



Standard Administrative Policy and Procedure

Subject: Equal Opportunity, Allowable Efforts and Prohibited Functions, and Institutional Discrimination¹

Number: UW SAP 4-1.1

I. PURPOSE

The University of Wyoming recognizes that a fair and open academic environment is essential to carry out its mission to promote education, research, innovation, engagement, and service. The University is continually striving to cultivate a robust and supportive academic community through the recruitment and retention of students, faculty, and staff. The University is committed to programs, activities, and functions sponsored by the University that further its core mission.

II. DEFINITIONS

Per HB0147, House Enrolled Act 67 of the 2025 Wyoming Legislative Session, the following definitions apply to the University of Wyoming:

Diversity, Equity, and Inclusion: Any program, activity, or policy that promotes differential or preferential treatment of individuals or classifies individuals on the basis of race, color, religion, sex², ethnicity, or national origin.

Governmental Entity: The state, any department thereof, the University of Wyoming and any county, city, town, school district, community college district, other political subdivision and other public corporation of the state.

Institutional Discrimination: Defined as any of the following concepts:

- A. That any race, color, religion, sex, ethnicity or national origin is inherently superior or inferior;
- B. That a person should be discriminated against or adversely treated because of the person's race, color, religion, sex, ethnicity or national origin;

¹ This Policy replaces the May 2024 Equal Opportunity and Prohibited Efforts Directive.

² For the purposes of this Policy, “sex” includes sexual orientation and gender identity. In 2020, the Supreme Court, in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), concluded that treating someone differently because of their sexual orientation or gender identity is inherently based on their sex.

- C. That the moral character of a person is determined by the person's race, color, religion, sex, ethnicity or national origin;
- D. 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;
- E. 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;
- F. That fault, blame or bias should be assigned to members of a race, color, religion, sex, ethnicity or national origin, on the basis of race, color, religion, sex, ethnicity or national origin;
- G. 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; or
- H. That meritocracy or certain traits including a hard work ethic are racist or sexist.

III. POLICY³

Per HB0147, House Enrolled Act 67 of the 2025 Wyoming Legislative Session, the University shall not:

- A. Engage in any Diversity, Equity, and Inclusion program, activity or policy;
- B. Engage in Institutional Discrimination;
- C. Require instruction promoting Institutional Discrimination;⁴ or
- D. Require any student, employee, or contractor to attend or participate in any Diversity, Equity or Inclusion program or training or any Institutional Discrimination program or training.

IV. ALLOWABLE EFFORTS

For the purposes of this Policy, the following efforts do not fall under the definitions of Diversity, Equity, and Inclusion or Institutional Discrimination and are allowable efforts:

³ This Policy does not apply to external parties unaffiliated with the University who use University facilities pursuant to UW Regulation 6-4 (Use of University Buildings, Grounds, and Services).

⁴ This prohibition only applies to “instruction promoting Institutional Discrimination,” not instruction and discussion about general concepts of bias, cross-cultural competency, and racism established by disciplinary and professional standards.

- A. Academic freedom⁵, including research⁶, teaching, and learning;
- B. Training students and employees on the non-discrimination requirements of state and federal law;
- C. Requirements necessary to comply with federal law, and those necessary to establish or maintain eligibility for or compliance with any state or federal grants, programs or laws, including equal opportunity;
- D. Access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, transfer students, low-income students, students with disabilities, or international students⁷;
- E. Private scholarships administered by an institution other than UW (not including those matched with state-appropriated dollars);
- F. Student fees to support student-led organizations and their use of faculty and staff sponsors and University facilities⁸;
- G. Constitutionally protected speech or actions;
- H. Programs, trainings, degrees, classes, or endowments related to enrolled members of federally recognized Indian tribes or Indian history, culture, language and traditions; and
- I. Expenditure of funds used for de minimus administrative activities not unique to any one program or activity (e.g., utilities, facilities use, etc.).

V. PROHIBITED FUNCTIONS

The University aims to uphold equal opportunity and prevent discrimination against any employee, student, or applicant for employment or admission; therefore, the University shall not engage in the following prohibited functions:

- A. Mandating search or admissions committees to advance candidate or application pools based on individuals' race, color, religion, sex, ethnicity, or national origin;

⁵ As defined in UW Regulation 2-15.

⁶ Federal law or executive orders may further limit certain types of research conducted pursuant to a federal grant or contract.

⁷ See [*Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act*](#) ("schools with programs focused on interest in particular cultures, heritage, and areas of the world would not in and of themselves violate Title VI").

⁸ Pursuant to UW Regulation 11-4 (Student Organizations), "the University does not control or accept responsibility for the activities nor endorse the programs of Student Organizations;" therefore, they are not considered a governmental entity for purposes of this Policy. If a Student Organization engages in any Diversity, Equity, and Inclusion program, activity or policy or in Institutional Discrimination, then advising of that Student Organization by faculty and staff must be done on a voluntary basis.

- B. Hiring candidates or admitting students based on their race, color, religion, sex, ethnicity, or national origin;
- C. Requiring or requesting a diversity or loyalty statement from potential candidates for employment or student applicants to the University; or
- D. Evaluating an employee's or student's personal political or ideological commitments 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.

Responsible Division/Unit: Equal Opportunity Report and Response, through the Office of General Counsel and the Office of the President.

Source: Footnote 12 to section 0.67 HB0001 House Enrolled Act 50 of the 2024 Wyoming Legislative Session; Governor's Line-Item Veto to HB0001/House Enrolled Act No. 50 General Government Appropriations; University Board of Trustees Meeting, May 10, 2024; HB0147 House Enrolled Act 67 of the 2025 Wyoming Legislative Session.

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: UW Regulation 4-1 Equal Education and Employment Opportunity; UW Regulation 4-2 Discrimination and Harassment; UW Regulation 4-3 Title IX and Sexual Misconduct; UW SAP 4-2.1 Equal Opportunity, Harassment, and Nondiscrimination; and University of Wyoming Board of Trustees Action: Equal Opportunity and Prohibited Efforts Statement.

Approved: 6/16/2025