

261J.1 Definitions.

As used in [this chapter](#):

1. “*Diversity, equity, and inclusion*” includes all of the following:
 - a. Any effort to manipulate or otherwise influence the composition of the faculty 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 antidiscrimination 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 with reference to race, color, or ethnicity.
 - d. Any effort to promote or promulgate trainings, programming, or activities designed or implemented with reference to race, color, ethnicity, gender identity, or sexual orientation.
 - e. Any effort to promote, as the official position of the public institution of higher education, a particular, widely contested opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, antiracism, systemic oppression, social justice, intersectionality, neo-pronouns, 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 public institution of higher education 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. (1) With respect to an institution of higher learning governed by the state board of regents, 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 public institution of higher education’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.
 - (2) With respect to a community college, an office ensuring legal compliance.
 - b. An academic department within a public institution of higher education that exists primarily for the purpose of offering courses for degree credit and that does not establish a policy or procedures to which other departments of the public institution of higher education are subject.
 - c. An office solely engaged in new student recruitment.
 - d. A registered student organization.
3. “*Public institution of higher education*” means an institution of higher learning governed by the state board of regents or a community college.

[2024 Acts, ch 1152, §31, 37](#); [2025 Acts, ch 113, §5, 6](#)

Section effective July 1, 2025; 2024 Acts, ch 1152, §37
NEW section