

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

**H.B. 607**  
**Apr 13, 2023**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH30256-MT-59

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

Sponsors: Representative Tyson.

Referred to:

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:

6  
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  
34 contemporary political debate or social action as a condition to admission,  
35 employment, or professional advancement.



1           (2)   Refrain from soliciting or requiring an interested person to describe his or her  
2           actions in support of, or in opposition to, the beliefs, affiliations, ideals, or  
3           principles identified in subdivision (1) of this subsection.

4           (c)   Practices prohibited by this section include solicitations or requirements for  
5           commitments to particular views on matters of contemporary political debate or social action  
6           contained on applications or qualifications for admission or employment or included as criteria  
7           for analysis of an employee's career progress.

8           (d)   Any constituent institution may submit a request to the President of The University  
9           of North Carolina for written approval to institute a requirement or solicitation otherwise  
10          prohibited by this section, as follows:

11          (1)   Prior to submitting the request, the constituent institution shall determine that  
12          the requirement or solicitation is necessary for reasons related to the  
13          educational, research, or public-service mission of The University of North  
14          Carolina pursuant to G.S. 116-1.

15          (2)   The President may approve the request, in his or her discretion, following a  
16          discussion on the matter at a meeting of the Committee on University  
17          Governance of the Board of Governors of The University of North Carolina  
18          in open session. The meeting shall be attended by the following members  
19          associated with the requesting constituent institution:

20               a.   The chancellor.

21               b.   The provost.

22               c.   The chair of the board of trustees.

23          (e)   An employee of a constituent institution who fails to comply with the requirements  
24          of this section shall be subject to disciplinary procedures as determined by the Board of  
25          Governors of The University of North Carolina.

26          (f)   Nothing in this section shall be construed to do any of the following:

27          (1)   Permit an interested person to bring a cause of action against The University  
28          of North Carolina, a constituent institution of The University of North  
29          Carolina, the State of North Carolina, or any subdivision thereof.

30          (2)   Limit the principles of campus free speech articulated in G.S. 116-300.

31          (3)   Infringe on the ability of an interested person to voluntarily opine or speak  
32          regarding any matter, including matters of contemporary political debate or  
33          social action.

34          (4)   Prohibit discussion with or questions to an interested person regarding the  
35          content of the person's resume, curriculum vitae, body of scholarship, or other  
36          written work or oral remarks presented by the person.

37          (5)   Modify or affect the ability of a constituent institution to ensure its employees  
38          comply with applicable federal or State law, including employment oaths,  
39          appointment affidavits, and licensure and certification requirements."

## 41 **PART II. PROHIBIT COMMUNITY COLLEGES FROM COMPELLING CERTAIN**

## 42 **FORMS OF STUDENT AND EMPLOYEE SPEECH**

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

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

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

49          "**§ 115D-82. Prohibition on compelling speech.**

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

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

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