

SENATE BILL NO. 1192

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

4636S.02I

KRISTINA MARTIN, Secretary

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.

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

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

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

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

(3) Civil penalties of either:

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

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

5. Any violation of subsection 2 or 3 of this section shall constitute an unlawful discriminatory practice, as 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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