

Between the Lines: Navigating Campus Challenges Under the Equality Policy

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Jesh Humphrey, Interim Director of Athletics

Sarah Edwards, Interim Vice Chancellor for Institutional Integrity and
General Counsel

Free Speech refresher - overview

- UNC Charlotte's website on free speech is available at <https://freespeech.charlotte.edu/>
- The First Amendment protects most speech/expression, including what some might call hateful or offensive speech.
- A public university may still place reasonable parameters on when, where, and how the speech happens ("time, place, and manner restrictions").
- Traditional public forums (fora?) (see [University Policy 601.6, Use of University Space](#))
- Limited public forums (university website, public meetings) or nonpublic forums (classes, department meetings) have different rules



Free Speech refresher - government employees

- If an employee speaks within job duties, the employer (university) may exercise control of the speech and/or discipline the speech (*Garcetti*)
 - Exception = faculty speech in classroom and scholarship (academic freedom)
- If an employee speaks outside job duties, there's a balancing test (*Pickering/Connick*)
 - **Is the subject of the speech a matter of public concern?**
 - If **NO**, the employee's speech is not protected from employer discipline
 - If **YES**, the employee's right to free speech is balanced against the employer's interests in an efficient, disruption-free workplace



Equality Policy refresher

- [Section 300.8.5 of the UNC Policy Manual](#) (“*Equality Within the University of North Carolina*”), adopted by BOG on May 23, 2024.
- Generally takes three existing legal/policy obligations and applies them to *offices* and *roles* within the university:
 - Prohibition of Compelled Speech: Employees and students cannot be required to endorse or opine on beliefs or principles related to contemporary political debates or social actions.
 - Prohibition on Promoting Specific Concepts: The university cannot promote certain concepts through training or by requiring employees to affirm them.
 - Institutional Neutrality: The university and its units must remain neutral on contemporary political debates or social actions, avoiding endorsements of specific viewpoints.
- **Why?**



Then these things happened...

- ➡ **Federal actions under the Trump administration have led to a more stringent interpretation of the Equality Policy.**
- Executive Orders: The administration has issued executive orders to terminate what it deems “illegal” and “wasteful” DEI programs and positions within the federal government and among federal contractors.
 - Rescinded Guidance: Federal guidance that defined “sex” to include gender identity and sexual orientation under Title IX was revoked.
 - DOJ Memoranda:
 - May 19, 2025: Department of Justice announces a new “Civil Rights Fraud Initiative”
 - July 29, 2025: Attorney General Pamela Bondi issues memorandum identifying “illegal DEI” practices.
 - Targeting Campus Programs and Practices: The investigations target a range of identity-based practices mentioned in the Bondi memo, including:
 - Scholarships, fellowships, and training
 - “Safe spaces”/lounges
 - Training that separates participants by race or sex.



Then these *other* things happened...

➡ February 5, 2025 Memorandum Regarding Federal Contracting Compliance.

➡ “Accuracy In Media” video incident.



...and these other things are *happening*.

➡ **Senate Bill 558 (reminder)**

- (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.

"(9) The constituent institution shall not establish, maintain, or otherwise implement a process for reporting or investigating offensive or unwanted speech that is protected by the First Amendment, including satire or speech labeled as microaggression."

10/22/2025	House	Placed On Cal For 11/17/2025
10/22/2025	House	Withdrawn From Cal
10/20/2025	House	Placed On Cal For 10/21/2025
10/20/2025	House	Withdrawn From Cal
9/25/2025	House	Placed On Cal For 10/20/2025
9/25/2025	House	Withdrawn From Com
9/22/2025	House	Re-ref Com On Rules, Calendar, and Operations of the House
9/22/2025	House	Withdrawn From Cal
8/26/2025	House	Placed On Cal For 09/22/2025
8/26/2025	House	Withdrawn From Cal
7/30/2025	House	Placed On Cal For 08/26/2025
7/30/2025	House	Withdrawn From Cal
7/29/2025	House	Placed On Cal For 07/30/2025
7/29/2025	House	Veto Received from Senate
7/29/2025	Senate	Veto Overridden



Between the Lines: Key Takeaways on the Equality Policy

➡ THE ONE BIG IDEA:

We are navigating a high-stakes, politically charged compliance environment. That requires balancing federal law, a more strictly interpreted Equality Policy, and institutional free speech responsibilities.

- The Equality Policy's interpretation is driven by political action.
- Compliance is a high-risk priority under intense scrutiny.
- Interpretation is *highly* contextual, and responsible application *requires* consultation.



Questions?

**Thank you for your time and
feedback!**