

A Message from the President: New State Law on DEI

UW Community,

At the conclusion of the 2024 legislative session, I sent a campuswide message noting the university's plans to comply with a \$1.73 million budget reduction and a state budget footnote directing that no state funding could be spent on a diversity, equity and inclusion office or programs -- even after Gov. Mark Gordon vetoed a part of that footnote. We took that course in response to a clear message from legislators against DEI programs and activities, which came in spite of our argument that UW's DEI efforts had focused only on achieving the objective of being a supportive community of openness, tolerance and respect.

Since that time, of course, much has happened at the federal level when it comes to DEI, including presidential [executive orders](#), [agency directives](#) and new [Department of Education guidance](#). Because of [the actions we have taken](#) in the past year -- eliminating our DEI office, thoroughly reviewing all UW activities related to DEI and changing those that might be categorized as giving preferential treatment to certain groups of people -- we are in a much better position than many universities to respond to the federal changes.

We also are in a relatively strong position to respond to a new state law just passed by the Wyoming Legislature. Today, I'm writing to update you on that measure and explain the university's approach to compliance.

The new law, originally House Bill 147, was signed by the governor Tuesday. It prohibits UW and other government entities from engaging in any DEI program, activity or policy and defines DEI as anything "that promotes differential or preferential treatment of individuals or classifies individuals on the basis of race, color, religion, sex, ethnicity or national origin."

The law also prohibits "institutional discrimination," defining it in terms that include the ideas "that any race, color, religion, sex, ethnicity or national origin is inherently superior or inferior"; "that because of a person's race, color, religion, sex, ethnicity or national origin, the person is inherently racist, sexist or oppressive, whether consciously or subconsciously"; "that by virtue of a person's race, color, religion, sex, ethnicity or national origin, the person is inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity or national origin"; and that "any person should accept, acknowledge, affirm or assent to a sense of guilt, complicity or a need to apologize on the basis of the person's race, color, religion, sex, ethnicity or national origin."

The law prevents UW and other government entities from requiring any student, employee or contractor to attend or participate in any DEI or "institutional discrimination" programs or training. Finally, it also prohibits UW from requiring "instruction promoting institutional discrimination."

Our initial assessment is that the university, as a result of the actions we already have taken, is largely in compliance with this new law, which takes effect July 1. However, we are looking

closely at the prohibition on “instruction promoting institutional discrimination,” as defined by the law. Our initial interpretation is that this does not prevent classroom discussion about divisive issues involving race, religion, sex, ethnicity or national origin; rather, it disallows advocacy on those topics by instructors. And encouraging inquiry instead of advocacy in the classroom is one of UW’s core principles, something we will emphasize before and after the new law goes into effect. We will continue to reinforce that dialogue, inquiry, fortitude and critique by both faculty and students are critical to the classroom, while advocacy, hostility, censorship and cancel culture are not.

A second bill, originally Senate File 103, was vetoed by the governor, and the Legislature has elected to not override that veto, despite the fact that the bill received overwhelming support in both chambers. Similar to House Bill 147, it would have prohibited DEI efforts and mandates by state agencies and public educational institutions. Among other terms, the bill defined DEI as “policies or procedures designed or implemented to promote differential treatment or special benefits based on race, color or ethnicity, except for policies or procedures necessary to comply with any state law, federal law or applicable court order.”

Among other things, Senate File 103 would have prevented courses containing advocacy of DEI concepts from being required “to satisfy the requirements of any academic degree program.”

Similar to House Bill 147, our initial assessment was that Senate File 103 would not have prevented classroom discussion about divisive issues related to race, color or ethnicity; rather, it targeted advocacy on those topics by instructors. I reiterate that we will work to make sure our students receive instruction in which inquiry, not advocacy, is the standard. You should expect to hear more about such efforts before and after the new law takes effect.

Still, we are grateful to the governor’s veto, as Senate File 103 also would have potentially prevented the university from using private dollars to support programs such as UW’s successful Wyoming Latina Youth Conference. Additionally, as he noted in his veto message, the bill would have introduced “ill-defined and overly broad restrictions,” created “significant legal ambiguities” and risked “unintended consequences that could negatively impact Wyoming’s higher education institutions and workforce development.”

Legislation that delves into UW’s curriculum is a relatively new development and is something we’re taking very seriously. But it’s worth noting that Wyoming isn’t the only state where the push against DEI has reached into curricular matters. Laws and legislation in some of those states are considerably more restrictive and punitive.

Please know that academic freedom and freedom of expression -- concepts that are central to higher education and repeatedly affirmed by the U.S. Supreme Court -- remain core principles of the university, along with encouragement of inquiry instead of advocacy in the classroom. Other core principles are that the university is committed to being open and welcoming to all; supporting and treating everyone fairly and respectfully; being politically neutral as an

institution; basing hiring and grading exclusively on merit; and considering the needs of all students, faculty and staff.

As the impact of the new state law -- and federal requirements -- becomes clearer, we will communicate the information as quickly as possible. If further changes must be made, we will do them in a spirit of compliance as Wyoming's land-grant university, acting in the best interests of our students, constituents and employees.

What will not change is UW's commitment to be a place where all are welcomed and have an opportunity to flourish. That is part of our culture at UW and Wyoming's founding principles.

Sincerely,

Ed Seidel, President