

HOUSE BILL 2670

By Sexton C

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 7, 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, is amended by adding Sections 2 through 8 of this act as a new part.

SECTION 2. The general assembly finds that the divisive concepts described in Section 3 of this act exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, and other criteria in ways contrary to the unity of the United States of America and the well-being of this state and its citizens.

SECTION 3.

As used in this part:

(1) "Divisive concept" means a concept that:

(A) One (1) race or sex is inherently superior or inferior to another race or sex;

(B) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(C) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(D) An individual's moral character is determined by the individual's race or sex;

(E) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(F) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(G) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress another race or sex;

(H) This state or the United States is fundamentally or irredeemably racist or sexist;

(I) Promotes or advocates the violent overthrow of the United States government;

(J) Promotes division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

(K) Ascribes character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;

(L) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;

(M) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness;

(N) Governments should deny to any person within the government's jurisdiction the equal protection of the law;

(O) Includes race or sex stereotyping; or

(P) Includes race or sex scapegoating;

(2) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex, because of their race or sex, and includes any claim that, consciously or subconsciously, and by virtue of a person's race or sex, members of a race are inherently racist or inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;

(3) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex; and

(4) "Training" includes seminars, workshops, trainings, and orientations.

SECTION 4.

In furtherance of the general assembly's findings in Section 2, the following restrictions apply to public institutions of higher education in this state:

(1) A student or employee of a public institution of higher education shall not be penalized, discriminated against, or receive any adverse treatment due to the student's or employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to one (1) or more divisive concepts;

(2) A student or employee of a public institution of higher education shall not be required to endorse a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation, and institutions shall not ask the ideological or political viewpoint of a student, job applicant, job candidate, or candidate for promotion or tenure; and

(3) An individual who believes that a violation of this Section 4 has occurred, may pursue all equitable or legal remedies that may be available to the individual in a court of competent jurisdiction.

SECTION 5.

(a) A public institution of higher education shall not:

(1) Conduct any mandatory training of students or employees if the training includes one (1) or more divisive concepts;

(2) Use training programs or training materials for students or employees if the program or material includes one (1) or more divisive concepts; or

(3) Use state-appropriated funds to incentivize, beyond payment of regular salary or other regular compensation, a faculty member to incorporate one (1) or more divisive concepts into academic curricula.

(b) If a public institution of higher education employs employees whose primary duties include diversity, then the duties of such employees must include efforts to strengthen and increase intellectual diversity among the students and faculty of the public institution of higher education at which they are employed.

SECTION 6.

(a) Each public institution of higher education shall conduct a biennial survey of the institution's students and employees to assess the campus climate with regard to diversity of thought and the respondents' comfort level in speaking freely on campus, regardless of political affiliation or ideology. The institution shall publish the results of the biennial survey on the institution's website.

(b) This section is repealed on July 1, 2028.

SECTION 7.

This part shall not be interpreted to:

(1) Prohibit public institutions of higher education from training students or employees on the non-discrimination requirements of federal or state law;

(2) Infringe on the rights of freedom of speech protected by the First Amendment to the United States Constitution;

(3) Infringe on the rights of academic freedom of faculty in public institutions of higher education;

(4) Require an employee of a public institution of higher education to:

(A) Violate any federal or state law, rule, or regulation; or

(B) Fail to comply with any applicable academic accreditation requirement;

(5) Prohibit an individual who provides training from responding to questions regarding one (1) or more divisive concepts, so long as the response does not endorse or advocate for divisive concepts; or

(6) Prohibit public institutions of higher education from promoting diversity, equity, and inclusion; provided, that such efforts are consistent with the provisions of this part.

SECTION 8. If any provision of this part or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this part that can be given effect without the invalid provision or application, and to that end, the provisions of this part are severable.

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.