

NUMBERED MEMO CC26 – 045

To: Community College Presidents

From: Brian S. Merritt, Ph.D., Senior Vice President and Chief Academic Officer

Subject: Implementation Guidance for Senate Bill 558/Session Law 2026-21: Eliminating "DEI" in Public Higher Ed

Date: July 24, 2026

Recent legislative action by the North Carolina General Assembly enacted Session Law 2026-21 establishing new statewide requirements governing the operations of North Carolina's public institutions of higher education. This memorandum provides implementation guidance regarding the statute. Among other provisions, G.S. 116-417(a) prohibits public institutions from:

- Engaging in or advocating for discriminatory practices;
- Compelling students, professors, administrators, or other employees to affirm or profess belief in divisive concepts;
- Endorsing divisive concepts;
- Maintaining an office, division, or other unit (i) promoting discriminatory practices or divisive concepts or (ii) referred to as or named diversity, equity, and inclusion;
- Employing or assigning an employee whose duties for a public institution of higher education include promoting discriminatory practices or divisive concepts;
- Requiring completion of a course related to divisive concepts for purposes of awarding a degree or completion of a program, except at the discretion of a college president.

Complementary State Board Code revisions necessary to implement this legislation received the first reading during the July 2026 meeting of the State Board of Community Colleges and are now open for public comment until August 20, 2026.

Statutory Requirement Specifically Related to Course Instruction

G.S. 116-417(a)(6) prohibits public institutions of higher education from requiring completion of a course related to divisive concepts as a condition of awarding a degree or completing a program, except as authorized under the statute.

Each college should review its local curriculum to determine whether courses required for program completion are related to divisive concepts. Where applicable, colleges are expected to take the necessary local actions to ensure compliance with G.S. 116-417 and applicable State Board Code. In the short term, local actions may necessitate individual course substitutions on a case-by-case basis. In the long term, curriculum changes may be necessary following colleges' respective policies and procedures.

The law also permits, at the discretion of the college president, a course related to divisive concepts to remain required for a specific program under G.S. 116-417. Colleges exercising this statutory exception must report the required course to the State Board of Community Colleges, as required by law. This reporting requirement will be incorporated into the System Office's annual presidential certification discussed later in this memo.

In addition, the System Office will soon initiate the appropriate faculty-driven curriculum review processes to evaluate statewide curriculum standards and programs. Any recommended revisions to statewide curriculum standards will proceed through the established faculty-led curriculum review and state-level approval processes.

Definition of Divisive Concepts

For purposes of implementing G.S. 116-417(a)(6), colleges should use the statutory definition of "divisive concepts" included in G.S. 116-416. The statute defines divisive concepts to include concepts such as:

- One race or sex is inherently superior to another race or sex.
- An individual, solely by virtue of race or sex, is inherently racist, sexist, or oppressive.
- An individual should be discriminated against or receive adverse treatment solely or partly because of race or sex.
- An individual's moral character is necessarily determined by race or sex.
- An individual, solely by virtue of race or sex, bears responsibility for actions committed in the past by members of the same race or sex.
- An individual, solely by virtue of race or sex, should feel discomfort, guilt, anguish, or another form of psychological distress because of that race or sex.

The law also makes clear that nothing in G.S. 116-417 prohibits or limits:

- Instruction or discussion of divisive concepts as part of a course of study, provided the institution does not endorse those concepts.
- Academic inquiry, research, or classroom discussion protected by the First Amendment.
- Instruction required by state or federal law.

Accordingly, this guidance should not be interpreted as limiting the ability of faculty to teach historical events, legal issues, political philosophy, sociology, literature, or other academic subject matter that may include discussion of divisive concepts. Rather, the statute governs whether certain courses may be required for degree or program completion and prohibits institutional endorsement of divisive concepts.

Local Course Descriptions

The *North Carolina Community College System Curriculum Procedures Manual* permits colleges to add a fourth sentence to the state-approved course description to address local implementation or instructional considerations.

If a college elects to add a fourth sentence to the description of any course, the locally-adopted language should be reviewed to ensure compliance with G.S. 116-417. Specifically, colleges should ensure that any additional language:

- Does not endorse or advocate for divisive concepts;
- Does not compel students to affirm or profess belief in divisive concepts;
- Accurately reflects the educational purpose of the course; and
- Is otherwise consistent with applicable law, State Board Code, and System Office guidance.

Because the fourth sentence is a local institutional decision, each college is responsible for ensuring that any locally-adopted language complies with the requirements of G.S. 116-417.

Annual Presidential Certification

G.S. 116-417 requires each president of a public institution of higher education to certify annually, in writing, by September 1 to the applicable governing board that the institution is in full compliance with the requirements of the statute. Presidents shall certify annually via an electronic form provided by the System Office. This form will be made available to presidents by July 31, 2026.

CC:

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