

UNIVERSITY OF WYOMING

March 26, 2025

From: President Seidel and his Executive Cabinet

To: Cabinet; Vice Provosts; Deputy Vice Presidents; Associate Vice Presidents; Deans;
Associate Deans; Directors; Department Heads

Cc: Board of Trustees, Faculty Senate, Staff Senate, ASUW

Subject: Compliance with the Title VI Dear Colleague Letter and HB0147

Background and Context

During the 2024 Wyoming Legislative budget session, lawmakers adopted footnote 12 to section 067 of Original House Bill 0001, House Enrolled Act 50, prohibiting the University from expending state appropriated funds on the office of diversity, equity, and inclusion at the University of Wyoming and any diversity, equity, or inclusion programs, activities, or functions. On March 22, 2024, the Governor line-item vetoed the “programs, activities, or functions” portion of the footnote. The final language is in 2024 Session Laws, Chapter 118, Section 067. Following the implementation of this legislation, the UW President created a working group with members from faculty senate, staff senate, ASUW, deans, and administrators to provide suggestions on which programs, activities, and functions should be continued, modified, or discontinued and how essential student success and institutional excellence programs, activities, and functions could be organized and funded within the University to make them most effective. In its final report to the President, the working group provided a recommended definition of diversity, equity, and inclusion. At the May 2024 University of Wyoming Board of Trustees Meeting, the Board unanimously concurred with and supported the following plan as outlined by the President, including the definition of diversity, equity, and inclusion proposed by the working group (see [eo-prohibited-efforts-8-16-24.pdf](#)):

1. Close the Office of Diversity, Equity, and Inclusion (DEI) and reassign staff.
2. Create a Vice Provost for Faculty, Staff, and Student Access, Opportunity, and Wellbeing (this was modified to become a one-year Vice Provost for Access and Engagement 0.5 FTE position to assist with the transition).
3. Cease any requirement for prospective employees to submit statements regarding diversity, equity, and inclusion during the hiring process.
4. Cease the requirement for UW employees to be evaluated on components of diversity, equity, and inclusion.

5. Review key practices to ensure they promote merit and do not promote preferential treatment.

The April 2024 Working Group report also made the following recommendations:

1. *Admissions practices.* In 2023, the U.S. Supreme Court held that under the Equal Protection Clause of the Fourteenth Amendment, universities cannot use race as a factor in admissions because it does not meet strict scrutiny. The Court found that there is not a compelling government reason that is narrowly tailored enough to allow admission based, even partly, on race. The University's undergraduate admissions practices are compliant with the Court's ruling. The admissions practices at the graduate level are now blind to demographics but are decentralized. The Working Group offers that the University consider reviewing graduate admissions practices for adherence to the law.
2. *DEI advisory councils, task forces, and committees.* The work of many of these committees likely align with the University's commitment to student success and meeting the needs of all students and employees. However, the Working Group offers that the University consider reviewing these councils, task forces, and committees to ensure the focus remains on the University's core mission and that DEI efforts are not necessarily prioritized over other essential functions in a fiscally challenging environment.
3. *Hosting, inviting, or sponsoring speakers.* The Working Group acknowledges the value and benefit of inviting speakers to the University, including scholars, non-scholars, industry representatives, governmental agencies, and other guest speakers. As noted above, the use of state dollars for guest speakers has been a topic of discussion over the last year. The Working Group acknowledges that further review is needed to develop a content-neutral rule related to hosting, inviting, or sponsoring guest speakers with state dollars. [Note: See #1 below under *Additional Guidance to Comply with Federal and State Law*]
4. *Co-curricular identity-based centers, services, support groups, seminars, and events.* Although the aim of these identity-based programs is to improve recruitment and retention initiatives and foster a welcoming environment, some may suggest that they introduce preferential treatment, potentially excluding certain individuals and providing advantages based on protected classes. The Working Group supports these important functions but offers that the University might take care that they do so in a manner that reinforces success for all. The Working Group also offers that these types of activities might be better aligned through Student Organizations or the use of non-state dollars. [Updated Note: Due to recent federal guidance, the use of non-state dollars for identity-based centers, services, support groups, seminars, and events is likely not allowed. See below under *Additional Guidance to Comply with Federal and State Law*.]
5. *Inclusivity pillar report.* The initial charge was "to explore the infrastructure and structures needed to build out the foundations for inclusivity at UW and in Wyoming, pivoting UW to financial sustainability and accelerating its role as an economic development engine. A Wyoming that welcomes and includes broad perspectives and diverse backgrounds and

experiences will thrive economically, culturally, and socially.” However, the final draft included some concepts that might be considered divisive and ideologic statements that focus on systemic inequalities instead of inclusivity of broad perspectives and diverse backgrounds. This Working Group offers that this report should be reexamined to focus on the President’s initial charge. **[Updated Note:** In 2020, the President charged teams of University faculty, staff, and administrators to draft reports related to four pillars: digital, interdisciplinary, entrepreneurship, and inclusivity. The digital, interdisciplinary, and entrepreneurship pillar reports were used to inform decisions related to new programs and processes, such as the Center for Entrepreneurship and Innovation and the School of Computing. The inclusivity report was not adopted and is no longer applicable.]

6. *Recruitment and retention.* The Working Group emphasizes the importance of the University’s ongoing capacity to recruit and retain diverse candidates, employees, and students, and that resources be devoted to that effort, such as ensuring a broad pool of applicants, as long as they are not preferential or exclusionary. **[Updated Note:** See #5 below under *Additional Guidance to Comply with Federal and State Law*]
7. *Scholarships, awards, and assistantship programs.* The University has several scholarships, awards, or assistantship programs that contain a preference requirement related to gender or race/national origin. Most are held through the UW Foundation and were part of the original criteria set by donors for the specific scholarship gifts. The Office for Civil Rights (OCR) has recently indicated that these types of scholarships can violate the nondiscrimination requirements of the Civil Rights Act Titles VI and IX. If scholarships contain these preferences, there are some nuances and exceptions to permitting them to continue, including a concept commonly referred to as a “pool and match” system where the scholarships are awarded based on nondiscriminatory criteria (i.e., grades, test scores, etc.) and then scholarships with the preferences are applied to backfill the commitment to the student. (See e.g. 34 C.F.R. 106.37(b)). The University continues to work with OCR on complaints related to scholarships, and the UW Foundation is working on addressing or changing both past and future gender and race preferences in scholarships.
8. *Strategic Plan 2023+.* While the one-page overview does not contain any preferential language, Goal 1 has targeted enrollment percentages for specific groups and Goal 3 includes prioritizing and resourcing DEI efforts. The Working Group offers these might be reviewed considering the challenging fiscal environment, the budget footnote, and to remove any sense of preferential or exclusionary treatment. **[Updated Note:** Units should review their strategic plans for preferential language based on sex or race or prioritizing and resourcing DEI efforts.]
9. *Student support services.* Student services including emotional and mental health, health and wellness, food and nutrition, academics and tutoring, activities and interests, housing and finances, and post-graduation and career services are critical to the University’s mission and are key support services ensuring that the University consider the needs of every student. The Working Group offers that any identity-based support services might be reviewed to ensure there is no preferential treatment or exclusions based on identity and

that there are no requirements to identify as a certain class to benefit from or utilize these services. Additionally, the Working Group notes that sometimes the identity-based services are highlighted more often than the other services and offers that it might be prudent to more visibly promote services that support all students. **[Updated Note:** Multicultural Affairs has been transitioned to the Pokes Center for Community Resources, which provides a centralized location where students and their families can learn about institutional and community resources pertaining to basic life skills, resources and skills development. The Center serves as a conduit for education and material support in areas such as food and housing security, family support, employment and general living skills and more.]

10. *Summer institutes and programming (including but not limited to the Black 14 Social Justice Summer Institute and the Latina Youth Conference).* The Working Group notes that these programs create important recruitment pipelines for the University. If the University is committed to these types of programming, the Working Group offers that the University find ways to support these programs through continuing to partner with the UW Foundation to fundraise for private support. **[Updated Note:** Due to recent federal guidance, the use of non-state dollars for identity-based summer institutes and programming is likely not allowed. See below under *Additional Guidance to Comply with Federal and State Law.*]
11. *Symposia and research centers (including but not limited to MLK Days of Dialogue, Shepard Symposium on Social Justice, Social Justice Research Center, and the Black Studies Center).* The Working Group notes that these centers and this programming provide important learning opportunities for the University and state communities. If the University is committed to continuing these types of activities, the Working Group offers that the University find ways to support these programs through continuing to partner with the UW Foundation to fundraise for private support. **[Updated Note:** MLK Days of Dialogue and the Black Studies Center were discontinued years ago. The language of other similar endowments is currently being reviewed to ensure compliance with federal and state laws and guidance.]
12. *Support for Student Organizations.* Per UW Regulation 11-4, students are free to organize and join associations to promote their common interest and shall be free to determine their own membership, policies, and actions. The Working Group strongly reaffirms this notion by proposing to exclude these organizations (and faculty and staff support for these organizations) from the definition of DEI. However, the Working Group notes that the current tiered support structure might need modified to ensure that University support is not seen as preferential or exclusionary. **[Updated Note:** Student Affairs is in the process of modifying its support structure for Student Organizations.]

To assist with making these modifications, in June 2024, we asked each Vice President and Dean to complete a program, activity, and function (PAF) spreadsheet noting activities that needed modified or discontinued based on the definition of DEI in the University's May 10, 2024, *Equal opportunity and Prohibited Efforts Statement*. Vice Provost for Access and Engagement Brandon McElroy has been working with you since the start of the Fall 2024 semester, and in early Spring

2025, met with each of you and General Counsel to provide additional guidance to support compliance.

On October 25, 2024, President Seidel created an Access and Engagement Working Group to assist with transitioning to an access and engagement model and to continue to enhance critical student success and faculty excellence initiatives that are not preferential or exclusionary.

On February 14, 2025, the U.S. Department of Education’s Office for Civil Rights (OCR) issued a “Dear Colleague” letter clarifying its position that treating students differently based on race, national origin, and ethnicity is illegal pursuant to federal civil rights and constitutional principles. The letter indicates that the reasoning in the *Students for Fair Admissions v. Harvard* prohibiting race-based admissions decision also applies to a number of other areas within academic institutions, including hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. The letter provided a 14-day period for institutions to come into compliance or risk potential complaints to OCR and possible funding cuts (by February 28, 2025).

On February 26, 2025, the Office of General Counsel provided a public education session on the Title VI Dear Colleague Letter. That same day, the Office of General Counsel also requested that Cabinet and Deans review with their units and affirmatively respond by Friday, February 28 indicating whether their unit (or the units they oversee) are in compliance, when/why/how, and the steps they took to review for and ensure compliance; (2) that they are working towards compliance and will be compliant by date certain; or (3) resources/assistance they need to become compliant. All of your units responded that they were in compliance.

On February 28, 2025, OCR released FAQs clarifying the following:

Schools may not operate policies or programs under any name that treat students differently based on race, engage in racial stereotyping, or create hostile environments for students of particular races. For example, schools with programs focused on interests in particular cultures, heritages, and areas of the world would not in and of themselves violate Title VI, ***assuming they are open to all students regardless of race***. Nor would educational, cultural, or historical observances—such as Black History Month, International Holocaust Remembrance Day, or similar events—that celebrate or recognize historical events and contributions, and promote awareness, so long as they do not engage in racial exclusion or discrimination. However, schools must consider whether any school programming discourages members of all races from attending, either by excluding or discouraging students of a particular race or races, or by creating hostile environments based on race for students who do participate.

On March 4, 2025, the Governor signed HB 147 – *Prohibition of institutional discrimination*. See [2025 - HB0147](#); 2025 Session Laws, Chapter 110. This law prohibits the University from requiring “instruction promoting institutional discrimination,” which is defined in part as promoting the idea that “any race, color, religion, sex, ethnicity or national origin is inherently

superior or inferior” and that someone is “inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity or national origin.”

While one national organization has opined that the new law is a tool for censorship and suppression, we are proceeding with our interpretation that it isn’t about censorship in the classroom or dictating curriculum. Rather, it’s about making sure instruction takes place in the spirit of inquiry and not advocacy and scholarly investigation rather than conclusions.

On March 14, 2025, the University received an anonymous charge of discrimination from OCR alleging that the University of Wyoming (as well as dozens of other Universities) discriminates against students on the bases of race and national origin/ethnicity in violation of Title VI of the 1964 Civil Rights Act, as amended, 42 U.S.C. §§ 2000d *et seq.*, by supporting a conference, during the 2024-2025 academic year, of “The PhD Project” that was only available to University students who identify as Black/African American, Latinx/Hispanic American, or Native American/Canadian Indigenous.

On the day of the charge, several media outlets requested a statement from the University. After a preliminary review, the University issued the following public statement:

UW Already Taking Steps Regarding U.S. Department of Education Investigation

March 14, 2025 – The University of Wyoming will cooperate with an investigation by the U.S. Department of Education’s Office for Civil Rights -- and, in fact, is already taking steps in response to alleged “race-exclusionary” practices by a national organization that has been connected with graduate programs in one of the university’s colleges.

The Department of Education has identified UW as one of 45 institutions that potentially violated Title VI of the Civil Rights Act by partnering with The Ph.D. Project, which provides doctoral students with insights into degree pursuit and networking opportunities, but limits eligibility based on the race of participants. UW’s College of Business has been a partner in the program as a way to increase its pipeline of graduate students.

In response to state legislation that prohibited the university from engaging in “diversity, equity and inclusion” programs, UW in May 2024 eliminated its Office of Diversity, Equity and Inclusion and began a comprehensive review of university practices to eliminate those that promote differential treatment of individuals or classify people on the basis of race, color, religion, sex, ethnicity or national origin. The College of Business’s participation in The Ph.D. Project was one of the items flagged in the review, and UW is discontinuing the relationship.

Among other actions, the university also has halted any requirements for prospective employees to submit statements regarding DEI; has ceased the requirement for employees to be evaluated on components of DEI; and requires all hiring decisions to be based only on merit.

In response to a new state law passed in the just-concluded session of the Wyoming Legislature -- which takes effect July 1, 2025 -- UW has and is taking additional actions, including eliminating requirements for any DEI training as well as eliminating instruction that promotes DEI concepts or “institutional discrimination.”

The University’s response to the PhD Project investigation is due March 31, 2025.

On March 21, 2025, a draft Standard Administrative Policy and Procedure (SAP) *Equal Opportunity, Prohibited Efforts and Functions, and Institutional Discrimination* was sent to the Policy Review Group (Vice Presidents, Deans, Faculty Senate, Staff Senate, ASUW, Internal Auditor) for review and feedback per normal processes and procedures (feedback is due April 11, 2025). The draft SAP codifies the original May 10, 2024, recommendations from the President and subsequent Board action, incorporates language to address HB147 and Title VI compliance, and further clarifies that the following functions are prohibited:

1. Mandating search or admissions committees to advance candidate or application pools based on individuals’ race, color, religion, sex, ethnicity, or national origin;
2. Hiring candidates or admitting students based on their race, color, religion, sex, ethnicity, or national origin;
3. Requiring or requesting a diversity or loyalty statement from potential candidates for employment or student applicants to the University;
4. 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;
5. 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; or
6. Requiring a diversity or cultural competency category or credit expectation to meet general education requirements at the university or college level.

It’s important to note that the purpose of this SAP is to recognize that a fair and open academic environment is essential. This means equal rights and opportunities for everyone, regardless of sex or race. The University and its leadership remain committed to maintaining an environment that is welcoming and supports the success of all students, faculty, and staff; that upholds UW Regulation 2-15 by celebrating academic freedom for its faculty and the rights of its students to express disagreement and alternate opinions; the rights of UW employees to express agreement or disagreement with institutional policies and the position of others; and the rights of guests speakers and external parties to express their opinions without fear of censorship, cancellation, or hostility.

Additional Guidance to Comply with Federal and State Law

Based on the OCR investigation into The PhD Project, recent federal guidance, and HB0147, we are providing additional clarification on programs, activities, and functions to make sure the University remains in compliance:

1. External speakers

University units may continue to use state or non-state dollars to bring external speakers to campus, as long as the expense meets a legitimate business purpose and aligns with the University's mission to promote education, research, innovation, engagement, and service. The University's regulations, policies, and procedures are content neutral and only regulate the time, place, and manner of speech. The University does not censor free speech. A detailed business purpose should contain who the speaker benefits, what the speaker is for, when the speaker will be needed, why the speaker is needed, and where the speaker will present. An appropriate business purpose should not provide a personal benefit to the employee (professional advancement is not necessarily considered a personal benefit and may be an allowable expense; see below for examples). Additional information, including examples, is provided in the [Business Purpose Business Process Guide](#).

2. Student organizations

As a reminder, Student Organizations are not considered part of the University (see [UW Regulation 11-4 Student Organizations](#)); therefore, they may organize based on identity, as long as anyone is allowed to be a member and participate in the organization's activities. Here's a list of active Student Organizations: [Organizations | Involve](#). Any student group that wants to promote its organization using University resources must register as a Student Organization. See [Active Student Org Resources | CSIL | University of Wyoming](#). If the group chooses not to register, then the student group may not use University email, websites, or other resources to facilitate its group.

Faculty and staff may continue to be advisors to any registered Student Organization as long as the responsibility is not part of the employee's job description. Any advising must be done on a volunteer basis and must not create a conflict of interest or commitment. See [UW Standard Administrative Policy and Procedure: University Conflicts of Interest and Commitment Policy](#).

University units may continue to sponsor or assist with expenses of registered Student Organizations as long as there is a Business Purpose (see [Business Purpose Business Process Guide](#)) and the Student Organization's mission or title is not exclusionary or preferential related to sex or race. However, it should be noted that registered Student Organizations may continue to seek funding from ASUW's Special Project Funds, even if they are identity-based. See [Special Projects | Associated Students of UW](#). ASUW's distribution of student fees is content neutral.

3. Professional organizations. In general, payment of dues and fees for membership in professional organizations is an allowable expense (by an employee or a unit) if the organization materially contributes to the mission of the University or membership is

required as a condition of employment. See [UW Standard Administrative Policy and Procedure Allowable Expenses](#). At this time, it is unallowable to use University funds for payment of dues or fees for membership in professional societies that are preferential or exclusionary based on sex or race (in mission or title, even if they are open to all). If you have already paid dues or fees for this year's membership (in a professional society that is preferential or exclusionary based on sex or race), contact your supervisor and General Counsel for further instruction. [Note: Individual employees may personally pay for membership in any professional society as long as the membership does not create a conflict of interest or commitment. See [UW Standard Administrative Policy and Procedure: University Conflicts of Interest and Commitment Policy](#). As we receive more clarification from the federal government on what constitutes "programming that discourages members of all [sexes or] races from attending, either by excluding or discouraging students of a particular [sex,] race or races, or by creating hostile environments based on [sex or] race for students who do participate," we may revisit this guidance.]

4. **Conferences, partnerships, collaborations, alliances, or participation in programs with external entities.** In general, expenses related to conferences, partnerships, collaboration, alliances, or participation in programs with external entities is an allowable expense (by an employee or a unit) if collaboration or participation materially contributes to the mission of the University. [UW Standard Administrative Policy and Procedure Allowable Expenses](#). At this time, it is unallowable to use University funds for conferences, partnerships, collaborations, alliances, or programs that are preferential or exclusionary based on sex or race (in mission or title, even if they are open to all). If you are currently in a partnership, collaboration, or alliance with a group that is preferential or exclusionary based on sex or race, or are planning to attend a conference or participate in a program that is preferential or exclusionary based on sex or race, contact your supervisor and General Counsel for further instruction. [Note: Individual employees may personally pay for attendance and travel to a conference or program as long as it does not create a conflict of interest or commitment. See [UW Standard Administrative Policy and Procedure: University Conflicts of Interest and Commitment Policy](#). As we receive more clarification from the federal government on what constitutes "programming that discourages members of all [sexes or] races from attending, either by excluding or discouraging students of a particular [sex,] race or races, or by creating hostile environments based on [sex or] race for students who do participate," we may revisit this guidance.]
5. **Recruitment resources.** The University values an educational environment that supports students and employees of all backgrounds and viewpoints. Therefore, University units are encouraged to continue to have a robust, open, and accessible recruitment program as long as admission and hiring decisions are based on merit only. Posting on admission or job application sites that are preferential or exclusionary based on sex or race (in mission or title, even if the site is open to all) is not allowed. Human Resources has many resources available to assist with non-preferential or non-exclusionary job postings.
6. **Graduation and commencement ceremonies.** In Fall 2024, Student Affairs took over management of the Multicultural Graduation, ensuring that it is open to everyone and is focused on all cultures, heritages, and areas of the world. Participants are encouraged to

share their higher education experience, invite their families, and wear a stole showcasing their culture, heritage, or area of the world (for example, an American stole, a Croation Stole, a Spanish stole, etc.). This decision was reexamined in light of OCR's February 14, 2025, Dear College Letter, and February 28, 2025, FAQs, which clarify that "schools with programs focused on interests in particular cultures, heritages, and areas of the world would not in and of themselves violate Title VI." Based on this federal guidance, Multicultural Graduation is still being offered by Student Affairs in a format that it is open to everyone and is focused on all cultures, heritages, and areas of the world. If other units are hosting unit-specific graduation or commencement ceremonies or activities, please work with Student Affairs to ensure compliance with this guidance.

Similar to last month, please make sure to re-review all of your programs, activities, and functions within your units and respond by **April 30, 2025**, indicating whether your unit (or the units you oversee) are in compliance with the original 12 categories in the April 2024 Working Group Report, the 6 categories of prohibited efforts in the draft SAP, and the additional 6 categories noted above (some which may be duplicative). Please use the attached template¹ to complete this assessment and include the steps you took to review for and ensure compliance, all relevant details, dates of compliance, etc. (for example, provide the steps you took and the date your unit discontinued a DEI Committee or discontinued diversity statements).

To assist with this review, we are happy to attend any division, college, school, unit, or departmental meeting to answer questions, provide clarity, and facilitate compliance. The President's Office will be scheduling a Q&A session for the first week in April.

Welcoming Environment, Freedom of Expression, and Civil Discourse

As noted above, the University and its leadership remain committed to maintaining an environment that is welcoming and supports the success of all students, faculty, and staff (see attached for *Guidance for UW Employees in Communicating a Welcoming Environment*). Wyoming is the Equality State, and the University of Wyoming is the State's only land-grant and flagship University. We will continue to uphold our land-grant mission, the Wyoming constitution, and the U.S. Constitution's First and Fourteenth Amendments.

In addition to the University's core missions of teaching, research, outreach, and service, we want to reaffirm the University's principal values of:

1. Being open and welcoming to all
2. Supporting and treating everyone fairly and respectfully
3. Political neutrality as an institution
4. Merit-based hiring and grading

¹ We will send an updated template the week of April 21, 2025, with the final *Equal Opportunity, Prohibited Efforts and Functions, and Institutional Discrimination* SAP language. Feedback on the SAP is due April 11, 2025. Templates are due April 30, 2025.

5. Inquiry, but not advocacy or activism, in the classroom
6. Academic freedom in teaching and research
7. Freedom of expression and creating a space for all voices
8. Equitable access and equal opportunity
9. Considering the needs of every student

We would also like to remind you that we were among the first Universities in the country – including our student, faculty and staff senates – to adopt a Statement of Principles concerning institutional neutrality, free expression and constructive dialogue. That came from the work of a Freedom of Expression, Intellectual Freedom and Constructive Dialogue Working Group that President Seidel appointed in 2022.

We fully support free expression; however, we need to do so in a way that does not infringe on the equal rights of others. We are continuing to ensure that we do not engage in preferential or exclusionary practices and instead that we provide equal rights and equal opportunities for everyone, regardless of sex or race. We will continue to enhance our student success and faculty excellence initiatives by meeting the needs of each student in a manner that reinforces success for all, not just some.

But this will take all of us. As a leader, we ask that you understand these principles and help us to continue to be the best University we can be, while complying with the law and upholding each person's constitutional rights.