

HOUSE BILL 2417

By Smith

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 9 and Title 49, relative to higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) An employee at a public institution of higher education shall not compel a teacher or student at that institution to discuss public policy issues of the day without the teacher's or student's consent.

(b) An employee at a public institution of higher education shall not compel a teacher or student at that institution to adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000c et seq. and 2000d et seq.), including, but not limited to, the following:

(1) That individuals of a race, ethnicity, color, or national origin are inherently superior or inferior;

(2) That individuals should be adversely or advantageously treated on the basis of their race, ethnicity, color, or national origin; or

(3) That individuals, by virtue of race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin.

(c) A course of instruction or unit of study at a public institution of higher education must not direct or otherwise compel a teacher or student at that institution to personally affirm, adopt, or adhere to a tenet identified in subdivisions (b)(1)–(3).

(d) An employee of a public institution of higher education, when acting in the course of the employee's official duties, shall not organize, participate in, or carry out an act or communication that would violate subsection (b).

(e) This section does not prohibit a teacher or student from discussing public policy issues of the day, or ideas that individuals may find unwelcome, disagreeable, or offensive.

(f)

(1) A public institution of higher education shall implement a process by which the institution notifies the department of finance and administration of a violation of this section by an employee of the institution and the method by which the institution intends to remedy the violation. Notwithstanding a law to the contrary, if the institution does not remedy a violation to the satisfaction of the department within six (6) months following the violation, then the department must prohibit additional state funding from being disbursed to the institution until the violation is remedied to the satisfaction of the department.

(2) This subsection (f) does not prohibit an institution from receiving scholarships, grants, tuition reimbursement, or other state financial aid received by the institution on behalf of an eligible student.

(3) The department shall immediately notify the chairs of the government operations committees of the house of representatives and the senate if an institution fails to remedy a violation to the satisfaction of the department within six (6) months following the violation.

(g) In addition to other remedies available in law, an individual may bring a private cause of action against another individual or institution engaged in a violation of this section.

SECTION 2. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.