

COMMITTEE ON GOVERNMENT
SENATE AMENDMENTS TO H.B. 2868
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.52, to read:

4 9-500.52. Diversity; equity; inclusion; prohibition;
5 definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN MAY NOT DO ANY OF
7 THE FOLLOWING:

8 1. ESTABLISH OR MAINTAIN A DIVERSITY, EQUITY AND INCLUSION OFFICE.

9 2. HIRE OR ASSIGN AN EMPLOYEE OR CONTRACT WITH A THIRD PARTY TO
10 PERFORM THE DUTIES OF A DIVERSITY, EQUITY AND INCLUSION OFFICE.

11 3. COMPEL, REQUIRE, INDUCE OR SOLICIT ANY PERSON TO PROVIDE A
12 DIVERSITY, EQUITY AND INCLUSION STATEMENT OR GIVE PREFERENTIAL
13 CONSIDERATION TO ANY PERSON BASED ON A DIVERSITY, EQUITY AND INCLUSION
14 STATEMENT.

15 4. GIVE PREFERENCE ON THE BASIS OF RACE, SEX, COLOR OR ETHNICITY TO
16 AN APPLICANT FOR EMPLOYMENT, AN EMPLOYEE OR A PARTICIPANT IN ANY FUNCTION
17 OF THE CITY OR TOWN.

18 5. AS A CONDITION OF EMPLOYMENT, REQUIRE THAT EMPLOYEES PARTICIPATE
19 IN DIVERSITY, EQUITY AND INCLUSION TRAINING, INCLUDING A TRAINING, PROGRAM
20 OR ACTIVITY DESIGNED OR IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY,
21 GENDER IDENTITY OR SEXUAL ORIENTATION. THIS PARAGRAPH DOES NOT INCLUDE A
22 TRAINING, PROGRAM OR ACTIVITY DEVELOPED BY AN ATTORNEY AND APPROVED IN
23 WRITING BY THE CITY'S OR TOWN'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF
24 ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL
25 LAW.

26 6. REQUIRE ENROLLMENT IN, OR COMPLETION OF, AN ACADEMIC COURSE THAT
27 PROMOTES, IN THE CONTEXT OF CONTEMPORARY AMERICAN SOCIETY, THE TENETS OF
28 DIVERSITY, EQUITY AND INCLUSION OR THE ACTIVITIES OF A DIVERSITY, EQUITY
29 AND INCLUSION OFFICE.

30 B. A CITY OR TOWN SHALL ADOPT POLICIES AND PROCEDURES FOR
31 APPROPRIATELY DISCIPLING, INCLUDING BY TERMINATION, AN EMPLOYEE OR
32 CONTRACTOR THAT ENGAGES IN CONDUCT THAT VIOLATES SUBSECTION A OF THIS
33 SECTION.

34 C. FOR THE PURPOSES OF THIS SECTION:

35 1. "DIVERSITY, EQUITY AND INCLUSION":

36 (a) MEANS INTERRELATED CONCEPTS THAT DO ANY OF THE FOLLOWING:

37 (i) DESCRIBE OR EXPOSE STRUCTURES, SYSTEMS OR RELATIONS OF POWER,
38 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
39 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

40 (ii) DESCRIBE METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
41 SYSTEMS OR RELATIONS.

1 (iii) JUSTIFY DIFFERENTIAL TREATMENT OF OR SPECIAL BENEFITS
2 CONFERRED TO INDIVIDUALS ON THE BASIS OF RACE, SEX, COLOR, GENDER,
3 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

4 (b) INCLUDES UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL APPROPRIATION,
5 ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS, MICROINVALIDATION, GROUP
6 MARGINALIZATION, ANTIRACISM, SYSTEMIC OPPRESSION, ETHNOCENTRISM, STRUCTURAL
7 RACISM, STRUCTURAL INEQUITY, SOCIAL JUSTICE, INTERSECTIONALITY,
8 NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY, DISPARATE IMPACT,
9 GENDER IDENTITY, GENDER THEORY, RACIAL OR SEXUAL PRIVILEGE OR RELATED
10 FORMULATIONS OF THESE CONCEPTS.

11 2. "DIVERSITY, EQUITY AND INCLUSION OFFICE" MEANS AN OFFICE,
12 DIVISION OR OTHER UNIT ESTABLISHED FOR ANY OF THE FOLLOWING PURPOSES:

13 (a) INFLUENCING HIRING OR EMPLOYMENT PRACTICES IN THE CITY OR TOWN
14 WITH RESPECT TO RACE, SEX, COLOR OR ETHNICITY, OTHER THAN THROUGH THE USE
15 OF COLOR-BLIND AND SEX-NEUTRAL HIRING PROCESSES IN ACCORDANCE WITH ANY
16 APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

17 (b) PROMOTING DIFFERENTIAL TREATMENT OF OR PROVIDING SPECIAL
18 BENEFITS TO INDIVIDUALS ON THE BASIS OF RACE, COLOR OR ETHNICITY.

19 (c) PROMOTING POLICIES OR PROCEDURES DESIGNED OR IMPLEMENTED IN
20 REFERENCE TO RACE, COLOR OR ETHNICITY, OTHER THAN POLICIES OR PROCEDURES
21 APPROVED IN WRITING BY THE CITY'S OR TOWN'S GENERAL COUNSEL FOR THE SOLE
22 PURPOSE OF ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR
23 FEDERAL LAW.

24 (d) CONDUCTING TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED OR
25 IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
26 SEXUAL ORIENTATION OR DIVERSITY, EQUITY AND INCLUSION, OTHER THAN
27 TRAININGS, PROGRAMS OR ACTIVITIES DEVELOPED BY AN ATTORNEY AND APPROVED IN
28 WRITING BY THE CITY'S OR TOWN'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF
29 ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL
30 LAW.

31 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
32 amended by adding section 11-269.30, to read:

33 11-269.30. Diversity; equity; inclusion; prohibition;
34 definitions

35 A. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT DO ANY OF THE
36 FOLLOWING:

37 1. ESTABLISH OR MAINTAIN A DIVERSITY, EQUITY AND INCLUSION OFFICE.

38 2. HIRE OR ASSIGN AN EMPLOYEE OR CONTRACT WITH A THIRD PARTY TO
39 PERFORM THE DUTIES OF A DIVERSITY, EQUITY AND INCLUSION OFFICE.

40 3. COMPEL, REQUIRE, INDUCE OR SOLICIT ANY PERSON TO PROVIDE A
41 DIVERSITY, EQUITY AND INCLUSION STATEMENT OR GIVE PREFERENTIAL
42 CONSIDERATION TO ANY PERSON BASED ON A DIVERSITY, EQUITY AND INCLUSION
43 STATEMENT.

44 4. GIVE PREFERENCE ON THE BASIS OF RACE, SEX, COLOR OR ETHNICITY TO
45 AN APPLICANT FOR EMPLOYMENT, AN EMPLOYEE OR A PARTICIPANT IN ANY FUNCTION
46 OF THE COUNTY.

47 5. AS A CONDITION OF EMPLOYMENT, REQUIRE THAT EMPLOYEES PARTICIPATE
48 IN DIVERSITY, EQUITY AND INCLUSION TRAINING, INCLUDING A TRAINING, PROGRAM
49 OR ACTIVITY DESIGNED OR IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY,

1 GENDER IDENTITY OR SEXUAL ORIENTATION. THIS PARAGRAPH DOES NOT INCLUDE A
2 TRAINING, PROGRAM OR ACTIVITY DEVELOPED BY AN ATTORNEY AND APPROVED IN
3 WRITING BY THE COUNTY'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF ENSURING
4 COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

5 6. REQUIRE ENROLLMENT IN, OR COMPLETION OF, AN ACADEMIC COURSE THAT
6 PROMOTES, IN THE CONTEXT OF CONTEMPORARY AMERICAN SOCIETY, THE TENETS OF
7 DIVERSITY, EQUITY AND INCLUSION OR THE ACTIVITIES OF A DIVERSITY, EQUITY
8 AND INCLUSION OFFICE.

9 B. A COUNTY SHALL ADOPT POLICIES AND PROCEDURES FOR APPROPRIATELY
10 DISCIPLINING, INCLUDING BY TERMINATION, AN EMPLOYEE OR CONTRACTOR THAT
11 ENGAGES IN CONDUCT THAT VIOLATES SUBSECTION A OF THIS SECTION.

12 C. FOR THE PURPOSES OF THIS SECTION:

13 1. "DIVERSITY, EQUITY AND INCLUSION":

14 (a) MEANS INTERRELATED CONCEPTS THAT DO ANY OF THE FOLLOWING:

15 (i) DESCRIBE OR EXPOSE STRUCTURES, SYSTEMS OR RELATIONS OF POWER,
16 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
17 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

18 (ii) DESCRIBE METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
19 SYSTEMS OR RELATIONS.

20 (iii) JUSTIFY DIFFERENTIAL TREATMENT OF OR SPECIAL BENEFITS
21 CONFERRED TO INDIVIDUALS ON THE BASIS OF RACE, SEX, COLOR, GENDER,
22 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

23 (b) INCLUDES UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL APPROPRIATION,
24 ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS, MICROINVALIDATION, GROUP
25 MARGINALIZATION, ANTIRACISM, SYSTEMIC OPPRESSION, ETHNOCENTRISM, STRUCTURAL
26 RACISM, STRUCTURAL INEQUITY, SOCIAL JUSTICE, INTERSECTIONALITY,
27 NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY, DISPARATE IMPACT,
28 GENDER IDENTITY, GENDER THEORY, RACIAL OR SEXUAL PRIVILEGE OR RELATED
29 FORMULATIONS OF THESE CONCEPTS.

30 2. "DIVERSITY, EQUITY AND INCLUSION OFFICE" MEANS AN OFFICE,
31 DIVISION OR OTHER UNIT ESTABLISHED FOR ANY OF THE PURPOSES:

32 (a) INFLUENCING HIRING OR EMPLOYMENT PRACTICES IN THE COUNTY WITH
33 RESPECT TO RACE, SEX, COLOR OR ETHNICITY, OTHER THAN THROUGH THE USE OF
34 COLOR-BLIND AND SEX-NEUTRAL HIRING PROCESSES IN ACCORDANCE WITH ANY
35 APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

36 (b) PROMOTING DIFFERENTIAL TREATMENT OF OR PROVIDING SPECIAL
37 BENEFITS TO INDIVIDUALS ON THE BASIS OF RACE, COLOR OR ETHNICITY.

38 (c) PROMOTING POLICIES OR PROCEDURES DESIGNED OR IMPLEMENTED IN
39 REFERENCE TO RACE, COLOR OR ETHNICITY, OTHER THAN POLICIES OR PROCEDURES
40 APPROVED IN WRITING BY THE COUNTY'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF
41 ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL
42 LAW.

43 (d) CONDUCTING TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED OR
44 IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
45 SEXUAL ORIENTATION OR DIVERSITY, EQUITY AND INCLUSION, OTHER THAN
46 TRAININGS, PROGRAMS OR ACTIVITIES DEVELOPED BY AN ATTORNEY AND APPROVED IN
47 WRITING BY THE COUNTY'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF ENSURING
48 COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

1 Sec. 3. Title 15, chapter 12, article 3, Arizona Revised Statutes,
2 is amended by adding section 15-1454, to read:

3 15-1454. Community college district governing board:
4 diversity: equity: inclusion: prohibition:
5 applicability: definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A COMMUNITY COLLEGE DISTRICT
7 GOVERNING BOARD MAY NOT DO ANY OF THE FOLLOWING:

8 1. ESTABLISH OR MAINTAIN A DIVERSITY, EQUITY AND INCLUSION OFFICE.

9 2. HIRE OR ASSIGN AN EMPLOYEE OR CONTRACT WITH A THIRD PARTY TO
10 PERFORM THE DUTIES OF A DIVERSITY, EQUITY AND INCLUSION OFFICE.

11 3. COMPEL, REQUIRE, INDUCE OR SOLICIT ANY PERSON TO PROVIDE A
12 DIVERSITY, EQUITY AND INCLUSION STATEMENT OR GIVE PREFERENTIAL
13 CONSIDERATION TO ANY PERSON BASED ON THE PROVISION OF A DIVERSITY, EQUITY
14 AND INCLUSION STATEMENT.

15 4. GIVE PREFERENCE ON THE BASIS OF RACE, SEX, COLOR OR ETHNICITY TO
16 AN APPLICANT FOR EMPLOYMENT, AN EMPLOYEE OR A PARTICIPANT IN ANY FUNCTION
17 OF THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

18 5. AS A CONDITION OF ENROLLMENT OR PERFORMING ANY COMMUNITY COLLEGE
19 DISTRICT GOVERNING BOARD FUNCTIONS, REQUIRE ANY PERSON TO PARTICIPATE IN
20 DIVERSITY, EQUITY AND INCLUSION TRAINING, INCLUDING A TRAINING, PROGRAM OR
21 ACTIVITY DESIGNED OR IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY,
22 GENDER IDENTITY OR SEXUAL ORIENTATION. THIS PARAGRAPH DOES NOT INCLUDE A
23 TRAINING, PROGRAM OR ACTIVITY DEVELOPED BY AN ATTORNEY AND APPROVED IN
24 WRITING BY THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARD FOR THE SOLE
25 PURPOSE OF ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR
26 FEDERAL LAW.

27 6. REQUIRE ENROLLMENT IN, OR COMPLETION OF, AN ACADEMIC COURSE THAT
28 PROMOTES, IN THE CONTEXT OF CONTEMPORARY AMERICAN SOCIETY, THE TENETS OF
29 DIVERSITY, EQUITY AND INCLUSION OR THE ACTIVITIES OF A DIVERSITY, EQUITY
30 AND INCLUSION OFFICE.

31 B. A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD SHALL ADOPT POLICIES
32 AND PROCEDURES FOR APPROPRIATELY DISCIPLINING, INCLUDING BY TERMINATION, AN
33 EMPLOYEE OR CONTRACTOR THAT ENGAGES IN CONDUCT THAT VIOLATES SUBSECTION A
34 OF THIS SECTION.

35 C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY OF THE
36 FOLLOWING:

37 1. ACADEMIC COURSE INSTRUCTION.

38 2. SCHOLARLY RESEARCH OR A CREATIVE WORK BY A COMMUNITY COLLEGE'S
39 STUDENTS, FACULTY OR OTHER RESEARCH PERSONNEL OR THE DISSEMINATION OF THAT
40 RESEARCH OR WORK.

41 3. AN ACTIVITY OF A STUDENT ORGANIZATION REGISTERED WITH OR
42 RECOGNIZED BY A COMMUNITY COLLEGE.

43 4. GUEST SPEAKERS OR PERFORMERS ON SHORT-TERM ENGAGEMENTS.

44 5. A POLICY, PRACTICE, PROCEDURE, PROGRAM OR ACTIVITY TO ENHANCE
45 STUDENT ACADEMIC ACHIEVEMENT OR POSTGRADUATE OUTCOMES THAT IS DESIGNED AND
46 IMPLEMENTED WITHOUT REGARD TO RACE, SEX, COLOR OR ETHNICITY.

47 6. DATA COLLECTION.

48 7. STUDENT RECRUITMENT OR ADMISSIONS.

49 D. THIS SECTION:

1 1. DOES NOT LIMIT OR PROHIBIT A COMMUNITY COLLEGE DISTRICT GOVERNING
2 BOARD OR AN EMPLOYEE OF A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD FROM
3 APPLYING FOR A GRANT, COMPLYING WITH THE TERMS OF ACCREDITATION BY AN
4 ACCREDITING AGENCY OR SUBMITTING TO THE GRANTOR OR ACCREDITING AGENCY A
5 STATEMENT THAT DOES ANY OF THE FOLLOWING:

6 (a) HIGHLIGHTS THE COMMUNITY COLLEGE'S WORK IN SUPPORTING ANY OF THE
7 FOLLOWING:

8 (i) FIRST-GENERATION COLLEGE STUDENTS.

9 (ii) LOW-INCOME STUDENTS.

10 (iii) UNDERSERVED STUDENT POPULATIONS.

11 (b) CERTIFIES COMPLIANCE WITH STATE AND FEDERAL ANTIDISCRIMINATION
12 LAWS.

13 2. DOES NOT PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX, WHICH
14 ARE CONDUCIVE TO THE NORMAL OPERATION OF COMMUNITY COLLEGES.

15 3. DOES NOT PROHIBIT IDENTIFYING AND DISCUSSING HISTORICAL
16 MOVEMENTS, IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION,
17 INCLUDING SLAVERY, INDIAN REMOVAL, THE HOLOCAUST OR JAPANESE-AMERICAN
18 INTERNMENT.

19 E. A COMMUNITY COLLEGE MAY NOT SPEND MONIES APPROPRIATED TO THE
20 COMMUNITY COLLEGE IN ANY GIVEN FISCAL YEAR UNTIL THE COMMUNITY COLLEGE
21 SUBMITS TO THE LEGISLATURE A REPORT THAT CERTIFIES THE COMMUNITY COLLEGE'S
22 COMPLIANCE WITH THIS SECTION DURING THE PRECEDING FISCAL YEAR.

23 F. IN THE INTERIM BETWEEN EACH REGULAR SESSION OF THE LEGISLATURE,
24 THE COMMUNITY COLLEGE, OR ITS DESIGNEE, SHALL TESTIFY BEFORE THE SENATE
25 EDUCATION COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND THE HOUSE OF
26 REPRESENTATIVE'S EDUCATION COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AT A
27 PUBLIC HEARING OF EACH COMMITTEE REGARDING THE COMMUNITY COLLEGE'S
28 COMPLIANCE WITH THIS SECTION.

29 G. A STUDENT OR EMPLOYEE OF A COMMUNITY COLLEGE WHO IS REQUIRED TO
30 PARTICIPATE IN ANY TRAINING THAT VIOLATES THIS SECTION MAY BRING AN ACTION
31 AGAINST THE COMMUNITY COLLEGE FOR INJUNCTIVE OR DECLARATORY RELIEF.

32 H. FOR THE PURPOSES OF THIS SECTION:

33 1. "DIVERSITY, EQUITY AND INCLUSION":

34 (a) MEANS INTERRELATED CONCEPTS THAT DO ANY OF THE FOLLOWING:

35 (i) DESCRIBE OR EXPOSE STRUCTURES, SYSTEMS OR RELATIONS OF POWER,
36 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
37 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

38 (ii) DESCRIBE METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
39 SYSTEMS OR RELATIONS.

40 (iii) JUSTIFY DIFFERENTIAL TREATMENT OF OR SPECIAL BENEFITS
41 CONFERRED TO INDIVIDUALS ON THE BASIS OF RACE, SEX, COLOR, GENDER,
42 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

43 (b) INCLUDES UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL APPROPRIATION,
44 ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS, MICROINVALIDATION, GROUP
45 MARGINALIZATION, ANTIRACISM, SYSTEMIC OPPRESSION, ETHNOCENTRISM, STRUCTURAL
46 RACISM, STRUCTURAL INEQUITY, SOCIAL JUSTICE, INTERSECTIONALITY,
47 NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY, DISPARATE IMPACT,
48 GENDER IDENTITY, GENDER THEORY, RACIAL OR SEXUAL PRIVILEGE OR RELATED
49 FORMULATIONS OF THESE CONCEPTS.

1 2. "DIVERSITY, EQUITY AND INCLUSION OFFICE" MEANS AN OFFICE,
2 DIVISION OR OTHER UNIT OF A COMMUNITY COLLEGE ESTABLISHED FOR ANY OF THE
3 PURPOSES:

4 (a) INFLUENCING HIRING OR EMPLOYMENT PRACTICES AT THE COMMUNITY
5 COLLEGE WITH RESPECT TO RACE, SEX, COLOR OR ETHNICITY, OTHER THAN THROUGH
6 THE USE OF COLOR-BLIND AND SEX-NEUTRAL HIRING PROCESSES IN ACCORDANCE WITH
7 ANY APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

8 (b) PROMOTING DIFFERENTIAL TREATMENT OF OR PROVIDING SPECIAL
9 BENEFITS TO INDIVIDUALS ON THE BASIS OF RACE, COLOR OR ETHNICITY.

10 (c) PROMOTING POLICIES OR PROCEDURES DESIGNED OR IMPLEMENTED IN
11 REFERENCE TO RACE, COLOR OR ETHNICITY, OTHER THAN POLICIES OR PROCEDURES
12 APPROVED IN WRITING BY THE COMMUNITY COLLEGE'S GENERAL COUNSEL AND APPROVED
13 BY THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARD FOR THE SOLE PURPOSE OF
14 ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL
15 LAW.

16 (d) CONDUCTING TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED OR
17 IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
18 SEXUAL ORIENTATION OR DIVERSITY, EQUITY AND INCLUSION, OTHER THAN
19 TRAININGS, PROGRAMS OR ACTIVITIES DEVELOPED BY AN ATTORNEY AND APPROVED IN
20 WRITING BY THE COMMUNITY COLLEGE'S GENERAL COUNSEL AND APPROVED BY THE
21 COMMUNITY COLLEGE DISTRICT GOVERNING BOARD FOR THE SOLE PURPOSE OF ENSURING
22 COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

23 Sec. 4. Title 15, chapter 13, article 1, Arizona Revised Statutes,
24 is amended by adding section 15-1607, to read:

25 15-1607. Universities: diversity: equity: inclusion:
26 prohibition: applicability: definitions

27 A. NOTWITHSTANDING ANY OTHER LAW, A UNIVERSITY UNDER THE
28 JURISDICTION OF THE ARIZONA BOARD OF REGENTS MAY NOT DO ANY OF THE
29 FOLLOWING:

30 1. ESTABLISH OR MAINTAIN A DIVERSITY, EQUITY AND INCLUSION OFFICE.

31 2. HIRE OR ASSIGN AN EMPLOYEE OR CONTRACT WITH A THIRD PARTY TO
32 PERFORM THE DUTIES OF A DIVERSITY, EQUITY AND INCLUSION OFFICE.

33 3. COMPEL, REQUIRE, INDUCE OR SOLICIT ANY PERSON TO PROVIDE A
34 DIVERSITY, EQUITY AND INCLUSION STATEMENT OR GIVE PREFERENTIAL
35 CONSIDERATION TO ANY PERSON BASED ON THE PROVISION OF A DIVERSITY, EQUITY
36 AND INCLUSION STATEMENT.

37 4. GIVE PREFERENCE ON THE BASIS OF RACE, SEX, COLOR OR ETHNICITY TO
38 AN APPLICANT FOR EMPLOYMENT, AN EMPLOYEE OR A PARTICIPANT IN ANY FUNCTION
39 OF THE PUBLIC UNIVERSITY.

40 5. AS A CONDITION OF ENROLLING AT THE UNIVERSITY OR PERFORMING ANY
41 UNIVERSITY FUNCTION, REQUIRE ANY PERSON TO PARTICIPATE IN DIVERSITY, EQUITY
42 AND INCLUSION TRAINING, INCLUDING A TRAINING, PROGRAM OR ACTIVITY DESIGNED
43 OR IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
44 SEXUAL ORIENTATION. THIS PARAGRAPH DOES NOT INCLUDE A TRAINING, PROGRAM OR
45 ACTIVITY DEVELOPED BY AN ATTORNEY AND APPROVED IN WRITING BY THE
46 UNIVERSITY'S GENERAL COUNSEL AND THE ARIZONA BOARD OF REGENTS FOR THE SOLE
47 PURPOSE OF ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR
48 FEDERAL LAW.

1 6. REQUIRE ENROLLMENT IN OR COMPLETION OF, AN ACADEMIC COURSE THAT
2 PROMOTES, IN THE CONTEXT OF CONTEMPORARY AMERICAN SOCIETY, THE TENETS OF
3 DIVERSITY, EQUITY AND INCLUSION OR THE ACTIVITIES OF A DIVERSITY, EQUITY,
4 AND INCLUSION OFFICE.

5 B. A UNIVERSITY SHALL ADOPT POLICIES AND PROCEDURES FOR APPROPRIATELY
6 DISCIPLINING, INCLUDING BY TERMINATION, AN EMPLOYEE OR CONTRACTOR THAT
7 ENGAGES IN CONDUCT THAT VIOLATES SUBSECTION A OF THIS SECTION.

8 C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY OF THE
9 FOLLOWING:

10 1. ACADEMIC COURSE INSTRUCTION.

11 2. SCHOLARLY RESEARCH OR A CREATIVE WORK BY A UNIVERSITY'S STUDENTS,
12 FACULTY OR OTHER RESEARCH PERSONNEL OR THE DISSEMINATION OF THAT RESEARCH
13 OR WORK.

14 3. AN ACTIVITY OF A STUDENT ORGANIZATION REGISTERED WITH OR
15 RECOGNIZED BY A PUBLIC UNIVERSITY.

16 4. GUEST SPEAKERS OR PERFORMERS ON SHORT-TERM ENGAGEMENTS.

17 5. A POLICY, PRACTICE, PROCEDURE, PROGRAM OR ACTIVITY TO ENHANCE
18 STUDENT ACADEMIC ACHIEVEMENT OR POSTGRADUATE OUTCOMES THAT IS DESIGNED AND
19 IMPLEMENTED WITHOUT REGARD TO RACE, SEX, COLOR OR ETHNICITY.

20 6. DATA COLLECTION.

21 7. STUDENT RECRUITMENT OR ADMISSIONS.

22 D. THIS SECTION:

23 1. DOES NOT LIMIT OR PROHIBIT A PUBLIC UNIVERSITY OR AN EMPLOYEE OF
24 A PUBLIC UNIVERSITY FROM APPLYING FOR A GRANT, COMPLYING WITH THE TERMS OF
25 ACCREDITATION BY AN ACCREDITING AGENCY OR SUBMITTING TO THE GRANTOR OR
26 ACCREDITING AGENCY A STATEMENT THAT DOES ANY OF THE FOLLOWING:

27 (a) HIGHLIGHTS THE UNIVERSITY'S WORK IN SUPPORTING ANY OF THE
28 FOLLOWING:

29 (i) FIRST-GENERATION COLLEGE STUDENTS.

30 (ii) LOW-INCOME STUDENTS.

31 (iii) UNDERSERVED STUDENT POPULATIONS.

32 (b) CERTIFIES COMPLIANCE WITH STATE AND FEDERAL ANTIDISCRIMINATION
33 LAWS.

34 2. DOES NOT PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX, WHICH
35 ARE CONDUCIVE TO THE NORMAL OPERATION OF UNIVERSITIES.

36 3. DOES NOT PROHIBIT IDENTIFYING AND DISCUSSING HISTORICAL
37 MOVEMENTS, IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION,
38 INCLUDING SLAVERY, INDIAN REMOVAL, THE HOLOCAUST OR JAPANESE-AMERICAN
39 INTERNMENT.

40 E. A UNIVERSITY MAY NOT SPEND MONIES APPROPRIATED TO THE UNIVERSITY
41 IN ANY GIVEN FISCAL YEAR UNTIL THE UNIVERSITY SUBMITS TO THE LEGISLATURE A
42 REPORT THAT CERTIFIES THE UNIVERSITY'S COMPLIANCE WITH THIS SECTION DURING
43 THE PRECEDING FISCAL YEAR.

44 F. IN THE INTERIM BETWEEN EACH REGULAR SESSION OF THE LEGISLATURE,
45 THE UNIVERSITY, OR ITS DESIGNEE, SHALL TESTIFY BEFORE THE SENATE EDUCATION
46 COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND THE HOUSE OF REPRESENTATIVE'S
47 EDUCATION COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AT A PUBLIC HEARING OF
48 EACH COMMITTEE REGARDING THE UNIVERSITY'S COMPLIANCE WITH THIS SECTION.

1 G. A STUDENT OR EMPLOYEE OF A UNIVERSITY WHO IS REQUIRED TO
2 PARTICIPATE IN ANY TRAINING THAT VIOLATES THIS SECTION MAY BRING AN ACTION
3 AGAINST THE UNIVERSITY FOR INJUNCTIVE OR DECLARATORY RELIEF.

4 H. FOR THE PURPOSES OF THIS SECTION:

5 1. "DIVERSITY, EQUITY AND INCLUSION":

6 (a) MEANS INTERRELATED CONCEPTS THAT DO ANY OF THE FOLLOWING:

7 (i) DESCRIBE OR EXPOSE STRUCTURES, SYSTEMS OR RELATIONS OF POWER,
8 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
9 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

10 (ii) DESCRIBE METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
11 SYSTEMS OR RELATIONS.

12 (iii) JUSTIFY DIFFERENTIAL TREATMENT OF OR SPECIAL BENEFITS
13 CONFERRED TO INDIVIDUALS ON THE BASIS OF RACE, SEX, COLOR, GENDER,
14 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

15 (b) INCLUDES UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL APPROPRIATION,
16 ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS, MICROINVALIDATION, GROUP
17 MARGINALIZATION, ANTIRACISM, SYSTEMIC OPPRESSION, ETHNOCENTRISM, STRUCTURAL
18 RACISM, STRUCTURAL INEQUITY, SOCIAL JUSTICE, INTERSECTIONALITY,
19 NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY, DISPARATE IMPACT,
20 GENDER IDENTITY, GENDER THEORY, RACIAL OR SEXUAL PRIVILEGE OR RELATED
21 FORMULATIONS OF THESE CONCEPTS.

22 2. "DIVERSITY, EQUITY AND INCLUSION OFFICE" MEANS AN OFFICE,
23 DIVISION OR OTHER UNIT OF AN INSTITUTION OF HIGHER EDUCATION ESTABLISHED
24 FOR ANY OF THE PURPOSES:

25 (a) INFLUENCING HIRING OR EMPLOYMENT PRACTICES AT THE PUBLIC
26 UNIVERSITY WITH RESPECT TO RACE, SEX, COLOR OR ETHNICITY, OTHER THAN
27 THROUGH THE USE OF COLOR-BLIND AND SEX-NEUTRAL HIRING PROCESSES IN
28 ACCORDANCE WITH ANY APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

29 (b) PROMOTING DIFFERENTIAL TREATMENT OF OR PROVIDING SPECIAL
30 BENEFITS TO INDIVIDUALS ON THE BASIS OF RACE, COLOR OR ETHNICITY.

31 (c) PROMOTING POLICIES OR PROCEDURES DESIGNED OR IMPLEMENTED IN
32 REFERENCE TO RACE, COLOR OR ETHNICITY, OTHER THAN POLICIES OR PROCEDURES
33 APPROVED IN WRITING BY THE PUBLIC UNIVERSITY'S GENERAL COUNSEL AND APPROVED
34 BY THE ARIZONA BOARD OF REGENTS FOR THE SOLE PURPOSE OF ENSURING COMPLIANCE
35 WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

36 (d) CONDUCTING TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED OR
37 IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
38 SEXUAL ORIENTATION OR DIVERSITY, EQUITY AND INCLUSION, OTHER THAN
39 TRAININGS, PROGRAMS OR ACTIVITIES DEVELOPED BY AN ATTORNEY AND APPROVED IN
40 WRITING BY THE PUBLIC UNIVERSITY'S GENERAL COUNSEL AND APPROVED BY THE
41 ARIZONA BOARD OF REGENTS FOR THE SOLE PURPOSE OF ENSURING COMPLIANCE WITH
42 ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

43 Sec. 5. Title 41, chapter 4, article 1, Arizona Revised Statutes, is
44 amended by adding section 41-710.03, to read:

45 41-710.03. Diversity; equity; inclusion; prohibition;
46 definitions

47 A. THIS STATE OR ANY AGENCY OF THIS STATE MAY NOT DO ANY OF THE
48 FOLLOWING:

49 1. ESTABLISH OR MAINTAIN A DIVERSITY, EQUITY AND INCLUSION OFFICE.

1 2. HIRE OR ASSIGN AN EMPLOYEE OR CONTRACT WITH A THIRD PARTY TO
2 PERFORM THE DUTIES OF A DIVERSITY, EQUITY AND INCLUSION OFFICE.

3 3. COMPEL, REQUIRE, INDUCE OR SOLICIT ANY PERSON TO PROVIDE A
4 DIVERSITY, EQUITY AND INCLUSION STATEMENT OR GIVE PREFERENTIAL
5 CONSIDERATION TO ANY PERSON BASED ON A DIVERSITY, EQUITY AND INCLUSION
6 STATEMENT.

7 4. GIVE PREFERENCE ON THE BASIS OF RACE, SEX, COLOR OR ETHNICITY TO
8 AN APPLICANT FOR EMPLOYMENT, AN EMPLOYEE OR A PARTICIPANT IN ANY FUNCTION
9 OF THIS STATE OR ANY AGENCY OF THIS STATE.

10 5. AS A CONDITION OF EMPLOYMENT, REQUIRE THAT EMPLOYEES PARTICIPATE
11 IN DIVERSITY, EQUITY AND INCLUSION TRAINING, INCLUDING A TRAINING, PROGRAM
12 OR ACTIVITY DESIGNED OR IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY,
13 GENDER IDENTITY OR SEXUAL ORIENTATION. THIS PARAGRAPH DOES NOT INCLUDE A
14 TRAINING, PROGRAM OR ACTIVITY DEVELOPED BY AN ATTORNEY AND APPROVED IN
15 WRITING BY AN AGENCY'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF ENSURING
16 COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

17 6. REQUIRE ENROLLMENT IN, OR COMPLETION OF, AN ACADEMIC COURSE THAT
18 PROMOTES, IN THE CONTEXT OF CONTEMPORARY AMERICAN SOCIETY, THE TENETS OF
19 DIVERSITY, EQUITY AND INCLUSION OR THE ACTIVITIES OF A DIVERSITY, EQUITY
20 AND INCLUSION OFFICE.

21 THIS STATE OR ANY AGENCY OF THIS STATE SHALL ADOPT POLICIES AND
22 PROCEDURES FOR APPROPRIATELY DISCIPLINING, INCLUDING BY TERMINATION, AN
23 EMPLOYEE OR CONTRACTOR THAT ENGAGES IN CONDUCT THAT VIOLATES SUBSECTION A
24 OF THIS SECTION.

25 B. FOR THE PURPOSES OF THIS SECTION:

26 1. "DIVERSITY, EQUITY AND INCLUSION":

27 (a) MEANS INTERRELATED CONCEPTS THAT DO ANY OF THE FOLLOWING:

28 (i) DESCRIBE OR EXPOSE STRUCTURES, SYSTEMS OR RELATIONS OF POWER,
29 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
30 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

31 (ii) DESCRIBE METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
32 SYSTEMS OR RELATIONS.

33 (iii) JUSTIFY DIFFERENTIAL TREATMENT OF OR SPECIAL BENEFITS
34 CONFERRED TO INDIVIDUALS ON THE BASIS OF RACE, SEX, COLOR, GENDER,
35 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.

36 (b) INCLUDES UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL APPROPRIATION,
37 ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS, MICROINVALIDATION, GROUP
38 MARGINALIZATION, ANTIRACISM, SYSTEMIC OPPRESSION, ETHNOCENTRISM, STRUCTURAL
39 RACISM, STRUCTURAL INEQUITY, SOCIAL JUSTICE, INTERSECTIONALITY,
40 NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY, DISPARATE IMPACT,
41 GENDER IDENTITY, GENDER THEORY, RACIAL OR SEXUAL PRIVILEGE OR RELATED
42 FORMULATIONS OF THESE CONCEPTS.

43 2. "DIVERSITY, EQUITY AND INCLUSION OFFICE" MEANS AN OFFICE,
44 DIVISION OR OTHER UNIT ESTABLISHED FOR ANY OF THE PURPOSES:

45 (a) INFLUENCING HIRING OR EMPLOYMENT PRACTICES IN THIS STATE OR ANY
46 AGENCY OF THIS STATE WITH RESPECT TO RACE, SEX, COLOR OR ETHNICITY, OTHER
47 THAN THROUGH THE USE OF COLOR-BLIND AND SEX-NEUTRAL HIRING PROCESSES IN
48 ACCORDANCE WITH ANY APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

1 (b) PROMOTING DIFFERENTIAL TREATMENT OF OR PROVIDING SPECIAL
2 BENEFITS TO INDIVIDUALS ON THE BASIS OF RACE, COLOR OR ETHNICITY.

3 (c) PROMOTING POLICIES OR PROCEDURES DESIGNED OR IMPLEMENTED IN
4 REFERENCE TO RACE, COLOR OR ETHNICITY, OTHER THAN POLICIES OR PROCEDURES
5 APPROVED IN WRITING BY THE AN AGENCY'S GENERAL COUNSEL FOR THE SOLE PURPOSE
6 OF ENSURING COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL
7 LAW.

8 (d) CONDUCTING TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED OR
9 IMPLEMENTED IN REFERENCE TO RACE, COLOR, ETHNICITY, GENDER IDENTITY OR
10 SEXUAL ORIENTATION OR DIVERSITY, EQUITY AND INCLUSION, OTHER THAN
11 TRAININGS, PROGRAMS OR ACTIVITIES DEVELOPED BY AN ATTORNEY AND APPROVED IN
12 WRITING BY THE AGENCY'S GENERAL COUNSEL FOR THE SOLE PURPOSE OF ENSURING
13 COMPLIANCE WITH ANY APPLICABLE COURT ORDER OR STATE OR FEDERAL LAW.

14 Amend title to conform

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