STATE OF NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO. _____

DEFENDING EDUCATION,

Plaintiff,

v.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL; and LEE H. ROBERTS, in his official capacity as Chancellor of the University of North Carolina at Chapel Hill,

Defendants.

COMPLAINT

Plaintiff Defending Education brings this action to enforce the North Carolina Public Records Act. *See* N.C. Gen. Stat. §132-1 *et seq.*

INTRODUCTION

1. Defending Education ("DE"), a non-profit advocacy group that supports transparency in public institutions and opposes the politicization of higher education, submitted two public records requests to the University of North Carolina at Chapel Hill ("UNC-CH").

2. DE requested copies of reading lists, reading assignments, and other materials used in various courses taught at UNC-CH. Those records are a matter of great public interest. UNC-CH is an institution "dedicated to the service of North Carolina and its people," N.C. Gen. Stat. §116-1(b), and the people deserve to know what is being taught at universities funded by their tax dollars, *see, e.g.*, *Fiacco v. Sigma Alpha Epsilon Fraternity*, 528 F.3d 94, 99-100 (1st Cir. 2008).

3. But UNC-CH failed to produce the requested records. Instead, per UNC System policy, UNC-CH directed DE to an online platform containing so-called "simple" syllabi that deliberately omit the information DE is seeking.

4. UNC's policy of concealing course materials thwarts public scrutiny and runs contrary to North Carolina's "'liberal'" policy favoring access to public records. *News & Observer Pub. Co. v. Poole*, 330 N.C. 465, 475 (1992). In particular, UNC-CH's failure to produce responsive records here violates the University's statutory obligation to "promptly" provide "copies" of "all documents" requested by a member of the public. N.C. Gen. Stat. §§132-1(a), 132-6(a).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this action pursuant to N.C. Gen. Stat. §132-9.

6. This Court has personal jurisdiction over Defendants pursuant to N.C. Gen. Stat. §1-75.4(1) because they are residents of North Carolina and perform their official duties within North Carolina.

7. Venue lies in Orange County pursuant to N.C. Gen. Stat. §§1-77(2) and 1-82 because the cause arose in Orange County and the defendants reside in Orange County.

PARTIES

8. Plaintiff Defending Education is a nationwide, grassroots membership organization whose members include students, parents, educators, and other concerned citizens. DE's mission is to prevent—through advocacy, disclosure, and, if necessary, litigation—the politicization of American education.

9. Defendant University of North Carolina at Chapel Hill is a member institution of the University of North Carolina System. *See id.* §116-4. It is located in Orange County, North Carolina. UNC-CH is an "agency of North Carolina government" as that term is defined in N.C. Gen. Stat. §132-1(a).

10. Defendant Lee H. Roberts is the Chancellor of UNC-CH. He is the "administrative and executive head" of UNC-CH and "exercise[s] complete executive authority therein, subject to the direction of the President" of the UNC System. *Id.* §116-34(a). As such, he is the official custodian of the records that are the subject of this action. *Id.* §132-2. As a "public officer or official" of UNC-CH,

Chancellor Roberts is an "agency of North Carolina government" as that term is defined in N.C. Gen. Stat. §132-1(a). Chancellor Roberts is sued in his official capacity.

STATEMENT OF FACTS

A. The North Carolina Public Records Act guarantees broad access to public records.

11. The North Carolina Public Records Act creates a "mandate for open government." *Poole*, 330 N.C. at 475. "By enacting the Public Records Act, 'the legislature intended to provide that, as a general rule, the public would have liberal access to public records.'" *Id.*

12. Accordingly, the Public Records Act provides that the "public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people." N.C. Gen. Stat. §132-1(b). "[I]t is the policy of this State that the people may obtain copies of their public records and public information" from government agencies for "free or at minimal cost." *Id.*

13. To effectuate North Carolina's policy favoring public access, the law defines public records broadly. Members of the public are entitled to access "*all* documents … made or received … in connection with the transaction of public business by any agency of North Carolina government or its subdivisions." *Id.* §132-1(a) (emphasis added). That includes all "papers, letters, … books, … electronic data-processing records," and "other documentary material, regardless of physical form or characteristics." *Id.*

14. Agencies "shall permit" such records "to be inspected and examined at reasonable times and under reasonable supervision by any person" and shall "promptly" provide "copies thereof." *Id.* §132-6(a).

B. Defending Education submits two records requests to UNC-CH.

15. Through its president, Nicole Neily, DE submitted two different requests to UNC-CH in October 2026. Both requests were straightforward and limited in scope. But UNC-CH failed to produce responsive records for both, in violation of N.C. Gen. Stat. §132-6(a).

16. **The First Request.** On October 16, 2026, DE submitted a public records request to UNC-CH seeking copies of reading lists and other instructional materials used in various UNC-CH courses.

17. Specifically, DE asked for:

> [C]opies of all assigned reading lists and lists of reading assignments—including but not limited to any syllabus, course plan, list of course materials, list of course resources, learning goals and course expectations—for the following courses taught at the University of North Carolina at Chapel Hill. This request is limited to the Fall 2026 academic term. This request includes both final versions of such records as well as any drafts or otherwise incomplete versions of such records.
>
> This request encompasses such records regardless of the format or location in which those records are maintained, and includes but is not limited to:
> - Records maintained by the instructor of record;
> - Records transmitted by the instructor of record to students via email or other electronic communication; and/or
> - Records stored on any university learning management system, IT system, or shared drive (e.g., "Canvas"), or made available to students via such a system or drive. This includes any materials posted to the "Announcements," "Files," "Modules," and "Home" sections of the Canvas site for the relevant courses.
>
> This request applies to the following courses:
> - AAAD 50: Defining Blackness
> - AAAD 351: Class, Race, Inequality in America
> - AAAD 360 / LTAM 360: Black Women's Struggles
> - ASIA 991: Research and Writing in Asian and Middle Eastern Studies
> - ASIA 150: Asia: An Introduction
> - AMST 375: Critical Food Studies
> - GEOG 435: Global Environmental Justice
> - HIST 89: Gender and Law
> - HIST 144 / WGST 144: Women in United States History
> - HIST 378H: Slavery and the University
> - HIST 398: Social Movements in the Twentieth Century United States
> - LATM 459 / GEOG 459: Landscapes of Resistance

- POLI 265 / WGST 265: Feminism and Political Theory
- SOCI 77: Black Feminism
- SOCI 125: Sociology of Sexualities
- SOCI 130: Family & Society
- WGST 101: Intro to Intersectionality
- WGST 111I: Intro Sexuality Studies
- WGST 262I: Gender, Sport, and Society

18. DE's request specifically cited the North Carolina Public Records Act, "N.C. Gen. Stat §132-1 *et seq.*," and noted that the law required UNC-CH to respond to the request "'as promptly as possible.' N.C. Gen. Stat. §132-6(a)."

19. DE's request was limited in both time and scope. It requested copies of only those materials used in "the Fall 2026 academic term" and identified a specific set of courses for which DE was requesting materials. "To minimize the burden of production," moreover, the request stated that DE would "accept records electronically or as double-sided copies."

20. DE's request also stated that, if UNC-CH "object[ed] to the above request," it should "email [DE] and state the basis for [its] objection so that [DE] may clarify [the] request." And if UNC-CH intended *not* to turn over any responsive records, DE asked that UNC-CH "state in writing the basis for the denial and cite the specific provision in North Carolina public records law that [UNC-CH] feel[s] justifies the denial."

21. UNC-CH acknowledged DE's request by email the same day (October 16, 2026) and assigned it a tracking number: "Request 26-1175." The email stated that UNC-CH would send DE a "request for clarification prior to any collection or review of records" if UNC-CH felt that the request was "[b]roa[d]" or "vague."

22. DE received no further communication from UNC-CH, however, until November 2, 2026, when DE received an email stating that Request 26-1175 "has been closed."

23. UNC-CH's email did not include any documents, responsive or otherwise, relating to DE's request. Instead, the email simply stated that UNC-CH "syllabi are posted" on an "online

platform" called "Simple Syllabus" and included a link to that website. The email claimed that "[t]here are no additional responsive documents for this request."

24. That same day, UNC-CH updated the status of Request 26-1175 on "NextRequest," UNC-CH's online portal for records requests, to "Request Closed."

25. UNC-CH never notified DE that it objected to the content or scope of DE's request—nor did it send DE any requests for clarification—before it closed Request 26-1175 without providing any responsive documents.

26. DE has received no further productions or communications from UNC-CH regarding Request 26-1175 since UNC-CH closed the request. As of November 10, 2026, the NextRequest portal continues to list the status of the request as "Request Closed."

27. **The Second Request.** On October 23, 2026, DE submitted another public records request to UNC-CH. Like the first request, this second request also sought copies of reading lists and other instructional materials used in UNC-CH courses.

28. The text of DE's second request was identical to the first but asked for materials from a different set of courses. Specifically, DE asked for records related to the following courses:

- AAAD 176: Freedom's Stony Road: The Primary Sources
- AAAD 230: Early African American History: Black Perspectives on Foundations of American Democracy
- AMST 312: Dissent and American Democracy
- HIST 101: A History of Lies, Conspiracies, and Misinformation
- HIST 449: Women and Politics in the United States
- POLI 80: African-American Politics and Economic Inequality
- POLI 100: American Democracy in Changing Times
- RELI 141: African American Religions
- SCLL 150H: Foundations of American Civic Life
- SCLL 180: Democracy in America: Promises and Perils

29. Again, DE's request specifically cited the North Carolina Public Records Act, "N.C. Gen. Stat §132-1 *et seq.*," and noted that the law required UNC-CH to respond to the request "'as promptly as possible.' N.C. Gen. Stat. §132-6(a)."

30. This second request, again, sought records only from "the Fall 2026 academic term" and only from these specifically identified courses. And to ease the burden of production, DE again stated that it would "accept records electronically or as double-sided copies."

31. As with the first request, DE's second request asked that, if UNC-CH "object[ed] to the above request," it "email [DE] and state the basis for [its] objection so that [DE] may clarify [the] request." And if UNC-CH intended to withhold any responsive records, DE again asked that UNC-CH "please state in writing the basis for the denial and cite the specific provision in North Carolina public records law that [UNC-CH] feel[s] justifies the denial."

32. UNC-CH acknowledged DE's second request by email the same day (October 23, 2026) and assigned it a tracking number: "Request 26-1213." UNC-CH's email once again stated that UNC-CH would send DE a "request for clarification prior to any collection or review of records" if UNC-CH felt that the request was "[b]roa[d]" or "vague."

33. But DE received no further communication from UNC-CH until October 29, 2026, when DE received an email stating that Request 26-1213 "has been closed."

34. Again, UNC-CH's email did not include any documents, responsive or otherwise, relating to DE's request. Instead, the email simply stated that UNC-CH "syllabi are posted" on the Simple Syllabus platform and included a link to that website. The email claimed that "[t]here are no additional responsive documents for this request."

35. That same day, UNC-CH updated the status of Request 26-1213 on NextRequest to "Request Closed."

36. UNC-CH never notified DE that it objected to the content or scope of DE's request—nor did it send DE any requests for clarification—before it closed Request 26-1213 without providing any responsive documents.

37. DE has received no further productions or communications from UNC-CH regarding Request 26-1213 since UNC-CH closed the request. As of November 10, 2026, the NextRequest portal continues to list the status of the request as "Request Closed."

C. UNC-CH's responses to Defending Education's requests are insufficient.

38. UNC-CH failed to conduct a reasonable search for, and failed to produce, records responsive to DE's October 16, 2026 and October 23, 2026 requests.

39. Both the October 16 request (Request 26-1175) and the October 23 request (Request 26-1213) asked for all "reading lists," "lists of reading assignments," "course plan[s]," "list[s] of course materials," "list[s] of course resources," "learning goals and course expectations," *and* "syllab[i]" associated with the listed courses. UNC-CH's responses to the two requests, however, mentioned only "syllabi." The responses made no mention of the other records requested by DE.

40. DE's requests also asked for records "maintained by the instructor of record" or "transmitted by the instructor of record to students." But UNC-CH's responses offered no indication that UNC-CH asked the instructors of the listed courses to produce the requested records. And if any records were transmitted to UNC-CH by the relevant instructors in response to DE's requests, UNC-CH failed to produce those records to DE.

41. Likewise, DE's requests asked for records "stored on any university learning management system, IT system, or shared drive," including "the Canvas site." But UNC-CH's responses offered no indication that UNC-CH conducted a reasonable search for the requested records on Canvas or other university databases.

42. DE's requests also asked for "both final versions of [the] records as well as any drafts or otherwise incomplete versions of [the] records." But UNC-CH, in addition to ignoring DE's requests for records other than "syllabi," also failed to produce any draft or otherwise incomplete versions of the requested records, including syllabi. The "syllabi" posted on Simple Syllabus appear to be only final documents. The platform does not contain any draft or otherwise incomplete versions of the documents posted on the platform.

43. UNC-CH's failure to produce the records requested in Request 26-1175 and Request 26-1213 appears to be part of a coordinated effort by the UNC System to avoid public scrutiny of the material being taught in its classrooms.

44. According to media reports, when another non-profit organization submitted public records requests asking for course materials promoting so-called "diversity, equity, and inclusion," UNC-CH took "weeks to respond." Atkinson, *Who owns a public university syllabus?*, WUNC News (Sept. 9, 2025), perma.cc/46QF-PX59. It eventually denied the request, arguing that the requested materials were subject to instructors' purported "intellectual property rights." *Id.* Following that decision, however, at least one other UNC System campus "reached the exact opposite conclusion" and "instructed faculty to hand over" records in response to a similar request. Atkinson, *Under pressure from right-wing groups, NC public universities disagree on whether a syllabus is a public record*, WUNC News (Oct. 9, 2025), perma.cc/8N2E-R6EW.

45. So the UNC System, led by the system president, decided to post course syllabi in a "publicly available" "online platform." *Regulation on Publication of Academic Calendars, Grading Policies, and Related Materials*, UNC (adopted Dec. 19, 2025), perma.cc/8C3B-G5C7 ("Regulation"). UNC now requires all professors to use that platform, called Simple Syllabus. *See Syllabi Repository Training and Resources*, UNC (updated Oct. 15, 2026), perma.cc/5Y3P-R884 (Q: "Do I have to use Simple Syllabus?" A: "Yes").

46. But UNC directs faculty members to publish on the platform only a condensed version of their syllabi. *See* Regulation §II.C. UNC, for example, has instructed faculty members to include on their syllabi only those "course materials (physical and/or electronic) that students are *required to purchase*," rather than all course materials actually used in the course. *Id.* (emphasis added).

47. Indeed, in subsequent guidance, UNC has informed instructors that Simple Syllabus was "only set up" to allow instructors to include limited information about their courses. *Syllabi Repository Training and Resources*, UNC (updated Oct. 15, 2026), perma.cc/5Y3P-R884.

48. Reporting confirms that the syllabi posted on the Simple Syllabus platform are generally shorter and contain less information than traditional syllabi. *See* Atkinson, *How one UNC-Chapel Hill professor changed his syllabus, but not his approach to teaching*, WUNC News (Sept. 8, 2026), perma.cc/4ZZS-5PMY (discussing one example in which previous editions of a course's syllabus "ran several pages" and "included sections like the day-to-day schedule, several dozen course readings, … and a university-recommended diversity statement," but the current edition on the Simple Syllabus platform contains none of that information and looks more like "a business one-pager").

49. If faculty have "additional items" they wish to provide to students that "historically" were "included … in their syllabus," they must instead provide those items through "alternative means" like "canvas, a print out, a .pdf emailed to enrolled students etc." *Syllabi Repository Training and Resources*, UNC (updated Oct. 15, 2026), perma.cc/5Y3P-R884.

50. But as UNC-CH's response to DE's requests in this case shows, UNC member institutions will not produce items in response to a public records request if those items are not included on a course's simple syllabus.

51. For example, UNC's Simple Syllabus policy directs instructors to include on their syllabi only those reading materials that students are required to purchase. (Indeed, for many of the courses listed in DE's two requests, the syllabi available on the Simple Syllabus platform don't identify

any of the reading assignments or other course materials used in the course.) So DE's requests asked for "copies of *all* assigned reading lists and lists of reading assignments," not just those reading assignments that students are required to purchase. But DE was not provided any records in response to that request.

52. Likewise, UNC instructs faculty members to provide "additional" course materials to students through "alternative means" like "canvas" or "emai[l]." So DE requested all records "maintained by the instructor of record," "transmitted by the instructor of record to students via email or other electronic communication," or "stored on any university learning management system" like "Canvas." But DE was, again, not provided any records in response to that request.

FIRST CLAIM FOR RELIEF
(Violation of the North Carolina Public Records Act, N.C. Gen. Stat. §132-1 *et seq.*)

53. DE repeats and realleges each of the prior allegations in this complaint.

54. The North Carolina Public Records Act provides that agencies, including UNC-CH, "shall, as promptly as possible, furnish copies" of public records to members of the public upon request. N.C. Gen. Stat. §132-6(a).

55. This obligation applies to "'all documents and papers made or received by any agency of North Carolina government in the course of conducting its public proceedings,'" unless otherwise exempted by statute. *Jackson v. Charlotte Mecklenburg Hosp. Auth.*, 238 N.C. App. 351, 353 (2014). The law is "to be liberally construed to ensure that governmental records be open and made available to the public." *DTH Media Corp. v. Folt*, 374 N.C. 292, 300 (2020).

56. The Public Records Act also requires a covered agency to "revie[w] its records" to determine whether it has "custody of any information" responsive to a public records request. *Gannett Pac. Corp. v. N.C. State Bureau of Investigation,* 164 N.C. App. 154, 159 (2004). The agency must "conduc[t] a reasonable search" for records. *Ochsner v. N.C. Dep't of Revenue*, 268 N.C. App. 391, 409-10 (2019).

57. DE made the October 16, 2026 request (Request 26-1175) and the October 23, 2026 request (Request 26-1213) pursuant to the North Carolina Public Records Act, N.C. Gen. Stat. §132-1 *et seq.*

58. UNC-CH and Chancellor Roberts are the custodians of the records requested in Requests 26-1175 and 26-1213.

59. Defendants failed to conduct a reasonable search for the records identified in Requests 26-1175 and 26-1213.

60. Defendants failed to produce to DE the records identified in Requests 26-1175 and 26-1213, in violation of N.C. Gen. Stat. §132-6(a). Nor did Defendants cite a basis in law for withholding those documents. *Contra* N.C. Gen. Stat. §132-1(b) (records must be disclosed "unless otherwise specifically provided by law").

61. The North Carolina Public Records Act allows "[a]ny person who is denied access to" or "copies of public records" to bring an action to compel compliance with the Act. *Id.* §132-9(a); *see also id.* §12-3(6) (defining the word "'person"' to include corporations). And the Act gives this Court "jurisdiction to issue" an order "compelling disclosure or copying" of public records. *Id.* §132-9(a).

PRAYER FOR RELIEF

WHEREFORE, Defending Education respectfully requests that the Court:

(1) Order Defendants to comply with the North Carolina Public Records Act, N.C. Gen. Stat. §132-1 *et seq.*;

(2) Order Defendants to conduct searches for any and all records potentially responsive to Requests 26-1175 and 26-1213 and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to each request;

(3) Order Defendants to produce for immediate *in camera* review copies of all records responsive to Requests 26-1175 and 26-1213, so that the Court may determine whether the records

must be released pursuant to the North Carolina Public Records Act, N.C. Gen. Stat. §§132-1(a) and 132-6(a);

(4) Order Defendants to produce to DE, by a specified date, all records that are responsive to Requests 26-1175 and 26-1213 and are determined by the Court to be subject to production under the North Carolina Public Records Act, pursuant to N.C. Gen. Stat. §§132-6(a) and 132-9(a);

(5) Enter an order pursuant to the Declaratory Judgment Act, N.C. Gen. Stat. §1-253 *et seq.*, declaring that Defendants have violated the North Carolina Public Records Act, N.C. Gen. Stat. §132-1 *et seq.*, by failing to produce records responsive to Requests 26-1175 and 26-1213;

(6) Grant DE an award of attorney's fees and costs pursuant to N.C. Gen. Stat. §132-9(c);

(7) Order any other relief the Court deems just and proper.

Dated: November 10, 2026

Respectfully submitted,

/s/ Brandon Haase
J. Michael Connolly *
Paul R. Draper *
Brandon Haase (N.C. State Bar No. 62089)
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
mike@consovoymccarthy.com
paul@consovoymccarthy.com
brandon@consovoymccarthy.com

* *Pro hac vice motions forthcoming*

Counsel for Plaintiff