

## Substitute for HOUSE BILL No. 2460

By Committee on Higher Education Budget

3-11

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1 AN ACT concerning postsecondary educational institutions; prohibiting  
2 such institutions from certain actions concerning diversity, equity or  
3 inclusion, exceptions; providing for civil remedies and penalties;  
4 submitting a report to the legislature; posting information on the state  
5 board of regents website.

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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) No postsecondary educational institution shall  
9 condition admission or educational aid to an applicant for admission,  
10 hiring an applicant for employment or hiring, reappointing or promoting a  
11 faculty member, on the applicant's or faculty member's pledging allegiance  
12 to or making a statement of personal support for or opposition to any  
13 political ideology or movement, including a pledge or statement regarding  
14 diversity, equity or inclusion, or to request or require any such pledge or  
15 statement from an applicant or faculty member.

16 (b) If a postsecondary educational institution receives a pledge or  
17 statement describing a commitment to any particular political ideology or  
18 movement, including a pledge or statement regarding diversity, equity or  
19 inclusion, such institution may not grant or deny admission or educational  
20 aid to a student, hire an applicant for employment or hire, reappoint or  
21 promote a faculty member, on the basis of the viewpoints expressed in the  
22 pledge or statement.

23 (c) Nothing in this section shall:

24 (1) Prohibit such institution from requiring a student, faculty member  
25 or employee to comply with federal or state law, including anti-  
26 discrimination laws, or from taking action against a student, faculty  
27 member or employee for violations of federal or state law;

28 (2) be construed to limit or restrict the academic freedom of faculty or  
29 to prevent faculty members from teaching, researching or writing  
30 publications about diversity, equity, inclusion or other topics; or

31 (3) prohibit such institution from considering, in good faith, a faculty  
32 member's scholarship, teaching or subject-matter expertise in such faculty  
33 member's academic field.

34 (d) Each institution shall post and make publicly available on such  
35 institution's website all training materials used for students, faculty and  
36 staff on all matters of nondiscrimination, diversity, equity, inclusion, race,

1 ethnicity, sex or bias and all of such institution's policies and guidance on  
2 such matters.

3 (e) Any person who believes their rights were violated through a  
4 violation of this section may file a complaint with the state board of  
5 regents. The board shall investigate the complaint to determine whether a  
6 violation of this section has occurred. Such investigation shall be  
7 complete within 45 days after the date of the receipt of the complaint. If  
8 the board determines, after investigation, that a postsecondary educational  
9 institution has violated this section, the institution shall remedy the  
10 violation within 90 days after the date of such determination. If the  
11 institution fails to remedy the violation within 90 days, the board shall  
12 report the matter to the attorney general, who may file an action in district  
13 court against the institution for declaratory relief or enjoin the violation.

14 (f) If the board determines, after investigation, that the institution has  
15 not violated this section, the person who believes their rights were violated  
16 may file a complaint with the attorney general, who shall investigate the  
17 complaint to determine whether a violation of this section has occurred.  
18 Such investigation shall be complete within 45 days after the date of the  
19 receipt of the complaint. If the attorney general determines, after an  
20 investigation, that a postsecondary educational institution has violated this  
21 section, the institution shall remedy the violation within 90 days after the  
22 date of such determination. If the institution fails to remedy the violation  
23 within 90 days, the attorney general may file an action in district court  
24 against the institution for declaratory relief or to enjoin the violation.

25 (g) An action under this section shall be filed in the district court of  
26 the county where the postsecondary educational institution's primary  
27 campus is located. The district court of any county shall have jurisdiction  
28 to enforce any order or finding of violation. If the district court finds that a  
29 postsecondary educational institution has violated this section, the district  
30 court shall enter an order:

- 31 (1) Requiring the institution to comply with this section;  
32 (2) imposing a civil penalty in an amount of not more than \$10,000  
33 for each violation; and  
34 (3) requiring the institution to pay the attorney general's expenses and  
35 costs incurred in enforcing the violation, if the court finds that the  
36 institution's violation was not made in good faith and was made without a  
37 reasonable basis in fact or law.

38 (h) Notwithstanding the provisions of K.S.A. 20-350, and  
39 amendments thereto, any civil penalty assessed by the district court shall  
40 be remitted to the state treasurer in accordance with the provisions of  
41 K.S.A. 75-4215, and amendments thereto, and deposited in the state  
42 treasury and credited to the state board of regents state scholarship  
43 program account of the state general fund.

1 (i) On or before January 12, 2026, and the first day of each regular  
2 session of the legislature thereafter, the state board of regents shall submit  
3 a report to the legislature on the following matters that occurred in the  
4 previous fiscal year: Number of complaints filed with the state board of  
5 regents; outcomes of the board's investigations; number of complaints filed  
6 with the attorney general; outcomes of the attorney general's  
7 investigations; number of cases filed in district court; outcome of the cases  
8 filed; number and dollar amounts of civil penalties; enforcement expenses  
9 and costs of the attorney general; and any other information concerning  
10 violations of this section deemed pertinent by the board.

11 (j) Within 10 days after a determination by the board on whether a  
12 violation of this section has occurred, the board shall post on the board's  
13 website the findings and outcomes of the investigation and determination  
14 on each complaint filed. Such post shall not contain any personal  
15 identifiable information concerning the complainant.

16 (k) If a postsecondary educational institution, or any of such  
17 institution's agent acting within such agent's official capacity, are found by  
18 a court or the institution to have violated this section, the institution may  
19 take disciplinary action against the responsible agents in accordance with  
20 the institution's policies and procedures.

21 (l) As used in this section, "postsecondary educational institution"  
22 means any public university, municipal university, community college and  
23 technical college and includes any entity resulting from the consolidation  
24 or affiliation of any two or more of such postsecondary educational  
25 institutions.

26 (m) If any provision of this act or application thereof to any person or  
27 circumstance is held invalid, such invalidity shall not affect other  
28 provisions or applications of this act that can be given effect without the  
29 invalid provision or application, and to this end, the provisions of this act  
30 are declared to be severable.

31 Sec. 2. This act shall take effect and be in force from and after its  
32 publication in the statute book.