

Title 9- Education- Mississippi Community College Board

Part 18-Model Policies and Procedures Pursuant to HB 1193

HB 1193 COMPLAINT AND INVESTIGATIVE PROCESS- DRAFT

It is the purpose of this title to establish the rules governing the filing, investigation, and resolution of Formal Complaints made pursuant to House Bill 1193 from the 2025 regular session of the Mississippi Legislature. House Bill 1193 prohibits public schools and public postsecondary educational institutions from taking certain actions and engaging in discrimination practices, specifically related to diversity, equity, and inclusion (“DEI”). The act seeks 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.

A. Diversity, Equity and Inclusion Prohibitions

As defined by Section 3 of HB 1193, State law prohibits public post-secondary institutions from:

1. Establishing or maintaining a diversity, equity and inclusion office.
2. Engaging in divisive concepts.
3. Hiring or Assigning faculty, staff, or employees of the community college or contracting with a third party to perform the duties of a diversity, equity, and inclusion office.
4. Requiring, requesting, or considering diversity statements or similar materials from job applicants as part of the hiring process, contract renewal process, evaluation or promotion process.
5. Giving preference based on race, sex, color, or national origin to an applicant for employment, or when awarding a contract at the community college.
6. Maintaining any programs, including academic programs or courses, or offices that promote diversity, equity and inclusion, endorse divisive concept or concepts promoting transgender ideology, gender-neutral pronouns, deconstruction of heteronormativity, gender theory, sexual privilege or any related formulation of these concepts.
7. Requiring, as a condition of enrolling at, accepting employment with, or being awarded a contract at a community college, or as a requirement of continuing enrollment, employment, or contractual obligations at a community college, any person to participate in diversity, equity, and inclusion training.

8. Penalizing or discriminating against a student, employee, faculty, staff, or contractor on the basis of his or her refusal to support, believe, endorse, embrace, confess, act upon or otherwise assent to a diversity, equity or inclusion concept.

9. Requiring any “diversity training” 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.

B. Complaint Process

Pursuant to Section 7 of this act, each community college within the state of Mississippi shall develop a complaint process with the following minimum required elements:

1. Any employee, faculty, staff or contractor, or student who desires to assert a violation of the Act, may file a formal complaint with the local community college at which the alleged incident occurred. Any student under the age of 18 may file a complaint through a parent, guardian or next friend, and may file a complaint in his or her own name upon reaching the age of 18.
2. The formal complaint shall be in writing, signed by the complainant, and shall include the following:
 - a. The full name, address, and telephone number of the individual filing the complaint. The complainant is responsible for informing the community college of any changes to his or her contact information.
 - b. Name of potential individuals impacted by alleged violation.
 - c. Dates and/or times of the alleged violation.
 - d. Specific nature of the alleged violation, including identification of which section of the Act was allegedly violated.
 - e. A statement explaining how the complainant has been harmed by the community college’s alleged failure to comply with the Act.
 - f. Names of any potential witnesses.
 - g. Any other relevant information that would support an investigation.
3. The formal complaint shall be filed with the Board of Trustees of the community college in which the violation occurred.
4. The formal complaint shall be filed within 30 days of the alleged violation.

5. The community college shall prescribe the manner in which the Formal Complaint shall be delivered.

C. Investigations

Each local Board of Trustees of the community college shall develop its own investigative policies and procedures with the minimum required elements.

1. Upon receipt of a complete, timely, and properly filed Formal Complaint as prescribed by the policies of the local community college, the Board of Trustees, or other individuals identified by the Board and acting through the Board, shall investigate the reported violation or potential violation under the boards adopted procedures.

2. Within thirty (30) days of receipt of a complete, timely, and properly filed Formal Complaint, the Board of Trustees shall rule or take other action on the Formal Complaint.

a. If the Board of Trustees determines there is no violation of the Act, they shall provide written notification reflecting that determination. Such final ruling shall be provided to the Complainant.

b. If the Board of Trustees finds a violation of this act, the community college shall have twenty-five (25) days to cure all actions relating to the violation.

The respective board shall issue a formal final finding to the complainant detailing found violation and the curative response within twenty-five (25) days of the formal notice.

Should the error remain uncured beyond the twenty-five (25) day curative period, the aggrieved party may file an application for injunctive relief to compel the board to cure the error.

D. Assurances and Reporting

1. Pursuant to Section 4 of this act:

a. The community college president shall submit to the Mississippi Community College Board, a certification on behalf of the community college that the community college complies with the Act.

b. The required form of certification shall be prescribed by the Mississippi Community College Board and shall be due annually by July 30th.

3. Pursuant to Section 6 of this act:

a. Beginning in 2026, by July 30 of each year, every community college president shall submit to their Board of Trustees an annual report summarizing all formal complaints and the dispositions of those investigations and violations.

b. Each annual report submitted to the Board of Trustees shall also be submitted to the Mississippi Community College Board by August 15 of each year.

c. By October 30 of each year, the Mississippi Community College Board shall annually prepare a report to submit to the Legislature, as required by the Act, consisting of the reports from all community college, along with any recommendations.

E. Withholding of Funds

1. Pursuant to Section 8 of this act:

a. In addition to all other remedies provided under this act, if a community college is determined, through final adjudication of the administrative procedures process and exhaustion of all judicial appeals, to be in violation of any provision of this act, the State of Mississippi shall withhold the disbursement of the following state funds if not cured within thirty (30) days of a formal final finding upon the occurrence of any second or subsequent violations of this act.

b. Withholding of funds shall remain in effect until such time that the violating entity demonstrates full compliance with the provisions of this act, as certified by the appropriate governing authority and affirmed by the Attorney General or a court of competent jurisdiction.