

SENATE FILE NO. SF0103

Terminating and defunding diversity, equity and inclusion.

Sponsored by: Senator(s) Steinmetz, Boner, Hicks, Hutchings  
and Jones and Representative(s) Angelos,  
Haroldson, Lawley, Neiman and Smith, S

A BILL

for

1 AN ACT relating to the administration of the government;  
2 generally prohibiting diversity, equity and inclusion  
3 efforts and mandates by state agencies and educational  
4 institutions; conditioning the expenditure of appropriated  
5 funds as specified; specifying applicability; and providing  
6 for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 9-2-1014.4 and 21-16-2001 are created  
11 to read:

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13 **9-2-1014.4. Funds and expenditures for diversity,**  
14 **equity and inclusion efforts prohibited.**

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1           (a) As used in this section:

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3                   (i) "Diversity, equity and inclusion" includes  
4 any of the following:

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6                           (A) Influencing hiring or employment  
7 practices with respect to race, sex, color or ethnicity,  
8 other than through the use of race and gender neutral  
9 practices in accordance with any applicable state and  
10 federal law;

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12                           (B) Promoting differential treatment of or  
13 providing special benefits to persons on the basis of race,  
14 color or ethnicity;

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16                           (C) Promoting policies or procedures  
17 designed or implemented in reference to race, color or  
18 ethnicity, except for policies or procedures necessary to  
19 comply with any state law, federal law or applicable court  
20 order;

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22                           (D) Conducting trainings, programs or  
23 activities designed or implemented in reference to race,

1 color, ethnicity or gender dysphoria, except for trainings,  
2 programs or activities that are for the sole purpose of  
3 ensuring compliance with state law, federal law or any  
4 applicable court order.

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6 (ii) "Entity" means any governmental unit,  
7 special district, corporation, partnership or person that  
8 will receive a legislative appropriation, including  
9 agencies of the executive branch, the offices of the five  
10 (5) statewide elected officials, the legislature, the  
11 judiciary, community colleges, the University of Wyoming,  
12 the Wyoming department of transportation, the game and fish  
13 department, counties, municipalities and school districts;

14

15 (iii) "Federally recognized Indian tribe" means  
16 a tribal government and its citizens who have an  
17 acknowledged government-to-government relationship with the  
18 United States of America.

19

20 (b) As a condition of receiving or expending any  
21 monies or funds appropriated, each entity shall not expend  
22 any appropriated funds or funds received from bequests,  
23 charges, deposits, donations, endowments, fees, grants,

1 gifts, tuition and any other source for programs or  
2 activities that, unless federal law otherwise requires:

3

4 (i) Establish or maintain a diversity, equity  
5 and inclusion office or program;

6

7 (ii) Hire or assign an employee or a contracted  
8 person to perform the duties associated with a diversity,  
9 equity and inclusion office or program;

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11 (iii) Compel, require, induce or solicit any  
12 person to provide or abide by a diversity, equity and  
13 inclusion statement or give preferential treatment to any  
14 person based on a diversity, equity or inclusion statement;

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16 (iv) Give preference on the basis of race, sex,  
17 color, ethnicity or national origin to an applicant for  
18 employment, an employee or a participant in any core  
19 function of the entity;

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21 (v) Require, as a condition of employment,  
22 enrollment, a contract or the receipt of funds, the  
23 participation in diversity, equity and inclusion training.

1

2 (c) Nothing in this section shall be construed to:

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4 (i) Prohibit the use or consideration of bona  
5 fide qualifications based on sex that are reasonably  
6 necessary to the normal operation of public higher  
7 education;

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9 (ii) Prohibit the University of Wyoming or  
10 Wyoming community colleges, or an employee thereof, from  
11 submitting documentation or a statement for purposes of a  
12 grant or to comply with accreditation requirements;

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14 (iii) Prohibit the provision of support  
15 services, including trainings, intended to familiarize  
16 students, faculty and staff with the Eastern Shoshone Tribe  
17 and the Northern Arapaho Tribe, or other federally  
18 recognized Indian tribes or groups identified as a  
19 political class, classification or identity.

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21 (d) For purposes of this section, "diversity, equity  
22 and inclusion office or program" shall not include:

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1           (i) Academic course instruction;

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3           (ii) The completion or dissemination of  
4 scholarly research or creative works by students, faculty  
5 and other research personnel of the University of Wyoming  
6 or Wyoming community colleges;

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8           (iii) An activity of a student organization  
9 registered with or recognized by the University of Wyoming  
10 or a Wyoming community college;

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12           (iv) Guest speakers or performers at the  
13 University of Wyoming or a Wyoming community college on a  
14 short-term engagement;

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16           (v) Data collection.

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18           (e) The following shall apply to this section:

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20           (i) Federally recognized Indian tribes and their  
21 citizens are recognized by federal law and court rulings as  
22 a political class, classification or identity. Tribes and

1 their members are not a race or a racial classification for  
2 purposes of this section;

3

4 (ii) As a political class, classification or  
5 identity, federally recognized Indian tribes and programs,  
6 degrees, classes or endowments related to federally  
7 recognized Indian tribes or Indian history, culture,  
8 language and traditions, are not diversity, equity and  
9 inclusion as defined by this section. Nothing in this  
10 section shall be construed to apply to federally recognized  
11 Indian tribes.

12

13

#### ARTICLE 20

14

#### DIVERSITY RELATED INITIATIVES AND FUNDING

15

16 **21-16-2001. Prohibition on expenditure of funds for**  
17 **diversity, equity and inclusion and critical race theory.**

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19 (a) As used in this section:

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21 (i) "Constrain" means failure during any  
22 semester or academic unit to provide sufficient open seats  
23 in alternative courses for a student to complete or

1 progress toward completion of degree or program  
2 requirements;

3

4 (ii) "Related content" does not include  
5 identifying and discussing historical movements, ideologies  
6 or instances of racial hatred or discrimination, including  
7 but not limited to slavery, Indian removal, the Holocaust  
8 or Japanese-American internment;

9

10 (iii) "Related course" means any course whose  
11 course description, course overview, course objectives,  
12 proposed student learning outcomes, written examinations or  
13 written or oral assignments for which the student will  
14 receive a grade that includes related content;

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16 (iv) "Related practice":

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18 (A) Includes any requirement or guidance  
19 that a course instructor include or curate materials on the  
20 basis of race, sex or gender dysphoria;

21



1                   (B) Includes participating in any workshop,  
2 training, seminar or professional development on any  
3 related content;

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5                   (C) Does not include any programming  
6 explicitly required by, and limited to, the institutional  
7 obligations to comply with state or federal law or an  
8 applicable court order.

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10           (b) In prescribing the studies to be pursued at the  
11 University of Wyoming or a Wyoming community college, the  
12 board of trustees of the University of Wyoming and the  
13 district boards of each community college shall establish  
14 curricula and designate courses in a manner that does not  
15 require or constrain students to expend tuition or other  
16 funds on, or enroll in, a related course in order to  
17 satisfy the requirements of any academic degree program,  
18 including general education, major, minor or certificate  
19 requirements, subject to subsection (d) of this section.

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21           (c) The board of trustees of the University of  
22 Wyoming and the district boards of each community college,  
23 or any employee or professional thereof, shall not require,

1 solicit or incentivize faculty or students to apply or  
2 participate in related practices, or include related  
3 content in any required course, as a condition of approval,  
4 designation or listing as part of any academic degree  
5 program, including any major, minor or certificate  
6 requirements or as a condition of consideration in any  
7 faculty member's performance assessment, tenure, salary  
8 adjustment or any other incentive, subject to subsection  
9 (d) of this section.

10

11 (d) Academic degree program requirements of any  
12 major, minor, certificate or department whose title clearly  
13 establishes its course of study as primarily focused on  
14 racial, ethnic or gender studies may be exempted from the  
15 requirements of subsections (a) and (b) of this section in  
16 writing by the board of trustees or the district board, as  
17 applicable, subject to the following:

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19 (i) No student shall be required or constrained  
20 to enroll in any exempted program, department or course to  
21 satisfy the requirements of any other academic degree  
22 program;

23

1 (ii) The title of any currently established  
2 department, major, minor or certificate program shall not  
3 be altered or replaced to establish an emphasis on racial,  
4 ethnic or gender studies.

5

6 **Section 2.**

7

8 (a) This act shall apply to all funds that are  
9 appropriated or received on and after the effective date of  
10 this act.

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12 (b) Nothing in this act shall be construed to alter,  
13 amend or impair any contract or other agreement entered  
14 into before the effective date of this act.

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16 **Section 3.** This act is effective immediately upon  
17 completion of all acts necessary for a bill to become law  
18 as provided by Article 4, Section 8 of the Wyoming  
19 Constitution.

20

21 (END)