

SENATE BILL No. 202

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-27; IC 21-38-10; IC 21-39-8-12; IC 21-39.5.

Synopsis: State educational institution matters. Amends the duties of state educational institutions' diversity committees to: (1) include cultural and intellectual diversity matters; and (2) make recommendations to promote recruitment and retention of underrepresented (instead of minority) students. Provides that certain offices or individuals established or employed by a state educational institution (institution) regarding diversity programming must include within the mission of the office or position programming that substantially promotes both cultural and intellectual diversity. Establishes various requirements and restrictions for institutions regarding free inquiry, free expression, and intellectual diversity that does the following: (1) Requires the establishment of certain policies regarding: (A) disciplinary actions for certain persons that materially and substantially disrupt protected expressive activity; (B) limiting or restricting the granting of tenure or a promotion if certain conditions related to free inquiry, free expression, and intellectual diversity are not met; and (C) disciplinary actions that will be taken if, after a review, a determination has been made that a tenured faculty member has failed to meet certain criteria related to free inquiry, free expression, and intellectual diversity. (2) Requires the review and consideration, at least every five years, of certain criteria related to free inquiry, free expression, and intellectual diversity. (3) Requires the establishment of a procedure that allows students and employees to submit complaints that a faculty member or contractor is not meeting certain criteria related to free inquiry, free expression, and intellectual diversity and establishes requirements regarding the procedure and submitted
(Continued next page)

Effective: July 1, 2024.

Deery, Raatz, Johnson T

January 9, 2024, read first time and referred to Committee on Education and Career Development.



complaints. (4) Establishes consideration requirements before an institution renews an employment agreement or other contract with, makes a bonus decision regarding, or completes a review or performance assessment of a faculty member or contractor. (5) Prohibits requiring an applicant, employee, or contractor to pledge allegiance to or make a statement of personal support for any: (A) policies or actions that would treat similarly situated people or groups of people differently based on the race, color, national origin, sex, sexual orientation, or religion; or (B) political or ideological movements. (6) Establishes restrictions regarding awarding admission, enrollment, employment, benefits, hiring, reappointment, promotion, or granting tenure to an applicant, employee, or contractor on the basis of the viewpoints expressed in a submitted pledge or statement. (7) Requires certain information be included in an institution's programming for new students. (8) Requires the adoption of a statement on neutrality that makes a distinction between the official positions of an institution from the individual viewpoints of the institution's employees, contractors, students, and alumni. (9) Allows the commission for higher education (commission) to establish a survey that attempts to collect information from students regarding the current perceptions of whether free speech and academic freedom are recognized and fostered by an institution in a manner that welcomes expression of different opinions and ideologies and requires an institution to promote and provide the survey to students. (10) Establishes various reporting requirements by institutions or the commission concerning the following: (A) Complaints submitted regarding faculty members or contractors who are not meeting certain criteria related to free inquiry, free expression, and intellectual diversity. (B) Institutions' budget allocations for diversity, equity, and inclusion initiatives. (11) Provides that certain individuals may request the commission to review a final decision by an institution concerning a violation of these provisions.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 202



A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-27-3-5, AS ADDED BY P.L.167-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 5. (a) The board of trustees shall create a diversity
4 committee to do the following:
5 (1) Review and recommend faculty employment policies
6 concerning **cultural and intellectual** diversity issues.
7 (2) Review faculty and administration personnel complaints
8 concerning **cultural and intellectual** diversity issues.
9 (3) Make recommendations to promote and maintain **cultural and**
10 **intellectual** diversity among faculty members.
11 (4) Make recommendations to promote recruitment and retention
12 of **minority underrepresented** students.
13 (b) The diversity committee shall issue an annual report stating the
14 findings, conclusions, and recommendations of the committee to the
15 board of trustees.



1 SECTION 2. IC 21-27-4-4, AS ADDED BY P.L.167-2007,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
 4 committee at the home campus and at each regional campus to do the
 5 following:

6 (1) Review and recommend faculty employment policies
 7 concerning **cultural and intellectual** diversity issues.

8 (2) Review faculty and administration personnel complaints
 9 concerning **cultural and intellectual** diversity issues.

10 (3) Make recommendations to promote and maintain **cultural and**
 11 **intellectual** diversity among faculty members.

12 (4) Make recommendations to promote recruitment and retention
 13 of **minority underrepresented** students.

14 (b) The diversity committee shall issue an annual report stating the
 15 findings, conclusions, and recommendations of the committee to the
 16 board of trustees.

17 SECTION 3. IC 21-27-5-4, AS ADDED BY P.L.167-2007,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
 20 committee to do the following:

21 (1) Review and recommend faculty employment policies
 22 concerning **cultural and intellectual** diversity issues.

23 (2) Review faculty and administration personnel complaints
 24 concerning **cultural and intellectual** diversity issues.

25 (3) Make recommendations to promote and maintain **cultural and**
 26 **intellectual** diversity among faculty members.

27 (4) Make recommendations to promote recruitment and retention
 28 of **minority underrepresented** students.

29 (b) The diversity committee shall issue an annual report stating the
 30 findings, conclusions, and recommendations of the committee to the
 31 board of trustees.

32 SECTION 4. IC 21-27-6-7, AS AMENDED BY P.L.174-2018,
 33 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2024]: Sec. 7. (a) The board of trustees shall create a diversity
 35 committee at the home campus and at each campus to do the following:

36 (1) Review and recommend faculty employment policies
 37 concerning **cultural and intellectual** diversity issues.

38 (2) Review faculty and administration personnel complaints
 39 concerning **cultural and intellectual** diversity issues.

40 (3) Make recommendations to promote and maintain **cultural and**
 41 **intellectual** diversity among faculty members.

42 (4) Make recommendations to promote recruitment and retention



1 of **minority underrepresented** students.

2 (b) The diversity committee shall issue an annual report stating the

3 findings, conclusions, and recommendations of the committee to the

4 state board.

5 SECTION 5. IC 21-27-7-6, AS ADDED BY P.L.167-2007,

6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

7 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity

8 committee at the home campus and at each regional campus to do the

9 following:

10 (1) Review and recommend faculty employment policies

11 concerning **cultural and intellectual** diversity issues.

12 (2) Review faculty and administration personnel complaints

13 concerning **cultural and intellectual** diversity issues.

14 (3) Make recommendations to promote and maintain **cultural and**

15 **intellectual** diversity among faculty members.

16 (4) Make recommendations to promote recruitment and retention

17 of **minority underrepresented** students.

18 (b) The diversity committee shall issue an annual report stating the

19 findings, conclusions, and recommendations of the committee to the

20 board of trustees.

21 SECTION 6. IC 21-27-8-7, AS ADDED BY P.L.167-2007,

22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

23 JULY 1, 2024]: Sec. 7. (a) The board shall create a diversity committee

24 to do the following:

25 (1) Review and recommend faculty employment policies

26 concerning **cultural and intellectual** diversity issues.

27 (2) Review faculty and administration personnel complaints

28 concerning **cultural and intellectual** diversity issues.

29 (3) Make recommendations to promote and maintain **cultural and**

30 **intellectual** diversity among faculty members.

31 (4) Make recommendations to promote recruitment and retention

32 of **minority underrepresented** students.

33 (b) The diversity committee shall issue an annual report stating the

34 findings, conclusions, and recommendations of the committee to the

35 board.

36 SECTION 7. IC 21-27-9-6, AS ADDED BY P.L.167-2007,

37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

38 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity

39 committee at the home campus and at each regional campus to do the

40 following:

41 (1) Review and recommend faculty employment policies

42 concerning **cultural and intellectual** diversity issues.



1 (2) Review faculty and administration personnel complaints
2 concerning **cultural and intellectual** diversity issues.

3 (3) Make recommendations to promote and maintain **cultural and**
4 **intellectual** diversity among faculty members.

5 (4) Make recommendations to promote recruitment and retention
6 of ~~minority~~ **underrepresented** students.

7 (b) The diversity committee shall issue an annual report stating the
8 findings, conclusions, and recommendations of the committee to the
9 board of trustees.

10 SECTION 8. IC 21-38-10 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2024]:

13 **Chapter 10. Diversity Programming**

14 **Sec. 1. A state educational institution that establishes, supports,**
15 **sustains, or employs an office or individual whose primary duties**
16 **include coordinating, creating, developing, designing,**
17 **implementing, organizing, planning, or promoting noncredit**
18 **earning diversity programming shall include within the mission of**
19 **the office or position programming that substantially promotes**
20 **both cultural and intellectual diversity.**

21 SECTION 9. IC 21-39-8-12, AS ADDED BY P.L.145-2022,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 12. A state educational institution shall:

24 (1) create student protected expressive activity policies that are
25 consistent with this chapter;

26 **(2) create a policy that includes a range of disciplinary actions**
27 **with regard to an employee, student, student organization, or**
28 **contractor of the state educational institution that materially**
29 **and substantially disrupts the protected expressive activity of**
30 **another employee, student, student organization, or**
31 **contractor of the state educational institution;**

32 ~~(2)~~ **(3) make protected expressive activity policies created under**
33 **subdivisions (1) and (2) public in the state educational**
34 **institution's handbooks, on the state educational institution's**
35 **Internet web site, website, and at the state educational institution's**
36 **student orientation programs; and**

37 ~~(3)~~ **(4) develop materials, programs, and procedures to ensure that**
38 **individuals who are responsible for disciplining and educating**
39 **students, including administrators, campus police officers,**
40 **residence life officials, and professors, understand the policies,**
41 **regulations, and duties of the state educational institution**
42 **regarding protected expressive activity on campus.**



1 SECTION 10. IC 21-39.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]:

4 **ARTICLE 39.5. STATE EDUCATIONAL INSTITUTIONS:
5 THE PROTECTION OF FREE INQUIRY, FREE EXPRESSION,
6 AND INTELLECTUAL DIVERSITY**

7 **Chapter 1. Definitions**

8 **Sec. 1. The definitions in this chapter apply throughout this
9 article.**

10 **Sec. 2. "Board of trustees" refers to the board of trustees of
11 each of the following:**

- 12 (1) Ball State University.
- 13 (2) Indiana State University.
- 14 (3) Indiana University.
- 15 (4) Ivy Tech Community College.
- 16 (5) Purdue University.
- 17 (6) University of Southern Indiana.
- 18 (7) Vincennes University.

19 **Sec. 3. "Faculty member" means an employee of an institution
20 whose employment duties include teaching or mentoring students
21 of the institution.**

22 **Sec. 4. "Institution" refers to a state educational institution.**

23 **Sec. 5. "Intellectual diversity" means multiple, divergent, and
24 varied scholarly perspectives on an extensive range of public policy
25 issues.**

26 **Sec. 6. "Promotion" means the advancement of a faculty
27 member's employment position to a higher rank, level, or
28 distinction within an institution.**

29 **Sec. 7. "Tenure" means a status of continuous employment
30 granted to a faculty member of an institution in which the faculty
31 member may not be dismissed except for good cause or in
32 accordance with one (1) or more of the following:**

- 33 (1) The policies and procedures adopted by the institution.
- 34 (2) An employment agreement entered into between the
35 institution and faculty member.

36 **Chapter 2. Tenure, Promotion, Employment, Complaints, and
37 Disciplinary Actions**

38 **Sec. 1. (a) This section applies to an institution that grants
39 tenure or promotions to faculty members.**

40 **(b) Each board of trustees of an institution shall establish a
41 policy that provides that a faculty member may not be granted
42 tenure or a promotion by the institution if, based on past**



1 performance or other determination by the board of trustees, the
2 faculty member is:

3 (1) unlikely to foster a culture of free inquiry, free expression,
4 and intellectual diversity within the institution;

5 (2) unlikely to expose students to scholarly works from a
6 variety of political or ideological frameworks that may exist
7 within and are applicable to the faculty member's academic
8 discipline; or

9 (3) likely, while performing teaching or mentoring duties
10 within the scope of the faculty member's employment, to
11 subject students to political or ideological views and opinions
12 that are unrelated to the faculty member's academic
13 discipline or assigned course of instruction.

14 Sec. 2. (a) Not later than five (5) years after the date that a
15 faculty member is granted tenure by an institution and not later
16 than every five (5) years thereafter, the board of trustees of an
17 institution shall review and determine whether the faculty member
18 has:

19 (1) helped the institution foster a culture of free inquiry, free
20 expression, and intellectual diversity within the institution;

21 (2) introduced students to scholarly works from a variety of
22 political or ideological frameworks that may exist within the
23 faculty member's academic discipline or within courses the
24 faculty member has taught;

25 (3) while performing teaching or mentoring duties within the
26 scope of the faculty member's employment, refrained from
27 subjecting students to views and opinions concerning matters
28 not related to the faculty member's academic discipline or
29 assigned course of instruction;

30 (4) adequately performed academic duties and obligations;
31 and

32 (5) met any other criteria established by the board of trustees.

33 (b) If the board of trustees of an institution reviews and makes
34 a determination that a faculty member meets the criteria under
35 subsection (a), the board of trustees shall certify that the board
36 reviewed and made a determination that the faculty member met
37 the criteria.

38 (c) In determining whether a faculty member has adequately
39 performed academic duties and obligations under subsection (a)(4),
40 the board of trustees of an institution may not consider the
41 following actions by a faculty member:

42 (1) Expressing dissent or engaging in research or public



- 1 commentary on subjects.
- 2 **(2) Criticizing the institution's leadership.**
- 3 **(3) Engaging in any political activity conducted outside the**
- 4 **faculty member's teaching or mentoring duties at the**
- 5 **institution.**
- 6 **(d) The institution shall adopt a policy that establishes**
- 7 **disciplinary actions, including:**
- 8 **(1) termination;**
- 9 **(2) demotion;**
- 10 **(3) salary reduction;**
- 11 **(4) other disciplinary action as determined by the institution;**
- 12 **or**
- 13 **(5) any combination of subdivisions (1) through (4);**
- 14 **that the institution will take if the board of trustees determines in**
- 15 **a review conducted under subsection (a) that a tenured faculty**
- 16 **member has failed to meet one (1) or more of the criteria described**
- 17 **in subsection (a)(1) through (a)(5).**
- 18 **(e) The board of trustees of each institution shall, at least every**
- 19 **five (5) years, review and renew or amend:**
- 20 **(1) the process for reviewing and making a determination**
- 21 **under subsection (a); and**
- 22 **(2) any criteria established under subsection (a)(5).**
- 23 **Sec. 3. (a) This section applies to the following:**
- 24 **(1) A faculty member.**
- 25 **(2) A person with whom the institution contracts to teach or**
- 26 **mentor a student of the institution.**
- 27 **(b) Before an institution:**
- 28 **(1) renews an employment agreement or other contract with;**
- 29 **(2) makes a bonus decision regarding; or**
- 30 **(3) completes a review or performance assessment of;**
- 31 **a faculty member or person described in subsection (a), the**
- 32 **institution shall give substantial consideration to the faculty**
- 33 **member's or person's performance regarding the criteria**
- 34 **described in section 2(a)(1) through 2(a)(5) of this chapter.**
- 35 **Sec. 4. (a) Each institution shall do the following:**
- 36 **(1) Establish a procedure that allows both students and**
- 37 **employees to submit complaints that a faculty member or**
- 38 **person described in section 3(a) of this chapter is not meeting**
- 39 **the criteria described in section 2(a)(1) through 2(a)(5) of this**
- 40 **chapter.**
- 41 **(2) Provide information regarding the procedure established**
- 42 **under subdivision (1):**



- 1 (A) at student orientations;
 2 (B) on the institution's website; and
 3 (C) during employee onboarding programs.
- 4 (3) Refer complaints submitted under subdivision (1) to
 5 appropriate human resource professionals and supervisors
 6 for consideration in employee reviews and tenure and
 7 promotion decisions.
- 8 (4) Make complaints submitted under subdivision (1) and any
 9 relevant documents, summaries, or investigations available to
 10 the board of trustees of the institution.
- 11 (5) Not later than April 1, 2025, and not later than April 1
 12 each year thereafter, submit a report to the commission for
 13 higher education that summarizes the following:
- 14 (A) The procedure that the institution established under
 15 subdivision (1) for the submission of complaints.
- 16 (B) How and when the institution has provided or made
 17 available the information concerning the submission of
 18 complaints procedure to students, faculty members, other
 19 employees, and contractors of the institution.
- 20 (C) The number of complaints submitted, disaggregated by
 21 a brief description of the types or categories of complaints
 22 submitted, during the previous calendar year.
- 23 (b) The commission for higher education shall do the following:
- 24 (1) Prepare a report that provides the following information:
- 25 (A) The total number of complaint submissions that each
 26 institution received as provided by the institution under
 27 subsection (a)(5).
- 28 (B) The number of complaint submissions as described in
 29 clause (A), disaggregated by a brief description of the types
 30 or categories of complaints submitted.
- 31 (2) Not later than July 1, 2025, and not later than July 1 of
 32 each odd-numbered year thereafter, submit the report
 33 described in subdivision (1) to the following:
- 34 (A) The legislative council in an electronic format under
 35 IC 5-14-6.
- 36 (B) The budget committee.
- 37 (c) An institution and the commission for higher education may
 38 not include information in a report submitted under this section
 39 that identifies the following:
- 40 (1) A student or employee who submits a complaint under this
 41 section.
- 42 (2) A faculty member or person described in section 3(a)(2) of



1 this chapter against whom a complaint was submitted.

2 **Sec. 5. If an institution is unable to fully comply with this**
 3 **chapter due to an employment agreement entered into with a**
 4 **faculty member or person described in section 3(a) of this chapter**
 5 **before July 1, 2024, the institution shall attempt to comply with this**
 6 **chapter to the extent possible under the employment agreement**
 7 **with the faculty member or person.**

8 **Sec. 6. Nothing in this chapter prohibits or restricts a board of**
 9 **trustees of an institution from establishing additional policies or**
 10 **criteria.**

11 **Chapter 3. Requirements Regarding Students, Employees,**
 12 **Contractors, and Applicants**

13 **Sec. 1. (a) This section applies to the following:**

14 (1) **An applicant for admission, enrollment, or employment at**
 15 **an institution.**

16 (2) **An employee of the institution.**

17 (3) **A person with whom the institution contracts to teach or**
 18 **mentor a student of the institution.**

19 **(b) An institution may not require an applicant, an employee, or**
 20 **a person described in subsection (a) to pledge allegiance to or make**
 21 **a statement of personal support for any:**

22 (1) **policy or action that would treat similarly situated people**
 23 **or groups of people differently based on the race, color,**
 24 **national origin, sex, sexual orientation, or religion; or**

25 (2) **political or ideological movement.**

26 **(c) If an institution receives a pledge or statement described in**
 27 **subsection (b), including any statement regarding diversity, equity,**
 28 **and inclusion, or related topics, the institution may not award:**

29 (1) **admission, enrollment, or employment;**

30 (2) **benefits;**

31 (3) **hiring, reappointment, or promotion; or**

32 (4) **granting tenure;**

33 **to an applicant, an employee, or a person described in subsection**
 34 **(a) on the basis of the viewpoints expressed in the pledge or**
 35 **statement.**

36 **Sec. 2. An institution shall include the following information in**
 37 **the institution's programming for new students:**

38 (1) **The importance of:**

39 (A) **free inquiry and free expression; and**

40 (B) **intellectual diversity of viewpoints.**

41 (2) **The appropriate and inappropriate responses to speech**
 42 **that a student finds offensive or disagreeable.**



1 **Chapter. 4. Policy on Neutrality**

2 **Sec. 1. The board of trustees of each institution shall adopt a**
 3 **policy on the neutrality of the institution that makes a distinction**
 4 **between the official positions of the institution, including its**
 5 **schools, colleges, and departments, from the individual viewpoints**
 6 **of the institution's employees, contractors, students, and alumni.**

7 **Sec. 2. A policy adopted under section 1 of this chapter must**
 8 **limit the circumstances in which an employee or group of**
 9 **employees from the institution may establish an official institution,**
 10 **school, college, or department position on political, moral, or**
 11 **ideological issues to only those circumstances that affect the core**
 12 **mission of the institution and its values of free inquiry, free**
 13 **expression, and intellectual diversity.**

14 **Sec. 3. Nothing in this chapter may be construed to limit the:**

- 15 (1) free speech of any individual beyond any employment
 16 requirements established by the institution; or
 17 (2) ability of an institution to advocate for state funding or
 18 educational policies to the state or federal government.

19 **Chapter 5. Reporting Requirements**

20 **Sec. 1. The commission for higher education may establish a**
 21 **student survey that attempts to collect information from students**
 22 **of an institution regarding the current perceptions of whether free**
 23 **speech and academic freedom are recognized and fostered by the**
 24 **institution in a manner that welcomes expression of different**
 25 **opinions and ideologies with respect to, but not limited to, classes,**
 26 **faculty members and other instructors, peer interactions, speakers,**
 27 **and campus groups.**

28 **Sec. 2. If the commission for higher education establishes a**
 29 **student survey under section 1 of this chapter, each institution may**
 30 **promote and provide to students the survey established under**
 31 **section 1 of this chapter.**

32 **Sec. 3. If the commission for higher education establishes a**
 33 **student survey under section 1 of this chapter, the commission for**
 34 **higher education may do the following:**

- 35 (1) Prepare a biennial report that summarizes, for each
 36 institution, the information collected from the student survey
 37 responses.
 38 (2) Submit the report described in subdivision (1) to the
 39 legislative council in an electronic format under IC 5-14-6.
 40 (3) Post the report on the commission for higher education's
 41 website.

42 **Sec. 4. (a) Not later than May 1, 2025, and not later than May 1**



1 of each odd-numbered year thereafter, each institution shall
2 submit data to the commission for higher education describing the
3 institution's budget allocations for diversity, equity, and inclusion
4 initiatives.

5 (b) The commission for higher education shall do the following:

6 (1) Prepare a report that summarizes the information in the
7 reports submitted by the institutions under subsection (a).

8 (2) Not later than July 1, 2025, and not later than July 1 of
9 each odd-numbered year thereafter, submit the report
10 described in subdivision (1) to:

11 (A) The legislative council in an electronic format under
12 IC 5-14-6.

13 (B) The budget committee.

14 (c) The commission for higher education shall do the following:

15 (1) Establish guidelines for institutions regarding initiatives
16 that are considered diversity, equity, and inclusion initiatives
17 under subsection (a).

18 (2) Post the guidelines established under subdivision (1) on the
19 commission for higher education's website.

20 Sec. 5. An institution and the commission for higher education
21 may not include information in a report submitted under this
22 chapter that identifies an individual student.

23 Chapter 6. Construction and Enforcement

24 Sec. 1. Nothing in this article may be construed to do the
25 following:

26 (1) Preclude efforts to gauge an applicant's commitment,
27 plans, or past performance in fostering intellectual diversity.

28 (2) Prohibit an institution from:

29 (A) requiring a student, faculty member, contractor, or
30 any other employee of the institution to comply with
31 federal or state antidiscrimination laws; or

32 (B) taking action against a student, faculty member,
33 contractor, or any other employee of the institution for a
34 violation of federal or state antidiscrimination laws.

35 (3) Limit or restrict the academic freedom of faculty members
36 or prevent faculty members from teaching, researching, or
37 writing publications about diversity, equity, and inclusion or
38 other topics.

39 (4) Prohibit an institution from considering the subject matter
40 competency of any candidate for employment, reappointment,
41 tenure, or promotion when the subject matter is germane to
42 the candidate's or faculty member's field of scholarship.



- 1 **(5) Prohibit an institution from considering the candidate's or**
- 2 **faculty member's past or potential for future contributions to**
- 3 **fostering a culture of intellectual diversity at the institution.**
- 4 **(6) Prohibit an institution from complying with federal**
- 5 **requirements to be eligible for federal grants.**
- 6 **Sec. 2. (a) As used in this chapter, "petitioner" means any of the**
- 7 **following:**
- 8 **(1) A student of an institution.**
- 9 **(2) An employee of an institution.**
- 10 **(3) A contractor of an institution.**
- 11 **(4) An applicant for admission, enrollment, or employment**
- 12 **with the institution.**
- 13 **(b) After completing any applicable complaint process**
- 14 **established by the institution regarding a violation of this article,**
- 15 **a petitioner who is not satisfied with a final decision by the**
- 16 **institution regarding a complaint of a violation of this article, may**
- 17 **submit a request to the commission for higher education, on a form**
- 18 **prescribed by the commission for higher education, to review any**
- 19 **complaint by the petitioner and decision by the institution, as**
- 20 **applicable.**
- 21 **(c) The commission for higher education shall review the**
- 22 **request submitted under subsection (b) and issue a final order**
- 23 **regarding the request not later than sixty (60) days after the date**
- 24 **that the commission for higher education receives the request.**

