

SECOND REGULAR SESSION

# SENATE BILL NO. 1192

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BROWN (26).

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KRISTINA MARTIN, Secretary

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### AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to diversity, equity, and inclusion practices at higher education accrediting agencies, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto  
2 one new section, to be known as section 173.1570, to read as  
3 follows:

173.1570. 1. As used in this section, the following  
2 terms mean:  
3 (1) "Accreditation", the status of public recognition  
4 that an accrediting agency grants to an educational  
5 institution, program, or both that meets the agency's  
6 standards and requirements;  
7 (2) "Accrediting agency", a person or governmental  
8 entity that conducts accrediting activities and makes  
9 decisions concerning the accreditation or pre-accreditation  
10 status of institutions, programs, or both. The term  
11 includes any national, regional, or programmatic accrediting  
12 agency;  
13 (3) "Diversity, equity, and inclusion", any  
14 differential treatment of, or assignment of any fault or  
15 blame to, an individual or group at an institution of higher  
16 education based on race; color; ethnicity; national origin,  
17 other than as it relates to immigration status under United

18 States law; sex, other than as it relates to sex-segregated  
19 facilities, such as dormitories and bathrooms, or to  
20 athletic programs; sexual orientation; or gender identity;

21 (4) "Diversity, equity, and inclusion practice or  
22 procedure", any initiative, policy, program, mandate,  
23 requirement, standard, metric, statistic, or other practice  
24 or procedure related to diversity, equity, and inclusion;

25 (5) "Institution of higher education", a public  
26 postsecondary educational institution in this state,  
27 including all of the institution's programs, departments,  
28 divisions, offices, centers, colleges, and schools, and any  
29 person acting on behalf of any of the foregoing.

30 2. When taking any action involving the accreditation  
31 or renewal of accreditation of an institution of higher  
32 education, an accrediting agency shall not:

33 (1) Base its accrediting decision in any way on a  
34 review or consideration of any diversity, equity, and  
35 inclusion practice or procedure;

36 (2) Collect information related to any diversity,  
37 equity, and inclusion practice or procedure; or

38 (3) Include any requirement related to any diversity,  
39 equity, and inclusion practice or procedure.

40 3. An accrediting agency shall implement policies to  
41 ensure that a person who has any decision-making or  
42 recommendation authority related to the accreditation or  
43 renewal of accreditation of an institution of higher  
44 education does not collect and is not presented with any  
45 information regarding any diversity, equity, and inclusion  
46 practice or procedure.

47 4. Any current or former student or employee of an  
48 institution of higher education may bring a civil action  
49 against an accrediting agency that conducts accrediting

50 activities and makes decisions concerning the accreditation  
51 of such institution for any violation of subsection 2 or 3  
52 of this section that occurred while such person was a  
53 student or employee of such institution and that involves  
54 such agency's accreditation of such institution. Such  
55 action shall be brought in the county where the violation  
56 occurred. If the court finds that the accrediting agency  
57 violated subsection 2 or 3 of this section, in addition to  
58 any other legal or equitable remedies which in the judgment  
59 of the court shall be appropriate, the accrediting agency  
60 shall pay:

61 (1) The prevailing party's reasonable attorney's fees  
62 and court costs;

63 (2) Damages to the prevailing party in an amount equal  
64 to three times the amount of money paid by the institution  
65 of higher education to the accrediting agency during the  
66 applicable time period, which shall be defined as the  
67 duration of the accrediting agency's violation, as well as  
68 the five years prior to the violation, including dues, fees,  
69 and any other payments; and

70 (3) Civil penalties of either:

71 (a) Up to one thousand dollars per student who  
72 attended the institution of higher education at the time  
73 when the violation occurred; or

74 (b) If no students attended the institution of higher  
75 education at the time when the violation occurred, up to one  
76 thousand dollars per student who attended the institution  
77 during the semester immediately preceding the time when the  
78 violation occurred.

79 5. Any violation of subsection 2 or 3 of this section  
80 shall constitute an unlawful discriminatory practice, as  
81 defined in section 213.010, and an unfair and unlawful

82 practice, as provided in subsection 1 of section 407.020.  
83 The attorney general may investigate and seek appropriate  
84 remedies for any violation of subsection 2 or 3 of this  
85 section to the full extent provided by law.

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