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## DIGEST

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HB 685 Engrossed

2025 Regular Session

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**Abstract:** Prohibits certain state agency programs and practices related to diversity, equity, and inclusion and requires public postsecondary education institutions to take certain actions related to diversity-, equity-, and inclusion-related coursework.

### **State executive branch agency programs and practices**

Proposed law defines "diversity, equity, and inclusion", or "DEI", as the following:

- (1) Any effort to influence hiring or employment practices with respect to race, color, ethnicity, sex, national origin, gender identity, or sexual orientation, other than through the use of hiring processes to reduce gender-based or race-based biases in accordance with any applicable state and federal anti-discrimination laws.
- (2) Any effort to promote or implement policies, procedures, or trainings designed in reference to race, color, ethnicity, national origin, gender identity, or sexual orientation.
- (3) Any effort to promote differential treatment of or provide special services or benefits to individuals on the bases of race, color, ethnicity, sex, national origin, gender identity, or sexual orientation.
- (4) Any program, activity, initiative, event, instruction, action, measure, factor, or policy that classifies or references individuals on the basis of race.

Proposed law provides that all boards, commissions, departments, agencies, offices, officers, and other instrumentalities within the executive branch of state government, and all public postsecondary education institutions are prohibited from the following:

- (1) Maintaining or creating any initiative, training, or office related to DEI.
- (2) Employing, contracting, engaging, or hiring an individual to perform functions related to DEI.
- (3) Requiring or soliciting an applicant, employee, or student to provide a written or oral statement regarding DEI.
- (4) Extending any preferential treatment based on race, color, ethnicity, sex, national origin,

gender identity, or sexual orientation in making decisions at public postsecondary education institutions on admissions, state-supported financial-aid, scholarships, or other services or benefits.

- (5) Giving differential or preferential treatment to an applicant, employee, or student based on views expressed or actions taken related to DEI.

Proposed law provides that proposed law shall not do any of the following:

- (1) Conflict with or prohibit compliance with Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, Title VI of the Civil Rights Act of 1964, Title III of the Higher Education Act of 1960, the Americans with Disabilities Act, or any other state or federal law or applicable court order.
- (2) Limit any programs, divisions, or activities that assist in the investigation or prosecution of discrimination complaints in compliance with the federal Workforce Innovation and Opportunity Act or any successor act.
- (3) Conflict with, restrict, limit, or infringe upon speech protected by the First Amendment of the U.S. Constitution.
- (4) Prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of the entity.
- (5) Prohibit the celebration of any holiday, observance, commemoration, or remembrance.

Proposed law provides that proposed law shall not restrict or prohibit any of the following activities of a public postsecondary education institution:

- (1) Academic course instruction.
- (2) Scholarly research or creative works by faculty, students, and research personnel.
- (3) Efforts and data gathering to improve student success or credential completion.
- (4) Activities of registered or recognized student organizations.
- (5) Arrangements for guest speakers and performers with short-term engagements.
- (6) Mental or physical health services provided by licensed professionals.
- (7) Student recruitment or admissions.

Proposed law requires the legislative auditor to conduct a yearly audit to determine whether there has been a violation of proposed law and to report such a determination to the governor and the

legislature.

### **Coursework at public postsecondary education institutions**

Proposed law defines "DEI-related instructional content" as the following:

- (1) Content related to diversity, equity, or inclusion that relates to any of the following topics: critical race theory, white fragility, white guilt, systemic racism, institutional racism, anti-racism, systemic bias, implicit bias, unconscious bias, intersectionality, gender identity, allyship, race-based reparations, race-based privilege, or the use of pronouns.
- (2) Content that promotes the differential treatment of any individual or group of individuals based on race or ethnicity, imputed bias, or other ideology related to diversity, equity, or inclusion.
- (3) Any course with a course description, course overview, course objectives, proposed student learning outcomes, written examinations, or written or oral assignments that include DEI-related content and for which the student will receive a grade.

Proposed law provides that DEI-related instructional content does not include any of the following:

- (1) The identification or discussion of historical movements, ideologies, or instances of racial hatred or discrimination including but not limited to slavery, Indian removal, the Holocaust, or Japanese-American internment.
- (2) The identification or discussion of genetic predispositions or tendencies in epidemiology or physiology or any other part of instruction required in medical education, biology, or licensure that does not posit race-based injustice, discrimination, or oppression.
- (3) The identification or discussion of differences between the biological sexes or bona fide qualifications based on biological sex that are reasonably necessary to the normal operation of public institutions.
- (4) Programming explicitly required by state or federal anti-discrimination laws or an applicable court order or the identification of the provisions of anti-discrimination law or a court order.

Proposed law requires each public postsecondary education management board to adopt a plan of specific steps and measures to ensure that each institution under its supervision and management does not require DEI-related instructional content in undergraduate academic degree programs, including general education, and major, minor, or certificate requirements. However, proposed law does authorize undergraduate academic program requirements of any major, minor, certificate, or department whose title clearly establishes its course of study as primarily focused on racial, ethnic, or gender studies.

Proposed law provides that proposed law shall not be construed to limit the academic freedom of any

individual faculty member to direct the instruction of his own class, nor limit the free discussion of ideas in a classroom setting.

Proposed law provides that proposed law shall not be construed to limit any programming explicitly required by, and limited to, the institution of higher education's obligations to comply with Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, Title VI of the Civil Rights Act of 1964, Title III of the Higher Education Act of 1965, the Americans with Disabilities Act, or any other state or federal law or applicable court order.

Proposed law provides that the title of any existing department, major, minor, or certificate program shall not be altered or renamed to establish an emphasis on racial, ethnic, or gender studies.

(Adds R.S. 17:3399.51 and R.S. 49:1601)