

FREQUENTLY ASKED QUESTIONS ABOUT TENNESSEE PUBLIC CHAPTER 1066

As enacted, HB 2248, which is now called Tennessee Public Chapter 1066, prohibits the expenditure of state funds by The University of Tennessee to promote the use of gender neutral pronouns, to promote or inhibit the celebration of religious holidays, or to fund or support sex week; specifies that all funds (\$436,000) in the budget of the Office for Diversity and Inclusion at UT Knoxville, for fiscal year 2016-2017, be reallocated in the university's budget and used by the university solely for scholarships to be awarded through a minority engineering scholarship program; any such funds that are not used for minority engineering scholarships in fiscal year 2016-2017 will remain in the scholarship program for use in future fiscal years.

House Vote Passed: 63 – 21. Senate Vote Passed: 22 – 3. The bill was allowed to become law on May 20, 2016 without a signature from Governor Haslam.

This FAQ was compiled by the UTK Faculty Senate Task Force on Diversity and Inclusion in an effort to help faculty and students understand the implications of the law.

SACS accreditation for The University of Tennessee requires “The governing board is free from undue influence from political, religious, or other external bodies and protects the institution from such influence” (Sec. 3.2.4). Does this law impact the SACS accreditation for The University of Tennessee?

A number of accredited universities have been impacted by legislative action in recent years, and none of these universities has lost its accreditation.

For the purpose of this law, what is defined as state funds?

State funds are defined as direct appropriations from the legislature, tuition and student fees. As a result of Senate Joint Resolution 0626, an “opt in” system was created for student organized programming which has free speech protections. State funds do not include gift funds, non-state grants and contracts, or revenue typically generated from auxiliary enterprises (such as ticket sales, license revenues, etc.).

Since Public Chapter 1066 never mentions the UT Pride Center, why has it been impacted by this law?

The Pride Center has never had a dedicated, state-funded budget (i.e., its own cost center/E-account), but received financial support through the (now defunded) Office of Diversity and Inclusion and the Council and Commissions budget. The elimination of this year’s budget for the Office of Diversity and Inclusion means the budgetary support the Pride Center was receiving from the Office of Diversity and Inclusion can no longer be provided. The university is working to continue the Pride Center and its programs in 2016-2017, including an administrative liaison, student workers, Safe Zone Training and operational support from non-state sources.

How can I support the Pride Center?

The Pride Center Fund (diversity.utk.edu/about/support/) can receive one-time and recurring gifts that are tax deductible. People may also wish to support the Pride Ambassadors through their non-UT fund (www.youcaring.com/pride-center-ambassadors-573257).

Are faculty restricted from using or teaching about gender neutral pronouns?

While this law prevents campus administration from promoting (e.g., providing information about) gender neutral pronouns on its web sites or publications, faculty academic freedoms are not restricted by this law. As such, faculty members can:

- 1) Provide information about gender neutral pronouns on their syllabi to ensure that the needs of all students are accommodated consistent with principles of civility and community.
- 2) Teach about issues related to gender identity, including the use of gender neutral pronouns.
- 3) Conduct research and scholarship on issues related to gender identity, including the use of gender neutral pronouns.

In addition, the University Libraries may include books or other media that address issues related to gender identity, including the use of gender neutral pronouns.

Could Public Chapter 1066 be challenged as a violation of the 14th amendment, which guarantees equal protection under the law?

This is an open question, and would require legal action by members of the university community or other citizens against the State of Tennessee in order to challenge the law.

In the case of Sex Week, what does “fund or support” mean?

State funds (as defined above) will not be dedicated to the Sex Week program. However, student leaders of Sexual Empowerment and Awareness at Tennessee (SEAT), the campus student organization that sponsors the Sex Week program, have been informed that SEAT, as a campus student organization, will continue to be permitted to use campus facilities for Sex Week.

What does “promote or inhibit the celebration of religious holidays” mean?

A response to this question (like many others about Public Chapter 1066) requires contentious, uncertain interpretations of the legislature’s chosen words. A broad interpretation of the legislation would lead to unreasonable results, such as canceling the Clarence Brown Theatre’s annual production of *A Christmas Carol* because state funds are used to promote the theatre or preventing holiday displays purchased or supported with state funds (for example, lighted trees on campus building tops or decorated trees in Andy Holt Tower) to the extent they may be associated with specific religious holidays. While we do not think these broad interpretations are warranted, questions about holiday displays and presentations are best directed to campus administration.

What criteria are to be used for the minority engineering scholarship program?

In order to make best use of these scholarship funds, the College of Engineering has decided to postpone awarding of these funds until the award criteria can be reviewed and implemented fairly.

This document was drafted and is provided for faculty by faculty, and does not necessarily reflect the views of the University of Tennessee or its administration. Questions may be directed to Beauvais Lyons, Chair of the Faculty Senate Task Force on Diversity and Inclusion (blyons@utk.edu)