



HOUSE BILL 607: Prohibit Compelled Speech/Higher Ed.

2023-2024 General Assembly

Committee:	House Education - Universities. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 27, 2023
Introduced by:	Reps. Tyson, D. Hall, Fontenot	Prepared by:	Brian Gwyn*
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 607 would prohibit constituent institutions of The University of North Carolina and community colleges from compelling certain forms of student and employee speech.*

CURRENT LAW: G.S. 116-300 requires the Board of Governors of The University of North Carolina (UNC) to develop and adopt a policy on free expression that meets certain minimum requirements. The Board of Governors adopted [UNC Policy 1300.8 \(Policy on Free Speech and Free Expression Within the University of North Carolina System\)](#) to comply with this requirement.

The Board of Governors has adopted a policy prohibiting certain compelled speech, which states, in part, the following:

[T]he University shall neither solicit nor require an employee or applicant for academic admission or employment to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement. Nor shall any employee or applicant be solicited or required to describe his or her actions in support of, or in opposition to, such beliefs, affiliations, ideals, or principles.

[UNC Policy 300.5.1 \(Political Activities of Employees\)](#)

BILL ANALYSIS: Part I would prohibit constituent institutions of UNC from soliciting or requiring an employee or applicant for admission or employment to do either of the following:

- Endorse or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement.
- Describe the individual's actions in support of, or in opposition to, his or her beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action.

The prohibition would include solicitations or requirements for commitments to particular views in the following:

- Applications or qualifications for admission or employment.
- Criteria for analysis of an employee's career progress.

The President of UNC could approve a requirement or solicitation otherwise prohibited by the provision if the following criteria are met:

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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- The constituent institution determines the requirement or solicitation is necessary for educational, research, or the public-service mission of UNC.
- The matter is discussed in open session at a meeting of the Committee on University Governance of the Board of Governors of UNC, with the chancellor, provost, and chair of the board of trustees of the requesting institution.

An employee of a constituent institution who violates the prohibition would be subject to discipline as determined by the Board of Governors.

The prohibitions on compelled speech would not:

- Permit an employee or applicant to bring a cause of action against UNC, a constituent institution, the State, or any subdivision thereof.
- Limit the principles of campus free speech described in law.
- Infringe on an individual's ability to voluntarily opine or speak regarding any matter, including matters of contemporary political debate or social action.
- Prohibit discussion with or questions to an individual regarding content of the individual's resume, curriculum vitae, body of scholarship, or other written work or oral remarks presented by the person.
- Affect the ability of the constituent institution from complying with applicable federal or State law.

Part II would establish identical requirements for community colleges.

EFFECTIVE DATE: The bill would be effective when it becomes law and would apply beginning with the 2023-2024 academic year.

**Kristen Harris, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*