

CHAPTER 19

DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES — PROHIBITION AND ENFORCEMENT

Diversity, equity, and inclusion activities at public institutions of higher education, see [chapter 261J](#)

19.1	Definitions.	19.3	Enforcement — venue.
19.2	Restrictions on use of moneys.		

19.1 Definitions.

As used in [this chapter](#):

1. “*Diversity, equity, and inclusion*” includes any of the following:

a. Any effort to manipulate or otherwise influence the composition of the employees or student body with reference to race, sex, color, or ethnicity, apart from ensuring colorblind and sex-neutral admissions and hiring in accordance with state and federal anti-discrimination laws.

b. Any effort to promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.

c. Any effort to promote or promulgate policies and procedures designed or implemented to encourage preferential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.

d. Any effort to promote or promulgate trainings, programming, or activities designed or implemented to encourage preferential treatment of or provide special benefits to individuals on the basis of race, color, ethnicity, gender identity, or sexual orientation.

e. Any effort to promote, as the official position of the state entity, a policy, program, training, practice, activity, or procedure referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, anti-racism, systemic oppression, social justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender theory, racial privilege, sexual privilege, or any related formulation of these concepts.

2. “*Diversity, equity, and inclusion office*” means any division, office, center, or other unit of a state entity that is responsible for creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures related to diversity, equity, and inclusion. “*Diversity, equity, and inclusion office*” does not include any of the following:

a. An office staffed exclusively by licensed attorneys and paralegal and secretarial support for the licensed attorneys, and certified by the attorney general as operating with the sole and exclusive mission of ensuring legal compliance with the state entity’s obligations under Tit. IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any other applicable federal or state law or a court order.

b. An academic department within a public school that exists primarily for the purpose of offering courses and that does not establish a policy or procedure to which other departments of the public school are subject.

c. An office solely engaged in recruitment.

d. A registered student organization.

e. An office that a state entity is required to maintain pursuant to a contract or agreement with a federal governmental entity.

3. “*Diversity, equity, and inclusion officer*” means an individual who is either employed by a state entity or who is an independent contractor of a state entity and whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating

to diversity, equity, and inclusion. “Diversity, equity, and inclusion officer” does not include any of the following:

a. Any employee who is a licensed attorney and whose sole job duties related to diversity, equity, and inclusion are to ensure compliance with the state entity’s obligations under Tit. IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any other applicable federal or state law or a court order.

b. Any employee while engaged in teaching, research, or the production of creative works, the dissemination of the employee’s research or creative works, or advising a registered student organization.

c. A guest speaker or performer with a short-term engagement.

d. Any employee that a state entity is required to employ pursuant to a contract or agreement with a federal governmental entity.

4. “Gender identity” means a gender-related identity of a person, regardless of the person’s assigned sex at birth.

5. “Sexual orientation” means the same as defined in [section 216.2](#).

6. “State entity” means the state, including but not limited to a state agency, department, division, board, commission, institution, or authority; a city; a county; a township; or any other political subdivision or special district in this state as established pursuant to state or local law.

[2025 Acts, ch 113, §1, 4](#)

NEW section

19.2 Restrictions on use of moneys.

1. A state entity shall not expend any moneys appropriated by the general assembly or any other moneys derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source to establish, sustain, support, or staff a diversity, equity, and inclusion office, or to contract, employ, engage, or hire an individual to serve as a diversity, equity, and inclusion officer.

2. [Subsection 1](#) shall not be construed to cover or affect a state entity’s funding of any of the following:

a. Academic course instruction.

b. Research or creative works by the state entity’s students, employees, or other research personnel, and the dissemination of such research or creative works.

c. Activities of registered student organizations.

d. Arrangements for guest speakers and performers with short-term engagements.

e. Mental or physical health services provided by licensed professionals.

f. Policies, programming, training, practices, activities, or procedures related to diversity, equity, and inclusion that are required pursuant to a contract or agreement with a federal governmental entity.

3. [Subsection 1](#) shall not be construed as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of the state entity.

[2025 Acts, ch 113, §2, 4](#)

Referred to in [§19.3](#)

NEW section

19.3 Enforcement — venue.

1. Any person may notify the attorney general of a state entity’s potential violation of [section 19.2](#). The attorney general may bring an action against a state entity for a writ of mandamus to compel the state entity to comply with [section 19.2](#).

2. A student enrolled in a public school, an alumnus of a public school, or an employee of a state entity alleging a violation of [section 19.2](#) may bring a civil action for injunctive relief against the state entity to prohibit the state entity from continuing such violation.

3. An action brought under [this section](#) may be brought in any of the following:

- a. The county in which all or a substantial part of the events or omissions giving rise to the action occurred.
- b. The county in which the principal office of the state entity is located.
- c. The county in which the claimant resides, if the claimant is an individual and resides in this state.
- d. The county in which a defendant resides, if the defendant is an individual and resides in this state.

[2025 Acts, ch 113, §3, 4](#)

NEW section