

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1289

By: Caldwell (Chad)

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5
6 AS INTRODUCED

7 An Act relating to higher education; creating the
8 Academic Loyalty Oath Ban; providing legislative
9 intent; defining terms; prohibiting certain
10 ideological oaths; prohibiting certain required
11 communication; creating a right of action; waiving
12 sovereign immunity; providing for attorney fees and
13 costs; providing for termination of employment for
14 certain acts; providing for codification; providing
15 an effective date; and declaring an emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 9501 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known as the "Academic Loyalty Oath Ban".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 9502 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

24 The purpose of this act is to prohibit certain ideological oaths
that undermine academic freedom and open inquiry, and that impede

1 the discovery, preservation, and transmission of knowledge at
2 Oklahoma public institutions of higher education.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 9503 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. "Applicant" means a person who applies to an institution of
8 higher education for employment, admission, or as a potential
9 contractor;

10 2. "Contractor" means a person engaged by an institution of
11 higher education for the purpose of providing goods or services to
12 that institution, but who is not an employee of the institution;

13 3. "Discriminatory ideology" means an ideology that promotes
14 the differential treatment of any individual or groups of
15 individuals based on immutable characteristics of race, color,
16 ethnicity, or national origin;

17 4. "Employee" means an individual employed by an institution of
18 higher education;

19 5. "Institutional Review Board" means an administrative body
20 established in compliance with federal law and regulations to
21 protect the rights and welfare of human research subjects recruited
22 to participate in research activities conducted under the auspices
23 of the institution with which it is affiliated;

24 6. "Individual" means a natural person;

1 7. "Institution of higher education" means state educational
2 institutions within the Oklahoma State System of Higher Education;

3 8. "Person" means an individual or a corporation, partnership,
4 limited liability company, business trust, trust, association, or
5 other organization, or other legal entity, or a protected series or
6 registered series of a domestic limited liability company;

7 9. "Preferential consideration" means any act that positively
8 impacts a person's admission to, employment with, engagement as a
9 contractor by, or promotion within an institution of higher
10 education, including:

11 a. applications for admissions, aid, assistance, and
12 benefits for which the person is eligible, and

13 b. employment terms, benefits, seniority status,
14 promotion, transfer, and appointments, for which the
15 person is eligible; and

16 10. "Student" means an individual enrolled as a student at an
17 institution of higher education.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 9504 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Neither an institution of higher education nor an
22 institutional review board associated with an institution of higher
23 education may:

1 1. Compel, require, induce, or solicit any applicant, employee,
2 student, or contractor to endorse any discriminatory ideology;

3 2. Compel, require, induce, or solicit any applicant, employee,
4 student or contractor to provide a communication, written or oral,
5 relating to:

6 a. the applicant's, employee's, student's, or
7 contractor's race, color, ethnicity, or national
8 origin, except to record necessary demographic
9 information of the person,

10 b. the applicant's, employee's, student's, or
11 contractor's views on, experience with, or past or
12 planned contributions to an elected official,
13 candidate for an elected office, political party or
14 ideology, or efforts involving diversity, equity, and
15 inclusion, marginalized groups, anti-racism, social
16 justice, intersectionality, or related concepts, or

17 c. the applicant's, employee's, student's, or
18 contractor's views on or experience with race, color,
19 ethnicity, national origin, or other immutable
20 characteristics of students and co-workers;

21 3. Provide preferential consideration to any applicant,
22 employee, student, or contractor on the basis of that person's
23 provision of an unsolicited statement related to an elected
24 official, candidate for elected office, political party or ideology,

1 or efforts involving diversity, equity, and inclusion, marginalized
2 groups, anti-racism, social justice, intersectionality, or related
3 concepts, or discriminatory ideology.

4 B. Nothing in this section shall be construed to:

5 1. Restrict academic research or coursework;

6 2. Prevent an institution of higher education from requiring
7 applicants:

8 a. to disclose or discuss the content of their research
9 or artistic creations,

10 b. to certify compliance with state and federal anti-
11 discrimination law, or

12 c. to discuss pedagogical approaches or experience with
13 students with learning disabilities;

14 3. Prevent an applicant or candidate from providing, of his or
15 her own initiative and pursuant to no specific requirement or
16 request from the institution of higher education, any information
17 described in this section.

18 C. Each institution of higher education's legal representation
19 shall annually transmit a report on compliance with this law in
20 writing to the Speaker of the Oklahoma House of Representatives and
21 President Pro Tempore of the Oklahoma State Senate.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 9505 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. An applicant, employee, student, or contractor:

2 1. Who was compelled, required, induced, or solicited to
3 endorse an elected official, candidate for an elected office,
4 political party or ideology, or efforts involving diversity, equity,
5 and inclusion, marginalized groups, anti-racism, social justice,
6 intersectionality, or related concepts, or a discriminatory ideology
7 or to provide a communication as described in paragraph 2 of
8 subsection A of Section 4 of this act; or

9 2. Who was adversely affected by an institution's preferential
10 consideration of another for such person's unsolicited statement
11 relating to an elected official, candidate for an elected office,
12 political party or ideology, or efforts involving diversity, equity,
13 and inclusion, marginalized groups, anti-racism, social justice,
14 intersectionality, or related concepts, or a discriminatory
15 ideology;

16 in violation of Section 4 of this act, may pursue an action for
17 injunctive or declaratory relief against the institution that
18 violated Section 4 of this act.

19 B. An injunction imposed under this section in favor of an
20 applicant, employee, contractor, or student against an institution
21 of higher education because of a violation of Section 4 of this act
22 may include an order requiring the institution to:

23 1. Admit the applicant for enrollment as a student;

24 2. Re-enroll a student who was suspended or expelled;

1 3. Hire a person for the position for which the person's
2 employment application was rejected;

3 4. Re-hire in the same or equal position an employee who was
4 terminated from his or her position;

5 5. Promote an employee who was denied a promotion; or

6 6. Provide tenure to an employee who was denied tenure.

7 C. Sovereign or governmental immunity, as applicable, is waived
8 for an action provided for by this section.

9 D. Notwithstanding any other provisions of law, a person may
10 commence an action under this section and relief may be granted
11 regardless of whether the person sought or exhausted available
12 administrative or legal remedies before commencing the action.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 9506 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 The prevailing party in an action brought under Section 5 of
17 this act may be awarded reasonable attorney's fees and costs in
18 accordance with Section 696.4 of Title 12 of the Oklahoma Statutes.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 9507 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 A. An institution of higher education employee, whether
23 tenured, employed at will, or working pursuant to a contract:

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1 1. Who is found to have compelled, required, or induced an
2 applicant, employee, student, or contractor to endorse an elected
3 official, candidate for an elected office, political party or
4 ideology, or efforts involving diversity, equity, and inclusion,
5 marginalized groups, anti-racism, social justice, intersectionality,
6 or related concepts, or a discriminatory ideology or provide a
7 communication as described in paragraph 2 of subsection A of Section
8 4 of this act; or

9 2. Who provided preferential consideration to an applicant,
10 employee, student, or contractor on the basis of that person's
11 unsolicited provision of comment upon an elected official, candidate
12 for an elected office, political party or ideology, or efforts
13 involving diversity, equity, and inclusion, marginalized groups,
14 anti-racism, social justice, intersectionality, or related concepts,
15 or a discriminatory ideology,
16 shall be disciplined by the institution of higher education.

17 B. Upon a first finding that the employee has engaged in the
18 prohibited conduct, the employee shall be placed on unpaid leave for
19 the next academic year, and shall be ineligible for employment at
20 any other public institution of higher education during the period
21 of such unpaid leave. Upon a second or subsequent finding that the
22 employee has engaged in the prohibited conduct, the employee shall
23 be terminated from employment and shall be ineligible for employment
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1 at any institution of higher education for no less than five (5)
2 years after the date of the second or subsequent finding.

3 SECTION 8. This act shall become effective July 1, 2025.

4 SECTION 9. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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