

Article 39.

Diversity, Equity, and Inclusion.

§ 116-415. Intent.

The General Assembly finds that Section 1 of Article I of the Constitution of this State recognizes the equality and rights of all persons. Therefore, it is the intent of the General Assembly that students, professors, administrators, and other employees of public institutions of higher education respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association and that the public institutions of higher education of this State employ teaching methods and procedures to further that intent. (2026-21, s. 2.)

§ 116-416. Definitions.

For the purposes of this Article, the following definitions apply:

- (1) Applicable governing board. – As follows:
 - a. For a constituent institution of The University of North Carolina, the Board of Governors of The University of North Carolina.
 - b. For a community college, the State Board of Community Colleges.
- (2) Chancellor. – The chancellor, president, or chief administrative officer of a public institution of higher education.
- (3) Discriminatory practice. – Any of the following based on an individual's protected classification under federal law:
 - a. Treating an individual differently solely to advantage or disadvantage that individual as compared to other individuals or groups.
 - b. Excluding an individual from employment, except as allowed under federal law.
 - c. Excluding an individual from participation in an educational program or activity, except as allowed under federal law.
- (4) Divisive concept. – Any of the following concepts:
 - a. One race or sex is inherently superior to another race or sex.
 - b. An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.
 - c. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
 - d. An individual's moral character is necessarily determined by his or her race or sex.
 - e. An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
 - f. Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
 - g. A meritocracy is inherently racist or sexist.
 - h. The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.
 - i. Particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race or sex or to an individual because of the individual's race or sex.

- j. The rule of law does not exist but instead is a series of power relationships and struggles among racial or other groups.
 - k. All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness.
 - l. Governments should deny to any person within the government's jurisdiction the equal protection of the law.
- (5) Instruction. – Includes content taught or presented to students by employees, contractors, or individuals otherwise engaged by a public institution of higher education.
 - (6) Public institution of higher education. – A constituent institution of The University of North Carolina or a community college as defined in G.S. 115D-2(2). (2026-21, s. 2.)

§ 116-417. Ensuring dignity and nondiscrimination in public institutions of higher education.

- (a) Public institutions of higher education shall not do any of the following:
 - (1) Engage in or advocate for discriminatory practices.
 - (2) Compel students, professors, administrators, or other employees to affirm or profess belief in divisive concepts.
 - (3) Endorse divisive concepts.
 - (4) Maintain an office, division, or other unit (i) promoting discriminatory practices or divisive concepts or (ii) referred to as or named diversity, equity, and inclusion.
 - (5) Employ or assign an employee whose duties for a public institution of higher education include promoting discriminatory practices or divisive concepts.
 - (6) Require completion of a course related to divisive concepts for purposes of awarding a degree or completion of a program, except as provided in subdivision (5) of subsection (b) of this section.
- (b) This section shall not be construed to limit any of the following:
 - (1) Speech protected by the First Amendment of the U.S. Constitution.
 - (2) Materials accessed on an individual basis that advocate divisive concepts or discriminatory practices for the purpose of research or independent study.
 - (3) Policies or procedures required by State or federal law.
 - (4) Instruction or discussion on divisive concepts that makes it clear the public institution of higher education does not endorse divisive concepts.
 - (5) In the discretion of the chancellor, a course related to divisive concepts that is required for a specific degree program. The chancellor shall report to the applicable governing board on any course that is required under this subdivision.
- (c) Each public institution of higher education shall certify annually in writing by September 1 to the applicable governing board that the public institution of higher education fully complies with the requirements of this section, including any actions taken to achieve compliance. The applicable governing board shall summarize the certifications in a consolidated report by January 15 annually to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee. (2026-21, s. 2.)