STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 845 By: Standridge

AS INTRODUCED

An Act relating to higher education; defining terms; directing institution of higher education governing boards to ensure certain actions related to diversity, equity, and inclusion do not occur; providing discipline procedures for certain violations; providing certain construction; prohibiting an institution of higher education from spending certain funds until submission of certain report; requiring institution of higher education governing boards to testify before certain committees regarding certain compliance; directing the State Auditor and Inspector to conduct certain audits; requiring adoption of certain audit schedule; providing for violations; providing cause of action for certain violation; requiring the Oklahoma State Regents for Higher Education in certain coordination to conduct certain biennial study; requiring submission of report; allowing letters of recommendation for certain employees; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3251 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Institution of higher education" means an institution of higher education within The Oklahoma State System of Higher Education; and

2. "Diversity, equity, and inclusion office" means an office, division, or other unit of an institution of higher education established for the purpose of:

a. influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws,

b. promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity,

c. promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution's general counsel and the Oklahoma State Regents for Higher Education for the sole purpose of ensuring compliance with any applicable court order or state or federal law, or

d. conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity,

gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution's general counsel and the Oklahoma State Regents for Higher Education for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

B. The governing board of an institution of higher education shall ensure that each unit of the institution:

1. Does not, except as required by federal law:

a. establish or maintain a diversity, equity, and inclusion office,

b. hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office,

c. compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement,

d. give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution, or

e. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:

(1) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, and

(2) does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Oklahoma State Regents for Higher Education for the sole purpose of ensuring compliance with any applicable court order or state or federal law; and

2. Adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of paragraph 1 of this subsection.

C. Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting

agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting:

a. first-generation college students,

b. low-income students, or

c. underserved student populations; or

2. Certifies compliance with state and federal antidiscrimination laws.

D. The provisions of paragraph 1 of subsection B of this section may not be construed to apply to:

1. Academic course instruction;

2. Scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of the research or work;

3. An activity of a student organization registered with or recognized by an institution of higher education;

4. Guest speakers or performers on short-term engagements;

5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;

6. Data collection; or

7. Student recruitment or admissions.

E. An institution of higher education shall not spend funds allocated to the institution from the Oklahoma State Regents for Higher Education for a state fiscal year until the governing board of the institution submits to the Legislature and the State Regents a report certifying the board of regents' compliance with the provisions of this section during the preceding state fiscal year. The provisions of this subsection shall apply to funds allocated to an institution of higher education for the state fiscal year beginning July 1, 2026.

F. During the interim between each regular session of the Legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the committees of the Senate and the House of Representatives with responsibility over higher education regarding the board's compliance with the provisions of this section.

G. The State Auditor and Inspector shall periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state funds in violation of the provisions of this section. The State Auditor and Inspector shall adopt a schedule by which compliance audits will be conducted. The schedule shall ensure that each institution of higher education is audited at least once every four (4) years.

H. If the State Auditor and Inspector determines pursuant to a compliance audit conducted as required by subsection G of this

section that an institution of higher education has spent funds in violation of the provisions of this section, the institution:

1. Shall cure the violation no later than the one-hundred-eightieth day after the date on which the determination is made; and

2. If the institution fails to cure the violation as required by paragraph 1 of this subsection, shall be ineligible to receive increases in funding allocations from the Oklahoma State Regents for Higher Education for the next fiscal year.

I. A student or employee of an institution of higher education who is required to participate in training in violation of subparagraph e of paragraph 1 of subsection B of this section may bring an action against the institution for injunctive or declaratory relief.

J. The Oklahoma State Regents for Higher Education, in coordination with institutions of higher education, shall conduct a biennial study to identify the impact of the implementation of this section on the application rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of students at institutions of higher education, disaggregated by race, sex, and ethnicity. No later than December 1 of each even-numbered year, the State Regents shall electronically submit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study and any recommendations for legislative or other action.

K. An institution of higher education may provide to each employee in good standing at the institution whose position is eliminated as a result of implementation of the provisions of this section a letter of recommendation for employment for a position at the institution or elsewhere.

SECTION 2. This act shall become effective July 1, 2025.

SECTION 3. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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