



THE UNIVERSITY OF
SOUTHERN MISSISSIPPI®

DEI AND HB 1193

The Office of General Counsel

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Background/Procedural History

- Since taking office, President Trump has issued numerous Executive Orders relating to discrimination and diversity, equity, and inclusion. Building on these federal actions, the 2025 Mississippi State Legislature passed HB 1193, which prohibits diversity, equity, and inclusion (DEI) programs and practices in public K-12 schools and postsecondary institutions, was passed by the Mississippi Legislature and signed into law by Governor Tate Reeves on April 17, 2025. The bill took effect immediately upon signing.
- A lawsuit was filed to challenge the law and on July 21, 2025, U.S. District Judge Henry Wingate issued a temporary restraining order, pausing the enforcement of four provisions within HB 1193. The temporary restraining order remains in place until Judge Wingate rules on a preliminary injunction, which would determine whether the law's enforcement is blocked during ongoing litigation.

THE STATUTE



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Section 1: The Purpose

- to prohibit public schools and public postsecondary educational institutions from taking certain actions and engaging in discriminatory practices;
- to ensure that employment, academic opportunities and student engagement are based solely on individual merit, qualifications and academic performance, without consideration of an individual's race, sex, color, national origin, or expressed opposition to, or refusal to affirm or participate in, diversity, equity and inclusion.

SECTION 2: DEFINITIONS



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Diversity, Equity and Inclusion

- Any effort to select or influence the composition of the faculty, staff, employee or student body by favoring applicants based on race, sex, color or national origin;
- Any effort to promote differential treatment of or provide special benefits to individuals in employment or admissions based on race, sex, color or national origin;
- Any effort to promote or promulgate policies and procedures designed or implemented to favor individuals based on race, color or national origin, except as otherwise permitted in state and federal law;
- Any effort to require trainings, programming, or activities designed and/or implemented to compel participants to change their beliefs with reference to race, color, national origin, gender identity or sexual orientation;

Diversity, Equity and Inclusion Office

This means an office, division or other unit of an institution of higher learning, community college or public school established for the purpose of:

- Promoting hiring decisions or employment practices at the institution that favor individuals based on race, sex, color or national origin;
- Promoting differential treatment of or providing special benefits to favor individuals in admissions and hiring based on race, sex, color or national origin; or
- Promoting policies or procedures or conducting trainings, programs, or activities designed or implemented to favor individuals based on race, sex, color or national origin, other than policies or procedures approved in writing by the institution's legal counsel for the sole purpose of ensuring compliance with any applicable formal final finding of the court.

Diversity Statements/Training

- “Diversity statement” means a written statement or essay that requires an individual to express their views or commitment regarding issues related to race, sex, color, national origin, gender identity, sexual orientation, or national origin.
- “Diversity training” means any formal or informal education, seminars, workshops or institutional program that focus on increasing awareness or understanding of issues related to race, sex, color, gender identity, sexual orientation or national origin.

Divisive Concepts

- One race, sex, color, or national origin is inherently superior to another race or sex;
- An individual, by virtue of his or her race, sex, color, national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- An individual should be discriminated against or treated adversely solely because of their race, sex, color, or national origin;
- Members of one race, one sex, one color, one national origin cannot and should not attempt to treat others without respect to race, color, national origin or sex, gender identity, sexual orientation, or national origin;

Divisive Concepts cont.

- An individual's moral character is necessarily determined by his or her race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex or national origin, bears responsibility for actions committed in the past by other members of any class listed;
- An individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race, color, sex, or national origin; or
- Meritocracy or traits such as hard work ethic are racist or sexist or were created by a particular class to oppress another class.

Sex

“Sex” has the definition given in Sections 1–3–83(3) and 41–141–3(a).

- “Sex,” when used to classify a natural person, means the biological indication of male and female as observed or clinically verified at birth, without regard to a person's psychological, chosen, or subjective experience, feelings, actions, or sense of self. *Miss. Code Ann. § 1-3-83(3)*
- “Sex” means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender. *Miss. Code Ann. § 41-141-3(a)*

Gender Identity

“Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

SECTION 3: PROHIBITIONS



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Each Institution Shall Not:

- a) Establish or maintain a **diversity, equity and inclusion office**;
- b) Engage in **divisive concepts**;
- c) Hire, assign or contract with individuals to perform the duties of a **diversity, equity and inclusion office**;
- d) Require, request, or consider **diversity statements** in hiring, contract renewal, evaluation, or promotion process;
- e) Give preference based on race, sex, color or national origin in employment or contracting;

Each Institution Shall Not:

- f) Maintain programs, including academic programs or courses, or offices that promote **diversity, equity and inclusion**, endorse **divisive concepts** or related ideological frameworks (e.g., transgender ideology, gender-neutral pronouns, deconstruction of heteronormativity, gender theory, sexual privilege);
- g) Require **diversity, equity and inclusion** training;
- h) Penalize or discriminate against individuals for refusing to assent to a **diversity, equity or inclusion** concept; and
- i) Require any **diversity training** as defined in the act or any other policies or procedures that result in any formal or informal education, seminars, workshops or institutional program that focus on increasing awareness or understanding of issues related to race, sex, color, gender identity, sexual orientation or national origin.

SECTION 4



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Female/Male/Sex

The State Department of Education, the Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board and the Mississippi Charter School Authorizer Board shall recognize, teach and establish policies and curriculum in accordance with the definitions of the terms “female,” “male” and “sex” as provided in Section 1–3–85 and Section 41–141–3(a). Notwithstanding any other provision of law to the contrary, the policies and curriculum authorized by this subsection shall be adopted and approved as provided by law.

Miss. Code Ann. § 1-3-83 states:

- “Female” means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces eggs.
- “Male” means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces sperm.

Compliance Exceptions

- Nothing in Section 4 may be construed to limit or prohibit an institution or an employee of such from submitting to a grantor or accrediting body a statement that certifies compliance with controlling state and federal antidiscrimination laws for purposes of applying for a grant or from complying with the terms of accreditation by an accrediting body.
- Thus, schools, colleges, and their staff can still submit statements to grant providers or accrediting organizations to confirm they follow state and federal anti-discrimination laws when applying for grants or accreditation. It ensures they can meet these requirements without violating the bill's restrictions on DEI programs.

SECTION 5: EXEMPTIONS AND PROTECTIONS



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The Act Doesn't Apply to or Prohibit:

- Programs for Military Veterans, students with disabilities or students presently or formerly under a child protective services order;
- Scholarly research or a creative work by students, faculty, employee or staff or the dissemination of that work;
- An activity of a registered student organization, guest speaker or performer at an institution, college or public school as long as state funds are not used;
- A policy to limit or restrict freedom of speech pursuant to the First Amendment of the United States Constitution or Section 13 of the Mississippi Constitution or academic course instruction that undermines the duty of a public school, or public postsecondary educational institution to protect academic course instruction, intellectual diversity and true expression provided that none of these protected tenets conflict with the act;

The Act Doesn't Apply to or Prohibit:

- Data collection or reporting of demographic data;
- Student recruitment (without preferential treatment);
- Programs, campus activities or certifications for compliance with state and federal laws or applicable court order;
- An institution, college or public school from requiring or taking action against a student, employee, faculty, staff or contractor for failing to comply with federal or state law;
- Discussing pathological approaches or experience with students with mental or physical disabilities;
- Compliance with accreditation standards or requirements.

SECTION 6:

Compliance Reporting



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Annual Compliance Reporting

- Starting in 2026, by July 30 each year, all public schools, colleges, and institutions must submit a report to their respective boards.
- Report includes summaries of formal complaints, investigation outcomes, and violations related to the law.
- Non-compliant institutions must provide a written explanation for failure to comply.
- By October 30, boards (e.g., State Board of Education, IHL Board) compile these reports, recommend changes to the law, and submit to the Legislature.
- Legislature may call board representatives to testify at public hearings on compliance.

SECTION 7:

Complaint Process



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Complaint Process

- Within 90 days of the law's effective date, the IHL Board must establish a complaint process, investigative procedures, and policies to address violations of the act. The IHL did so with IHL Board Policy 1112.
- Faculty, staff, contractors, students or parents/guardians of minors who have allegedly been harmed by the institution can file complaints within 30 days of an alleged violation with the IHL Board.
- The Board investigates the alleged violation under the board's procedures and makes a finding within thirty (30) days. If no violation is found, a formal final finding is issued to the complainant and the institution.
- If a violation is found, the institution shall have 25 days to cure all actions relating to the violation. The Board will issue a formal final finding to the complainant detailing the violation and the curative response within 25 days of the formal notice. Should the error remain uncured beyond the 25-day curative period, the complainant may file seek injunctive relief to compel the board to cure the error.

Complaint Process cont.

- Anyone aggrieved by the Board's final finding can seek judicial review.
- An appeal de novo can be filed in the chancery court of the district where institution is located within 30 days of receipt of the formal final finding of the Board.
- The court reviews whether a violation of the act occurred.
- The chancery court may grant relief, such as an injunction or actual damages.
- Parties unhappy with the chancery court's ruling can appeal to the Mississippi Supreme Court.

SECTION 8:

Penalties for Non-Compliance



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Penalties for Non-Compliance

- If an institution after final adjudication of the administrative procedures process and exhaustion of all judicial appeals, is found in violation of the act and fails to cure the violation within 30 days of a formal finding for a second or subsequent violation, the State of Mississippi shall withhold the disbursement of state funds appropriated by the Legislature for the use, benefit, support and maintenance of the institution, as disbursed by the IHL Board.
- Funds remain withheld until the institution demonstrates full compliance, as certified by the appropriate governing authority and affirmed by the Attorney General or a court of competent jurisdiction.

SECTION 9:

AG Oversight and Appeals



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AG Oversight and Appeals

- If a complainant (individual, parent, or guardian) is dissatisfied with a board's response to a complaint, they can notify the Attorney General, providing the complaint, board's decision, and supporting documents.
- The Attorney General may file for a writ of mandamus in the local chancery court to compel compliance if the institution has failed to cure the violation within the 30-day curative period.
- The chancery court can issue an injunction or award damages.
- Parties unhappy with the chancery court's decision can appeal to the Supreme Court.

SECTION 10



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Severability of Provisions

- If any part of the act (section, paragraph, sentence, clause, or phrase) is found unconstitutional, invalid, or unenforceable, the remaining parts of the act will remain in full force and effect.



Resources

HB 1193:

<https://billstatus.ls.state.ms.us/documents/2025/html/HB/1100-1199/HB1193SG.htm>

AG Bondi Guidance Memo of July 29, 2025

<https://www.justice.gov/ag/media/1409486/dl?inline>



The background of the slide is a dense, overlapping collage of numerous small, rectangular sticky notes in various colors including yellow, pink, blue, green, and orange. The notes are scattered across the entire frame, creating a vibrant and textured backdrop.

Teaching Reminders

**DR. KELLY FERRIS LESTER,
ASSOCIATE PROVOST FOR FACULTY
SUCCESS**

Guiding Principles



Focus on teaching, student learning, and our university mission



Offer strategies applicable across disciplines



Emphasize academic excellence, critical thinking, and transparency



SOUTHERN MISS

Active Learning Ideas

- Build in ways to gather anonymous responses
- Incorporate choice making
- Share the purpose and rationale of the class experience
- Collaborative learning
- Socratic questioning





Facilitating High-Stakes Topics in Class Discussion

- Establish community and discussion guidelines
- Identify a clear purpose and your role as the facilitator of the discussion
- Create a framework or structure for the discussion and consider common definitions for the discussion topic
- Incorporate ways for all students to contribute (i.e., think-pair-share, round robin, polls)
- Maintain neutrality when possible

Evidence-Based Assignment Guidance

- Transparent assignment guidelines
- Incorporate choice-making in assignments
- Share the purpose and rationale of the class experience or assignments
- Formative feedback
- Collaborative learning
- Reflective assignments



Resources

- [Center for Faculty Development | The University of Southern Mississippi](#)
- [Teaching Resources | Center for Faculty Development | The University of Southern Mississippi](#)
- [High Impact Practices | Center for Faculty Development | The University of Southern Mississippi](#)
- [Guidelines for Discussing Difficult or High-Stakes Topics | CRLT](#)