

**APPALACHIAN STATE UNIVERSITY
OFFICE OF GENERAL COUNSEL
MEMORANDUM**

TO: Faculty and Staff

FROM: Paul Meggett, General Counsel

DATE: February 27, 2023

SUBJECT: UPDATE: UNC System Office Policy on Political Activities re Compelling Speech

On February 22, 2023, the UNC System Board of Governors approved updates to the UNC System Policy on Political Activities of Employees, Policy 300.5.1. This memorandum provides a high-level summary of the changes and provides guidance on changes needed to App State's **hiring and admissions practices** to align them with the revised language in the policy. It is intended to serve as a resource to address questions you may have.

The updates to the UNC System Policy were intended to ensure that **hiring and admissions decisions** are primarily focused on the qualifications to successfully complete the duties of the position or to be a successful student at Appalachian State University. The changes are meant to further protect the free speech rights of all employees and students while focusing applicant reviews on objective qualifications and criteria, as required by state and federal law. This change ensures that App State will not consider opinion or hyperbole on prevailing political or social issues when determining if an applicant is qualified for employment or admission.

Policy 300.5.1 now includes language that states “the University shall neither solicit nor require an employee or applicant for academic admission or employment to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles, regarding matters of contemporary political debate or social action as a condition of admission, employment, or professional advancement. Nor shall any employee or applicant be solicited or required to describe his or her actions in support of or in opposition to, such beliefs, affiliations, ideals or principles. Practices prohibited here include but are not limited to solicitations or requirements for statements of commitment to particular views on matters of contemporary political debate or social action contained on application or qualifications for admission or employment or included as criteria for analysis of an employee’s career progression.”

To ensure compliance with the policy, App State will cease the solicitation or requirement of any statements of commitment to particular views on matters of contemporary political debate or social action in both applications for employment and admissions. Practically, this means the University will do the following:

For Search Committees

- For any current search that has already provided recommendations for hire to the hiring supervisor, or where the search committee has otherwise completed its assigned work, no changes are necessary. The hiring supervisor shall not consider any statements of commitment to particular views on matters of contemporary political debate or social action in making recommendations for hire.
- For any current search that is no longer accepting applications, but the search process is still ongoing, the posting shall not require edits. Neither the search committee, nor the hiring supervisor, shall consider any statements of commitment to particular views on matters of contemporary political debate or social action in making recommendations for hire.
- For any search that is active and still accepting applicants, but is no longer in compliance with the revised policy, the posting will be immediately updated by the Office of Human Resources, and reposted. Neither the search committee, nor the hiring supervisor, shall consider any statements of commitment to particular views on matters of contemporary political debate or social action when making recommendations for hire.
- The search committee shall refrain from asking any questions pertaining to an applicant's particular views on matters of contemporary political debate or social action. Search committees shall update all applicant evaluation rubrics to remove consideration of an applicant's particular views on matters of contemporary political debate or social action. Neither the search committee, nor the hiring supervisor, shall consider any statements of commitment to particular views on matters of contemporary political debate or social action when making recommendations for hire.
- New postings will continue to be reviewed by the Office of Human Resources and the hiring units to ensure they are in compliance with all applicable policies and laws.

Admissions Applications

- Any pending application for admission that includes a statement regarding commitment to particular views on matters of contemporary political debate or social action shall be considered without review of the statement provided.
- The admissions application will be reviewed to remove any solicitation or requirement to provide any statements of commitment to particular views on matters of contemporary political debate or social action.
- The Academic Deans, in conjunction with the Office of the Provost, shall ensure that no one considers any statements of commitment to particular views on matters of contemporary political debate or social action when making recommendations for admission.

Policy 300.5.2 further clarifies that nothing in the changes shall “infringe upon the ability of an employee or applicant for academic admission or employment to voluntarily opine or speak regarding any matters, including those of contemporary political debate or social action.” In addition, nothing in the policy prohibits “discussion with, or questioning of, an employee or applicant regarding the content of the employee’s or applicant’s resume, curriculum vitae, body of scholarship, or other written work or oral remarks presented by the employee or applicant in his or her own support.” Search committee members are

not limited in their ability to ask questions or seek information about an individual's experiences, backgrounds, areas or expertise or scholarship where it is germane to an applicant's job duties.

Questions concerning the interpretation and application of laws and policies affecting App State may be addressed to me at ogc@appstate.edu or at 262-2751. Thank you.