**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4663**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Beach, Mitchell, Guffey, B.L. Cox, Lawson, Nutt and Leber

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Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Diversity, Equity, and Inclusion

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 116)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 116)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4663&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4663_20231214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING article 27 to chapter 1, title 1 SO AS TO PROHIBIT EVERY OFFICE, DIVISION, OR OTHER UNIT BY ANY NAME OF EVERY OFFICE OR DEPARTMENT OF THIS STATE, AND ALL OF ITS POLITICAL SUBDIVISIONS, INCLUDING ALL INSTITUTIONS OF HIGHER LEARNING AND SCHOOL DISTRICTS, FROM PROMOTING DIVERSITY, EQUITY, AND INCLUSION, AND TO PROVIDE EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 1 of the S.C. Code is amended by adding:

 Article 27

 Diversity, Equity, and Inclusion

 Section 1‑1‑1710. (A) As used in this section, promoting “diversity, equity, and inclusion” means any attempt or effort to:

 (1) influence hiring or employment practices 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;

 (2) promote differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

 (3) promote policies or procedures designed or implemented in reference to race, color, or ethnicity, for any purpose other than ensuring compliance with any applicable court order or state or federal law; or

 (4) conduct 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 for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

 (B) Except as required by federal law, every office, division, or other unit by any name of every office or department of this State, and all of its political subdivisions, including all institutions of higher learning and school districts, is prohibited from:

 (1) establishing or maintaining an office or division or other unit by any name whose purpose, in whole or in part, is the promotion of diversity, equity, and inclusion;

 (2) hiring or assigning an employee or contracting with a third party to promote diversity, equity, and inclusion;

 (3) compelling, requiring, inducing, or soliciting 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;

 (4) giving 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 office or department; or

 (5) requiring as a condition of enrolling at an institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:

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

 (b) does not include a training, program, or activity for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

 (C) Every office, division, or other unit by any name of every office or department of this State, and all of its political subdivisions, including all institutions of higher learning and school districts, shall adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor who violates the provisions of subsection (B).

 (D) 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.

 (E) For purposes of an institution of higher learning, nothing in subsection (B) may 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 that 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.

 (F)(1) Every office, division, or other unit by any name of every office or department of this State, and all of its political subdivisions, including all institutions of higher learning and school districts, is prohibited from spending any money appropriated or authorized to the office or department until the governing board or chief executive officers, as applicable, submits to the General Assembly a report certifying compliance with this section during the preceding fiscal year.

 (2) Additionally, in the interim between each regular session of the General Assembly, the individual that certified the report required by item (1) shall testify before the standing legislative committees with primary jurisdiction over the department or office at a public hearing of the committee regarding compliance with this section.

 (3) The State Auditor shall periodically conduct a compliance audit of each department or office to which this subsection applies as to whether the money has been expended in violation of this section. The State Auditor shall adopt a schedule by which the State Auditor will conduct compliance audits under this subsection. The schedule must ensure that each department or office is audited at least once every four years.

 (4) If the State Auditor determines pursuant to a compliance audit conducted pursuant to item (3) that a department or office has spent state money in violation of this section, the department or office:

 (a) must cure the violation not later than the one hundred eightieth day after the date on which the determination is made; and

 (b) if the department or office fails to cure the violation during the period described by subitem (a), the State Treasurer shall withhold all future distributions to the department or office until the violation is cured.

 (G) Any employee or student of an institution of higher learning, who is required to participate in training in violation subsection (B)(5) may bring an action against the institution for injunctive or declaratory relief.

 (H) The Commission on Higher Education and the Board for Technical and Comprehensive Education, in coordination with its respective 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 its respective institutions of higher education, disaggregated by race, sex, and ethnicity. Not later than December first of each even numbered year until 2030, each shall submit to the General Assembly a report on the results of the study and any recommendations for legislative or other action.

SECTION 2. Any department or office to which Section 1‑1‑1710 applies may provide to any employee in good standing whose position is eliminated as a result of the implementation of Section 1‑1‑1710, a letter of recommendation for employment for a position at the department or office or elsewhere.

SECTION 3. This act takes effect upon approval by the Governor and first applies to Fiscal Year 2024‑2025 and School Year 2024‑2025.

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