HOUSE BILL No. 1496

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-7-13; IC 21-39.5-6-1.5; IC 21-41-16.

Synopsis: State educational institution administration. Prohibits use of public funds by a state educational institution for policies or programs and campus activities outside the classroom that: (1) advocate for campus diversity, equity, and inclusion; or (2) promote or engage in political or social activism. Makes related changes.

Effective: July 1, 2025.

Bascom, Teshka, Zimmerman, Davis

January 21, 2025, read first time and referred to Committee on Education.

Introduced

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1496

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 21-7-13-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 9.5. For purposes of IC 21-41-16, "campus diversity, equity, and inclusion" has the meaning set forth in IC 21-41-16-1.**

SECTION 2. IC 21-7-13-18.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 18.4. For purposes of IC 21-41-16, "federal funds" has the meaning set forth in IC 21-41-16-2.**

SECTION 3. IC 21-7-13-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 25.5. For purposes of IC 21-41-16, "political or social activism" has the meaning set forth in IC 21-41-16-3.**

SECTION 4. IC 21-7-13-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 27.5. For purposes of**

IC 21-14-16, "programs or campus activities" has the meaning set forth in IC 21-41-16-4.

SECTION 5. IC 21-7-13-31.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 31.4. For purposes of IC 21-41-16, "social issues" has the meaning set forth in IC 21-41-16-5.**

SECTION 6. IC 21-7-13-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 32.5. For purposes of IC 21-41-16, "state funds" has the meaning set forth in IC 21-41-16-6.**

SECTION 7. IC 21-7-13-34.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 34.5. For purposes of IC 21-41-16, "student-led organization" has the meaning set forth in IC 21-41-16-7.**

SECTION 8. IC 21-39.5-6-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 1.5. This article is subject to IC 21-41-16.**

SECTION 9. IC 21-41-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 16. Prohibition on Funding

Sec. 1. As used in this chapter, "campus diversity, equity, and inclusion" means any:

(1) policy; or

(2) program or campus activity;

that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of the classification.

Sec. 2. (a) As used in this chapter, "federal funds" means those funds provided to the state educational institution directly or indirectly by an appropriation by the Congress of the United States. The term includes financial aid provided to the state educational institution by or on behalf of a student attending the state educational institution if the financial aid is provided to the student via a governmental aid or grant program.

(b) The term does not include student fees to support student-led organizations notwithstanding any speech or expressive activity by

such organizations that would otherwise violate this chapter if the student fees must be allocated to student-led organizations pursuant to written policies adopted by the board of trustees of the state educational institution.

Sec. 3. (a) As used in this chapter, "political or social activism" means any activity:

(1) organized with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a desired result related to social issues; and

(2) with which the state educational institution endorses or promotes a position in communications, advertisements, programs, or campus activities.

(b) The term does not include:

(1) authorized government relations and lobbying activities of the state educational institution concerning matters that directly affect the operations of the state educational institution or direct-support organizations of the state educational institution; or

(2) endorsement or promotion of a position that encourages compliance with state or federal law or a rule of the commission for higher education.

Sec. 4. As used in this chapter, "programs or campus activities" means any activities authorized or administered by a state educational institution that involve:

(1) student participation, other than classroom instruction; or

(2) hiring, recruiting, training, evaluating, promoting, disciplining, or terminating institution employees or contractors.

Sec. 5. As used in this chapter, "social issues" refers to topics that polarize or divide society among political, ideological, moral, or religious beliefs.

Sec. 6. (a) As used in this chapter, "state funds" are those funds provided to a state educational institution by an appropriation enacted by the general assembly. The term includes financial aid provided to the state educational institution by or on behalf of a student attending the state educational institution if the financial aid is provided to the student via a state government aid or grant program.

(b) The term does not include student fees to support student-led organizations notwithstanding any speech or expressive activity by the organizations that would otherwise violate this chapter if the

student fees must be allocated to student-led organizations pursuant to written policies adopted by the board of trustees of the state educational institution.

Sec. 7. As used in this chapter, "student-led organization" means an organization recognized by the state educational institution as an active and registered student organization that is comprised of student members with a faculty or staff advisor, including an organization that receives activity and service fees authorized by the board of trustees of the state educational institution.

Sec. 8. A state educational institution may not expend state funds or federal funds to promote, support, or maintain programs or campus activities that:

(1) advocate for campus diversity, equity, and inclusion; or

(2) promote or engage in political or social activism.

Sec. 9. A state educational institution advocates for campus diversity, equity, and inclusion when it implements a policy or engages in a program or campus activity that:

(1) advantages or disadvantages, or attempts to advantage or disadvantage, an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation, or representation as compared to other individuals or groups; or

(2) promotes the position that a group's or an individual's action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.

Sec. 10. Student-led organizations may use state educational institution facilities, notwithstanding any speech or expressive activity by the organizations that would otherwise violate section 8 of this chapter, if the use must be granted to student-led organizations pursuant to written policies of the state educational institution adopted by the board of trustees.

Sec. 11. Section 8 of this chapter does not prohibit programs or campus activities or functions required for:

(1) compliance with general or federal laws or regulations;

(2) obtaining or retaining institutional or discipline specific accreditation with the approval of the commission for higher education; or

(3) access to programs for military veterans, Pell Grant recipients, or other scholarships provided by the federal or state government.

Sec. 12. Section 8 of this chapter does not prohibit expenditure of state funds or federal funds if:

(1) except as prohibited under IC 21-16-2-4(4), IC 21-20-6, and IC 21-41-4-5, the expenditure is for ministerial or administrative activities of a program or campus activity that is not unique to that program or campus activity; and

(2) the specific program or campus activity is otherwise supported by private funds.

Sec. 13. A state educational institution must designate a state educational institution official or officials who are responsible for compliance, oversight, and adherence to the prohibited expenditure provisions of this chapter.