

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.

7

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

9

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

12

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

15

1 (a) As used in this section:

2

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

5

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;

11

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

15

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;

21

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

1 color, ethnicity or gender dysphonia, 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.

5

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

15

16 (b) As a condition of receiving or expending any
17 monies or funds appropriated, each entity shall not expend
18 any appropriated funds or funds received from bequests,
19 charges, deposits, donations, endowments, fees, grants,
20 gifts, tuition and any other source for programs or
21 activities that, unless federal law otherwise requires:

22

1 (i) Establish or maintain a diversity, equity
2 and inclusion office or program;

3

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

7

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

12

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

17

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

21

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

23

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

5

6 (ii) Prohibit the University of Wyoming or
7 Wyoming community colleges, or an employee thereof, from
8 submitting documentation or a statement for purposes of a
9 grant or to comply with accreditation requirements that:

10

11 (A) Highlights the university's or
12 college's work in supporting first-generation college
13 students, low-income students or underserved students;

14

15 (B) Certifies compliance with state and
16 federal antidiscrimination laws.

17

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

20

21 (i) Academic course instruction;

22

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

5

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

9

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

13

14 (v) Data collection.

15

16

ARTICLE 20

17

DIVERSITY RELATED INITIATIVES AND FUNDING

18

19 **21-16-2001. Prohibition on expenditure of funds for**
20 **diversity, equity and inclusion and critical race theory.**

21

22 (a) As used in this section:

23

1 (i) "Constrain" means failure during any
2 semester or academic unit to provide sufficient open seats
3 in alternative courses for a student to complete or
4 progress toward completion of degree or program
5 requirements;

6

7 (ii) "Related content":

8

9 (A) Means content that does one (1) or more
10 of the following:

11

12 (I) Relates critical theory,
13 whiteness, systemic racism, institutional racism,
14 anti-racism, microaggressions, systemic bias, implicit
15 bias, unconscious bias, intersectionality, gender
16 dysphonia, social justice, cultural competence, allyship,
17 race-based reparations, race-based privilege, race-based
18 diversity, gender-based diversity, race-based equity,
19 gender-based equity, race-based inclusion or gender-based
20 inclusion to contemporary American society;

21

22 (II) Promotes the idea that racially
23 neutral or colorblind laws, policies or institutions

1 perpetuate oppression, injustice, race-based privilege,
2 including white supremacy or white privilege, or inequity
3 by failing to actively differentiate on the basis of race,
4 sex or gender;

5

6 (III) Promotes the differential
7 treatment of any person or groups based on race or
8 ethnicity in contemporary American society;

9

10 (IV) Promotes the idea that a student
11 is biased on account of the student's race or sex.

12

13 (B) Does not include identifying and
14 discussing historical movements, ideologies or instances of
15 racial hatred or discrimination, including but not limited
16 to slavery, Indian removal, the Holocaust or
17 Japanese-American internment.

18

19 (iii) "Related course" means any course whose
20 course description, course overview, course objectives,
21 proposed student learning outcomes, written examinations or
22 written or oral assignments for which the student will

1 receive a grade includes content on diversity, equity and
2 inclusion or critical race theory;

3

4 (iv) "Related practice":

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6 (A) Includes any requirement or guidance
7 that a course instructor include or curate materials on the
8 basis of race, sex or gender dysphonia;

9

10 (B) Includes participating in any workshop,
11 training, seminar or professional development on any
12 related content;

13

14 (C) Does not include any programming
15 explicitly required by, and limited to, the institutional
16 obligations to comply with state or federal law or an
17 applicable court order.

18

19 (b) In prescribing the studies to be pursued at the
20 University of Wyoming or a Wyoming community college, the
21 board of trustees of the University of Wyoming and the
22 district boards of each community college shall establish
23 curricula and designate courses in a manner that does not

1 require or constrain students to expend tuition or other
2 funds on, or enroll in, a related course in order to
3 satisfy the requirements of any academic degree program,
4 including general education, major, minor or certificate
5 requirements, subject to subsection (d) of this section.

6

7 (c) The board of trustees of the University of
8 Wyoming and the district boards of each community college,
9 or any employee or professional thereof, shall not require,
10 solicit or incentivize faculty or students to apply or
11 participate in related practices, or include related
12 content in any course, as a condition of approval,
13 designation or listing as part of any academic degree
14 program, including general education, major, minor or
15 certificate requirements or as a condition of consideration
16 in any faculty member's performance assessment, tenure,
17 salary adjustment or any other incentive, subject to
18 subsection (d) of this section.

19

20 (d) Academic degree program requirements of any
21 major, minor, certificate or department whose title clearly
22 establishes its course of study as primarily focused on
23 racial, ethnic or gender studies may be exempted from the

1 requirements of subsections (a) and (b) of this section in
2 writing by the board of trustees or the district board, as
3 applicable, subject to the following:

4

5 (i) No student shall be required or constrained
6 to enroll in any exempted program, department or course to
7 satisfy the requirements of any other academic degree
8 program, including general education requirements or any
9 other major, minor or certificate requirements;

10

11 (ii) Courses offered or listed by or under
12 exempted programs shall satisfy the academic degree program
13 requirements of the exempted departments, majors, minors or
14 certificates only and shall not be used to satisfy degree
15 requirements for general education or other major, minor or
16 certificate requirements beyond satisfying credit-hour
17 graduation requirements;

18

19 (iii) The title of any currently established
20 department, major, minor or certificate program shall not
21 be altered or replaced to establish an emphasis on racial,
22 ethnic or gender studies.

23

1 **Section 2.**

2

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

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

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11 **Section 3.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16

(END)