



University of Wyoming Board of Trustees Action

Subject: Equal Opportunity and Prohibited Efforts Statement

Effective Date: May 10, 2024

I. BACKGROUND

During the 2024 Wyoming Legislative budget session, lawmakers adopted Footnote 12 to section 0.67 HB0001 House Enrolled Act 50, prohibiting funds from this appropriation to be expended 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. Following the implementation of this legislation, the 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:

- A. Close the Office of Diversity, Equity and Inclusion (DEI) and reassign staff.
- B. Create a Vice Provost for Faculty, Staff, and Student Access, Opportunity, and Wellbeing.
- C. Cease any requirement for prospective employees to submit statements regarding diversity, equity, and inclusion during the hiring process.
- D. Cease the requirement for UW employees to be evaluated on components of diversity, equity and inclusion.
- E. Review key practices, as described on pages 13-16 of the DEI Review Working Group report, to ensure they promote merit and do not promote preferential treatment.

II. PURPOSE AND ACTION

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 diverse 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 the University's mission.¹ Prohibited efforts include advocating, promoting, or funding a program, activity, or function that:

- A. Advantages or disadvantages, or attempts to advantage or disadvantage an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation or representation as compared to other individuals or groups; or
- B. Promotes the position that the action of a group or an individual is inherently, unconsciously, or implicitly biased, privileged or inherently superior or inferior on the basis of color, sex, national origin, gender identity, or sexual orientation.
- C. Excluded from the efforts defined above are the following:
 - 1. Requirements necessary for athletic and accreditation compliance;
 - 2. Academic freedom, including research, teaching, and learning;
 - 3. Training students and employees on the non-discrimination requirements of state and federal law;
 - 4. Requirements necessary to establish or maintain eligibility for or compliance with any State or federal programs or laws, including equal opportunity;
 - 5. Requirements for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, transfer students, low-income students, or students with disabilities;
 - 6. Private scholarships administered by an institution other than UW (not including those matched with state-appropriated dollars);
 - 7. Student fees to support student-led organizations and their use of faculty and staff sponsors and University facilities;
 - 8. Constitutionally protected speech or actions; and

¹ This action 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).

9. Expenditure of funds used for de minimus administrative activities not unique to any one program or activity (e.g., utilities, facilities use, etc.)