

By: Representative Hobgood-Wilkes

To: Judiciary A

## HOUSE BILL NO. 1609

1 AN ACT TO DEFINE TERMS; TO PROHIBIT PUBLIC LAND-GRANT  
2 INSTITUTIONS OF HIGHER LEARNING FROM EXPENDING APPROPRIATED FUNDS  
3 TO ESTABLISH, SUSTAIN, SUPPORT, OR STAFF A DIVERSITY, EQUITY, AND  
4 INCLUSION OFFICE; TO PROHIBIT PUBLIC OR LAND-GRANT INSTITUTIONS OF  
5 HIGHER LEARNING FROM EXPENDING FUNDS TO CONTRACT, EMPLOY, ENGAGE,  
6 OR HIRE AN INDIVIDUAL TO SERVE AS A DIVERSITY, EQUITY, AND  
7 INCLUSION OFFICER; TO ESTABLISH PARAMETERS FOR THE PROHIBITIONS ON  
8 OFFICES AND OFFICERS OF DIVERSITY, EQUITY, AND INCLUSION AT PUBLIC  
9 INSTITUTIONS OF HIGHER LEARNING; TO ALLOW THE IHL BOARD TO  
10 REALLOCATE FUNDS THAT OTHERWISE WOULD HAVE BEEN EXPENDED ON  
11 DIVERSITY, EQUITY, AND INCLUSION OFFICES OR OFFICERS IN FISCAL  
12 YEAR 2025 TO COVER CERTAIN MERIT SCHOLARSHIPS AND TUITION COSTS;  
13 TO PROHIBIT PUBLIC OR LAND-GRANT INSTITUTIONS OF HIGHER LEARNING  
14 FROM REQUIRING DIVERSITY TRAINING; TO PROHIBIT PUBLIC INSTITUTIONS  
15 OF HIGHER LEARNING FROM REQUIRING OR SOLICITING DIVERSITY  
16 STATEMENTS FOR CERTAIN PURPOSES; TO PROHIBIT PUBLIC OR LAND-GRANT  
17 INSTITUTIONS OF HIGHER LEARNING FROM GRANTING PREFERENTIAL  
18 CONSIDERATION TO CERTAIN INDIVIDUALS BASED ON RACE, SEX, COLOR,  
19 ETHNICITY, GENDER, OR SEXUAL ORIENTATION; TO REQUIRE EACH PUBLIC  
20 INSTITUTION OF HIGHER LEARNING TO PRODUCE A REPORT CONFIRMING  
21 COMPLIANCE WITH THIS ACT; TO ESTABLISH A PROCESS FOR REPORTING  
22 VIOLATIONS OF THIS ACT; TO ALLOW THE ATTORNEY GENERAL TO FILE SUIT  
23 TO COMPEL COMPLIANCE; TO ESTABLISH A CIVIL CAUSE OF ACTION FOR  
24 VIOLATIONS OF THIS ACT; TO ESTABLISH PROPER JURISDICTION; AND FOR  
25 RELATED PURPOSES.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

27 **SECTION 1.** (1) As used in this section, the following words  
28 have the meaning ascribed herein unless the context clearly  
29 requires otherwise:



30                   (a) "Diversity, equity, and inclusion" includes:

31                   (i) Any effort to manipulate or otherwise

32 influence the composition of the faculty or student body with

33 reference to race, sex, color, or ethnicity, apart from ensuring

34 colorblind and sex-neutral admissions and hiring in accordance

35 with state and federal anti-discrimination laws;

36                   (ii) Any effort to promote differential treatment

37 of or provide special benefits to individuals on the basis of

38 race, color, or ethnicity;

39                   (iii) Any effort to promote or promulgate policies

40 and procedures designed and/or implemented with reference to race,

41 color, or ethnicity;

42                   (iv) Any effort to promote or promulgate

43 trainings, programming, or activities designed and/or implemented

44 with reference to race, color, ethnicity, gender identity, or

45 sexual orientation; and

46                   (v) Any effort to promote as the official position

47 of the administration, the college, the university, or any

48 administrative unit thereof, a particular, widely contested

49 opinion referencing unconscious or implicit bias, cultural

50 appropriation, allyship, transgender ideology, microaggressions,

51 group marginalization, anti-racism, systemic oppression, social

52 justice, intersectionality, neo-pronouns, heteronormativity,

53 disparate impact, gender theory, racial or sexual privilege, or

54 any related formulation of these concepts.



(b) "Diversity, equity, and inclusion office" means any division, office, center, or other unit of an institution of higher learning or component thereof which is responsible for creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to diversity, equity, and inclusion. "Diversity, equity, and inclusion office" does not include:

(i) An office staffed exclusively by licensed attorneys (except for paralegal and secretarial support) and certified by the Attorney General of the State of Mississippi as operating with the sole and exclusive mission of ensuring legal compliance with the public institution of higher learning's obligations under Title IX of the Education Amendments of 1972, as amended, the Americans with Disabilities Act, as amended, the Age Discrimination in Employment Act, as amended, Title VI of the Civil Rights Act of 1964, applicable court order, or other applicable state and federal law;

(ii) An academic department defined as a unit of a public institution of higher learning that exists primarily for the purpose of offering courses for degree credit and that does not establish policy or procedures to which other units of the public institution are subject;

(iii) An office solely engaged in new student recruitment; and



80 (iv) A registered student organization.

81 (c) "Diversity, equity, and inclusion officer" means an  
82 individual:

83 (i) Who is:

84 1. A full or part-time employee of a public  
85 institution of higher learning or component thereof; or

86 2. An independent contractor of a public  
87 institution of higher learning.

88 (ii) Whose duties for the public institution  
89 include coordinating, creating, developing, designing,  
90 implementing, organizing, planning, or promoting policies,  
91 programming, training, practices, activities, and procedures  
92 relating to diversity, equity, and inclusion.

93 (iii) "Diversity, equity, and inclusion officer"  
94 does not include:

95 1. Any full or part-time employee who is a  
96 licensed attorney and whose sole job duties related to diversity,  
97 equity, and inclusion are to ensure compliance with the public  
98 institution of higher learning's obligations under Title IX of the  
99 Education Amendments of 1972, as amended, the Americans with  
100 Disabilities Act, as amended, the Age Discrimination in Employment  
101 Act, as amended, Title VI of the Civil Rights Act of 1964,  
102 applicable court order, or other applicable state and federal law;

103 2. Any faculty member while engaged in  
104 teaching, research, and the production of creative works; the



dissemination of their research and creative works; or advising a registered student organization; or

3. A guest speaker or performer with a short-term engagement.

(2) Public or land-grant institutions of higher learning in the State of Mississippi may not expend appropriated funds or otherwise expend any funds derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to contract, employ, engage, or hire an individual to serve as a diversity, equity, and inclusion officer.

(3) Nothing in this section shall be construed to cover or affect a public institution of higher learning's funding of:

(a) Academic course instruction;

(b) Research and creative works by the public institution's students, faculty, or other research personnel, and the dissemination thereof;

(c) Activities of registered student organizations;

(d) Arrangements for guest speakers and performers with short-term engagements; or

(e) Mental or physical health services provided by licensed professionals.

(4) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are



reasonably necessary to the normal operation of public higher learning.

(5) Any funds that would otherwise have been expended on diversity, equity, and inclusion offices or diversity, equity, and inclusion officers in Fiscal Year 2025 may be reallocated, at the discretion of the Board of Trustees of the Mississippi Institutions of Higher Learning, to merit scholarships for lower- and middle-income students, and to reduce tuition for in-state students.

(6) None of the funds appropriated by this act for Fiscal Year 2025 may be expended by a public institution of higher learning until its governing board has filed a report with the Department of Education and made such report available for the public on its website. Such report shall disclose:

(a) The steps taken to comply with this section by the governing board and its staff, the administration, staff, and faculty of the public institutions under the board's governance;

(b) The number and job titles of the individuals deemed to be required by the public institution of higher learning's obligations to comply with Title IX of the Education Amendments of 1972, as amended, Title VI of the Civil Rights Act of 1964, applicable court order, or other applicable state and federal law; and



153 (c) Certifies that the public institutions of higher  
154 learning under the board's governance are fully compliant with  
155 this section.

156 (7) (a) Any person may notify the Attorney General of a  
157 violation or potential violation of this section by a public  
158 institution of higher learning.

159 (b) The Attorney General may file suit for a writ of  
160 mandamus compelling the public institution of higher learning to  
161 comply with this section.

162 (8) (a) Any student enrolled in a degree program at a  
163 public institution of higher learning, any faculty member of a  
164 public institution of higher learning, or any alumnus or alumna of  
165 a public institution of higher learning may bring an action  
166 against that public institution of higher learning if it violates  
167 this section.

168 (b) If the claimant shows that the public institution  
169 of higher learning violated this section, the claimant is entitled  
170 to injunctive relief.

171 (9) (a) Notwithstanding any other law, a civil action  
172 brought under this section may be brought in:

173 (i) The county in which all or a substantial part  
174 of the events or omissions giving rise to the claim occurred;

175 (ii) The county of residence in this state for any  
176 one (1) of the natural person defendants at the time the cause of  
177 action accrued;



(iii) The county of the principal office in this state of any one (1) of the defendants that is not a natural person; or

(iv) The county of residence for the claimant if the claimant is a natural person residing in this state.

(10) If any provision of this section, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this section and the application of its provisions to any other person or circumstance shall not be affected thereby.

**SECTION 2.** (1) As used in this section, the following words have the meaning ascribed herein unless the context clearly requires otherwise:

(a) "Public institution of higher learning" means any public technical institute, public junior college, public senior college or university, public medical or dental unit, public state college, or other public agency of higher education located in the State of Mississippi.

(b) "Mandatory" means a requirement of any kind imposed on a student, employee, or applicant for employment, including but not limited to:

(i) A requirement, the nonfulfillment of which, may adversely affect the status, salary, or benefits of an employee or applicant for employment at the public institution of higher learning or component thereof;





(ii) A requirement to participate in any administrative process or decision-making body of the university, such as a hiring committee;

(iii) A requirement to participate in any otherwise available program sponsored by the public institution of higher learning or component thereof;

(iv) A requirement to receive any generally available benefit offered by the public institution of higher learning or component thereof;

(v) A requirement to live in any residential facility used exclusively for housing or boarding students or faculty; and

(vi) A requirement for the application or receipt of any scholarship, loan, grant, financial aid, or forgiveness program.

(c) "Diversity, equity, and inclusion" means these interrelated concepts:

(i) Purporting to describe or expose structures, systems, or relations of power, privilege, or subordination on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation;

(ii) Purporting to describe methods to identify, dismantle, or oppose such structures, systems, or relations; or

(iii) Justifying differential treatment or special benefits conferred on the basis of race, sex, color, gender,



ethnicity, gender identity, or sexual orientation, including:  
unconscious or implicit bias, cultural appropriation, allyship,  
transgenderism, microaggressions, micro-invalidating, group  
marginalization, anti-racism, systemic oppression, ethnocentrism,  
structural racism, structural inequity, social justice,  
intersectionality, neo-pronouns, inclusive language,  
heteronormativity, disparate impact, gender identity, gender  
theory, racial or sexual privilege, or related formulations of  
these concepts.

(d) "Diversity training" means a training, seminar,  
discussion group, workshop, or other instructional program,  
whether provided in-person, online, or by any other means, with a  
purpose of advising, counseling, demonstrating, explaining,  
instructing, or teaching participants about diversity, equity and  
inclusion. "Diversity training" does not include:

(i) An academic course offered for credit; or  
(ii) Activities of a registered student  
organization affecting only its members.

(2) A public or land-grant institution of higher learning  
shall not make diversity training mandatory.

(3) (a) Any person may notify the Attorney General of a  
violation or potential violation of this section by a public  
institution of higher learning.



251 (b) The Attorney General may file suit for a writ of  
252 mandamus compelling the public institution of higher learning to  
253 comply with this section.

254 (4) (a) Any student enrolled in a degree program at a  
255 public institution of higher learning, or any alumnus or alumna of  
256 a public institution of higher learning, may bring an action  
257 against that public institution of higher learning if it violates  
258 this section.

259 (b) If the claimant shows that the public institution  
260 of higher learning violated this section, the claimant is entitled  
261 to injunctive relief.

262 (5) Notwithstanding any other law, a civil action brought  
263 under this section may be brought in:

264 (a) The county in which all or a substantial part of  
265 the events or omissions giving rise to the claim occurred;

266 (b) The county of residence in this state for any one  
267 (1) of the natural person defendants at the time the cause of  
268 action accrued;

269 (c) The county of the principal office in this state of  
270 any one (1) of the defendants that is not a natural person; or

271 (d) The county of residence for the claimant if the  
272 claimant is a natural person residing in this state.

273 (6) This section shall not be construed to:



(a) Limit the academic freedom of any individual faculty member to direct the instruction within his or her own course; or

(b) Prohibit any program or training scripted by licensed attorneys and required to comply with the public institution of higher learning's obligations under Title IX of the Education Amendments of 1972, as amended, the Americans with Disabilities Act, as amended, the Age Discrimination of Employment Act, as amended, Title VI of the Civil Rights Act of 1964, applicable court order, or other applicable state and federal law, provided the public institution of higher learning makes the materials for the program publicly available on the public institution of higher learning's website.

(7) If any provision of this section, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this section and the application of its provisions to any other person or circumstance shall not be affected thereby.

**SECTION 3.** (1) As used in this section, the following words have the meaning ascribed herein unless the context clearly requires otherwise:

(a) "Diversity statement" means any written or oral statement discussing:

(i) The applicant or candidate's race, sex, color, ethnicity, gender identity, or sexual orientation;



(ii) The applicant or candidate's views on, experience with, or contributions to diversity, equity, and inclusion; marginalized groups; anti-racism; social justice; intersectionality; confessing one's race-based privilege; or related concepts;

(iii) The applicant or candidate's views on or experience with the race, sex, color, ethnicity, gender identity, or sexual orientation of students and co-workers; or

(iv) The applicant or candidate's views regarding any theory or practice that advocates for the differential treatment of any individual or groups of individuals based on race, sex, color, gender, ethnicity, gender identity, or sexual orientation.

(2) No diversity statement shall ever be required or solicited as part of an admissions process, employment application process, hiring process, contract renewal process, or promotion process; or as a condition of participation in any administrative or decision-making function of any public or land-grant post-secondary educational institution of the state.

(3) No public or land-grant institution of higher learning shall grant preferential consideration to an applicant, teacher, employee, or student for opinions expressed or action taken pertaining to another individual or a group of individuals in which the public institution's consideration is based on race,



sex, color, ethnicity, gender identity, or sexual orientation of those other individuals.

(4) Nothing in this law shall be construed to:

(a) Prevent a public institution requiring applicants and candidates:

(i) To disclose or discuss the content of their scholarly research or creative works;

(ii) To certify compliance with state and federal anti-discrimination law;

(iii) To discuss pedagogical approaches or experience with students with mental or physical disabilities; or

(iv) To affirm fidelity to or provide an oath to uphold the Constitution and laws of the State of Mississippi and the United States.

(b) Prevent an applicant or candidate from providing, of his or her own initiative, any information described in paragraph (a) of this section.

(5) Every public university's Office of General Counsel shall annually transmit a report on compliance with this law in writing to the Lieutenant Governor and the Speaker of the House of Representatives of Mississippi.

(6) (a) Any person may notify the Attorney General of a violation or potential violation of this section by a public institution of higher learning; and



(b) The Attorney General may file suit for a writ of mandamus compelling the public institution of higher learning to comply with this section.

(7) (a) Any student enrolled in a degree program at a public institution of higher learning, any faculty member of a public institution of higher learning, or any alumnus or alumna of a public institution of higher learning may bring an action against that public institution of higher learning if it violates this section; and

(b) If the claimant shows that the public institution of higher learning violated this section, the claimant is entitled to injunctive relief.

(8) Notwithstanding any other law, a civil action brought under this section may be brought in:

(a) The county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(b) The county of residence in this state for any one (1) of the natural person defendants at the time the cause of action accrued;

(c) The county of the principal office in this state of any one (1) of the defendants that is not a natural person; or

(d) The county of residence for the claimant if the claimant is a natural person residing in this state.

(9) If any provision of this section, or the application of any provision to any person or circumstance, is held to be



invalid, the remainder of this section and the application of its provisions to any other person or circumstance shall not be affected thereby.

**SECTION 4.** (1) Notwithstanding any other provision of law, no public or land-grant institution of higher learning shall grant preference to any applicant for admission or employment on the basis of race, sex, color, ethnicity, or national origin.

(2) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are conducive to the normal operation of institutions of public learning.

(3) (a) Any person may notify the Attorney General of a violation or potential violation of this section by a public institution of higher learning.

(b) The Attorney General may file suit for a writ of mandamus compelling the public institution of higher learning to comply with this section.

(4) (a) Any student enrolled in a degree program at a public institution of higher learning, any faculty member of a public institution of higher learning, or any alumnus or alumna of a public institution of higher learning may bring an action against that public institution of higher learning if it violates this section.





395 (b) If the claimant shows that the public institution  
396 of higher learning violated this section, the claimant is entitled  
397 to injunctive relief.

398 (5) Notwithstanding any other law, a civil action brought  
399 under this section may be brought in:

400 (a) The county in which all or a substantial part of  
401 the events or omissions giving rise to the claim occurred;

402 (b) The county of residence in this state for any one  
403 (1) of the natural person defendants at the time the cause of  
404 action accrued;

405 (c) The county of the principal office in this state of  
406 any one (1) of the defendants that is not a natural person; or

407 (d) The county of residence for the claimant if the  
408 claimant is a natural person residing in this state.

409 **SECTION 5.** This act shall take effect and be in force from  
410 and after July 1, 2025.

