

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1303

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to higher education; defining terms;
8 directing institution of higher education governing
9 boards to ensure certain actions related to
10 diversity, equity, and inclusion do not occur;
11 providing discipline procedures for certain
12 violations; providing certain construction;
13 prohibiting an institution of higher education from
14 spending certain funds until submission of certain
15 report; requiring institution of higher education
16 governing boards to testify before certain committees
17 regarding certain compliance; directing the State
18 Auditor and Inspector to conduct certain audits;
19 requiring adoption of certain audit schedule;
20 providing for violations; providing cause of action
21 for certain violation; requiring the Oklahoma State
22 Regents for Higher Education in certain coordination
23 to conduct certain biennial study; requiring
24 submission of report; allowing letters of
25 recommendation for certain employees; providing for
26 codification; providing an effective date; and
27 declaring an emergency.

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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3251 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

24 A. For the purposes of this section:
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1 1. "Institution of higher education" means an institution of
2 higher education within The Oklahoma State System of Higher
3 Education; and

4 2. "Diversity, equity, and inclusion office" means an office,
5 division, or other unit of an institution of higher education
6 established for the purpose of:

- 7 a. influencing hiring or employment practices at the
8 institution with respect to race, sex, color, or
9 ethnicity, other than through the use of color-blind
10 and sex-neutral hiring processes in accordance with
11 any applicable state and federal antidiscrimination
12 laws,
- 13 b. promoting differential treatment of or providing
14 special benefits to individuals on the basis of race,
15 color, or ethnicity,
- 16 c. promoting policies or procedures designed or
17 implemented in reference to race, color, or ethnicity,
18 other than policies or procedures approved in writing
19 by the institution's general counsel and the Oklahoma
20 State Regents for Higher Education for the sole
21 purpose of ensuring compliance with any applicable
22 court order or state or federal law, or
- 23 d. conducting trainings, programs, or activities designed
24 or implemented in reference to race, color, ethnicity,

1 gender identity, or sexual orientation, other than
2 trainings, programs, or activities developed by an
3 attorney and approved in writing by the institution's
4 general counsel and the Oklahoma State Regents for
5 Higher Education for the sole purpose of ensuring
6 compliance with any applicable court order or state or
7 federal law.

8 B. The governing board of an institution of higher education
9 shall ensure that each unit of the institution:

10 1. Does not, except as required by federal law:

- 11 a. establish or maintain a diversity, equity, and
12 inclusion office,
- 13 b. hire or assign an employee of the institution or
14 contract with a third party to perform the duties of a
15 diversity, equity, and inclusion office,
- 16 c. compel, require, induce, or solicit any person to
17 provide a diversity, equity, and inclusion statement
18 or give preferential consideration to any person based
19 on the provision of a diversity, equity, and inclusion
20 statement,
- 21 d. give preference on the basis of race, sex, color,
22 ethnicity, or national origin to an applicant for
23 employment, an employee, or a participant in any
24 function of the institution, or

1 e. require as a condition of enrolling at the institution
2 or performing any institution function any person to
3 participate in diversity, equity, and inclusion
4 training, which:

5 (1) includes a training, program, or activity
6 designed or implemented in reference to race,
7 color, ethnicity, gender identity, or sexual
8 orientation, and

9 (2) does not include a training, program, or activity
10 developed by an attorney and approved in writing
11 by the institution's general counsel and the
12 Oklahoma State Regents for Higher Education for
13 the sole purpose of ensuring compliance with any
14 applicable court order or state or federal law;
15 and

16 2. Adopts policies and procedures for appropriately
17 disciplining, including by termination, an employee or contractor of
18 the institution who engages in conduct in violation of paragraph 1
19 of this subsection.

20 C. Nothing in this section may be construed to limit or
21 prohibit an institution of higher education or an employee of an
22 institution of higher education from, for purposes of applying for a
23 grant or complying with the terms of accreditation by an accrediting
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1 agency, submitting to the grantor or accrediting agency a statement
2 that:

3 1. Highlights the institution's work in supporting:

4 a. first-generation college students,

5 b. low-income students, or

6 c. underserved student populations; or

7 2. Certifies compliance with state and federal
8 antidiscrimination laws.

9 D. The provisions of paragraph 1 of subsection B may not be
10 construed to apply to:

11 1. Academic course instruction;

12 2. Scholarly research or a creative work by an institution of
13 higher education's students, faculty, or other research personnel or
14 the dissemination of the research or work;

15 3. An activity of a student organization registered with or
16 recognized by an institution of higher education;

17 4. Guest speakers or performers on short-term engagements;

18 5. A policy, practice, procedure, program, or activity to
19 enhance student academic achievement or postgraduate outcomes that
20 is designed and implemented without regard to race, sex, color, or
21 ethnicity;

22 6. Data collection; or

23 7. Student recruitment or admissions.
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1 E. An institution of higher education shall not spend funds
2 allocated to the institution from the Oklahoma State Regents for
3 Higher Education for a state fiscal year until the governing board
4 of the institution submits to the Legislature and the State Regents
5 a report certifying the board of regents' compliance with the
6 provisions of this section during the preceding state fiscal year.
7 The provisions of this subsection shall apply to funds allocated to
8 an institution of higher education for the state fiscal year
9 beginning July 1, 2025.

10 F. During the interim between each regular session of the
11 Legislature, the governing board of each institution of higher
12 education, or the board's designee, shall testify before the
13 committees of the Senate and the House of Representatives with
14 responsibility over higher education regarding the board's
15 compliance with the provisions of this section.

16 G. The State Auditor and Inspector shall periodically conduct a
17 compliance audit of each institution of higher education to
18 determine whether the institution has spent state funds in violation
19 of the provisions of this section. The State Auditor and Inspector
20 shall adopt a schedule by which compliance audits will be conducted.
21 The schedule shall ensure that each institution of higher education
22 is audited at least once every four (4) years.

23 H. If the State Auditor and Inspector determines pursuant to a
24 compliance audit conducted as required by subsection G of this

1 section that an institution of higher education has spent funds in
2 violation of the provisions of this section, the institution:

3 1. Shall cure the violation no later than the one-hundred-
4 eightieth day after the date on which the determination is made; and

5 2. If the institution fails to cure the violation as required
6 by paragraph 1 of this subsection, shall be ineligible to receive
7 increases in funding allocations from the Oklahoma State Regents for
8 Higher Education for the next fiscal year.

9 I. A student or employee of an institution of higher education
10 who is required to participate in training in violation of
11 subparagraph e of paragraph 1 of subsection B of this section may
12 bring an action against the institution for injunctive or
13 declaratory relief.

14 J. The Oklahoma State Regents for Higher Education, in
15 coordination with institutions of higher education, shall conduct a
16 biennial study to identify the impact of the implementation of this
17 section on the application rate, acceptance rate, matriculation
18 rate, retention rate, grade point average, and graduation rate of
19 students at institutions of higher education, disaggregated by race,
20 sex, and ethnicity. No later than December 1 of each even-numbered
21 year, the State Regents shall electronically submit to the President
22 Pro Tempore of the Senate and the Speaker of the House of
23 Representatives a report on the results of the study and any
24 recommendations for legislative or other action.

1 K. An institution of higher education may provide to each
2 employee in good standing at the institution whose position is
3 eliminated as a result of implementation of the provisions of this
4 section a letter of recommendation for employment for a position at
5 the institution or elsewhere.

6 SECTION 2. This act shall become effective July 1, 2024.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health, or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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