



June 5, 2024

VIA ONLINE PORTAL

The University of North Carolina System
223 South West Street
Suite 1800
Raleigh, NC 27603
Via Online Portal

Re: Public Records Act Request

Dear Public Records Custodian(s):

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 132, American Oversight makes the following request for records.

Since April 18, 2024, more than 2,700 people have been arrested or detained on college campuses across the United States.¹ These actions by law enforcement—typically at the request of university leadership—have been driven by a rise in student-led demonstrations related to the Israel-Palestine conflict. American Oversight seeks records with the potential to shed light on state, university, and law enforcement official responses to civic expression on college campuses and related matters of free speech and academic freedom.

Requested Records

American Oversight requests that your agency produce the following records as promptly as possible:

All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) sent by any of the University of North Carolina System officials listed below—or anyone communicating on their behalf, such as a chief of staff, assistant, or scheduler—and containing any of the following key terms, also listed below.

University of North Carolina System Officials:

1. Peter Hans, President
2. Randall Ramsey, Chair of the Board of Governors
3. Wendy Floyd Murphy, Vice Chair of the Board of Governors
4. Pearl Burris-Floyd, Board of Governors Secretary
5. Lee Barnes, Board of Governors Member
6. Kirk Bradley, Board of Governors Member

¹ *Where Protestors on U.S. Campuses Have Been Arrested or Detained*, N.Y. Times (May 8, 2024, 4:18 PM), <https://www.nytimes.com/interactive/2024/us/pro-palestinian-college-protests-encampments.html>.



7. C. Philip Byers, Board of Governors Member
8. Jimmy Clark, Board of Governors Member
9. Gene Davis, Board of Governors Member
10. John Fraley, Board of Governors Member
11. Reginald Ronald Holley, Board of Governors Member
12. Terry Hutchens, Board of Governors Member
13. Sonja Phillips Nichols, Board of Governors Member
14. Temple Sloan, Board of Governors Member
15. Michael Williford, Board of Governors Member
16. Kellie Hunt Blue, Board of Governors Member
17. Harry Brown, Board of Governors Member
18. Swadesh Chatterjee, Board of Governors Member
19. Carolyn Coward, Board of Governors Member
20. Joel Ford, Board of Governors Member
21. Estefany Gordillo-Rivas, Board of Governors Member
22. Mark Holton, Board of Governors Member
23. J. Alex Mitchell, Board of Governors Member
24. Art Pope, Board of Governors Member
25. Woody White, Board of Governors Member

Key Terms:

- a. Columbia
- b. Agitator
- c. Encampment
- d. “Pepper Spray”
- e. Peaceful
- f. Palestine
- g. Palestinian
- h. Gaza
- i. Israel
- j. Hamas
- k. Divest
- l. Gerrard
- m. “free speech”
- n. “freedom of speech”
- o. “first amendment”
- p. 1A
- q. “1st amendment”
- r. Shafik

In an effort to accommodate your office and reduce the number of potentially responsive records to be produced, American Oversight has limited this request to emails sent by the listed officials. To be clear, however, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that if a listed official sent an email responding to an incoming message, both that official’s response and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from April 20, 2024, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X—formerly Twitter—direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.² We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Act.³

² N.C. Gen. Stat. Ann. § 132-1(a) (public records consist of documentary material “regardless of physical form or characteristics.”).

³ See Atty. Gen. Josh Stein, *North Carolina Open Government Guide* at 22 (2019), <https://ncdoj.gov/wp-content/uploads/2020/01/2019-Open-Government-Guide-2.pdf>

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).⁴

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

(“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 29, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited May 29, 2024).

understand any part of this request, please contact Elizabeth Haddix at records@americanoversight.org or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix

Elizabeth Haddix

on behalf of

American Oversight