

2026 Regular Session

HOUSE BILL NO. 1008

BY REPRESENTATIVE OWEN

COLLEGES/FACULTY: Prohibits public postsecondary education institutions from retaliating against faculty members for disclosing certain alleged violations or exercising academic freedom or free speech

1 AN ACT

2 To enact Part XV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:3399.51, relative to faculty at public postsecondary education
4 institutions; to prohibit a public postsecondary education institution from retaliating
5 against a faculty member for disclosing certain alleged violations or exercising
6 academic freedom or free speech; to provide for definitions; to provide for penalties;
7 to provide for remedies; to require the Board of Regents to adopt a uniform policy
8 relative to reporting and investigations; to require public postsecondary education
9 institutions to adhere to the policy; to provide for annual reporting; to provide for
10 applicability; to provide for effectiveness; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part XV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 17:3399.51, is hereby enacted to read as follows:

14 PART XV. FACULTY MEMBERS: FREEDOM FROM RETALIATION,
15 ACADEMIC FREEDOM, AND FREE SPEECH
16 §3399.51. Faculty members; freedom from retaliation for disclosing alleged
17 violations, academic freedom, and free speech
18 A. For the purposes of this Part:

1 (1) "Academic freedom" means the right of faculty members to teach,
2 research, publish, and express views on matters within their field of expertise without
3 interference, consistent with professional standards and institutional policies.

4 (2) "Faculty member" means any tenured or nontenured professor, instructor,
5 lecturer, or other academic employee at a public postsecondary education institution.

6 (3) "Free speech" means expression protected under the First Amendment
7 of the Constitution of the United States of America, as interpreted by the United
8 States Supreme Court, and Article I, Section 7 of the Constitution of Louisiana.

9 (4) "Public postsecondary education institution" or "institution" means an
10 institution under the supervision and management of the Board of Supervisors of
11 Louisiana State University and Agricultural and Mechanical College, the Board of
12 Supervisors of Southern University and Agricultural and Mechanical College, the
13 Board of Supervisors for the University of Louisiana System, or the Board of
14 Supervisors of Community and Technical Colleges.

15 (5) "Retaliate against or harm" means to inflict any adverse action, such as
16 discharge, demotion, suspension, denial of promotion or tenure, reduction in pay or
17 benefits, harassment, threats, negative evaluations, reassignment, or any action
18 causing financial, professional, or emotional harm.

19 B.(1) No public postsecondary education institution or any officer,
20 employee, or agent thereof shall retaliate against or harm any faculty member for:

21 (a) Disclosing or reporting concerns about any alleged violation of law,
22 regulatory policy, or ethical standard or any other alleged act of impropriety related
23 to academic, administrative, or operational matters at the institution, including but
24 not limited to reporting concerns to any supervisor, institutional official, state or
25 federal agency, legislator, law enforcement officer, or the public about waste, fraud,
26 abuse, misconduct, or threats to public health, safety, or institutional integrity.

27 (b) Exercising academic freedom, including but not limited to teaching
28 topics that some may consider controversial, conducting research, and publishing
29 findings.

1 (c) Exercising free speech during student instruction consistent with his
2 academic field and the subject matter of the course.

3 (d) Exercising free speech outside the scope of student instruction, including
4 extramural free speech involving public appearances, publications, and other
5 expression on topics outside his academic field.

6 (2) A faculty member is not required to give prior notice to the institution
7 relative to any of the actions provided for in Subparagraphs (1)(a) through (c) of this
8 Subsection in order for the protection provided in this Section against being
9 retaliated against or harmed to apply.

10 C. Any institution that, or individual who, violates the provisions of
11 Paragraph (B)(1) of this Section shall be subject to:

12 (1) Civil penalties of not less than ten thousand dollars and not more than
13 one hundred thousand dollars per violation.

14 (2) Injunctive relief to prevent further violations.

15 (3) Referral to the attorney general or district attorney for potential criminal
16 prosecution under applicable laws, including but not limited to malfeasance in office
17 as provided in R.S. 14:134 et seq.

18 D.(1) Any institution that violates the provisions of Paragraph (B)(1) of this
19 Section shall be liable for all harm caused to the faculty member, including but not
20 limited to:

21 (a) Financial harm, including but not limited to lost wages, benefits, or
22 opportunities.

23 (b) Professional harm, including but not limited to damage to reputation,
24 career advancement, or research opportunities.

25 (c) Emotional harm, including but not limited to distress, anxiety, or mental
26 anguish.

27 (2) An aggrieved faculty member may bring a civil action in a court of
28 competent jurisdiction within two years of the violation of Paragraph (B)(1) of this
29 Section. Remedies shall include:

1 (a) Reinstatement, back pay, and restoration of benefits or tenure status if the
2 faculty member proves by a preponderance of the evidence that an adverse action
3 against him was retaliation for conduct provided for in Paragraph (B)(1) of this
4 Section.

5 (b) Compensatory damages, including treble damages for willful violations.

6 (c) Reasonable attorney fees and court costs.

7 (d) Punitive damages of up to five hundred thousand dollars for egregious
8 or repeated violations.

9 (3) In accordance with Article X, Section 10(B) of the Constitution of
10 Louisiana, an institution shall not be entitled to sovereign immunity for violations
11 of Paragraph (B)(1) of this Section.

12 E. Nothing in this Part shall be construed to do either of the following:

13 (1) Limit or restrict the authority of an institution to make legitimate,
14 merit-based personnel decisions, including the granting or denial of tenure,
15 promotion, or any other employment action.

16 (2) Prohibit an institution from denying tenure, promotion, or any other
17 benefit to a faculty member who fails to satisfy established, codified performance
18 standards, rubrics, teaching effectiveness criteria, research expectations, service
19 requirements, or other legitimate academic or institutional criteria, as long as such
20 decision is not made in retaliation for conduct provided for in Paragraph (B)(1) of
21 this Section.

22 F. The Board of Regents shall adopt a uniform policy for the implementation
23 of this Section, including procedures for confidential reporting and independent
24 investigations, to which each institution shall adhere.

25 G. Each institution shall submit a written report to the legislature by March
26 first annually relative to any complaints it receives pertaining to violations of
27 Paragraph (B)(1) of this Section and action taken to resolve such complaints.

28 Section 2. The provisions of R.S. 17:3399.51 as enacted by Section 1 of this Act
29 shall be applied retroactively to January 1, 2025, as well as prospectively.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1008 Engrossed

2026 Regular Session

Owen

Abstract: Prohibits public postsecondary institutions from retaliating against faculty members for disclosing certain alleged violations or exercising academic freedom or free speech.

Present law provides that any public employee who reports information which he reasonably believes indicates a violation of any law or of any order, rule, or regulation issued in accordance with law or any other alleged acts of impropriety related to the scope or duties of public employment or public office within any branch of state government or any political subdivision shall be free from discipline, reprisal, or threats of discipline or reprisal by the public employer for reporting such acts of alleged impropriety. Proposed law retains present law and additionally:

- (1) Prohibits a public postsecondary education institution or any officer, employee, or agent thereof from retaliating against or harming any faculty member for disclosing certain alleged violations, exercising academic freedom, or exercising free speech. (Proposed law defines "free speech" as expression protected under the First Amendment of the U.S. Constitution, as interpreted by the U.S. Supreme Court, and Article I, Section 7 of the Constitution of La.)
- (2) Provides that a faculty member is not required to give prior notice to the institution relative to any of those actions in order for proposed law protections to apply.
- (3) Provides that any institution that, or individual who, violates this prohibition is subject to civil penalties of \$10,000-\$100,000 dollars per violation, injunctive relief to prevent further violations, and referral to the attorney general or district attorney for potential criminal prosecution.
- (4) Provides that an institution that violates this prohibition is liable for all harms caused to the faculty member, including financial harm, professional harm, and emotional harm.
- (5) Authorizes an aggrieved faculty member to bring a civil action within two years of a violation of proposed law and provides for remedies including reinstatement, back pay, and restoration of benefits or tenure status if the faculty member proves by a preponderance of the evidence that an adverse action against him was retaliation for conduct provided for in proposed law; compensatory damages, including treble damages for willful violations; reasonable attorney fees and court costs; and punitive damages of up to \$500,000 for egregious or repeated violations.

- (6) Provides that an institution shall not be entitled to sovereign immunity with respect to violations of proposed law.
- (7) Requires the Bd. of Regents to adopt a uniform policy for proposed law implementation, including procedures for confidential reporting and independent investigations, to which each institution shall adhere.
- (8) Requires each institution to submit a written report to the legislature by March first annually relative to any complaints it receives pertaining to violations of proposed law and resolutions relative to such complaints.

Proposed law provides that nothing in proposed law shall be construed to do either of the following:

- (1) Limit or restrict the authority of an institution to make legitimate, merit-based personnel decisions, including the granting or denial of tenure, promotion, or any other employment action.
- (2) Prohibit an institution from denying tenure, promotion, or any other benefit to a faculty member who fails to satisfy established, codified performance standards, rubrics, teaching effectiveness criteria, research expectations, service requirements, or other legitimate academic or institutional criteria, as long as such decision is not made in retaliation for conduct provided for in proposed law.

Proposed law provides that proposed law shall be applied retroactively to Jan. 1, 2025, as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3399.51)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Revise the definition of "free speech".
2. Make damages with respect to reinstatement, back pay, and restoration of benefits or tenure status conditional on the faculty member proving by a preponderance of the evidence that an adverse action against him was retaliation for conduct provided for in proposed law.
3. Add that nothing in proposed law shall be construed to:
 - (a) Limit or restrict the authority of an institution to make legitimate, merit-based personnel decisions.
 - (b) Prohibit an institution from denying tenure, promotion, or any other benefit as long as such decision is not made in retaliation for conduct provided for in proposed law.