

SB129 Divisive Concepts Bill by Sen. Barfoot

WHAT ARE DIVISIVE CONCEPTS?

Divisive concepts hold that that any race, color, sex, religion, sex, ethnicity, or national origin:

- Is superior or inferior
- That a person should be discriminated against for these traits
- That a person's moral character is based on these traits
- That a person is inherently racist, sexist or oppressive because of these traits
- That a person is responsible for actions committed in the past by others with these traits
- That fault, blame, or bias be assigned to members based on these traits
- That individuals should have a sense of guilt, or apologize for these traits
- Divisive concepts hold that merit-based attributes like a hard work ethic are racist or sexist

WHY ARE DIVISIVE CONCEPTS A PROBLEM

- AL taxpayers are spending millions of dollars to promote these concepts throughout our public universities.
- Common sense tells us that these concepts divide students rather than unite them. Differences are denigrated rather than celebrated. Student surveys show that the more these concepts are taught the less diverse and inclusive student life becomes.
- It hurts recruiting. Since 2008 the teaching of divisive concepts has intensified yet the percentage of black students at Auburn University has declined from a high point of 8.17 percent in 2006 to under 5 percent in 2022. The University of Alabama's own statistics show its endeavor to attract minority students by increasing Diversity, Equity and Inclusion programs has been only marginally successful.

WHAT SB129 DOES IN A NUTSHELL

- State agencies, local school boards, public universities **may not**:
 - Sponsor programs, maintain any office or department that promotes these concepts
 - Direct or compel students or employees to participate in a program that advocates or requires them to agree with these concepts.
 - Require students or employees to share their personal views about these concepts
 - Require students or employees to lobby for legislation related to a divisive concept
 - Penalize or discriminate against a student or employee based on their refusal to agree with divisive concepts
 - Condition enrollment or attendance in a class based on race or color
 - Authorize or spend money on, accept a grant for the purpose of compelling agreement to divisive concepts

SB129 DOES NOT:

- Prohibit teaching topics or historical events in a historically accurate context
- Prevent students, faculty, associations, etc. from hosting DEI programs; but they can't be paid for with state funds and the event sponsor must be identified
- Prevent an employee or contractor from responding to questions participants raise during orientation, course work, or training that pertain to divisive concepts
- Prohibit the ability to satisfy accreditation requirements
- Prohibit the teaching or discussion of divisive concepts objectively without compelling agreement with concepts
- Prohibit collecting demographic data
- Be construed to inhibit or violate students' or employees' First Amendment rights
- Prohibit public institutions from performing research, engaging in recruiting and outreach programs, or providing medical or mental health care targeted to a specific demographic
- Undermine a public university's duty to protect, to the greatest degree, academic freedom, intellectual diversity, and free expression provided they don't conflict with this act