



# NATIONAL ASSOCIATION *of* SCHOLARS

## THE CONTRACTOR NONDISCRIMINATION ACT

The Contractor Nondiscrimination Act prohibits contractors for school districts from promoting discrimination on the basis of race, sex, or other group identity.<sup>1</sup>

### MODEL LEGISLATIVE TEXT

#### *Section A*

Publicly funded education institutions shall include in each contract with a vendor the provision that the vendor shall not teach, instruct, or train any employee to adopt or believe racist or bigoted concepts.

#### *Section B*

If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

### DEFINITIONS

1. "Racist or bigoted concepts" means any one or more of the following concepts:
  - a. one race or sex is inherently superior to another race or sex;
  - b. an individual, by virtue of his or her race or sex, is inherently racist, sexist, privileged, biased, oppressed or oppressive, whether consciously or unconsciously;
  - c. an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race;
  - d. members of one race cannot and should not attempt to treat others without respect to race;
  - e. an individual's moral standing or worth is necessarily determined by his or her race or sex;
  - f. an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
  - g. an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex;
  - h. meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a members of a particular race to oppress members of another race;
  - i. fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.

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<sup>1</sup> Consequences for noncompliance with this law should be determined by each state.