

## **Diversity, Equity and Inclusion**

### Idaho

It appears that the Idaho State Board of Education earlier this spring adopted a policy banning four-year public colleges from using diversity statements in their hiring processes. The policy prohibits state institutions from inviting or requiring any candidate for hire to demonstrate commitment to the principles of diversity, equity, and inclusion through a written diversity statement.

Link to Board document (discussion of this policy begins on page 35 of the pdf):

<https://boardofed.idaho.gov/meetings/board/archive/2023/04252623/05IRSA.pdf>

### Texas

SB 17 from the 2023 [88(R) session] goes into effect Jan. 1, 2024. The bill directs institution of higher education governing boards to ensure each unit of the institution does not, except as required by federal law:

- Establish or maintain a DEI office;
- Hire or assign an employee or contract with a third party to perform the duties of a DEI office;
- Compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to any person based on the provision of a DEI statement;
- Give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution; or
- Require as a condition of enrolling at an institution or performing any institution function any person to participate in DEI training which:
  - Includes training or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation;
  - Does not include a training or activity developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; and
- Adopt policies and procedures for disciplining, including by termination, an employee or contractor of the institution who engages in prohibited conduct.

Link to text of bill:

<https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00017F.pdf#navpanes=0>

#### West Virginia

It appears legislation has been introduced but not enacted.

HB 3503 introduced in the 2023 session would:

- Prohibit diversity statements from being required or solicited as part of an admissions process, employment application process, hiring process, contract renewal process, or promotion process or as a condition of participation in any administrative or decision-making function of any public institution of higher education.
- Prohibit a public institution from giving preferential consideration to an applicant, student, staff member, or faculty member due to any opinion expressed or action taken in support of another individual or a group of individuals on the basis of race, sex, color, ethnicity, gender identity, or sexual orientation.

Link to text of bill:

[https://www.wvlegislature.gov/Bill\\_Text\\_HTML/2023\\_SESSIONS/RS/bills/hb3503%20intr.pdf](https://www.wvlegislature.gov/Bill_Text_HTML/2023_SESSIONS/RS/bills/hb3503%20intr.pdf)

#### North Dakota

SB 2247 was signed into law in April 2023.

The bill prohibits a student or employee of a state institution of higher education from:

- Being penalized, being discriminated against, or receiving adverse treatment due to his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent or oppose a "specified concept"; or
- Being required to endorse or oppose a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation.

The bill also prohibits a public institution from:

- Conducting mandatory noncredit training of a student or employee if the training includes a "specified concept";
- Using a noncredit training program or materials that include a "specified concept"; and
- Using state-appropriated funds to incentivize, beyond payment of regular salary, a faculty member to incorporate a "specified concept" into academic curriculum.

\*The term "specified concept" is defined in the bill and includes 16 items.

Link to the full text of the bill: <https://ndlegis.gov/assembly/68-2023/regular/documents/23-0417-07000.pdf>

### Wisconsin

It appears the Wisconsin Legislature attempted to tackle DEI through the budget process. The body passed a budget that included a \$32 million cut to the University of Wisconsin System, which is about the amount the system was planning to spend on DEI efforts (including staff).

Wisconsin Gov. Tony Evers vetoed that portion of the budget bill.

### Florida

SB 266 went into effect July 1, 2023.

The bill:

- Prohibits a state university from expending state or federal funds to promote, support, or maintain any programs or campus activities that advocate for DEI or promote or engage in political or social activism or that violate certain anti-discrimination provisions already in statute (See below).
- Prohibits general education core courses from including curriculum that teaches identity politics or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in U.S. institutions and were created to maintain social, political, and economic inequities.

Link to full text of bill:

<https://www.flsenate.gov/Session/Bill/2023/266/BillText/er/PDF>

Related: Title 48, Section 1000.05, which was amended in 2022.

This section of law created the Florida Educational Equity Act, which prohibits discrimination on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or employee in public K-20 education.

Link to section of law:

[http://www.leg.state.fl.us/Statutes/index.cfm?](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1000/Sections/1000.05.html)

[App\\_mode=Display\\_Statute&URL=1000-1099/1000/Sections/1000.05.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1000/Sections/1000.05.html)