
DIGEST

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HB 1008 Engrossed

2026 Regular Session

Owen

Abstract: Prohibits public postsecondary institutions from retaliating against faculty members for disclosing certain alleged violations or exercising academic freedom or free speech.

Present law provides that any public employee who reports information which he reasonably believes indicates a violation of any law or of any order, rule, or regulation issued in accordance with law or any other alleged acts of impropriety related to the scope or duties of public employment or public office within any branch of state government or any political subdivision shall be free from discipline, reprisal, or threats of discipline or reprisal by the public employer for reporting such acts of alleged impropriety. Proposed law retains present law and additionally:

- (1) Prohibits a public postsecondary education institution or any officer, employee, or agent thereof from retaliating against or harming any faculty member for disclosing certain alleged violations, exercising academic freedom, or exercising free speech. (Proposed law defines "free speech" as expression protected under the First Amendment of the U.S. Constitution, as interpreted by the U.S. Supreme Court, and Article I, Section 7 of the Constitution of La.)
- (2) Provides that a faculty member is not required to give prior notice to the institution relative to any of those actions in order for proposed law protections to apply.
- (3) Provides that any institution that, or individual who, violates this prohibition is subject to civil penalties of \$10,000-\$100,000 dollars per violation, injunctive relief to prevent further violations, and referral to the attorney general or district attorney for potential criminal prosecution.
- (4) Provides that an institution that violates this prohibition is liable for all harms caused to the faculty member, including financial harm, professional harm, and emotional harm.
- (5) Authorizes an aggrieved faculty member to bring a civil action within two years of a violation of proposed law and provides for remedies including reinstatement, back pay, and restoration of benefits or tenure status if the faculty member proves by a preponderance of the evidence that an adverse action against him was retaliation for conduct provided for in proposed law; compensatory damages, including treble damages for willful violations; reasonable attorney fees and court costs; and punitive damages of up to \$500,000 for egregious or repeated violations.
- (6) Provides that an institution shall not be entitled to sovereign immunity with respect to

violations of proposed law.

- (7) Requires the Bd. of Regents to adopt a uniform policy for proposed law implementation, including procedures for confidential reporting and independent investigations, to which each institution shall adhere.
- (8) Requires each institution to submit a written report to the legislature by March first annually relative to any complaints it receives pertaining to violations of proposed law and resolutions relative to such complaints.

Proposed law provides that nothing in proposed law shall be construed to do either of the following:

- (1) Limit or restrict the authority of an institution to make legitimate, merit-based personnel decisions, including the granting or denial of tenure, promotion, or any other employment action.
- (2) Prohibit an institution from denying tenure, promotion, or any other benefit to a faculty member who fails to satisfy established, codified performance standards, rubrics, teaching effectiveness criteria, research expectations, service requirements, or other legitimate academic or institutional criteria, as long as such decision is not made in retaliation for conduct provided for in proposed law.

Proposed law provides that proposed law shall be applied retroactively to Jan. 1, 2025, as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3399.51)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Revise the definition of "free speech".
2. Make damages with respect to reinstatement, back pay, and restoration of benefits or tenure status conditional on the faculty member proving by a preponderance of the evidence that an adverse action against him was retaliation for conduct provided for in proposed law.
3. Add that nothing in proposed law shall be construed to:
 - (a) Limit or restrict the authority of an institution to make legitimate, merit-based personnel decisions.

- (b) Prohibit an institution from denying tenure, promotion, or any other benefit as long as such decision is not made in retaliation for conduct provided for in proposed law.