	4.40	1.66	4.76	1.46	2.295*

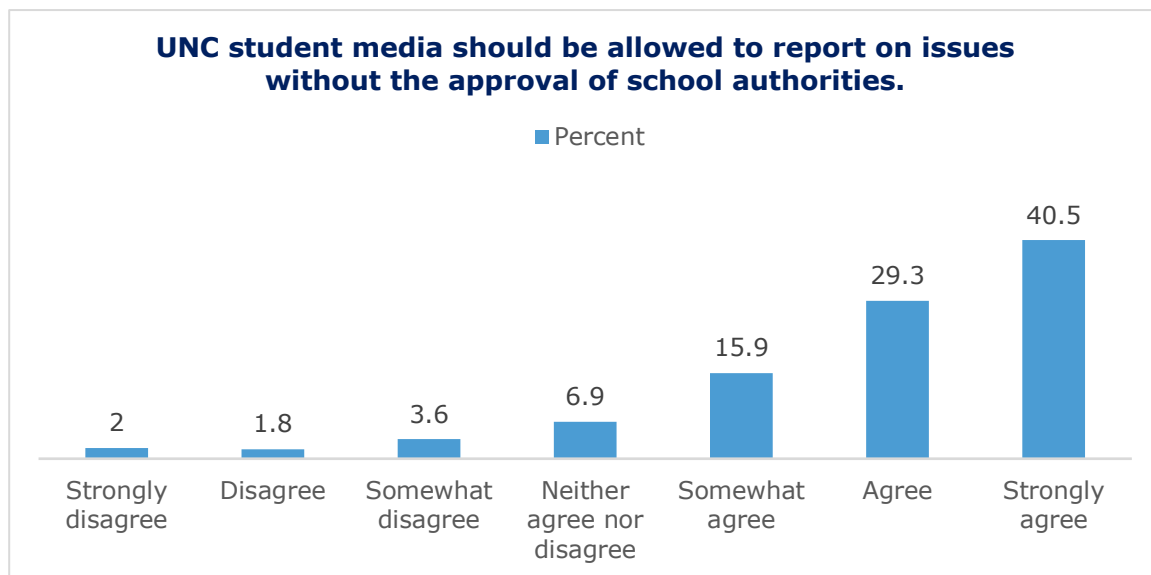
* p<.05, meaning the mean difference between male and female is statistically significant

	Liberal		Conservative		t-test
	M	SD	M	SD	
Comfort discussing controversial subjects in all three settings	5.28	1.15	3.65	1.53	9.65**

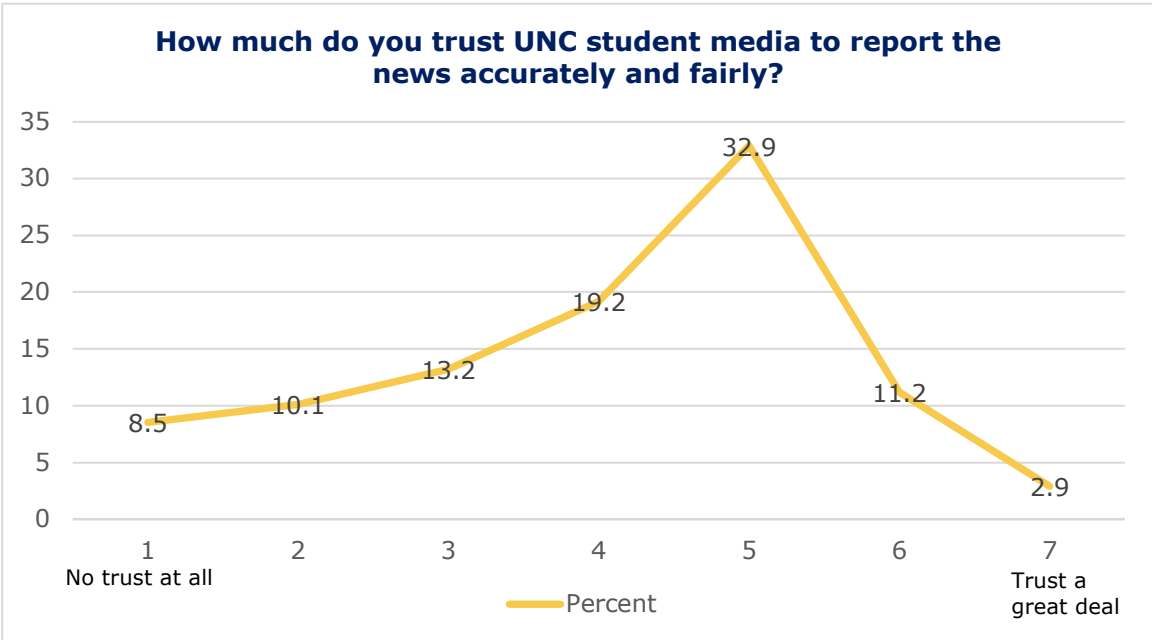
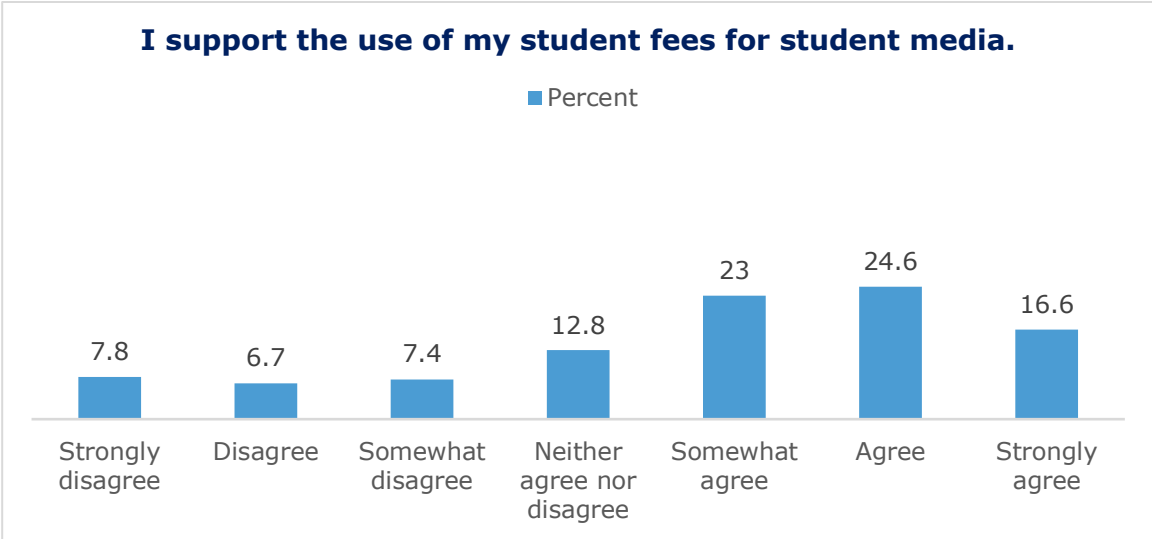
**p<.001, meaning the mean difference between liberal and conservative is statistically highly significant

8. While support and trust toward student media are high, consumption of student media is low and mainly through social media and Apps

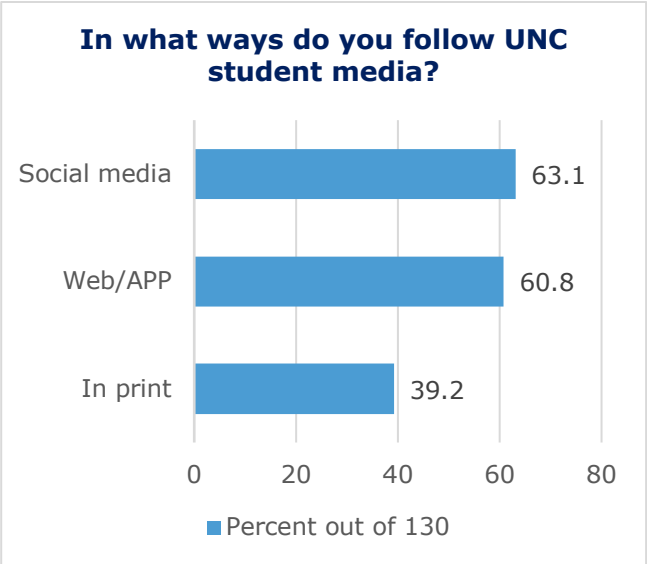
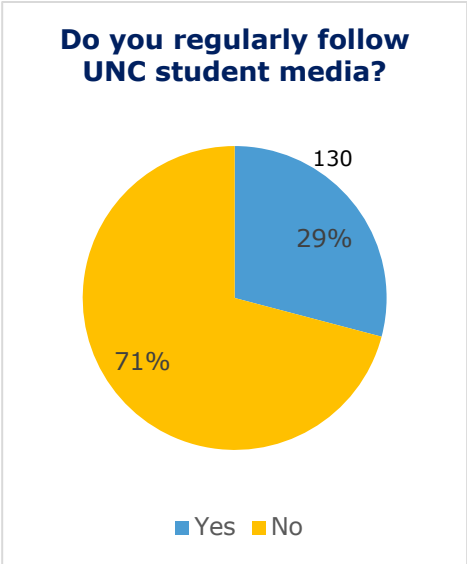
UNC undergraduate students are generally very supportive of student media. The majority of surveyed students (85.7%) agreed that student media should be allowed to report on issues without the approval of school authorities. Most (64.2%) supported the use of student fees for student media.



When asked to indicate how much they trust student media to report the news accurately and fairly on a 7-point scale (1="No trust at all", 7="Trust a great deal"), most students (66.2%) chose 4 or above.

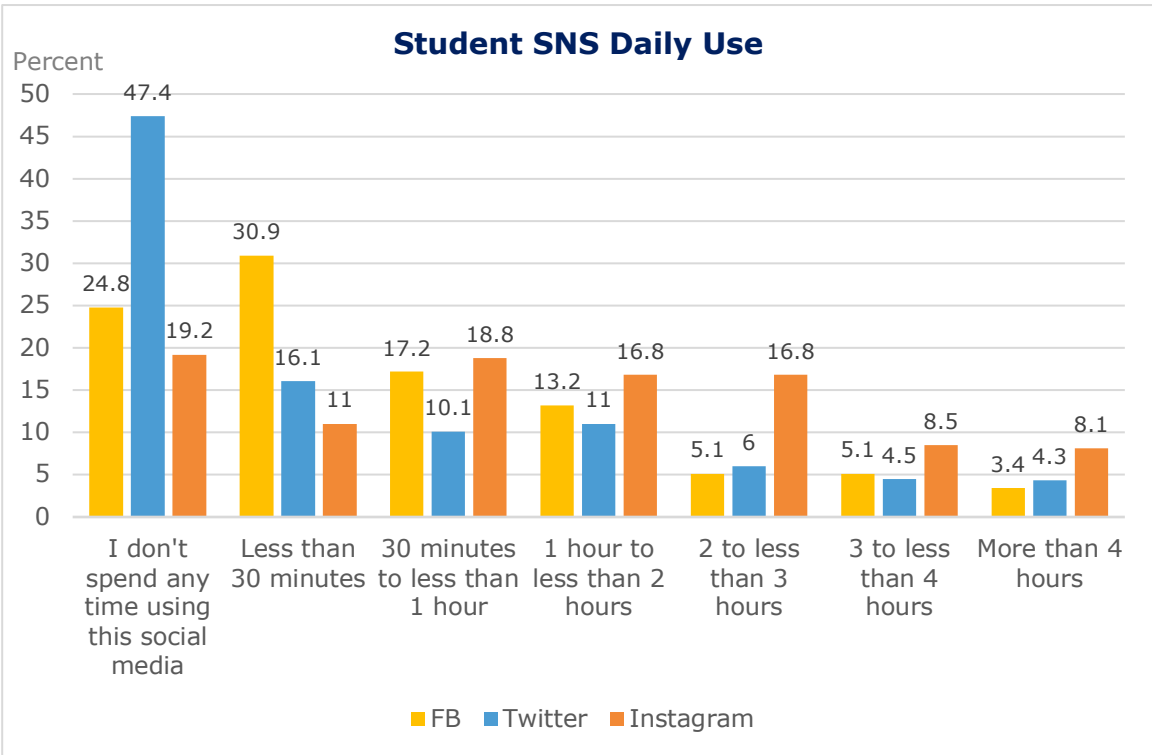


Regarding student media use, less than one-third of the surveyed students (29%) reported regularly following UNC student media such as The Daily Tar Heel. The majority of those who follow UNC student media did so through social media platforms (63.1%) and or news websites or Apps (60.8%).

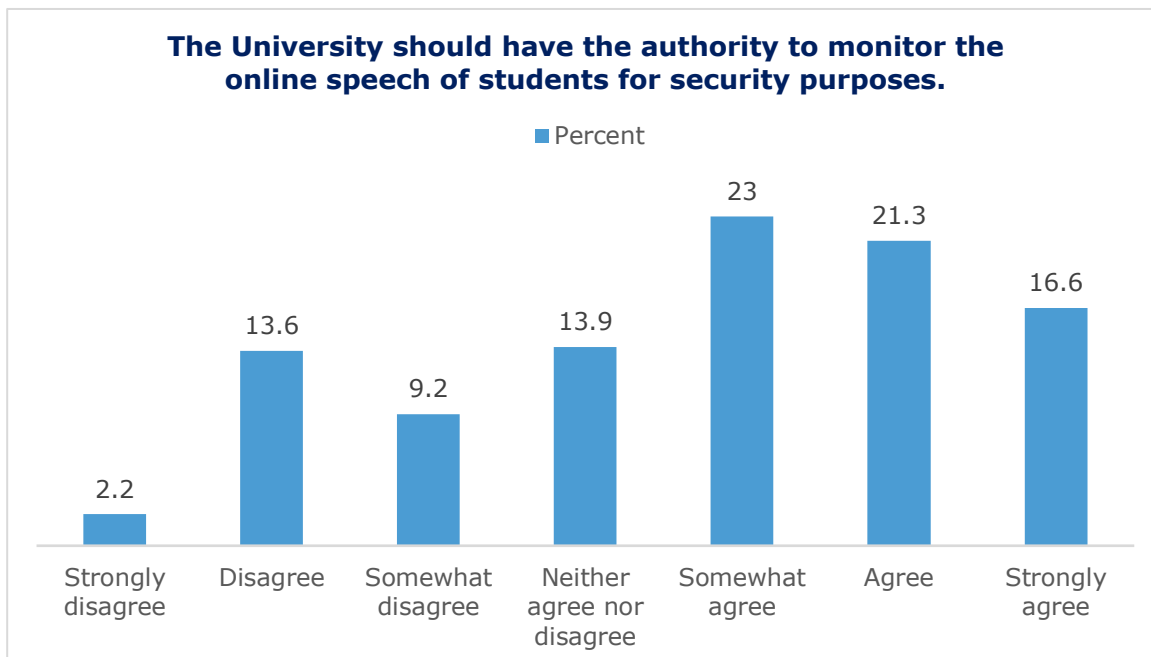
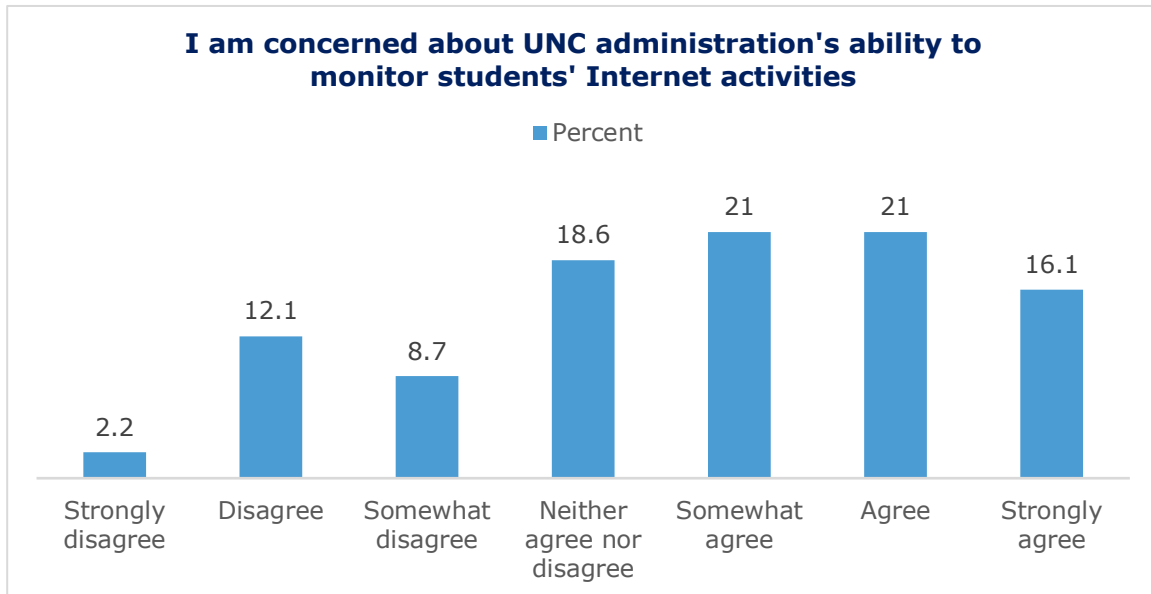


9. Students are active on social media platforms and concerned about university surveillance

UNC undergraduate students are very active social media users. The majority of students reported using Instagram, Facebook, and Twitter on daily basis. Instagram (80.8%) is reported to be the most used social media platform among the three, followed by Facebook (75.2%) and Twitter (52.3%).



When asked about mass surveillance on campus, the majority of students (58.1%) said they are concerned about the University’s ability to monitor student Internet activity. Less than one-third of students (29.5%) believed the University should have the authority to monitor the online speech of students for security purposes.



CONCLUSION

Overall, the findings suggest strong support for free speech and expression on the UNC campus by UNC undergraduates, with more than half of students correctly naming the five freedoms protected by the First Amendment. A majority of students (86%) thought that the University should invite speakers with a variety of viewpoints, including speakers whose perspectives are very different from their own. Students believed that campus security should play an active role in ensuring peaceful outcomes when controversial speakers are invited to campus. Very few students (6.9%) reported that they would interrupt a guest speaker during a lecture; most reported they would challenge speakers in a Q&A session (84.3%) or protest outside the lecture hall (51.2%). Support for student media is strong (85.7%), though use of student media is low (29%).

While students generally feel comfortable discussing controversial subjects at UNC (81.2%), their comfort level discussing these issues within the classroom is lower (51.7%) than with their peers. Levels of comfort for conservative students in class are below that of other students.

This is a potential cause for concern, though the root causes are not made entirely clear by the survey. More research is needed to explore this finding, but North Carolina students and educators should be thinking about ways to open up classes for more critical thinking and open exchange. It is also worth

noting that our sample of minority students on campus was too small to draw any definitive conclusions about their comfort level discussing controversial issues in class. Clearly, more research is needed, most likely in the form of qualitative interviews with students. Campus centers for faculty excellence should continue to play an important role in addressing this finding.

The findings of this survey suggest that UNC undergraduate students understand and practice the role of constitutionally protected free expression and debate on campus. More research is needed to explore the issue of classroom comfort discussing controversial subjects in politically partisan times, but more discussion about this finding and support for UNC Center for Faculty Excellence programs and training is recommended.

ABOUT

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Students at the UNC School of Media and Journalism undergraduate course MEJO 448 in fall 2018 have contributed to this survey project. Their names are listed alphabetically below.

Iyon Baker, Dani Bieler, Kayla Boykins, Joshua Brown, Abby Cantrell, Sutton Cavalchire, Elizabeth Chicas, Adrienne Clevon, Jamey Cross, Chapel Fowler, Sam Freeman, Svannah Gillespie, Zachary Gorelick, Hayley Hardison, Davis Houk, Lilly Hyde, Faith Lovett, Stephen Miller, Taylor Montgomery, Savannah Morgan, Rebecca New, Augustus O’Leary, Eleanor Reneke, Brittney Robinson, Emma Rolader, Laura Shanahan, Leah Stanfield, Wilkins Swiger, Mariam Turner, Cole Villena, Victoria Young.

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About the UNC Center for Media Law and Policy

The UNC Center for Media Law and Policy is an interdisciplinary research center run jointly out of the UNC School of Law and UNC School of Media and Journalism. The center's work ranges from the legal and policy issues affecting traditional media organizations to the challenges posed by new communication technologies, including social media, the Internet, and mobile technology, and the impact they are having on governments, on the economy, and on cultural and social values throughout the world.

The mission of the center is twofold: (1) to provide a forum for study and debate about the critical media law and policy issues facing North Carolina and the nation and (2) to have an impact on these issues by supporting the development of legal and policy initiatives that help the traditional and new media meet the information needs of all Americans.

The center capitalizes on the extraordinary strengths of UNC-Chapel Hill's highly regarded law and journalism schools. Center events and projects bring together a diverse group of legal and communication scholars, media professionals, and practicing attorneys. Faculty and graduate students affiliated with the center conduct media law and policy research, host public events, including UNC's annual First Amendment Day, and work to educate North Carolina's business community about the opportunities for supporting and expanding entrepreneurship in the field of information technology.

For more information see: <https://medialaw.unc.edu>.

About the UNC Office for Undergraduate Research

The UNC Office for Undergraduate Research (OUR) was established in 1999 to expand the opportunities for undergraduates at Carolina to engage in innovative research, mentored scholarship, and creative performance. It seeks to make research a distinctive feature of the undergraduate educational experience at this vibrant research university. By engaging in research, students learn how discoveries are made and become well prepared to address the unsolved problems of the future.

The OUR maintains several searchable databases. These include listings of research methods courses, research-intensive courses in which over half of class time is devoted to students' conducting original research and presenting research conclusions, and research-exposure courses that provide students with research experiences guided by Graduate Research Consultants (GRCs). The OUR sponsors the Celebration of Undergraduate Research each spring, allowing students to present their results to the campus and community. In addition, OUR offers opportunities for undergraduate students to apply for Summer Undergraduate Research Fellowships (SURFs) and for travel awards to present their research at professional meetings.

For more information see: <https://our.unc.edu>.