**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4289**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McGinnis, Erickson, Ballentine, Murphy, Brewer, Robbins, Gatch, Mitchell, Yow, Cromer, Beach, Pace, Taylor, Guffey, Magnuson, Burns, Kilmartin, Chapman, Gagnon, Forrest, Oremus and Hixon

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Introduced in the House on April 6, 2023

Introduced in the Senate on April 2, 2024

Last Amended on March 28, 2024

Currently residing in the Senate Committee on **Education**

Summary: Public Institutions of Higher Learning

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/6/2023 House Introduced and read first time ([House Journal‑page 8](h:\hj\20230406.docx))

4/6/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 8](h:\hj\20230406.docx))

6/7/2023 House Member(s) request name added as sponsor: Murphy,
Brewer, Robbins, Gatch, Mitchell, Yow

2/14/2024 House Member(s) request name added as sponsor: Cromer,
Beach, Pace

2/27/2024 House Member(s) request name added as sponsor: Taylor

3/7/2024 House Member(s) request name added as sponsor: Guffey

3/20/2024 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 10](h:\hj\20240320.docx))

3/20/2024 House Member(s) request name added as sponsor: Magnuson

3/21/2024 House Requests for debate-Rep(s). B Newton, Forrest, Hiott, Harris, Magnuson, Carter, Nutt, McCravy, Pace, Oremus, Taylor, Beach, Hosey, Kirby, King, Gilliam, White, Leber, Ballentine, Mitchell, Erickson ([House Journal‑page 43](h:\hj\20240321.docx))

3/21/2024 House Debate adjourned ([House Journal‑page 55](h:\hj\20240321.docx))

3/26/2024 House Member(s) request name added as sponsor: Burns,
Kilmartin

3/27/2024 House Debate adjourned

3/27/2024 House Member(s) request name added as sponsor: Chapman,
Gagnon, Forrest, Oremus, Hixon

3/27/2024 House Debate adjourned ([House Journal‑page 40](h:\hj\20240327.docx))

3/27/2024 House Amended ([House Journal‑page 169](h:\hj\20240327.docx))

3/27/2024 House Read second time ([House Journal‑page 169](h:\hj\20240327.docx))

3/27/2024 House Roll call Yeas-84 Nays-30 ([House Journal‑page 223](h:\hj\20240327.docx))

3/28/2024 House Amended ([House Journal‑page 76](h:\hj\20240328.docx))

3/28/2024 House Read third time and sent to Senate ([House Journal‑page 76](h:\hj\20240328.docx))

3/28/2024 House Roll call Yeas-77 Nays-30 ([House Journal‑page 77](h:\hj\20240328.docx))

4/2/2024 Senate Introduced and read first time ([Senate Journal‑page 12](h:\sj\20240402.docx))

4/2/2024 Senate Referred to Committee on **Education** ([Senate Journal‑page 12](h:\sj\20240402.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4289&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/06/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4289_20230406.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4289_20240320.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4289_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4289_20240328.docx)

Amended – Not Printed Bill for the House

Amt. No. 119 (LC-4289.WAB0127H)

March 28, 2024

H. 4289

Introduced by Reps. McGinnis, Erickson, Ballentine, Murphy, Brewer, Robbins, Gatch, Mitchell, Yow, Cromer, Beach, Pace, Taylor, Guffey, Magnuson, Burns, Kilmartin, Chapman, Gagnon, Forrest, Oremus and Hixon

S. Printed 03/28/24--H.

Read the first time April 06, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑101‑680 SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING MAY NOT condition or PROMISE ADMISSIONS OR BENEFITS TO CERTAIN APPLICANTS FOR CERTAIN SUPPORT OR DISAGREEMENTS WITH CERTAIN STATEMENTS REGARDING DIVERSITY, EQUITY, INCLUSION, OR ASSOCIATED ISSUES.

Amend Title To Conform

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

SECTION 1. Article 2, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59‑101‑680. (A) For the purposes of this section, “public institution of higher learning” means any state‑supported, post‑secondary educational institution and includes technical and comprehensive educational institutions.

(B) When determining admissions or employment decisions, a public institution of higher learning may not expend any funds appropriated or authorized to promise admission, benefits, or promote or engage in differential treatment to an applicant for admission, or hire or promote a faculty member or employee, on the applicant’s or faculty member’s or employee’s commitment to or making a declaration of personal support for or disagreement with any political ideology or movement, including a promise or statement regarding diversity, equity, inclusion, or other associated political issues. A public institution of higher learning may not ask for or demand any such political promise or declaration from an applicant, or a faculty member or employee.

(C) If a public institution of higher learning receives a promise or declaration describing a commitment to any political ideology or movement, including a political promise or declaration regarding diversity, equity, inclusion, or other associated political issues, it may not promote or engage in differential treatment, grant or deny admission or benefits to a student, or hire or promote a faculty member or employee, based on the opinions expressed in the promise or declaration.

(D) A public institution of higher learning shall not require a faculty member or employee of the institution to complete or participate in mandatory training or other educational program regarding diversity, equity, inclusion. A public institution of higher learning shall not take an adverse employment action against a faculty member or employee of the institution for the faculty member's or employee’s failure or refusal to participate in such training or program.

(E) A public institution of higher learning shall not infringe on a student, faculty member, or employee’s first amendment right to free speech. A public institution of higher learning shall not discriminate on the basis of viewpoint discrimination.

(F) A public institution of higher learning must report to the Commission on Higher Education by August first each year the total number of administrative positions and total operating costs, including a description of the programs that support diversity, equity, and inclusion. The report shall also contain the number and nature of the complaints made to the institution by a student, faculty member, or employee regarding a violation of this provision and the resolution, or status, of the complaint. The Commission on Higher Education must provide a report to the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Education Committee, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing this information, by institution.

(G) Nothing in this provision prohibits a public institution of higher learning from complying with federal law or applicable court order, or acting against a student, faculty member, or employee for violations of federal or state law or requiring a student, faculty member, or employee to comply with federal or state law, including antidiscrimination laws.

(H) Nothing in this provision may be construed to limit or prohibit an institution of higher learning or an employee or faculty member from 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 highlights the institution's work in supporting student populations or certifying compliance with state and federal antidiscrimination laws.

(I) Each public institution of higher learning shall provide each student, employee, and faculty member with an electronic copy of the language contained in this section.

(J) Every year before January fifteenth, a public institution of higher learning must prepare and publicly post on its website, as well as submit to the Commission on Higher Education, a report of the previous calendar year which details the course of action implemented to comply with the requirements of this section. The institution also must report any changes or updates to the course of action. The report must include each instance where a public institution of higher learning prohibited a program believed to be in conflict with this section.

SECTION 2. This act takes effect upon approval by the Governor.

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