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Summary: Higher education accrediting agencies

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3476_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 103, TITLE 59 SO AS TO ENTITLE THE ARTICLE “ACCREDITING AGENCIES”; TO PROVIDE NECESSARY DEFINITIONS; AND TO PROVIDE ACCREDITING AGENCIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE MAY NOT TAKe ACTION ON ACCREDITATION BASED ON CERTAIN FACTORS CONCERNING DIVERSITY, EQUITY, AND INCLUSION ENGAGEMENT, DATA, OR REQUIRED STATEMENTS; AND TO PROVIDE MEANS OF REDRESS FOR VIOLATIONS.

 Whereas, the General Assembly finds that federal law requires accrediting agencies meet certain standards in order to be recognized as a reliable authority by the federal government, with one such standard being that the accrediting agency must require that colleges and universities meet certain standards for accreditation, such as assessing student achievement, faculty, and grading practices, and with none of the standards for colleges and universities including diversity, equity, and inclusion (DEI) initiatives; and

 Whereas, the General Assembly finds that, nevertheless, in the past several years, accrediting agencies have been incorporating DEI requirements into their evaluations of colleges and universities; and

 Whereas, the General Assembly finds that according to a 2023 report in The Chronicle of Higher Education, six out of the seven major regional institutional accreditors “have adopted DEI standards for their institutions”; and

 Whereas, the General Assembly finds that the primary accrediting agency that accredits law schools now has added a requirement that law schools “provide education to law students on bias, cross‑cultural competency, and racism” at least twice before graduation; and

 Whereas, the General Assembly finds that accrediting agencies have issued several “warnings” or “notices of concern” to colleges or universities questioning the schools’ level of commitment to DEI, or put colleges on probation over similar DEI concerns; and

 Whereas, the General Assembly finds at least one accrediting agency has added language to its standards of accreditation declaring that to be accredited, a college or university must “make explicit its commitment to diversity, equity, and inclusion” and “act with intention to advance diversity, equity, and inclusion in all of its activities”; and

 Whereas, the General Assembly finds a report observed, “Efforts to meet an accreditor’s concerns can be costly for colleges, especially for those that already enroll many traditionally underserved students”; and

 Whereas, the General Assembly finds that after accrediting agencies implemented DEI requirements, colleges and universities have instituted “racial bias” programs, such as when the University of Connecticut recently announced that all students would be required to take an “Anti‑Black Racism” course to graduate; and

 Whereas, the General Assembly finds that “racial bias” or “anti‑racism” efforts frequently advocate that people be treated differently based on the color of their skin, which conflicts with this state’s civil rights laws; and

 Whereas, the General Assembly finds that in addition, research suggests that racial bias programs are of limited academic value, are expensive and administratively bloated, may actually increase bias and stereotyping, and actually increase the percentage of minority students that feel unwelcome; and

 Whereas, the General Assembly finds that, however, in the view of accreditors pushing DEI, “racial bias” programs are positive “programs … that create a favorable environment for students from underrepresented groups”; and

 Whereas, the General Assembly finds that a requirement for a college to “advance diversity, equity, and inclusion in all of its activities” also is likely to restrict the free flow of ideas and academic debate, as schools are forced to ensure that “all” of their activities advance DEI to remain accredited; and

 Whereas, the General Assembly finds that after accrediting agencies implemented DEI requirements, colleges and universities also have altered how they make hiring decisions, such as when an internal investigative report concluded that a faculty hiring committee at the University of Washington reranked three finalist candidates for a position based on race rather than qualifications with one of the stated reasons for the change being to avoid being “accused of ‘not prioritizing DEI,’” and a faculty member had stated approvingly that the department was “prioritizing DEI, operationalized as focusing on increasing hiring of underrepresented minority candidates”; and

 Whereas, the General Assembly finds that accrediting agencies should not consider the existence of “racial bias” programs or other DEI policies, programs, or practices when making accreditation decisions. Now, therefore: Now, therefore,

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

SECTION 1. Chapter 103, Title 59 of the S.C. Code is amended by adding:

Article 3

Accrediting Agencies

 Section 59‑103‑310. As used in this article:

 (1) “Accreditation” means the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency’s standards and requirements.

 (2) “Accrediting agency” means a legal entity, or that part of a legal entity, that conducts accrediting activities and makes decisions concerning the accreditation or preaccreditation status of institutions, programs, or both. It includes national, regional, or programmatic accrediting agencies.

 (3) “Diversity, equity, and inclusion policy, program, or practice” means a policy, program, or practice established for the purpose of:

 (a) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color‑blind and sex‑neutral hiring processes in accordance with applicable state and federal antidiscrimination laws;

 (b) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity, including for the purposes of hiring, evaluating, or promoting administrators, employees, or teachers;

 (c) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution of higher education’s general counsel and the Commission on Higher Education for the sole purpose of ensuring compliance with an applicable court order or state or federal law; or

 (d) conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution of higher education’s general counsel and the Commission on Higher Education for the sole purpose of ensuring compliance with applicable court order or state or federal law.

 (4) “Diversity statement” means a document or oral communication describing views on matters related to race, ethnicity, color, or national origin that is not required by applicable state or federal law.

 (5) “Institution of higher education” means a college, university, or other institution providing postsecondary education, and includes a program or school operated by such college, university, or other institution.

 (6) “Located in whole or in part in this State” for an institution of higher education means the institution has a physical campus in this State, or the institution offers online classes and more than twenty‑five percent of its online students are residents of this State.

 Section 59‑103‑320. (A) When taking action on the accreditation or renewal of accreditation of an institution of higher education located in whole or in part in this State, an accrediting agency may not:

 (1) base its accrediting decision on a review or consideration of the diversity, equity, and inclusion policies, programs, or practices of that institution;

 (2) collect information related to the diversity, equity, and inclusion policies, programs, or practices of that institution; or

 (3) include a requirement related to diversity, equity, and inclusion including, but not limited to, requiring a diversity statement from an institution of higher education, or an employee or contractor.

 (B) Pursuant to subsection (A), an accrediting agency considering the accreditation or renewal of accreditation of an institution of higher education located in whole or in part this State must implement policies to ensure that a person with decision‑making or recommendation authority related to that accreditation or renewal of accreditation does not collect and is not presented with information regarding the diversity, equity, and inclusion policies, programs, or practices of that institution.

 Section 59‑103‑330. (A) Section 59‑103‑320 may be enforced through a civil action brought against the accrediting agency by a person who was or is a student of the institution of higher education, or was or is employed by or contracted with the institution of higher education.

 (B) Section 59‑103‑320 also may be enforced against the accrediting agency by the Attorney General on behalf of this State. A violation of Section 59‑103‑320 constitutes a violation of the South Carolina Human Affairs Law in Chapter 13, Title 1, and the Attorney General may investigate and seek remedies as provided in that law. A violation of Section 59‑103‑320 also constitutes an unfair act in violation of the South Carolina Unfair Trade Practices Act in Chapter 5, Title 39, and the Attorney General may investigate and seek remedies as provided in that law.

 (C) In addition to other remedies available at law or equity, an accrediting agency that violates Section 59‑103‑320 is obligated to pay the reasonable attorney’s fees and costs of the party bringing the lawsuit and to pay damages to the party bringing the lawsuit in an amount equal to three times all monies paid to the accrediting agency by the institution of higher education for the accrediting agency’s services, whether dues, fees, or otherwise.

 (D) In addition to other remedies available at law or equity, an accrediting agency that violates Section 59‑103‑320 is liable to pay civil penalties to the party bringing the lawsuit in an amount up to one thousand dollars per student that attended the institution of higher education at the time the accrediting agency violated Section 59‑103‑320.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

----XX----