

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency;
Universities and Colleges

SENATE BILL NO. 2402

1 AN ACT TO PROHIBIT PUBLIC STATE ENTITIES, SUCH AS STATE
 2 AGENCIES, STATE BOARDS, PUBLIC SCHOOLS, PUBLIC CHARTER SCHOOLS AND
 3 PUBLIC INSTITUTIONS OF HIGHER EDUCATION, FROM UTILIZING ANY STATE
 4 FUNDING TO CREATE, PROMOTE, OR CONDUCT DIVERSITY, EQUITY AND
 5 INCLUSION PROGRAMS; TO DEFINE RELEVANT TERMS; TO PROHIBIT
 6 INSTITUTIONS OF HIGHER LEARNING THAT RECEIVE FEDERAL AND/OR STATE
 7 FINANCIAL ASSISTANCE FROM CONSIDERING THE RACE OF A PROSPECTIVE
 8 STUDENT AS A TERM OF ADMISSION; TO PROVIDE INSTANCES WHERE
 9 INSTITUTIONS OF HIGHER LEARNING MAY CONSIDER RACE AND/OR PROMOTE
 10 DIVERSITY; TO AUTHORIZE CERTAIN PENALTIES FOR VIOLATION OF THIS
 11 ACT; TO PROVIDE CIVIL PENALTIES FOR STATE AGENCIES, STATE BOARDS,
 12 PUBLIC SCHOOLS, PUBLIC CHARTER SCHOOLS AND PUBLIC INSTITUTIONS OF
 13 HIGHER EDUCATION THAT ARE FOUND IN VIOLATION OF THE PROVISIONS OF
 14 THIS ACT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the
 17 "Diversity, Equity and Inclusion (DEI) Program Ban."

18 **SECTION 2.** (1) For the purposes of this section:

19 (a) "Divisive concepts" means any program or curriculum
 20 whose purpose is to disseminate the message that:

21 (i) Any race, color, religion, sex, ethnicity or
 22 national origin is inherently superior or inferior.



23 (ii) Individuals should be discriminated against
24 or treated adversely solely because of their race, color,
25 religion, sex, ethnicity or national origin.

26 (iii) The individual moral character of an
27 individual is solely determined by his or her race, color,
28 religion, sex, ethnicity or national origin.

29 (iv) Solely by virtue of an individual's race,
30 color, religion, sex, ethnicity or national origin, the individual
31 is inherently racist, sexist or oppressive, whether consciously or
32 subconsciously.

33 (v) Individuals, by virtue of race, color,
34 religion, sex, ethnicity or national origin, are inherently
35 responsible for actions committed in the past by other members of
36 the same race, color, religion, sex, ethnicity or national origin.

37 (vi) Fault, blame or bias should be assigned to a
38 race, color, religion, sex, ethnicity or national origin, solely
39 on the basis of race, color, religion, sex, ethnicity or national
40 origin.

41 (vii) Any individual should be asked to accept,
42 acknowledge, affirm or assent to a sense of guilt, complicity or
43 needs to apologize solely on the basis of his or her race, color,
44 religion, sex, ethnicity or national origin.

45 (b) "State agencies" means any department, agency or
46 instrumentality of the State of Mississippi.



47 (c) "State board" means any state workforce development
48 board that oversees the professional licensing and practices of
49 licensed professionals in the state.

50 (d) "Public institutions of higher education" means any
51 public institution of higher learning, or public community or
52 junior college located in the State of Mississippi.

53 (2) A state agency, state board, public school, public
54 charter school or public institution of higher education may not
55 do any of the following:

56 (a) Directly compel a student, employee or contractor
57 to personally affirm, adopt or adhere to a divisive concept;

58 (b) Share his or her personal point of view on any
59 divisive concept;

60 (c) Participate, as part of any course work or for any
61 class credit or professional training, in an activity that
62 involves lobbying for legislation at the federal, state or local
63 level, that forces employees, contractors or students to promote
64 divisive concepts in a way that aligns with the views of a state
65 agency, state board, public school, public charter school or
66 public institution of higher education that they are associated
67 with, or participate in any professional training that promotes
68 the concepts in subsection (1) (a) of this section;

69 (d) Penalize or discriminate against a student,
70 employee or contractor on the basis of his or her refusal to



71 support, believe, endorse, embrace, confess, act upon or otherwise
72 assent to a divisive concept;

73 (e) Condition enrollment or attendance in a class,
74 training or orientation solely on the basis of race or color; and

75 (f) Authorize or expend funding or apply for or accept
76 a grant for state or federal funding for the purpose of compelling
77 assent to any divisive concept, diversity, equity and inclusion
78 programs or any other purpose prohibited in this act.

79 **SECTION 3.** (1) All state agencies, state boards, public
80 schools, public charter schools and public institutions of higher
81 education shall discipline or terminate the employment of any
82 employee or contractor who knowingly violates this act, provided
83 that:

84 (a) Any disciplinary action or termination of an
85 employee of a state agency, state board, public school, public
86 charter school or public institution of higher education shall
87 remain subject to relevant policies established by the
88 institution; and

89 (b) Termination of an employee or contractor of a state
90 agency, state board, public school, public charter school or
91 public institution of higher education does not violate any other
92 state laws.

93 (2) Nothing in this act:

94 (a) Prevents an employee, or a contractor of a state
95 agency, state board, public school, public charter school or



96 public institution of higher education who provides mandatory
97 orientation, course work or training from responding to questions
98 that are raised by participants in the orientation, course work or
99 training and that pertain to divisive concepts;

100 (b) Prohibits a public school, public charter school or
101 public institution of higher education from providing any
102 instruction in furtherance of satisfying any accreditation
103 standard;

104 (c) Prohibits a public school, public charter school or
105 public institution of higher education from authorizing the
106 teaching or discussion of any divisive concept in an objective
107 manner and without endorsement, as part of a larger course of
108 academic instruction, provided the institution and its employees
109 do not compel assent to any divisive concept and otherwise act
110 pursuant to the provisions of this act;

111 (d) Prohibits the required collection or reporting of
112 demographic data by public schools, public charter schools and
113 public institutions of higher education;

114 (e) Prohibits the teaching of topics or historical
115 events in a historically accurate context;

116 (f) Prevents state agencies from promoting racial,
117 cultural or ethnic diversity or inclusiveness, provided these
118 efforts are consistent with the requirements of this act; and

119 (g) May be construed to inhibit or violate the First
120 Amendment rights of any student or employee, or undermine the duty



121 of public schools, public charter schools or public institutions
122 of higher education to protect, to the greatest degree, academic
123 freedom, intellectual diversity and freedom of expression.

124 **SECTION 4.** (1) Public and private institutions of higher
125 education, that receive federal and/or state financial assistance,
126 shall not consider the race of a prospective student as a term or
127 primary consideration of admissions. Student applicants shall not
128 receive preferential consideration or treatment during the college
129 and university admissions process because they belong to a certain
130 racial group.

131 (2) All public and private institutions of higher education,
132 that receive state and/or federal funding, shall discipline or
133 terminate the employment of any employee or contractor who
134 knowingly violates the provisions of this section, provided that:

135 (a) Any disciplinary action or termination of an
136 employee of an institution of higher education shall remain
137 subject to relevant policies established by the institution; and

138 (b) Termination of an employee or contractor of an
139 institution of higher education does not violate any other state
140 laws.

141 (3) Nothing in this act prohibits institutions of higher
142 education from:

143 (a) Considering an applicant's discussion of how race
144 affected his or her life be it through discrimination, inspiration



145 or otherwise, so as to consider the holistic attributes,
146 backgrounds and experiences of an individual applicant;

147 (b) Conducting targeted outreach, recruitment and
148 pathway programs to connect with a broader range of prospective
149 students;

150 (c) Collecting demographic data about students in the
151 applicant pool, student admissions outcome, and student enrollment
152 and retention;

153 (d) Evaluating admission policies to determine which
154 factors in a holistic admissions process most faithfully reflect
155 the values and commitments of the institution; and

156 (e) Fostering a sense of belonging through diversity
157 offices, campus cultural centers, clubs, activities, affinity
158 groups, conducting meetings, hosting focus groups and panels to
159 discuss race-related topics and utilize other campus resources, so
160 long as these support services are available to all students, and
161 do not disseminate the message of divisive concepts as defined in
162 Section 2(1)(a) of this act.

163 **SECTION 5.** (1) An individual whose rights were violated by
164 a state agency, state board, public school, public charter school
165 or public institution of higher education that has violated the
166 provisions of this act, shall have the right to bring an action in
167 a court of competent jurisdiction.

168 (2) Upon a finding by a court of competent jurisdiction that
169 an individual's rights have been violated due to a state agency,



170 state board, public school, public charter school or public
171 institution of higher education violating the provisions of this
172 act, the court may impose a civil penalty, for each separate
173 violation, in an amount not to exceed Twenty-five Thousand Dollars
174 (\$25,000.00). The court may also award the prevailing party the
175 sum of reasonable costs incurred in the action plus reasonable
176 attorney's fees.

177 **SECTION 6.** This act shall take effect and be in force from
178 and after July 1, 2024.

