

Removing DEI from Postsecondary Institutions; HB 2105

HB 2105 prohibits postsecondary institutions from taking certain actions concerning diversity, equity, or inclusion (DEI).

Definitions

The bill defines “postsecondary educational institution” to mean any public university, municipal university, community college, and technical college, including any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

Pledge or Statements

The bill prohibits postsecondary educational institutions from requiring an application for admission, hiring, or promoting a faculty member to make a statement of personal support or opposition to any political ideology or movement, including a statement regarding DEI.

The bill also prohibits postsecondary educational institutions from denying or accepting admission or educational aid to a student; hiring an applicant for employment; or hiring, reappointing, or promoting faculty on the basis of viewpoints expressed in a pledge or statement, including a pledge regarding DEI.

Exclusions

The bill:

- Does not prohibit any student or faculty member from complying with federal or state law pertaining to anti-discrimination law or from taking action against any student, faculty, or employee for violations of the law;
- Should not be construed to limit or restrict the academic freedom of faculty or to prevent faculty members from teaching, research, or writing publications about DEI or other topics; or
- Does not prohibit the institution from considering, in good faith, a faculty member’s scholarship, teaching, or subject matter expertise in the faculty member’s academic field.

Training Materials

The bill requires each postsecondary educational institution to share publicly on such institution’s website all training materials used for students and faculty on matters of non-discrimination, DEI, race, ethnicity, sex, or bias and such institution’s policies and guidance on such matters.

Investigation of Complaints

The bill requires the State Board of Regents (Board) to investigate a complaint on behalf of any person who believes their rights were violated. The Board is required to complete an investigation to determine whether a violation has occurred within 45 days of receipt of the complaint. If the Board determines the postsecondary educational institution is in violation, the institution must remedy the violation within 90 days, and if the institution should fail to remedy the violation within 90 days, the Board will be required to report the incident to the Attorney General, who may file action in district court against the institution.

The bill requires that if the Board determines the institution was not in violation of the bill, the person who believes their rights were violated may file a complaint with the Attorney General, who would be required to investigate the complaint within 45 days of receipt. If the Attorney General indicates there has been a violation, the institution would have 90 days to remedy the violation. If the institution fails to remedy the violation within 90 days, the Attorney General may file an action in district court against the institution.

Legal Proceedings; Penalties

The bill also requires that any action pertaining to the violation of the bill be filed in the district court of the postsecondary education institution's primary campus location. The bill allows the district court of any county to have jurisdiction to enforce any findings or violations. The district court will be allowed to take actions such as:

- Requiring the institution to comply;
- Imposing a civil penalty of \$10,000 per violation; and
- Requiring the institution to pay for expenditures incurred by the Attorney General for enforcing the violation.

The bill requires that any civil penalties assessed by the district court be remitted to the State Treasurer and the funds received be credited to the State Scholarship Program account.

Website Posting; Disciplinary Action

The bill requires that within 10 days after a determination has been made by the Board on whether a violation has occurred, the findings and outcomes of the Board be posted on its website.

If the postsecondary educational institution or any affiliated participants are found in violation of the bill, such institution may take disciplinary action against responsible parties.

Report to the Legislature

The bill requires, by January 12, 2026, and on the first day of each regular session thereafter, the Board submit a report to the Legislature on the:

- Number of complaints filed with the Board;
- Outcomes of the Board's investigations;
- Number of complaints filed with the Attorney General;
- Outcomes of the Attorney General's investigations;
- Number of cases filed in district court;
- Outcomes of cases filed;
- Number and dollar amounts of the civil penalties;
- Costs by the Attorney General, and
- Other information deemed important by the Board.