

§ 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.)