

## CHAPTER 261J

## DIVERSITY, EQUITY, AND INCLUSION

Diversity, equity, and inclusion activities of state entities, see [chapter 19](#)

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**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

**261J.2 Diversity, equity, and inclusion office prohibited.**

A public institution of higher education shall not, except as otherwise provided by federal or state law or accreditation standards, do any of the following:

1. Establish or maintain a diversity, equity, and inclusion office.
2. Hire or assign an employee of the public institution of higher education, or contract with a third party, to perform duties of a diversity, equity, or inclusion office.
3. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provisions of a diversity, equity, and inclusion statement.

[2024 Acts, ch 1152, §32, 37](#)

Referred to in [§261J.5](#)

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

NEW section

**261J.3 Restrictions on use of moneys.**

1. A public institution of higher education shall not, except as otherwise provided by federal or state law or accreditation standards, 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.

2. [Subsection 1](#) shall not be construed to cover or affect a public institution of higher education's funding of any of the following:

- a. Academic course instruction.
  - b. Research or creative works by the public institution of higher education's students, faculty, 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.
3. [Subsection 1](#) shall not be construed as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public higher education.

[2024 Acts, ch 1152, §33, 37](#)

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

NEW section

**261J.4 Reporting.**

Each institution of higher education governed by the state board of regents shall, on or before December 1 of each year, submit an annual report to the general assembly and the governor that certifies the institution's compliance with [this chapter](#).

[2024 Acts, ch 1152, §34, 37; 2025 Acts, ch 113, §7](#)

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

NEW section

**261J.5 Enforcement.**

Any person may notify the attorney general of a public institution of higher education's potential violation of [section 261J.2](#). The attorney general may bring an action against a public institution of higher education for a writ of mandamus to compel the public institution of higher education to comply with [section 261J.2](#).

[2024 Acts, ch 1152, §35, 37](#)

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

NEW section