

SB129 INTRODUCED



1 SB129

2 BXGNQJQ-1

3 By Senators Barfoot, Roberts, Elliott, Waggoner, Gudger,

4 Shelnut, Williams, Price, Chesteen, Orr, Jones, Butler,

5 Allen, Givhan, Weaver, Livingston, Melson, Sessions,

6 Albritton, Bell, Kelley, Carnley, Chambliss, Kitchens, Stutts

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8 RFD: County and Municipal Government

9 First Read: 20-Feb-24



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SYNOPSIS:

This bill would prohibit certain public entities, including state agencies, local boards of education, and public institutions of higher education, from maintaining a diversity, equity, and inclusion office or department or sponsoring any diversity, equity, and inclusion program or program that advocates for a divisive concept.

This bill would prohibit certain public entities from promoting, endorsing, or requiring affirmation of or certain divisive concepts relating to race, sex, or religion.

This bill would prohibit certain public entities from conditioning enrollment or attendance in certain classes or trainings on the basis of race or color.

This bill would authorize certain public entities to discipline or terminate employees or contractors who violate this act.

This bill would provide that certain circumstances relating to accreditation, academic instruction, student groups, and other scenarios are not prohibited.

This bill would also require each public institution of higher education to ensure that multiple



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29 occupancy restrooms are designated for use based on
30 biological sex.

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to diversity, equity, and inclusion; to

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prohibit certain public entities from maintaining diversity,

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equity, and inclusion offices and from sponsoring diversity,

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equity, and inclusion programs; to provide prohibitions on the

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promotion, endorsement, and affirmation of certain divisive

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concepts in certain public settings; with exceptions to

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provide that certain circumstances are not prohibited; to

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require public institutions of higher education to designate

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restrooms on the basis of biological sex; and to authorize

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certain penalties for violation.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. For the purposes of this act, the following

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terms have the following meanings:

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(1) CONTRACTOR. Any individual or entity that has

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entered into a public contract pursuant to Title 39 or Title

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41, Code of Alabama 1975.

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(2) DIVISIVE CONCEPTS. Any of the following concepts:

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a. That any race, color, religion, sex, ethnicity, or

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national origin is inherently superior or inferior.

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b. That individuals should be discriminated against or



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57 adversely treated because of their race, color, religion,
58 ethnicity, or national origin.

59 c. That the moral character of an individual is
60 determined by his or her race, color, religion, sex,
61 ethnicity, or national origin.

62 d. That, by virtue of an individual's race, color,
63 religion, sex, ethnicity, or national origin, the individual
64 is inherently racist, sexist, or oppressive, whether
65 consciously or subconsciously.

66 e. That individuals, by virtue of race, color,
67 religion, sex, ethnicity, or national origin, are inherently
68 responsible for actions committed in the past by other members
69 of the same race, color, religion, sex, ethnicity, or national
70 origin.

71 f. That fault, blame, or bias should be assigned to
72 members of a race, color, religion, sex, ethnicity, or
73 national origin, on the basis of race, color, religion, sex,
74 ethnicity, or national origin.

75 g. That any individual should accept, acknowledge,
76 affirm, or assent to a sense of guilt, complicity, or a need
77 to apologize on the basis of his or her race, color, religion,
78 sex, ethnicity, or national origin.

79 h. That meritocracy or traits such as a hard work ethic
80 are racist or sexist.

81 i. That slavery and racism are aligned with the
82 founding principles of the United States.

83 (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any
84 program, class, training, seminar, or other event where



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85 participation is based on an individual's race, sex, gender
86 identity, ethnicity, national origin, or sexual orientation,
87 or that otherwise violates this act.

88 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined
89 under Section 16-5-1, Code of Alabama 1975, which includes all
90 universities governed by constitutionally created boards of
91 trustees.

92 (5) STUDENT. Any individual enrolled in a public K-12
93 school or public institution of higher education.

94 Section 2. A state agency, local board of education, or
95 public institution of higher education may not do any of the
96 following:

97 (1) Sponsor any diversity, equity, and inclusion
98 program or maintain any office, physical location, or
99 department that promotes diversity, equity, and inclusion
100 programs.

101 (2) Direct or compel a student, employee, or contractor
102 to personally affirm, adopt, or adhere to a divisive concept.

103 (3) Require its students, employees, or contractors to
104 attend or participate in any diversity, equity, and inclusion
105 program or any training, orientation, or course work that
106 advocates for or requires assent to a divisive concept.

107 (4) Require a student, employee, or contractor to share
108 his or her personal point of view on any divisive concept
109 outside of an academic setting, as provided in Section 4(3)b.

110 (5) Require its students, employees, or contractors to
111 participate, as part of any required curriculum or mandatory
112 professional training, in an activity that involves lobbying



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113 at the state or local level for legislation related to a
114 divisive concept.

115 (6) Penalize or discriminate against a student,
116 employee, or contractor on the basis of his or her refusal to
117 support, believe, endorse, embrace, confess, or otherwise
118 assent to a divisive concept or diversity statement.

119 (7) Condition enrollment or attendance in a class,
120 training, or orientation solely on the basis of race or color.

121 (8) Authorize or expend funding, or apply for or accept
122 a grant, federal funding, or private funding, for the purpose
123 of compelling assent to any divisive concept or any other
124 purpose prohibited in this act.

125 Section 3. All state agencies and political
126 subdivisions, including local boards of education and public
127 institutions of higher education, may discipline or terminate
128 the employment of any employee or contractor who knowingly
129 violates this act, provided that:

130 (1) Any disciplinary action or termination of an
131 employee of a public institution of higher education shall
132 remain subject to relevant policies established by the
133 institution.

134 (2) Termination of an employee or contractor of a local
135 board of education remains subject to the appeal of the
136 termination to the local board of education or State Board of
137 Education if applicable, or, if applicable, the Teacher
138 Accountability Act, Chapter 24B of Title 16, Code of Alabama
139 1975, and the Students First Act, Chapter 24C of Title 16,
140 Code of Alabama 1975.



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141 Section 4. Nothing in this act:

142 (1) Prevents student, staff, or faculty organizations
143 or associations from hosting diversity, equity, and inclusion
144 programs or discussions that may involve divisive concepts,
145 provided that no state funds are used to sponsor these
146 programs. If a student, staff, or faculty organization or
147 association hosts an event pursuant to this subdivision, it
148 shall identify the sponsor of the event at the event and in
149 any advertisements relating to the event.

150 (2) Prevents an employee or a contractor of a state
151 agency, local board of education, or public institution of
152 higher education who provides, as part of his or her job
153 duties, orientation, course work, or training from responding
154 to questions that are raised by participants in the
155 orientation, course work, or training and that pertain to
156 divisive concepts.

157 (3)a. Prohibits a public institution of higher
158 education from providing any instruction or taking any action
159 in furtherance of satisfying any accreditation standard or
160 requirement.

161 b. Prohibits a public institution of higher education
162 from authorizing the teaching or discussion of any divisive
163 concept in an objective manner and without endorsement as part
164 of a larger course of academic instruction, provided the
165 institution and its employees do not compel assent to any
166 divisive concept and otherwise comply with the provisions of
167 this act.

168 c. Prohibits the required collection or reporting of



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169 demographic data by public institutions of higher education.

170 (4) Prohibits the teaching of topics or historical
171 events in a historically accurate context.

172 (5) Prohibits an institution of higher education from
173 performing research, collecting data, engaging in recruiting
174 and outreach programs, offering academic support services,
175 engaging in clinical trials, or providing medical or mental
176 health care targeted to support individuals of any specific
177 demographic.

178 (6) Prevents state agencies from promoting racial,
179 cultural, or ethnic diversity or inclusiveness, provided these
180 efforts are consistent with the requirements of this act.

181 (7) Prohibits a public institution of higher education
182 from providing space or ancillary services to any student or
183 employee on a non-discriminatory basis, including, but not
184 limited to, support and guidance to ensure compliance with
185 applicable university policies and laws, assistance with
186 security needs, and registration of events.

187 (8) Prohibits housing, athletic programming, or social
188 organizations that are segregated by sex. Each public
189 institution of higher education shall ensure that every
190 multiple occupancy restroom be designated for use by
191 individuals based on their biological sex, as defined by
192 Section 16-1-54, Code of Alabama 1975.

193 (9) May be construed to inhibit or violate the First
194 Amendment rights of any student or employee, or to undermine
195 the duty of a public institution of higher education to
196 protect, to the greatest degree, academic freedom,



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197 intellectual diversity, and free expression, provided that
198 none of these protected tenets conflict with this act.

199 Section 5. It is the intent of the Legislature that all
200 constitutionally created boards of trustees comply with the
201 requirements of this act.

202 Section 6. The provisions of this act are severable. If
203 any part of this act is declared invalid or unconstitutional,
204 the declaration shall not affect the part which remains.

205 Section 7. This act shall become effective on October
206 1, 2024.