House Higher Education Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 817* **House Bill No. 1376**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Higher Education Freedom of Expression and Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 19, is amended by designating Section 49-7-1907 as Section 49-7-1908 and adding the following as a new Section 49-7-1907:

(a) The general assembly finds that:

(1) Freedom of expression and inquiry at public institutions of higher education are indispensable to the pursuit of educational excellence and the furtherance of the ordered individual liberty established in our nation's founding documents;

(2) Public institutions of higher education have a duty to promote and defend freedom of expression and inquiry, and educate students on the individual liberties established in our nation's founding documents;

(3) Public institutions of higher education should seek and foster intellectual diversity among administrators, faculty, students, and employees;

(4) Positively or negatively incentivizing, informally pressuring, indoctrinating, or otherwise compelling students or employees of a public institution of higher education to embrace divisive concepts is contrary to the mutual respect and collegial processes essential to the free exchange of ideas;

(5) Measures taken to ensure non-discrimination cannot be allowed to undermine the principles of merit and excellence in the core activities of public institutions of higher education;

(6) Institutional transparency and the implementation of § 49-7-1903 will help limit the potential risk of diminished excellence from our great institutions; and

(7) Public medical institutions of higher education best serve the state when providing meritorious education and training that positions future healthcare professionals to serve all patients adequately and to the best of their ability.

(b) A student or employee of a public institution of higher education who believes that a violation of § 49-7-1903 has occurred may file a report of the alleged violation with the institution. The institution shall investigate the report and take appropriate steps to correct any violation that is found to have occurred. Institutions shall report violations and any corrective action annually to the comptroller of the treasury through the comptroller's office of research and education accountability. A report submitted to the comptroller must be redacted, if necessary, to ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C § 1232g); § 10-7-504; and all other relevant privacy laws.

(c)

(1) Subject to appropriate constitutional time, place, and manner restrictions in accordance with applicable law, for purposes of approving or scheduling usage of the institution's property, an institution shall not show bias or favoritism for or against:

(A) A student group that is peaceful and requests to use the institution's property in a peaceful and lawful manner;

(B) A guest speaker's, or a guest speaker's student-sponsoring group's, viewpoint, race, creed, color, religion, non-violent political ideology, or non-violent political party affiliation; or

(C) A student group that, or a guest speaker who, intends to maintain a peaceful campus presence and peaceful use of the institution's property on grounds that the institution has received threatened simple breaches of the peace or non-destructive disruptions from groups or individuals who oppose the student group's or guest speaker's presence on campus.

(2) A public institution of higher education shall not:

(A) Require a student group to pay fees or security deposits that are not charged to all other student groups; or

(B) Deny a student group access to the institution's property if the property is routinely used by other student groups.

(3) Notwithstanding subdivision (c)(1), a public institution of higher education may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration would violate § 39-17-902 or § 49-7-1904.

SECTION 3. Tennessee Code Annotated, Section 49-7-1903, is amended by designating subdivision (3) as (4) and adding the following as subdivision (3):

(3) A public institution of higher education shall not require an applicant for employment or admission to submit a personal diversity statement or to affirm the applicant's agreement with an institutional diversity statement as part of the application or admissions process.

SECTION 4. Tennessee Code Annotated, Section 49-7-1904(a), is amended by adding the following as a new subdivision:

(4) Approve or use state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization if participation in such organization requires an individual, or an individual's employer, to endorse or promote a divisive concept.

SECTION 5. Tennessee Code Annotated, Section 49-7-1904, is amended by deleting subsection (b) and substituting:

(b)

(1) If a public institution of higher education employs an individual whose primary job title includes diversity, equity, or inclusion, then:

(A) The institution must ensure that the employee's efforts strengthen and increase intellectual diversity and promote a climate that facilitates the free and respectful exchange of ideas; and

(B) The institution must ensure that the employee's duties include efforts devoted to supporting student academic achievement and workforce readiness, such as mentoring, career readiness and support, workforce development, or other related learning support activities necessary for the academic and professional success of all students.

(2) Employees whose job title includes diversity, equity, or inclusion but whose primary duties require compliance with state or federal law that conflicts with subdivision (b)(1) are exempt from this subsection (b).

(c) Each public institution of higher education shall review the requirements of subsection (b) to ensure the institution's compliance and to evaluate the institution's progress toward academic and institutional outcomes. The outcomes must be submitted directly to the institution's chief executive. If the institution is part of a university system, then the outcomes must be subsequently reviewed by the system's chief executive.

SECTION 6. Tennessee Code Annotated, Section 49-7-1904, is amended by adding the following as a new subsection:

(d)

(1) A public institution of higher education shall notify students and employees of the institution on the restrictions in § 49-7-1903 and the definition of divisive concepts in § 49-7-1904 by including such information on the institution's website and on introductory materials provided by the institution to new students and employees.

(2) Institutions shall provide employee training to ensure compliance with this part.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.

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Signature of Sponsor

AMEND Senate Bill No. 1163* **House Bill No. 1408**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

49-7-182.

(a) As used in this section, "administrator" means a president, vice president, chancellor, vice chancellor, associate or assistant vice chancellor, provost, vice provost, associate or assistant provost, dean, associate or assistant dean, chief administrator, director, general counsel, senior associate, chief officer, chief of staff, controller, chief information officer, senior executive program director, or treasurer of a public institution of higher education.

(b) An annual salary increase, including a contractual bonus payment, for an administrator shall not exceed two hundred percent (200%) of the salary pool percentage appropriated by the general assembly for higher education employees for the fiscal year for which the annual salary increase is given to the administrator.

SECTION 2. Tennessee Code Annotated, Section 49-8-202(a)(2), is amended by adding ", in accordance with § 49-7-182" after "chief executive officer's compensation".

SECTION 3. Tennessee Code Annotated, Section 49-8-203(a)(1)(A), is amended by adding ", in accordance with § 49-7-182," after "fix their salaries".

SECTION 4. Tennessee Code Annotated, Section 49-9-209(d)(1)(B), is amended by adding ", in accordance with § 49-7-182," after "fix the president's compensation".

SECTION 5. Tennessee Code Annotated, Section 49-9-209(d)(1)(C)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

SECTION 6. Tennessee Code Annotated, Section 49-9-209(d)(1)(D)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

SECTION 7. Tennessee Code Annotated, Section 49-9-209(d)(1)(G), is amended by adding ", in accordance with § 49-7-182, as applicable," after "employees of the University of Tennessee system and the individual institutions".

SECTION 8. Tennessee Code Annotated, Section 49-9-401(d), is amended by adding "in accordance with § 49-7-182" after "compensation".

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 academic year and each academic year thereafter.

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AMEND Senate Bill No. 1303 House Bill No. 1199*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-1005(5), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B)

(i) Notwithstanding § 49-4-1003:

(*a*) As used in this subdivision (5)(B), "educational institution" means a private college accredited by the Accrediting Commission of Career School and Colleges (ACCSC) that maintains a campus in this state and that had its primary campus domiciled in this state prior to August 1, 2022, but that is no longer domiciled in this state; and

(*b*) For purposes of this subdivision (5)(B), all references to terms defined in § 49-4-1003 that refer to an "educational institution" refer only to an "educational institution" as defined in subdivision (5)(B)(i)(*a*);

(ii) Notwithstanding subdivision (5)(A), the adjutant general shall directly reimburse a member for the tuition charged to the member by an educational institution if the member enlisted prior to December 31, 2020;

(iii) Tuition reimbursement under this subdivision (5)(B) must not exceed twenty-four (24) semester hours earned toward a certificate or diploma from a vocational or technical program offered by the educational institution. A member is eligible for tuition reimbursement under this subdivision (5)(B) for each of the semester hours the member was enrolled in a vocational or technical program

offered by the educational institution, including the semester hours earned by the student in the vocational or technical program before the member's receipt of tuition reimbursement under this subdivision (5)(B). It is not required that tuition reimbursement under this subdivision (5)(B) apply toward a member's first certificate or diploma from a vocational or technical program; and

(iv) This subdivision (5)(B) is repealed on July 1, 2024;

SECTION 2. Tennessee Code Annotated, Section 49-4-1005(11), is amended by designating the subdivision as subdivision (11)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (11)(A):

(i) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement within ninety (90) days of course completion if the course is completed on or after July 1, 2023; and

(ii) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement no later than June 30, 2024, for courses completed by the member prior to July 1, 2023.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.