

**HOUSE BILL No. 2460**

By Committee on Appropriations

3-16

Proposed amendment #2  
Prepared by the Office of Revisor of Statutes

1 AN ACT concerning postsecondary educational institutions; prohibiting  
2 such institutions from certain actions concerning diversity, equity,  
3 inclusion or patriotism, exceptions; providing for civil remedies and  
4 penalties.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) No postsecondary educational institution shall  
8 condition admission or educational aid to an applicant for admission, ~~or~~  
9 hiring, reappointing or promoting a faculty member, on the applicant's or  
10 faculty member's pledging allegiance to or making a statement of personal  
11 support for or opposition to any political ideology or movement, including  
12 a pledge or statement regarding diversity, equity, inclusion, patriotism or  
13 related topics, or to request or require any such pledge or statement from  
14 an applicant or faculty member.

15 (b) If a postsecondary educational institution receives a pledge or  
16 statement describing a commitment to any particular political ideology or  
17 movement, including a pledge or statement regarding diversity, equity,  
18 inclusion, patriotism or related topics, such institution may not grant or  
19 deny admission or educational aid to a student, ~~or hire, reappoint or~~  
20 promote a faculty member, on the basis of the viewpoints expressed in the  
21 pledge or statement.

22 (c) Nothing in this section shall:

23 (1) Prohibit such institution from requiring a student, faculty member  
24 or employee to comply with federal or state law, including anti-  
25 discrimination laws, or from taking action against a student, faculty  
26 member or employee for violations of federal or state law;

27 (2) be construed to limit or restrict the academic freedom of faculty or  
28 to prevent faculty members from teaching, researching or writing  
29 publications about diversity, equity, inclusion, patriotism or other topics; or

30 (3) prohibit such institution from considering, in good faith, a faculty  
31 member's scholarship, teaching or subject-matter expertise in such faculty  
32 member's academic field.

33 (d) Each institution shall post and make publicly available on such  
34 institution's website all training materials used for students, faculty and  
35 staff on all matters of nondiscrimination, diversity, equity, inclusion, race,  
36 ethnicity, sex or bias and all of such institution's policies and guidance on

hiring an applicant for employment

hire an applicant for employment

1 such matters.

2 (e) Any person whose rights were violated through a violation of this  
3 section may bring an action against a postsecondary educational  
4 institution, and such institution's agent acting within such agent's official  
5 capacity, in a state or federal court of competent jurisdiction to receive  
6 declaratory relief or enjoin a violation of this section.

7 (f) If a court finds a violation of this section, the court shall provide a  
8 prevailing plaintiff appropriate equitable remedies and award damages,  
9 reasonable court costs and attorney fees.

10 (g) The attorney general may file suit to enjoin a policy or practice  
11 prohibited by this section.

12 (h) If a postsecondary educational institution, or any of such  
13 institution's agent acting within such agent's official capacity, are found by  
14 a court or the institution to have violated this section, the institution may  
15 take disciplinary action against the responsible agents in accordance with  
16 the institution's policies and procedures.

17 (i) In addition to any relief under this section, the state treasurer shall  
18 impose an administrative penalty of \$100,000 against a postsecondary  
19 educational institution for each violation of this section. Any action taken  
20 under this section that imposes any administrative penalty shall be taken  
21 only after notice and an opportunity for a hearing conducted in accordance  
22 with the provisions of the Kansas administrative procedure act. The state  
23 treasurer shall certify to the director of accounts and reports any penalty  
24 assessed pursuant to this subsection. Upon receipt of each such  
25 certification, the director of accounts and reports shall transfer from the  
26 state general fund account or special revenue fund of the violating  
27 postsecondary educational institution to the state general fund account or  
28 special revenue fund of a postsecondary educational institution that is not  
29 currently in violation of this section and has not violated this section  
30 during the preceding two fiscal years as determined by the state treasurer,  
31 in consultation with the director of the budget.

32 (j) As used in this section, "postsecondary educational institution"  
33 means any public university, municipal university, community college and  
34 technical college and includes any entity resulting from the consolidation  
35 or affiliation of any two or more of such postsecondary educational  
36 institutions.

37 (k) If any provision of this act or application thereof to any person or  
38 circumstance is held invalid, such invalidity shall not affect other  
39 provisions or applications of this act that can be given effect without the  
40 invalid provision or application, and to this end, the provisions of this act  
41 are declared to be severable.

42 Sec. 2. This act shall take effect and be in force from and after its  
43 publication in the statute book.