

IN THE SENATE

SENATE BILL NO. 1242

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO POSTSECONDARY EDUCATION; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909B, IDAHO CODE, TO PROHIBIT THE REQUIREMENT OF STATEMENTS REGARDING DIVERSITY AS A CONDITION OF EMPLOYMENT IN POSTSECONDARY EDUCATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5909B, Idaho Code, and to read as follows:

67-5909B. PUBLIC POSTSECONDARY EDUCATION -- DIVERSITY STATEMENTS. (1) Hiring and admissions decisions at any public postsecondary educational institution in the state of Idaho shall be made on merit. Hiring and admissions decisions shall not be conditioned on a requirement that applicants submit or ascribe to a diversity statement. No public postsecondary educational institution in the state of Idaho shall require or solicit a diversity statement 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 the institution.

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

- (a) The applicant's or candidate's race, sex, color, ethnicity, gender identity, or sexual orientation;
- (b) The applicant's or candidate's views on, experience with, or contributions to diversity, equity, and inclusion; social justice; confessing one's race-based privilege; confessing one's sex-based privilege; partisan politics; or religion;
- (c) The applicant's or candidate's views on or experience with the race, sex, color, ethnicity, gender identity, or sexual orientation of students and coworkers; or
- (d) The applicant's or candidate's views regarding any theory 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.

(3) Nothing in this section shall be construed to:

- (a) Prevent an 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; or

- 1           (iii) To discuss pedagogical approaches or experience with stu-
- 2           dents with mental or physical disabilities; or
- 3       (b) Prevent an applicant or candidate from providing, of the appli-
- 4       cant's or candidate's own initiative, any information described in this
- 5       section.

6       SECTION 2. An emergency existing therefor, which emergency is hereby  
7       declared to exist, this act shall be in full force and effect on and after  
8       July 1, 2024.