

# STATE OF KANSAS



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**GOVERNOR LAURA KELLY**

## MESSAGE FROM THE GOVERNOR

### REGARDING HOUSE BILL 2105

While I have concerns about this legislation, I don't believe that the conduct targeted in this legislation occurs in our universities. We need to move forward and focus our efforts on making college more affordable and providing students from all backgrounds with the tools they need to succeed. I am focused on advancing policies that drive economic growth and develop tomorrow's workforce. For that reason, I will allow the bill to become law without my signature.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED:

April 19, 2024

HOUSE BILL No. 2105

AN ACT concerning postsecondary educational institutions; prohibiting such institutions from certain actions concerning diversity, equity or inclusion, exceptions; providing for civil remedies and penalties; submitting a report to the legislature; posting information on the state board of regents website.

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

Section 1. (a) No postsecondary educational institution shall condition admission or educational aid to an applicant for admission, hiring an applicant for employment or hiring, reappointing or promoting a faculty member, on the applicant's or faculty member's pledging allegiance to or making a statement of personal support for or opposition to any political ideology or movement, including a pledge or statement regarding diversity, equity or inclusion, or to request or require any such pledge or statement from an applicant or faculty member.

(b) If a postsecondary educational institution receives a pledge or statement describing a commitment to any particular political ideology or movement, including a pledge or statement regarding diversity, equity or inclusion, such institution may not grant or deny admission or educational aid to a student, hire an applicant for employment or hire, reappoint or promote a faculty member, on the basis of the viewpoints expressed in the pledge or statement.

(c) Nothing in this section shall:

(1) Prohibit such institution from requiring a student, faculty member or employee to comply with federal or state law, including antidiscrimination laws, or from taking action against a student, faculty member or employee for violations of federal or state law;

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

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

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

(e) Any person who believes their rights were violated through a violation of this section may file a complaint with the state board of regents. The board shall investigate the complaint to determine whether a violation of this section has occurred. Such investigation shall be complete within 45 days after the date of the receipt of the complaint. If the board determines, after investigation, that a postsecondary educational institution has violated this section, the institution shall remedy the violation within 90 days after the date of such determination. If the institution fails to remedy the violation within 90 days, the board shall report the matter to the attorney general, who may file an action in district court against the institution for declaratory relief or enjoin the violation.

(f) If the board determines, after investigation, that the institution has not violated this section, the person who believes their rights were violated may file a complaint with the attorney general, who shall investigate the complaint to determine whether a violation of this section has occurred. Such investigation shall be complete within 45 days after the date of the receipt of the complaint. If the attorney general determines, after an investigation, that a postsecondary educational institution has violated this section, the institution shall remedy the violation within 90 days after the date of such determination. If the institution fails to remedy the violation within 90 days, the attorney general may file an action in district court against the institution for declaratory relief or to enjoin the violation.

(g) An action under this section shall be filed in the district court of the county where the postsecondary educational institution's primary campus is located. The district court of any county shall have

jurisdiction to enforce any order or finding of violation. If the district court finds that a postsecondary educational institution has violated this section, the district court shall enter an order:

(1) Requiring the institution to comply with this section;

(2) imposing a civil penalty in an amount of not more than \$10,000 for each violation; and

(3) requiring the institution to pay the attorney general's expenses and costs incurred in enforcing the violation, if the court finds that the institution's violation was not made in good faith and was made without a reasonable basis in fact or law.

(h) Notwithstanding the provisions of K.S.A. 20-350, and amendments thereto, any civil penalty assessed by the district court shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state board of regents state scholarship program account of the state general fund.

(i) On or before January 12, 2026, and the first day of each regular session of the legislature thereafter, the state board of regents shall submit a report to the legislature on the following matters that occurred in the previous fiscal year: Number of complaints filed with the state board of regents; 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; outcome of the cases filed; number and dollar amounts of civil penalties; enforcement expenses and costs of the attorney general; and any other information concerning violations of this section deemed pertinent by the board.

(j) Within 10 days after a determination by the board on whether a violation of this section has occurred, the board shall post on the board's website the findings and outcomes of the investigation and determination on each complaint filed. Such post shall not contain any personal identifiable information concerning the complainant.

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

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

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

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

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*