Statement of Concern and Proposed Amendments for the Draft SAP: Equal Opportunity, Prohibited Efforts and Functions, and Institutional Discrimination

As a joint effort from faculty in the Division of Social Work, Wyoming Institute for Disabilities (WIND), and the School of Culture, Gener, and Social Justice (soon to become American Cultural Studies), we present the following concerns regarding the draft SAP *Equal Opportunity, Prohibited Efforts and Functions, and Institutional Discrimination*. While we understand the university's obligation to comply with HB147 and Title VI, we believe the current draft overinterprets and over-complies with these requirements in ways that fundamentally compromise academic freedom, the integrity of our academic programs, and the university as a whole.

Primary Concerns

Our primary concerns center on Items 4, 5, and 6 in Part B "Prohibited Functions" of the draft SAP. These prohibitions create a situation where external policy dictates academic content and assessment rather than disciplinary expertise and faculty judgment, directly violating academic freedom.

For many departments, diversity content is explicitly written into disciplinary standards and accreditation competencies. The current draft SAP would place these programs at risk of losing accreditation and would undermine our ability to prepare students adequately for their chosen professions.

Context and Overinterpretation

The university has stated that it does not see HB147 as a form of censorship. However, when legislation dictates disciplinary standards and academic content, this constitutes a clear restriction on academic freedom. National organizations that track and analyze bills like HB 147 see this law, and others like it around the nation, as a form of censorship. Specifically, they note that the language of the HB 147 is similar to Florida's Stop WOKE Act *which was ruled unconstitutional last year*. We need to consider what this means for our work at a university with a commitment to freedom of expression.

Furthermore, the FAQ released by the Department of Education following the Dear Colleague letter more accurately describes the Supreme Court decision and indicates that classroom instruction was not the target of these rulings. The Supreme Court was concerned with racial stereotyping, creating hostile environments, segregation, and discriminatory actions—not with DEI coursework or cultural competency education.

Professional and Disciplinary Standards

For fields like Social Work and Nursing, the ability to work effectively with diverse populations is not ideological but professional. For instance, insofar as it is a social worker's job to work with diverse and marginalized clients and communities or to advocate for policies that serve diverse clientele, competencies and educational assessments that evaluate a student's ability to engage with issues of diversity, equity, and inclusion are entirely appropriate.

The ideological preferences of legislators should not dictate the disciplinary and professional standards for any field of study, nor should they compromise our ability to prepare students for their chosen professions. We do not need to overinterpret and over comply with both HB147 or title XI based on misinformation and fear. Doing so threatens the very foundation of why universities exist in the first place – to educate, foster critical thinking, and advance knowledge. In many fields of professional practice, such as social work and nursing, we cannot prepare students to work in the real world of their profession when academic freedom is stifled in this way.

Proposed Amendments

To address these concerns while maintaining compliance with legal requirements, we propose the following specific amendments to items 4, 5, and 6 under "prohibited functions" in the draft SAP that would preserve academic freedom, disciplinary integrity, and professional standards:

Item 4:

Current Language: Evaluating an employee's or student's commitment to Diversity, Equity, and Inclusion on annual performance evaluation, application for admission to the University, or in administering course grades

Recommended Change: Evaluating an employee's or student's personal political or ideological commitments ~~Diversity, Equity, and Inclusion~~ on annual performance evaluation, application for admission to the University, or in administering course grades; this prohibition does not restrict teaching, assessing, or evaluating relevant academic content, theories, research, or competencies established by disciplinary and professional standards.

Rationale for amendment: This amendment provides broader protection for academic freedom and free inquiry while still speaking to the "spirit of the legislation."

Alternative Option (if they insist on retaining the focus on DEI): Evaluating an employee's or student's ~~commitment~~ personal ideological positions regarding Diversity, Equity, and Inclusion on annual performance evaluation, application for admission to the University, or in administering course grades; this prohibition does not restrict teaching, assessing, or evaluating relevant academic content, theories, research, or competencies established by disciplinary and professional standards.

Rationale for amendment: This amendment adds specificity and carves out protections for academic freedom and to protect the integrity of our programs.

Item 5:

Current Language: Requiring any student, employee, or contractor to attend or participate in any Diversity, Equity, and Inclusion program or training or any institutional discrimination instruction, program or training

Recommended Change: Requiring any student, employee or contractor to attend or participate in any institutional discrimination instruction, program or training or any program, activity, or policy that promotes differential or preferential treatment of individuals or classifies individuals on the basis of race, color, religion, sex, ethnicity, or national origin. This prohibition does not apply to:

a. Academic content, coursework, or training that students take as part of their chosen field of study;
b. Materials that present factual information about historical or contemporary social conditions, demographic data, or research findings;
c. Preparation that aligns with discipline-specific accreditation standards and professional practices, provided that it does not promote institutional discrimination.

Rationale for Amendment:

- Incorporates the HB 147's definition of DEI directly into the prohibition to prevent overly broad interpretation of "Diversity, Equity, and Inclusion program or training," which could potentially sweep in a wider range of academic content.
- Maintains HB 147's prohibition against requiring participation in programs promoting preferential treatment and institutional discrimination.
- Clarifies that students who opt into particular programs of study (like social work, nursing, sociology, etc.) are making a voluntary choice to engage with that program's curriculum. This acknowledges that students have agency in choosing their field of study (which is their academic freedom) and some of these fields will have content and training related to DEI.
- Distinguishes between promoting preferential treatment and teaching factual information.
- Protects academic content necessary for disciplinary standards, professional preparation, and accreditation

Item 6:

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Current Language: Requiring a diversity or cultural competency category or credit expectation to meet general education requirements at the university or college level.

Recommended Change: *Eliminate #6 altogether.*

Rationale for amendment:

- #6 is in direct contradiction to #4a in the SAP, which states: "For the purposes of this Policy, the following are not considered prohibited efforts: **a.** Academic freedom, including research except that the University shall not require instruction promoting institutional discrimination."
- #6 is an overinterpretation of HB 147 and the FAQ for the Dear Colleague letter suggests that what is taught in classrooms will not be targeted. Therefore, #6 is an unnecessary overreach that will undermine academic freedom.
- Additionally, the essence of #6 is already covered in #5. Therefore, it is unnecessary and creates additional barriers.