

HCS HB 1196 -- POSTSECONDARY EDUCATION DISCRIMINATION

SPONSOR: Richey

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Accountability by a vote of 8 to 6. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 2.

The following is a summary of the House Committee Substitute for HB 1196.

This bill defines "discriminatory ideology" as including any ideology that promotes the differential treatment of any individual or group of individuals based on characteristics of race, color, religion, sex, gender, sexuality, ethnicity, national origin, or ancestry.

The bill prohibits any public institution of post secondary education from requiring any applicant, employee, student or contractor to endorse such discriminatory ideology. The bill also prevents institutions from requiring a "diversity, equity, and inclusion statement" as defined in the bill from such individuals.

Any individual that is determined to have been compelled to endorse a discriminatory ideology or submit a diversity, equity, and inclusion statement, or that is adversely affected by preferential considerations provided to any individual that endorses such ideology or submits such statement, may pursue an action for injunctive or declaratory relief against such institution, as provided in the bill.

This bill requires academic institutions to develop a policy for compliance with the provisions of Section 173.2176, RSMo. The policy shall include disciplinary measures for an employee who violates the policy. Beginning July 1, 2025, institutions shall annually submit a written report on compliance with Section 173.2176 to the Joint Committee on Higher Education.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that compulsory adherence to a politically divisive ideology about the nature of inequality has no place in the hiring practices of higher education institutions. Unless these subjects are directly related to an applicant's research or professional experience, they should not be a factor in

the hiring process or in awarding promotions or other employment benefits. Diversity, equity, and inclusion statements effectively eliminate diversity of thought on college campuses and advance a political agenda that is based in speculative assumptions about the nature of inequality which have not been empirically proven.

Testifying in person for the bill were Representative Richey; Jared Meyer, Cicero Action; Dr. Mary Byrne.

OPPONENTS: Those who oppose the bill say that DEI programs are effective and necessary tools for academic institutions to attract talent and serve an increasingly diverse student body. When hiring or promoting faculty, it is incumbent on these institutions to determine whether an applicant has the necessary skills to serve students of diverse backgrounds with diverse needs. To prohibit discussions related to DEI in the hiring process would send a message to prospective faculty and students that Missouri is uninterested in fostering a welcoming environment, resulting in a loss of talent and resources for the state.

Testifying in person against the bill were Teresa L Nichols; Gabrielle Murphy, Associated Students Of The University Of Missouri; Jay; Nicole Neville; Chris Roepe, University Health; Jay Devineni, Mizzou Medical Society; Maggie Edmondson, Pro Choice Missouri; Otto Fajen, Missouri Nea; Ron Berry, American Federation Of Teachers - Missouri; Vanessa Wellbery, Advocates Of Planned Parenthood Of The St. Louis Region & Southwest Missouri; Mandy Hagseth, Missouri Family Health Council; Sharon Geuea Jones, Mo State Conf. Naacp.

OTHERS: Others testifying on the bill say that their institutions do not require DEI statements when hiring faculty or staff. Instances in which this has happened were swiftly corrected and were a result of rogue, mid-level managers, not a concerted effort by the institution to promote a political ideology. Though the institutions do not support DEI statements, broad definitions could have unintended consequences prohibiting other necessary activities.

Testifying in person on the bill were Roger Best, University Of Central Missouri; Paul Wagner, Council On Public Higher Education; Ryan Deboef, Missouri State University.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.