

Legislative Threat to Tennessee's Diverse Higher Education Institutions

HB 1664/SB 1712 | Rep. Mayberry/Sen. Johnson

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In 2025, Tennessee enacted multiple laws restricting initiatives intended to provide students and educators from a wide range of backgrounds with the resources and support needed to succeed in Tennessee's higher education institutions. These laws, combined with federal actions, led to the closure of many student support programs and offices that served historically underrepresented students, including first-generation students, students from low-income backgrounds, nontraditional and adult learners, and students of color. As a result, students now have fewer places on campus to access services that promote student belonging, engagement, and success.

For 2026, lawmakers have introduced [HB 1664/SB 1713](#), obligating institution leaders to annually certify compliance with state restrictions which could further curtail efforts to support students from a range of backgrounds.

HB1664 / SB1713

Requires executive head or president of each public institution of higher education or the chief executive head of any of its campuses to submit an annual attestation of compliance with [Tenn. Code Ann § 49-7-192](#) to the Comptroller.

- Tenn. Code Ann. § 49-7-192 states "A public institution of higher education in this state shall not use a discriminatory preference in an effort to increase diversity, equity, or inclusion or establish or maintain an office, division, or department for such purpose"
- A "discriminatory preference" refers to any policies or practices that grants or withholds benefits, opportunities, advantages [etc.] based on race, ethnicity, sex, age, or **any other demographic characteristic** rather than on individual merit, qualifications, or lawful eligibility criteria.

Amendment 015709

Allows the attorney general to investigate any allegation that a unit of state government is acting in violation of 4-1-427 or another state law prohibiting the use of a discriminatory preference to increase diversity, equity, or inclusion.

Existing state law does not clearly define what activities constitute “discriminatory preferences” and broadly states that institutions may not consider “any other demographic characteristic” when offering student support services. Due to the unclear nature of the existing law, institutions may feel pressured to over comply. Overcompliance could further limit student support services that are legally permissible and essential to student success.

Early Institutional Impacts

Following the 2025 legislation, several institutions implemented changes to services and offices intended to support student success and campus climate, including:

- [UT Chattanooga](#): Closure of the Office of Student & Family Engagement (News Channel 9, 2025)
- [MTSU](#): Closure of the June Anderson Center for Women and Nontraditional Students and the removal of scholarships for undergraduate students that mentioned veterans, non-traditional students, disabilities, first-generation students, gender identity or expression, personal hardship, race, sexual identity or special gifts or talents (MTSU Sidelines, 2025)
- [University of Memphis](#): Closure of the Multicultural Affairs Office (News Channel 3, 2025)

The elimination of student support services may [negatively impact](#) student recruitment, retention, and completion (Reber, 2024). While state law governing the use of discriminatory preferences in state government allows for the use of “lawful and neutral outreach programs that ensure equal access” and allows for the consideration of veteran status (T.C.A § 4-1-427), the section that HB1664 seeks to force compliance with does not. It is essential that institutional leaders receive clarity on the intended outcomes of HB1664/SB1713 prior to taking any action.

Key Questions

- How will Tennessee distinguish between a “discriminatory preference” and lawful, neutral student support services based on student need?
- Are higher education institutions subject to an investigation by the attorney general’s office if an allegation is filed?
- If so, given that the bill refers to two different statutes, which should institutions refer to when assessing compliance?
- Will the Comptroller’s office provide guidance or standardized templates to avoid conflicting interpretations of compliance?
- Are targeted support services and outreach that have demonstrated research evidence showing positive impacts on student outcomes protected from closure?
- Would an institution be required to eliminate any support services or financial aid programs for adult learners, students from low-income backgrounds, first generation students, and/or students from rural communities before submitting an attestation of compliance?