

By: Senator(s) Hill

To: Universities and
Colleges; Judiciary, Division
A

SENATE BILL NO. 2223

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.

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

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

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

78 (iii) An office solely engaged in new student
79 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

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

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

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

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

119 (a) Academic course instruction;

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

123 (c) Activities of registered student organizations;

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

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

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

130 reasonably necessary to the normal operation of public higher
131 learning.

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

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

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

147 (b) The number and job titles of the individuals deemed
148 to be required by the public institution of higher learning's
149 obligations to comply with Title IX of the Education Amendments of
150 1972, as amended, Title VI of the Civil Rights Act of 1964,
151 applicable court order, or other applicable state and federal law;
152 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 (i) An academic course offered for credit; or

244 (ii) Activities of a registered student
245 organization affecting only its members.

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

248 (3) (a) Any person may notify the attorney general of a
249 violation or potential violation of this section by a public
250 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

344 (6) (a) Any person may notify the attorney general of a
345 violation or potential violation of this section by a public
346 institution of higher learning; and

347 (b) The attorney general may file suit for a writ of
348 mandamus compelling the public institution of higher learning to
349 comply with this section.

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

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

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

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

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

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

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

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

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

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

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

383 (3) (a) Any person may notify the attorney general of a
384 violation or potential violation of this section by a public
385 institution of higher learning.

386 (b) The attorney general may file suit for a writ of
387 mandamus compelling the public institution of higher learning to
388 comply with this section.

389 (4) (a) Any student enrolled in a degree program at a
390 public institution of higher learning, any faculty member of a
391 public institution of higher learning, or any alumnus or alumna of
392 a public institution of higher learning may bring an action
393 against that public institution of higher learning if it violates
394 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.