

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Dyk, Satrom, Toman

1 A BILL for an Act to create and enact chapter 15-10.6 of the North Dakota Century Code,  
2 relating to divisive concepts at institutions of higher education; to provide a report; and to  
3 provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 15-10.6 of the North Dakota Century Code is created and enacted as  
6 follows:

7 **15-10.6-01. Definitions.**

8 As used in this chapter:

9 1. "Divisive concept" means a concept that:

- 10 a. One race or sex is inherently superior or inferior to another race or sex;
- 11 b. An individual, by virtue of the individual's race or sex, is inherently privileged,  
12 racist, sexist, or oppressive, whether consciously or subconsciously;
- 13 c. An individual should be discriminated against or receive adverse treatment  
14 because of the individual's race or sex;
- 15 d. An individual's moral character is determined by the individual's race or sex;
- 16 e. An individual, by virtue of the individual's race or sex, bears responsibility for an  
17 action committed in the past by other members of the same race or sex;
- 18 f. An individual should feel discomfort, guilt, anguish, or another form of  
19 psychological distress solely because of the individual's race or sex;
- 20 g. A meritocracy is inherently racist or sexist, or designed by a particular race or sex  
21 to oppress another race or sex;
- 22 h. This state or the United States is fundamentally or irredeemably racist or sexist;
- 23 i. Promotes or advocates the violent overthrow of the United States government;

- 1           j. Promotes division between, or resentment of, a race, sex, religion, creed,  
2           nonviolent political affiliation, social class, or class of people;
- 3           k. Ascribes a character trait, value, moral or ethical code, privilege, or belief to a  
4           race or sex, or to an individual because of the individual's race or sex;
- 5           l. The rule of law does not exist, but instead is a series of power relationships and  
6           struggles among racial or other groups;
- 7           m. All Americans are not created equal and are not endowed by their creator with  
8           certain unalienable rights, including life, liberty, and the pursuit of happiness;
- 9           n. Governments should deny to any person within the government's jurisdiction the  
10          equal protection of the law;
- 11          o. Includes race or sex stereotyping; or
- 12          p. Includes race or sex scapegoating.
- 13          2. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or  
14          to a member of a race or sex, because of their race or sex, and includes a claim that,  
15          consciously or subconsciously, and by virtue of a individual's race or sex, a member of  
16          a race is inherently racist or inclined to oppress others, or a member of a sex is  
17          inherently sexist or inclined to oppress others.
- 18          3. "Race or sex stereotyping" means ascribing a character trait, value, moral and ethical  
19          code, privilege, status, or belief to a race or sex, or to an individual because of the  
20          individual's race or sex.
- 21          4. "Training" includes a seminar, workshop, instruction, and orientation.

22          **15-10.6-02. Divisive concept - Prohibition on discrimination.**

- 23          1. A student or employee of an institution under the control of the state board of higher  
24          education may not be:
- 25           a. Penalized, discriminated against, or receive adverse treatment due to the  
26           individual's refusal to support, believe, endorse, embrace, confess, act upon, or  
27           otherwise assent to a divisive concept.
- 28           b. Required to endorse a specific ideology or political viewpoint to be eligible for  
29           hiring, tenure, promotion, or graduation.

- 1       2. An institution under the control of the state board of higher education may not ask the  
2       ideological or political viewpoint of a student, job applicant, job candidate, or candidate  
3       for promotion or tenure.
- 4       3. An individual who believes a violation of this section has occurred may pursue all  
5       equitable or legal remedies that may be available to the individual in a court of  
6       competent jurisdiction.

7       **15-10.6-03. Prohibition on divisive concept training.**

- 8       1. An institution under the control of the state board of higher education may not:
- 9       a. Conduct mandatory training of a student or employee if the training includes a  
10      divisive concept.
- 11      b. Use a training program or training materials for a student or employee if the  
12      program or material includes a divisive concept.
- 13      c. Use funds appropriated by the state to incentivize, beyond payment of regular  
14      salary or other regular compensation, a faculty member to incorporate a divisive  
15      concept into academic curriculum.
- 16      2. If an institution under the control of the state board of higher education employs an  
17      individual whose primary duties include diversity, the duties of that employee also  
18      must include efforts to strengthen and increase intellectual diversity among students  
19      and faculty of the institution at which the individual is employed.

20      **15-10.6-04. Student and employee survey - Report to legislative management.**

21      Each institution under the control of the state board of higher education shall:

- 22      1. Conduct a biennial survey of the institution's students and employees to assess the  
23      campus climate regarding diversity of thought and the respondents' comfort level in  
24      speaking freely on campus, regardless of political affiliation or ideology.
- 25      2. Publish the biennial survey's results on the institution's website.
- 26      3. Report the biennial survey's results to an interim committee designated by the  
27      legislative management to receive the report during the interim following the survey's  
28      completion.

1        **15-10.6-05. Construction and purpose.**

2        This chapter may not be interpreted to prohibit an individual who provides training from  
3 responding to a question regarding a divisive concept so long as the response does not  
4 endorse or advocate a divisive concept.

5        **SECTION 2. EXPIRATION DATE.** Section 15-10.6-04, as created by Section 1 of this Act,  
6 is effective through July 1, 2028, and after that date is ineffective.