

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 607

Short Title: Prohibit Compelled Speech/Higher Ed. (Public)

Sponsors: Representatives Tyson, D. Hall, and Fontenot (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Universities, if favorable, Rules, Calendar, and Operations of the House

April 17, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF
3 NORTH CAROLINA AND COMMUNITY COLLEGES FROM COMPELLING
4 CERTAIN FORMS OF STUDENT AND EMPLOYEE SPEECH.

5 The General Assembly of North Carolina enacts:

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7 **PART I. PROHIBIT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF**
8 **NORTH CAROLINA FROM COMPELLING CERTAIN FORMS OF STUDENT AND**
9 **EMPLOYEE SPEECH**

10 **SECTION 1.(a)** G.S. 116-300 reads as rewritten:

11 **"§ 116-300. Policies required.**

12 The Board of Governors of The University of North Carolina shall develop and adopt a policy
13 on free expression that states, at least, the following:

14 ...

15 (3) The constituent institution may not take action, as an institution, on the public
16 policy controversies of the day in such a way as to require students, faculty,
17 or administrators to publicly express a given view of social policy.

18 (3a) In accordance with G.S. 116-306, the constituent institution may not require
19 applicants for admission or employment to endorse or describe their actions
20 related to matters of contemporary political debate or social action.

21"

22 **SECTION 1.(b)** Article 36 of Chapter 116 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 116-306. Prohibition on compelling speech.**

25 (a) For purposes of this section, the term "interested person" shall refer to either of the
26 following:

27 (1) An employee of a constituent institution.

28 (2) An applicant for (i) admission to a constituent institution or (ii) employment
29 with a constituent institution.

30 (b) Each constituent institution of The University of North Carolina shall comply with
31 the following:

32 (1) Refrain from soliciting or requiring an interested person to endorse or opine
33 about beliefs, affiliations, ideals, or principles regarding matters of



- 1 contemporary political debate or social action as a condition to admission,
2 employment, or professional advancement.
- 3 (2) Refrain from soliciting or requiring an interested person to describe his or her
4 actions in support of, or in opposition to, the beliefs, affiliations, ideals, or
5 principles identified in subdivision (1) of this subsection.
- 6 (c) Practices prohibited by this section include solicitations or requirements for
7 commitments to particular views on matters of contemporary political debate or social action
8 contained on applications or qualifications for admission or employment or included as criteria
9 for analysis of an employee's career progress.
- 10 (d) Any constituent institution may submit a request to the President of The University
11 of North Carolina for written approval to institute a requirement or solicitation otherwise
12 prohibited by this section, as follows:
- 13 (1) Prior to submitting the request, the constituent institution shall determine that
14 the requirement or solicitation is necessary for reasons related to the
15 educational, research, or public-service mission of The University of North
16 Carolina pursuant to G.S. 116-1.
- 17 (2) The President may approve the request, in his or her discretion, following a
18 discussion on the matter at a meeting of the Committee on University
19 Governance of the Board of Governors of The University of North Carolina
20 in open session. The meeting shall be attended by the following members
21 associated with the requesting constituent institution:
- 22 a. The chancellor.
23 b. The provost.
24 c. The chair of the board of trustees.
- 25 (e) An employee of a constituent institution who fails to comply with the requirements
26 of this section shall be subject to disciplinary procedures as determined by the Board of
27 Governors of The University of North Carolina.
- 28 (f) Nothing in this section shall be construed to do any of the following:
- 29 (1) Permit an interested person to bring a cause of action against The University
30 of North Carolina, a constituent institution of The University of North
31 Carolina, the State of North Carolina, or any subdivision thereof.
- 32 (2) Limit the principles of campus free speech articulated in G.S. 116-300.
- 33 (3) Infringe on the ability of an interested person to voluntarily opine or speak
34 regarding any matter, including matters of contemporary political debate or
35 social action.
- 36 (4) Prohibit discussion with or questions to an interested person regarding the
37 content of the person's resume, curriculum vitae, body of scholarship, or other
38 written work or oral remarks presented by the person.
- 39 (5) Modify or affect the ability of a constituent institution to ensure its employees
40 comply with applicable federal or State law, including employment oaths,
41 appointment affidavits, and licensure and certification requirements."
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43 **PART II. PROHIBIT COMMUNITY COLLEGES FROM COMPELLING CERTAIN** 44 **FORMS OF STUDENT AND EMPLOYEE SPEECH**

45 **SECTION 2.(a)** G.S. 115D-5 is amended by adding a new subsection to read:

46 "(z) The State Board shall adopt a policy in accordance with G.S. 115D-82 that prohibits
47 community colleges from requiring applicants for admission or employment to endorse or
48 describe their actions related to matters of contemporary political debate or social action."

49 **SECTION 2.(b)** Article 7 of Chapter 115D of the General Statutes is amended by
50 adding a new section to read:

51 "**§ 115D-82. Prohibition on compelling speech.**"

- 1 (a) For purposes of this section, the term "interested person" shall refer to either of the
2 following:
- 3 (1) An employee of a community college.
4 (2) An applicant for (i) admission to a community college or (ii) employment with
5 a community college.
- 6 (b) Each community college shall comply with the following:
- 7 (1) Refrain from soliciting or requiring an interested person to endorse or opine
8 about beliefs, affiliations, ideals, or principles regarding matters of
9 contemporary political debate or social action as a condition to admission,
10 employment, or professional advancement.
- 11 (2) Refrain from soliciting or requiring an interested person to describe his or her
12 actions in support of, or in opposition to, the beliefs, affiliations, ideals, or
13 principles identified in subdivision (1) of this subsection.
- 14 (c) Practices prohibited by this section include solicitations or requirements for
15 commitments to particular views on matters of contemporary political debate or social action
16 contained on applications or qualifications for admission or employment or included as criteria
17 for analysis of an employee's career progress.
- 18 (d) Any community college may submit a request to the President of the North Carolina
19 Community College System for written approval to institute a requirement or solicitation
20 otherwise prohibited by this section, as follows:
- 21 (1) Prior to submitting the request, the community college shall determine that
22 the requirement or solicitation is necessary for reasons related to the purpose
23 of the community colleges pursuant to G.S. 115D-1.
- 24 (2) The President may approve the request, in his or her discretion, following a
25 discussion on the matter at a meeting of the State Board of Community
26 Colleges or a subcommittee thereof in open session. The meeting shall be
27 attended by the following members associated with the requesting community
28 college:
- 29 a. The chancellor.
30 b. The provost.
31 c. The chair of the board of trustees.
- 32 (e) An employee of a community college who fails to comply with the requirements of
33 this section shall be subject to disciplinary procedures as determined by the State Board of
34 Community Colleges.
- 35 (f) Nothing in this section shall be construed to do any of the following:
- 36 (1) Permit an interested person to bring a cause of action against the Community
37 Colleges System Office, the State Board of Community Colleges, one or more
38 community colleges, the State of North Carolina, or any subdivision thereof.
- 39 (2) Infringe on the ability of an interested person to voluntarily opine or speak
40 regarding any matter, including matters of contemporary political debate or
41 social action.
- 42 (3) Prohibit discussion with or questions to an interested person regarding the
43 content of the person's resume, curriculum vitae, body of scholarship, or other
44 written work or oral remarks presented by the person.
- 45 (4) Modify or affect the ability of a community college to ensure its employees
46 comply with applicable federal or State law, including employment oaths,
47 appointment affidavits, and licensure and certification requirements."

49 **PART III. EFFECTIVE DATE**

50 **SECTION 3.** This act is effective when it becomes law and applies beginning with
51 the 2023-2024 academic year.