

South Carolina General Assembly
125th Session, 2023-2024

Bill 4289

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

AMENDED - NOT PRINTED BILL FOR THE HOUSE
Amt. No. 119 (LC-4289.WAB0127H)
March 28, 2024

H. 4289

Introduced by Reps. McGinnis, Erickson, Ballentine, Murphy, Brewer, Robbins, Gatch, Mitchell, Yow, Cromer, Beach, Pace, Taylor, Guffey, Magnuson, Burns, Kilmartin, Chapman, Gagnon, Forrest, Oremus and Hixon

S. Printed 03/28/24--H.
Read the first time April 06, 2023

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A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-680 SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING MAY NOT CONDITION OR PROMISE ADMISSIONS OR BENEFITS TO CERTAIN APPLICANTS FOR CERTAIN SUPPORT OR DISAGREEMENTS WITH CERTAIN STATEMENTS REGARDING DIVERSITY, EQUITY, INCLUSION, OR ASSOCIATED ISSUES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 2, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-680. (A) For the purposes of this section, "public institution of higher learning" means any state-supported, post-secondary educational institution and includes technical and comprehensive educational institutions.

(B) When determining admissions or employment decisions, a public institution of higher learning may not expend any funds appropriated or authorized to promise admission, benefits, or promote or engage in differential treatment to an applicant for admission, or hire or promote a faculty member or employee, on the applicant's or faculty member's or employee's commitment to or making a declaration of personal support for or disagreement with any political ideology or movement, including a promise or statement regarding diversity, equity, inclusion, or other

associated political issues. A public institution of higher learning may not ask for or demand any such political promise or declaration from an applicant, or a faculty member or employee.

(C) If a public institution of higher learning receives a promise or declaration describing a commitment to any political ideology or movement, including a political promise or declaration regarding diversity, equity, inclusion, or other associated political issues, it may not promote or engage in differential treatment, grant or deny admission or benefits to a student, or hire or promote a faculty member or employee, based on the opinions expressed in the promise or declaration.

(D) A public institution of higher learning shall not require a faculty member or employee of the institution to complete or participate in mandatory training or other educational program regarding diversity, equity, inclusion. A public institution of higher learning shall not take an adverse employment action against a faculty member or employee of the institution for the faculty member's or employee's failure or refusal to participate in such training or program.

(E) A public institution of higher learning shall not infringe on a student, faculty member, or employee's first amendment right to free speech. A public institution of higher learning shall not discriminate on the basis of viewpoint discrimination.

(F) A public institution of higher learning must report to the Commission on Higher Education by August first each year the total number of administrative positions and total operating costs, including a description of the programs that support diversity, equity, and inclusion. The report shall also contain the number and nature of the complaints made to the institution by a student, faculty member, or employee regarding a violation of this provision and the resolution, or status, of the complaint. The Commission on Higher Education must provide a report to the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Education Committee, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing this information, by institution.

(G) Nothing in this provision prohibits a public institution of higher learning from complying with federal law or applicable court order, or acting against a student, faculty member, or employee for violations of federal or state law or requiring a student, faculty member, or employee to comply with federal or state law, including antidiscrimination laws.

(H) Nothing in this provision may be construed to limit or prohibit an institution of higher learning or an employee or faculty member from applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that highlights the institution's work in supporting student populations or certifying compliance with state and federal antidiscrimination laws.

(I) Each public institution of higher learning shall provide each student, employee, and faculty member with an electronic copy of the language contained in this section.

(J) Every year before January fifteenth, a public institution of higher learning must prepare and publicly post on its website, as well as submit to the Commission on Higher Education, a report of the previous calendar year which details the course of action implemented to comply with the requirements of this section. The institution also must report any changes or updates to the course

of action. The report must include each instance where a public institution of higher learning prohibited a program believed to be in conflict with this section.

SECTION 2. This act takes effect upon approval by the Governor.

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