**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4290**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, A.M. Morgan, T.A. Morgan, Pace, May, Kilmartin, Landing, Bustos, Harris, Guffey, Lawson, Oremus, Chumley, Beach, White, Thayer, Chapman, Burns, Haddon, O'Neal, Ligon, Cromer, S. Jones, Trantham, McCabe and Willis

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Introduced in the House on April 6, 2023

Currently residing in the House

Summary: DEI in higher education

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/6/2023 House Introduced and read first time (House Journal‑page 8)

 4/6/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 8)

 5/16/2023 House Member(s) request name added as sponsor: Landing,
 Bustos, Harris, Guffey, Lawson, Oremus,
 Chumley, Beach, White, Thayer, Chapman,
 Burns, Haddon, O'Neal, Ligon, Cromer, S.
 Jones, Trantham, McCabe

 6/7/2023 House Member(s) request name added as sponsor: Vaughan,
 Willis

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**VERSIONS OF THIS BILL**

[04/06/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4290_20230406.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑101‑60 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE EACH PUBLIC INSTITUTION OF HIGHER LEARNING ANNUALLY SHALL REPORT THE TOTAL NUMBER OF ADMINISTRATIVE AND NONTEACHING POSITIONS THAT SUPPORT OR ARE ASSOCIATED WITH DIVERSITY, EQUITY, AND INCLUSION INITIATIVES AT THE INSTITUTION; TO PROHIBIT THESE INSTITUTIONS FROM GRANTING PREFERENCE TO APPLICANTS FOR ADMISSION, EMPLOYMENT, OR PROMOTION ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY, OR NATIONAL ORIGIN, SUBJECT TO AN EXCEPTION; TO PROHIBIT THESE INSTITUTIONS FROM MAKING DIVERSITY TRAINING MANDATORY; TO PROHIBIT THESE INSTITUTIONS FROM REQUIRING OR SOLICITING DIVERSITY STATEMENTS AS PART OF THEIR ADMISSIONS OR EMPLOYMENT APPLICATION PROCESSES, AMONG OTHER THINGS; AND TO CLARIFY THAT THESE PROVISIONS DO NOT PROHIBIT CERTAIN PROGRAMS REQUIRED TO COMPLY WITH SPECIFIC FEDERAL REQUIREMENTS.

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

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

 Section 59‑101‑60. (A) For purposes of this section:

 (1) “Diversity, equity, and inclusion” or “DEI” includes:

 (a) any effort by a public institution of higher learning, or sanctioned by a public institution of higher learning, to:

 (i) promote or promulgate policies and procedures at the institution designed and implemented with reference to race, color, or ethnicity;

 (ii) promote or promulgate trainings, programming, or activities at the institution designed and implemented with reference to race, color, ethnicity, gender identity, or sexual orientation; or

 (iii) promote as the official position of the institution, the administration of the institution, or any administrative unit of the institution, a particular, widely contested opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, anti‑racism, systemic oppression, social justice, intersectionality, neo‑pronouns, heteronormativity, disparate impact, gender theory, racial or sexual privilege, or any related formulation of these concepts; or

 (b) any division, office, center, or other unit of the institution or component of the institution that is responsible for creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to diversity, equity, and inclusion.

 (2) “Diversity, equity, and inclusion officer” or “DEI officer” means an individual who is a full or part-time employee of the institution or component of the institution, or an independent contractor of the institution, whose duties for the institution include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to diversity, equity, and inclusion.

 (3) “Diversity, equity, and inclusion training” or “DEI training” means training, seminar, discussion group, workshop, or other instructional program, whether provided in‑person, online, or by any other means, with a purpose of advising, counseling, demonstrating, explaining, instructing, or teaching participants about diversity, equity, and inclusion, including:

 (a) interrelated concepts purporting to:

 (i) describe or expose structures, systems, or relations of power, privilege, or subordination on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation;

 (ii) describe methods to identify, dismantle, or oppose such structures, systems, or relations; or

 (iii) justify differential treatment or special benefits conferred on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation; or

 (b) concepts of unconscious or implicit bias, cultural appropriation, allyship, transgenderism, microaggressions, micro‑invalidation, group marginalization, anti‑racism, systemic oppression, ethnocentrism, structural racism, structural inequity, social justice, intersectionality, neo‑pronouns, inclusive language, heteronormativity, disparate impact, gender identity, gender theory, racial or sexual privilege, or related formulations of these concepts.

 (4) “Diversity statement” means any written or oral statement discussing:

 (a) the race, sex, color, ethnicity, gender identity, or sexual orientation of the person making the statement;

 (b) the views of the person making the statement on, experience with, or contributions to:

 (i) diversity, equity, and inclusion;

 (ii) marginalized groups;

 (iii) anti‑racism;

 (iv) social justice;

 (v) intersectionality;

 (vi) confessing one’s race‑based privilege; or

 (vii) related concepts;

 (c) the views of the person making the statement on, experience with the race, sex, color, ethnicity, gender identity, or sexual orientation of students and co‑workers; or

 (d) the views of the person making the statement regarding any theory or practice 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.

 (B) Each public institution of higher learning annually before July first shall issue a report detailing the total number of administrative and nonteaching positions that support or are associated with diversity, equity, and inclusion initiatives at the institution. The report must include the total salaries and total operating costs associated with DEI at the institution for the preceding fiscal year. The institution shall provide these reports to each member of the House of Representatives and each member of the Senate.

 (C) A public institution of higher learning may grant preference to any applicant for admission or employment or promotion on the basis of race, sex, color, ethnicity, or national origin. Nothing in this subsection may be interpreted as prohibiting bona fide qualifications based on sex that are conducive to the normal operation of the institution.

 (D) A public institution of higher learning may not make diversity training mandatory, including a requirement:

 (1) of any kind imposed on a student, employee, or applicant for employment including, but not limited to, a requirement, the nonfulfillment of which may adversely affect the status, salary, or benefits of an employee or applicant for employment at the institution or component;

 (2) to participate in any administrative process or decision‑making body of the institution, such as a hiring committee; or

 (3) to participate in any otherwise available program sponsored by the institution or component.

 (E) A public institution of higher learning may not 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. Additionally, the institution may not grant preferential consideration to an applicant, teacher, employee, or student for opinions expressed or action taken pertaining to another individual or a group of individuals in which the institution’s consideration is based on race, sex, color, ethnicity, gender identity, or sexual orientation of those other individuals.

 (F) The provisions of this section do not prohibit any program or training scripted by licensed attorneys and required to comply with the institution’s obligations under Title IX of the Education Amendments of 1972, as amended, the Americans with Disabilities Act, as amended, the Age Discrimination in Employment Act, as amended, Title VI of the Civil Rights Act of 1964, applicable court order, or other applicable state and federal law, provided the institution makes the materials for the program publicly available on the institution’s website.

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

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