

The *Phillips* Case

Case Name: *Phillips v. North Carolina Department of Public Instruction*

Case Status: Wake County Superior Court ruled to allow free-speech and two discrimination claims to proceed on May 17, 2023

Significance: Whether public schools can punish and discriminate against professors for expressing their beliefs.



Background: Dr. David Phillips is a well-respected English Professor, who taught at the North Carolina Governor’s School, a residential summer program for the State’s best and brightest college-ready students. He decided to join the faculty because of the spirit of free and open academic inquiry the school claimed to espouse. However, the school increasingly adopted racially and culturally divisive ideology through which all people are analyzed and categorized by their race, sex, and religion as oppressors and victims, perpetuating conflict instead of solving it. Despite Dr. Phillips raising concerns with the administration, the Governor’s School did nothing to protect viewpoint diversity on campus. Rather, the school proceeded to increase acceptance of critical theory. In 2017, Dr. Phillips expressed that the school now “represents a hostile climate” where faculty and students “often face pressure to either ideologically conform or to remain silent from their fellow students as well as, in some cases, faculty and staff.” In June 2021, Dr. Phillips, consistent with school policy, delivered three optional seminars promoting free speech and intellectual diversity on campus. After the lectures, some staff members and students were hostile toward the content. Dr. Phillips stayed long after the lectures to answer their questions calmly and honestly. Following the third lecture, a few staff members complained, and immediately, the Governor’s School fired Dr. Phillips. No one should be forced to conform or be fired for their core beliefs. Allied Attorney Anthony Biller and Alliance Defending Freedom filed a lawsuit on behalf of Dr. Phillips to help ensure that no professors are retaliated against for fostering intellectual diversity on campus. The North Carolina Superior Court has allowed the case to proceed.

Key Points

- Professors do not forfeit their beliefs when they set foot in the classroom.
- Academic programs can’t fire professors for promoting viewpoint diversity on campus.
- No professors should be forced to keep silent on their deepest moral beliefs in order to keep a job.
- Freedom of speech extends to people of all beliefs. Discriminating against professors because they express differing viewpoints violates freedom of speech.

Key Facts

- According to its own documents, the Governor’s School wants students to “learn to examine and articulate their opinions,” “listen to the perspectives of others,” and “become aware of a wide range of differing viewpoints and thinking,” and that’s exactly what Dr. Phillips was promoting in his lectures.
- Speaking out against divisive ideology, like critical theory, should not disqualify him from teaching.

The Bottom Line: All teachers should be able to encourage open discourse and viewpoint diversity. No one should be forced to self-censor and conform to the school’s preferred ideology just to keep their job.