

2022 South Dakota Legislature

House Bill 1012**AMENDMENT 1012D FOR THE HOUSE ENGROSSED BILL**

1 **An Act to protect students and employees at institutions of higher education from**
2 **divisive concepts.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 13-1 be amended with a NEW SECTION:**

5 For the purposes of this Act, the term, divisive concepts, means:

6 (1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior
7 or inferior;

8 (2) That individuals should be discriminated against or adversely treated because of
9 their race, color, religion, sex, ethnicity, or national origin;

10 (3) That an individual's moral character is inherently determined by their race, color,
11 religion, sex, ethnicity, or national origin;

12 (4) That an individual, by virtue of their race, color, religion, sex, ethnicity, or national
13 origin is inherently racist, sexist, or oppressive, whether consciously or
14 subconsciously;

15 (5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin,
16 are inherently responsible for actions committed in the past by other members of
17 the same race, color, religion, sex, ethnicity, or national origin;

18 (6) An individual should feel discomfort, guilt, anguish, or any other form of
19 psychological distress on account of the individual's race, color, religion, ethnicity,
20 or national origin; or

21 (7) Meritocracy or traits such as ~~hard~~ a strong work ethic are racist or sexist or were
22 created by members of a particular race or sex to oppress members of another
23 race or sex.

24 **Section 2. That chapter 13-1 be amended with a NEW SECTION:**

1 The Board of Regents, or the Board of Technical Education, or any institution under
2 their control, may not direct or compel a student to personally affirm, adopt, or adhere to
3 divisive concepts.

4 The Board of Regents, or the Board of Technical Education, or any institution under
5 their control may not require their students or employees to attend or participate in any
6 training or orientation that teaches, advocates, acts upon, or promotes divisive concepts.

7 **Section 3. That chapter 13-1 be amended with a NEW SECTION:**

8 The Board of Regents, or the Board of Technical Education, or any institution under
9 their control, may not ~~use or introduce a course of instruction or unit of study that results~~
10 ~~in a student being distinguished or classified condition enrollment or attendance in a class,~~
11 ~~training, or orientation~~ on the ~~account~~ basis of race or color.

12 Nothing in this section should be construed to prohibit the required collection or
13 reporting of demographic data by institutions of higher education.

14 **Section 4. That chapter 13-1 be amended with a NEW SECTION:**

15 The Board of Regents, or the Board of Technical Education, or any institution under
16 their control, may not authorize or expend funding for any purpose prohibited in this Act.

17 **Section 5. That chapter 13-1 be amended with a NEW SECTION:**

18 Nothing in this Act:

19 (1) Prevents an employee or a contractor who provides mandatory orientation or
20 training from responding to questions that are raised by participants in the
21 orientation or training and which pertain to the divisive concepts;

22 (2) Pertains to the content or conduct of any course of academic instruction or unit of
23 study at an institution of higher education under the control of the Board of Regents
24 or the Board of Technical Education; or

25 (3) May be construed to inhibit or violate the First Amendment rights of any student
26 or employee, or to undermine the duty of an institution under the control of the
27 Board of Regents or the Board of Technical Education to protect, to the greatest
28 degree, academic freedom, intellectual diversity, and free expression.