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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5484

05/19/2024 Authored by Niska, Rarick, Scott, Hudson, Novotny and others
The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; creating the Intellectual Freedom Protection Act
1.3 regulating public postsecondary institutions; creating a private right of action and
1.4 providing for enforcement by the attorney general; proposing coding for new law
1.5 in Minnesota Statutes, chapter 135A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [135A.154] INTELLECTUAL FREEDOM PROTECTION ACT.

1.8 (a) For purposes of this section, "public postsecondary institution" or "institution" means
1.9 an institution governed by the Board of Trustees of the Minnesota State Colleges and
1.10 Universities. The Board of Regents of the University of Minnesota is requested to adopt a
1.11 policy in compliance with this section.

1.12 (b) No public postsecondary institution shall condition admission or benefits to an
1.13 applicant for admission, or hiring, reappointment, or promotion to a faculty member, on the
1.14 applicant's or faculty member's pledging allegiance to or making a statement of personal
1.15 support for or opposition to any political ideology or movement, including a pledge or
1.16 statement regarding diversity, equity, inclusion, patriotism, or related topics, nor shall any
1.17 institution request or require any such pledge or statement from an applicant or faculty
1.18 member.

1.19 (c) If a public postsecondary institution receives a pledge or statement describing a
1.20 commitment to any particular political ideology or movement, including a pledge or statement
1.21 regarding diversity, equity, inclusion, patriotism, or related topics, it may not grant or deny
1.22 admission or benefits to a student, or hiring, reappointment, or promotion to a faculty
1.23 member, on the basis of the viewpoints expressed in the pledge or statement.

2.1 (d) Nothing in this section:

2.2 (1) prohibits an institution from requiring a student, professor, or employee to comply  
2.3 with federal or state law, including antidiscrimination laws, or from taking action against  
2.4 a student, professor, or employee for violations of federal or state law;

2.5 (2) shall be construed to limit or restrict the academic freedom of faculty or to prevent  
2.6 faculty members from teaching, researching, or writing publications about diversity, equity,  
2.7 inclusion, patriotism, or other topics; or

2.8 (3) prohibits an institution from considering, in good faith, a candidate's scholarship,  
2.9 teaching, or subject-matter expertise in their given academic field.

2.10 (e) Each public postsecondary institution in the state shall post and make publicly  
2.11 available all training materials used for students, faculty, and staff on all matters of  
2.12 nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, and all of its  
2.13 policies and guidance on these issues, on its website.

2.14 (f) An individual whose rights were violated through a violation of this section may  
2.15 bring an action against a public postsecondary institution, and its agents acting within their  
2.16 official capacities, in a state or federal court of competent jurisdiction to receive declaratory  
2.17 relief or enjoin a violation of this section. If a court finds a violation of this section, the  
2.18 court shall provide a prevailing plaintiff appropriate equitable remedies, and award damages,  
2.19 reasonable court costs, and attorney fees. An action under this paragraph must be brought  
2.20 within one year of the latest date the violation is alleged to have occurred.

2.21 (g) The attorney general may file suit to enjoin a policy or practice prohibited by  
2.22 paragraph (b) or (c). In addition to equitable relief authorized by this paragraph, the court  
2.23 may impose a civil penalty of \$100,000 against the public postsecondary institution for each  
2.24 violation of this section.

2.25 (h) If an institution, or any of its employees acting in their official capacities, are found  
2.26 by a court or the institution to have violated this section, the institution may take disciplinary  
2.27 action against the responsible employees in accordance with the institution's policies and  
2.28 procedures.