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I. PURPOSE

The College is committed to complying with all of its civil rights obligations under federal and state laws, whether constitutional, statutory, or regulatory, and to the protection of the civil rights of its students, employees, and community members. Supporting the civil rights of all individuals is critical to the success of the College's educational mission while promoting and encouraging a robust citizenry and civil society. The purpose of this policy is to enumerate the College's duties and established protections regarding the civil rights of its students, employees, and community members, as well as to provide for the development of procedures in the furtherance of fulfilling these obligations.

II. FIRST AMENDMENT RIGHTS

A. Freedom of Speech

Free speech, which includes the right to distribute material and peacefully assemble, is central to the College's academic mission. As such, the College encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to the College community. To this end, the College 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. Free speech, however, may be restricted when and where appropriate, as defined below.

i. Employee Speech

As a public employer, employees of the College generally retain their freedom of speech rights so long as the following conditions are met:

1. The employee is speaking as a citizen and not as a part of their official job duties,
2. The speech is addressing a matter of public concern, and
3. The College's interest in workplace efficiency does not outweigh the employee's free speech interest.

The facts of each circumstance will have a significant impact on whether or not the conditions above are met. Such facts may include, but are not limited to, whether an employee's role at the College implicitly suggests the ability to speak on behalf of the College or whether the employee is able to discharge their duties effectively despite the effects of the employee's speech. Therefore, when exercising their right to free speech, employees are encouraged to consider all relevant factors, including but not limited to their role at the College, the content of the speech, and the potential impacts of the speech on the employee's ability to perform their job as well as the College's ability to fulfill its mission.

ii. Student Speech

Students generally retain their freedom of speech rights in the classroom and on campus. Student speech is unrestricted so long as the following conditions are met:

1. Student speech abides by any lawful restrictions, including but not limited to time-manner-place restrictions, subject matter and topic restrictions, or eligibility restrictions, established by the College,
2. Student speech does not interfere with the orderly conduct of instruction, such as by being persistently unrelated to the course of instruction or being disruptive to the learning environment, and
3. Student speech does not present a safety or security threat to the property, health, or life of other individuals or the College.

iii. Unprotected Speech

Notwithstanding the provisions of this section, certain kinds of speech are never protected under the First Amendment and thus are prohibited at the College. Such speech includes:

- **Incitement.** Speech intended to produce imminent lawless action and is likely to incite or produce such action.

- **True threats.** Speech meant to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

- **Fighting words.** Speech likely to provoke the average person to retaliation, though not simply speech that is upsetting or that may arouse contempt.

- **Obscenity.** Material that appeals to the prurient interest in sex, as judged by contemporary community standards, depicts or describes specifically defined sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value.

- **Defamation.** False statements of fact about a person conveyed verbally (slander) or in writing (libel).

- **Speech Integral to Criminal Conduct.** Speech used as an integral part of conduct in violation of a valid criminal statute.

- **Child Sexual Abuse Material.** Materials that visually depict sexual conduct by individuals below the age of majority, typically eighteen (18) years of age.

iv. Public Assembly & Distribution of Materials

a) Designation of Campus Spaces

The College's campus includes a variety of spaces, both indoor and outdoor, including, but not limited to, walkways, roadways, green spaces, hallways, classrooms, conference rooms, laboratory rooms, multipurpose rooms, offices, bathrooms, break rooms, and auditoriums. The status of these spaces is dependent upon the intended use of the spaces, the College's willingness

to open the spaces up for use beyond their intended uses, and the historical and traditional usage of each kind of space. Spaces may be classified as follows:

- **Traditional Public Forums.** Spaces traditionally used for assembly and debate, such as sidewalks and town squares. Restrictions to these spaces may only be time-place-manner restrictions and must be 1) viewpoint- and content-neutral, 2) narrowly tailored in service of a significant governmental interest, and 3) leave open ample alternative channels for expressive activity.

- **Designated Public Forums.** Spaces intentionally designated as being opened to the same extent and subject to the same kinds of restrictions as a traditional public forum.

- **Limited Public Forums.** Spaces intentionally designated as being open for certain groups or for certain topics, such as an auditorium reserved solely for theatrical productions. Restrictions to these spaces may limit speech to certain subjects or types of groups and speakers, but restrictions must be viewpoint-neutral and not favor one view over another.

- **Nonpublic Forums.** Spaces neither traditionally nor intentionally designated for public discourse, such as offices or bathrooms. Restrictions can regulate speech as long as restrictions are reasonable and viewpoint-neutral and do not favor one view over another.

College spaces shall be classified in accordance with College procedure.

b) Use of Space Not to Be Construed as Endorsement

The use of space on the College's campus does not represent an endorsement or support by the College of the content or viewpoints expressed by the individual or group using the space. The College does not discriminate based on content or viewpoint.

B. Religious Freedom & Accommodations

The College neither endorses any particular religious belief, creed, or tradition nor does it discriminate against individuals, groups, or organizations based on religious belief, creed, or tradition. The College further does not discriminate against individuals, groups, or organizations based upon their affiliations or associations with other individuals, groups, or organizations adhering to a religious belief, creed, or tradition.

The College allows for the reasonable accommodation of sincerely held religious beliefs shown to be in conflict with the College's policies, procedures, or operations, so long as the accommodation does not create a burden that is substantial in the overall context of College operations.

C. Religious & Speech Discrimination

To ensure compliance with its First Amendment obligations, the College shall adopt procedures addressing discrimination in matters regarding freedom of religion and freedom of speech.

III. TITLE IX: SEX-BASED DISCRIMINATION IN PROGRAMMING & EMPLOYMENT

The College does not practice or condone discrimination based on sex, pregnancy, gender identity or expression, or sexual orientation ("Sex-Based Discrimination"). To ensure compliance with Title IX of the Education Amendments of 1972, the College shall at all times ensure that it has assigned a Title IX Coordinator and procedures providing for an adequate number of Title IX Deputy Coordinators, Investigators, Advisors, and Decision-Makers, as appropriate. All matters concerning Sex-Based Discrimination shall be addressed by its own separate procedure in accordance with the most recent Title IX regulations.

A. Providing Urgent Maternal Protections for Nursing Mothers Act ("PUMP Act")

To ensure compliance with the PUMP Act, the College shall ensure that any nursing employee is provided with a reasonable amount of break time and a space to express milk as frequently as needed for up to one year following the birth of the employee's child. Any such provided space may not be a bathroom and must be shielded from view and free from intrusion by coworkers or the public.

B. Pregnant Workers Fairness Act ("PWFA")

To ensure compliance with the PWFA, the College allows for the reasonable accommodation for a qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, so long as the accommodation does not create a burden that is substantial in the overall context of College operations.

IV. TITLE VI: PROTECTED-CLASS DISCRIMINATION IN PROGRAMMING

The College does not practice or condone discrimination based on race, religion, color, or national origin in regard to access to its programs and activities. To ensure compliance with Title VI of the Civil Rights Act of 1964, the College shall adopt procedures addressing Title IV discrimination; further, the College shall also adopt procedures implementing a Title VI Plan.

V. TITLE VII: PROTECTED-CLASS DISCRIMINATION IN EMPLOYMENT

The College does not practice or condone discrimination based on race, religion, color, national origin, ethnicity, sex, or sexual orientation in regard to employment. To ensure compliance with Title VII of the Civil Rights Act of 1964, the College shall adopt procedures addressing Title VII discrimination.

VI. AMERICANS WITH DISABILITIES ACT ("ADA") & SECTION 504: DISABILITY DISCRIMINATION AND ACCOMMODATIONS

A. ADA Title I - Employees

The College does not practice or condone discrimination based on disability, whether mental or physical, for an otherwise qualified individual in regard to employment. Individuals who are able to perform the essential functions of a job, with or without reasonable accommodations, shall be deemed qualified for the job and shall not be required to disclose any disability.

To ensure compliance with Title I of the ADA, the College shall adopt procedures addressing ADA Title I discrimination; further, the College shall also adopt procedures allowing for the reasonable accommodation of a disability so long as the accommodation does not create a burden that is substantial in the overall context of College operations.

B. ADA Title II & Section 504 - Students

The College does not practice or condone discrimination based on disability, whether mental or physical, in regard to its programs and activities. Notwithstanding this, the College may deny or remove the student from a program or activity in instances where 1) a student's disability presents a direct threat to the health or safety of others or 2) the student is unable to meet any requirement necessary for participation or completion of a program despite reasonable accommodations.

To ensure compliance with Title II of the ADA and Section 504, the College shall adopt procedures addressing ADA Title II and Section 504 discrimination; further, the College shall also adopt procedures allowing for the reasonable accommodation of a disability so long as the accommodation does not create a burden that is substantial in the overall context of College operations, as well as procedures for the individualized assessment of a student whose disability is alleged to present a direct threat to the health or safety of others.

C. Additional Compliance Activities

Beyond addressing concerns relating to harassment, discrimination, and reasonable accommodations, to ensure compliance with the ADA the College shall:

- Provide notices concerning the ADA.
- Designate a responsible employee to coordinate ADA compliance.
- Ensure that existing facilities are readily accessible to or usable by individuals with disabilities through structural changes in facilities or through other methods that are equally effective to make services, programs and activities accessible.
- Eliminate to the greatest extent allowable eligibility criteria that screens out or tends to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity being offered.
- Administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Take appropriate steps to ensure that communications with persons who are disabled are as effective as communications with others, including the furnishing of appropriate auxiliary aids and services.

The College may from time to time engage in an accessibility audit of its facilities and programs. The College will maintain the self-evaluation and make it available to the public for three (3) years.

VII. OTHER DISCRIMINATION PROTECTIONS

In compliance with the Age Discrimination in Employment Act ("ADEA") and the Genetic Information Nondiscrimination Act ("GINA"), the College does not practice or condone discrimination based on the age of individuals over the age of forty (40) years or based on genetic information ("Other Unlawful Discrimination"). To ensure compliance with these statutes, the College shall adopt procedures addressing Other Unlawful Discrimination.

VIII. MILITARY SERVICE MEMBERS' & VETERANS' PROTECTIONS

The College is committed to supporting military service members and veterans, including by supporting their civil rights and protections. Further, the College does not practice or condone discrimination against an individual due to their military service or veteran status.

Employees and applicants who are current service members or veterans are protected by the Uniformed Services Employment and Reemployment Rights Act ("USERRA"); for protections relating to leave and reemployment in connection to military service, please see Policy 3.2.15 - Military Leave. Students who are military service members are also afforded protections under the Higher Education Opportunity Act ("HEOA"), which requires the readmittance of students whose course of study is interrupted due to active-duty service to the same or substantially similar course of study under the same academic standing the student had prior to the interruption.

To ensure compliance with USERRA and HEOA, the College shall adopt procedures addressing military service or veteran status discrimination.

IX. ENSURING DIGNITY & NONDISCRIMINATION

A. Definitions

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

- **Discriminatory practice.** Any of the following based on an individual's protected classification under federal law:
    - Treating an individual differently solely to advantage or disadvantage that individual as compared to other individuals or groups.
    - Excluding an individual from employment, except as allowed under federal law.
    - Excluding an individual from participation in an educational program or activity, except as allowed under federal law.

- **Divisive concept.** Any of the following concepts:

    - One race or sex is inherently superior to another race or sex.
    - An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.
    - An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
    - An individual's moral character is necessarily determined by his or her race or sex.
    - 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.
    - Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
    - A meritocracy is inherently racist or sexist.
    - The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.
    - 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.
    - The rule of law does not exist but instead is a series of power relationships and struggles among racial or other groups.
    - 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.
    - Governments should deny to any person within the government's jurisdiction the equal protection of the law.

- **Instruction.** Includes content taught or presented to students by employees, contractors, or individuals otherwise engaged by the College.

B. Prohibitions

The College 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 the College 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.

C. Limitations on Prohibitions

Subsection B ("Prohibitions") of 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 President, a course related to divisive concepts that is required for a specific degree program. The President shall report to the State Board of Community Colleges, through whatever mechanism it may establish, on any course that is required under this subdivision.

D. Certification of Compliance

The President shall certify annually in writing by September 1 to the State Board of Community Colleges, through whatever mechanism it may establish, that the College fully complies with the requirements of Chapter 116, Article 39 of the North Carolina General Statutes, including any actions taken to achieve compliance.

X. RETALIATION

The College does not practice or condone retaliation against its employees or students for exercising rights, privileges, or mechanisms in connection with this policy or any of the protected activities connected to matters defined in the Retaliatory Employment Discrimination Act ("REDA"), which include:

- The Workers' Compensation Act (NCGS Chapter 97),
- The Wage and Hour Act (NCGS Chapter 95, Article 2A),
- The Occupational Safety and Health Act of North Carolina (NCGS Chapter 95, Article 16),
- The Mine Safety and Health Act (NCGS Chapter 74, Article 2A),
- Discrimination against any person possessing sickle cell trait or hemoglobin C trait (NCGS § 95-28.1),
- The National Guard Reemployment Rights statutes (NCGS Chapter 127A, Article 16),
- Discrimination against persons based on genetic testing or genetic information (NCGS § 95-28.1),
- The Pesticide Board statutes (NCGS Chapter 143, Article 52),
- The Control of Potential Drug Paraphernalia Products statutes (NCGS Chapter 90, Article 5F),
- Authority over Parents of Juveniles Adjudicated Delinquent or Undisciplined statutes (NCGS Chapter 7B, Article 27),
- Domestic Violence statutes (NCGS Chapter 50B), and
- the Workplace Violence Prevention statutes (NCGS Chapter 95, Article 23).

The College shall adopt procedures addressing claims of retaliation as defined in this subsection.

REFERENCES

Statutory References	N.C.G.S Ch. 116 Art. 39, *Pickering v. Board of Education* (88 S.Ct. 1731, 1968), *Connick v. Myers* (103 S.Ct. 1684, 1983), *Garcetti v. Ceballos* (126 S.Ct. 1951, 2006), N.C.G.S. Ch. 143 Art. 49A (The North Carolina Equal Employment Practices Act), N.C.G.S. Ch. 95 Art. 21 (NC Retaliatory Employment Discrimination Act), 42 U.S.C. 2000d - 2000d-7 et seq. (Title VI of the Civil Rights Act of 1964), 42 U.S.C. 2000e et seq. (Title VII of the Civil Rights Act of 1964), 29 U.S.C. 621 et seq. (The Age Discrimination in Employment Act of 1967), 29 U.S.C. 794 et seq. (Section 504 of the Rehabilitation Act of 1973), 42 U.S.C. 12101 et seq. (The Americans with Disabilities Act of 1990), 42 U.S.C. 2000ff et seq. (The Genetic Information Nondiscrimination Act of 2008), 20 U.S.C. 1681 - 1688 (Title IX of the Education Amendments of 1972), 29 U.S.C. 206(d) (The Equal Pay Act of 1963), The Lilly Ledbetter Fair Pay Act of 2009, 20 U.S.C. 1092(f) (Jeanne Clery Disclosure Act of Campus Security Policy and Campus Statistic Act of 1990) Campus Sexual Assault Victim's Bill of Rights of 1992, Violence Against Women Act of 1994, Campus Sexual Violence Elimination Act of 2013, 42 U.S.C. 2000gg et seq. (Pregnant Workers Fairness Act of 2023)
Regulatory References	None
Relevant Guidance	*The First Amendment: Categories of Speech* (Congressional Research Service, Victoria L. Killion, March 28, 2024)
Policy Manual Cross-References	Duplicate: ● Policy 3.3.7 - Harassment, Discrimination, & Civil Rights Compliance ● Policy 5.3.4 - Harassment, Discrimination, & Civil Rights Compliance Referenced by: ● Policy 2.2.3 - Facility Use Referencing: ● Policy 2.2.3 - Facility Use

POLICY HISTORY

September 14, 2026	Consolidated Policy 2.3.5 - Campus Free Speech, Distribution of Material, and Assembly, Policy 2.3.7- Americans with Disabilities Act, Policy 3.3.7 - Discrimination, Harassment, & Title IX, and Policy 5.3.4 - Discrimination, Harassment, & Title IX into comprehensive Policy 2.35 - Harassment, Discrimination, & Civil Rights Compliance. Expanded policy to cover all forms of prohibited harassment and discrimination. Included statutory requirements from Session Law 2026-21.