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November 27, 2023

Governor Kim Reynolds  
Office of the Governor  
1007 East Grand Ave.  
Des Moines, IA 50319

Mr. Charlie Smithson  
Secretary of the Senate  
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Ms. Meghan Nelson  
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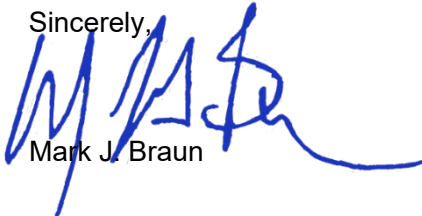
Dear Governor Reynolds and Members of the Iowa General Assembly:

Pursuant to the 2023 Senate File 560 §11(2) and 2023 Iowa Acts chapter 111 §11(2), enclosed is the Diversity, Equity, and Inclusion Study Report which was deliberated and approved by the members of the Board of Regents during its November 2023 meeting.

Notably, a modification has been made to Recommendation #9, changing the language from “develop” to “explore”. The revised recommendation now reads as follows:

***Recommendation #9: Explore a proposal, including cost, to establish a widespread initiative that includes opportunities for education and research on free speech and civic education.***

If you have any questions or need more information, please don't hesitate to contact this office.

Sincerely,  
  
Mark J. Braun

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Attachments  
cc: Michael Peters  
Legislative Liaisons  
Legislative Log

Contact: Mark Braun

**DEI STUDY GROUP REPORT AND RECOMMENDATIONS****Actions Requested:**

1. Receive the report of the Diversity, Equity and Inclusion Study Group.
2. Consider the recommendations of the Diversity, Equity and Inclusion Study Group, which are included within the report and Attachment A.

**Executive Summary:** On March 14, 2023, Board of Regents President Michael Richards appointed a working group to conduct “a comprehensive study and review of all Diversity, Equity and Inclusion (DEI) programs and efforts at the University of Iowa, Iowa State University and the University of Northern Iowa.” President Richards appointed Regents Barker, Lindenmayer and Rouse (the Study Group) to lead the study. On June 1, Governor Reynolds signed into law [Senate File 560](#). Division V of SF 560 directs the Board of Regents to “conduct a comprehensive study and review of the diversity, equity and inclusion programs and efforts of each institution of higher learning under [its] control.” This review shall include an assessment of the following elements from each institution:

1. Current diversity, equity and inclusion programming, curricula, training and related activities.
2. The salary, benefits and any other compensation paid to employees or individuals tasked with furthering an institution of higher learning’s diversity, equity and inclusion efforts.
3. Compliance with required applicable federal and state laws, rules, regulations, court orders, settlement agreements, or executive orders related to diversity, equity and inclusion.
4. Contracts or grants requiring diversity, equity and inclusion efforts, and the requirements of third-party accreditors or similar entities in order to assess whether and to what extent these efforts are aligned with the overall mission and purpose of the institution.

Over the course of six months, the Study Group gathered information from campus leaders in the areas of diversity, equity and inclusion; human resources; legal and compliance; academic affairs; and faculty and staff governance. The Study Group also broadly solicited input from campus constituencies, students, the legislature and members of the public through an online public survey and feedback form. Information and exhibits relevant to this report and responsive to the requirements of SF 560 are included in Attachments B-I.

The Study Group Report contains 10 recommendations for consideration by the Board of Regents. These recommendations are not intended to prohibit programs, campus activities, or functions required for compliance with state or federal laws, rules, regulations, grants, or contracts; or those necessary to meet the minimum requirements for obtaining or retaining institutional or discipline-specific accreditation.

**DEI STUDY GROUP REPORT**

**Introduction:** The Board of Regents is committed to assuring equal opportunity and nondiscrimination in all aspects of the operations of the Regent universities. This commitment is affirmed in the Board of Regents Policy on Non-Discrimination, which states that it is an unfair practice for any educational institution to discriminate based on membership in a protected class in any program or activity. See [Board Policy Manual section 3.1](#). This applies to exclusion from participation in and denial of the benefits of any academic, extracurricular, research, occupational training, or other program or activity.

The Board of Regents is equally committed to the principles of free expression embodied in the First Amendment to the United States Constitution and Article 1 of the Constitution of the State of Iowa. As a companion to the broader policy on non-discrimination, the Board of Regents Policy on Freedom of Expression explicitly prohibits discrimination based on an individual's constitutionally protected viewpoints or expression of those viewpoints.

The Board of Regents is also committed to assuring the Regent universities are welcoming and accessible to all citizens of the State of Iowa, and that every individual who chooses to attend a Regent university has the educational resources and support structures necessary to be successful. In fulfilling this core mission, the Board of Regents expects the universities to allocate all resources efficiently and effectively.

There is a prominent national debate right now on the commitment of resources towards DEI efforts by institutions of higher education. Considering the questions raised in Iowa and nationally, the Study Group conducted a comprehensive review of current DEI efforts at each Regent university to determine the extent to which these efforts: 1) sustain the core mission of providing a high-quality education that is accessible to all Iowans; 2) are required to maintain legal or compliance obligations; and 3) should be modified, reduced or discontinued.

**Diversity, Equity and Inclusion Defined:** The phrase “diversity, equity and inclusion”, including each of its individual components, does not have a standardized definition within the context of higher education supports and services. The Study Group considered definitions currently adopted by the Regent universities, as well as the definitions considered in other states that have recently passed laws related to DEI in public higher education. At the universities the definitions include broad descriptions of diversity that generally align with the federal protected class definitions and Iowa civil rights law. A review of definitions from peer institutions indicated similarly broad definitions.

The Study Group also considered recently enacted legislation addressing DEI in the states of Florida and Texas. The state of Florida passed SB 266 in 2023. This law generally prohibits the expenditure of state or federal funds on DEI activities, while permitting functions required for compliance with state or federal laws or regulations; obtaining or retaining institutional or discipline-specific accreditation; and access programs for military veterans, Pell grant recipients, first generation college students, nontraditional students, “2+2” transfer students, students from low-income families, or students with unique abilities. The state of Texas passed SB 17 in 2023 which prohibits institutions of higher education from establishing or maintaining a diversity, equity and inclusion office, but permits certain activities that are necessary for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

**University Definitions.** The universities provide the following definitions for each component of DEI. The University of Northern Iowa has only adopted a definition of diversity and equity.

*Diversity*

- SUI: Diversity refers to all aspects of human difference, social identities, and social group differences, including but not limited to race, ethnicity, creed, color, sex, gender, gender identity, sexual identity, socio-economic status, language, culture, national origin, religion/spirituality, age, (dis)ability, and military/veteran status, political perspective, and associational preferences.
- ISU: Commitment to fostering a climate in all the ways people differ, including primary and secondary characteristics, in a welcoming environment.
- UNI: Diversity describes the rich differences that people bring to the University of Northern Iowa community. It can refer broadly to culture, identity and ideology, or more specifically to age, gender, race, ethnicity, sexual orientation, religion, ability, gender identity, socioeconomic status, political affiliation, marital status, national origin, or veteran status. Diversity is a dynamic concept, shaped by history, and changing as our understanding of the world and its people evolves.

*Equity*

- SUI: Equity refers to fair and just practices and policies that ensure all campus community members can thrive. Equity is different than equality in that equality implies treating everyone as if their experiences are exactly the same. Being equitable means acknowledging and addressing structural inequalities — historic and current — that advantage some and disadvantage others. Equal treatment results in equity only if everyone starts with equal access to opportunities.
- ISU: Commitment to fostering a climate where all individuals have access and opportunity to fully participate in the educational and working environment.
- UNI: The cultivation and nurturing of a diverse, just and inclusive community, culture, and environment.

*Inclusion*

- SUI: Inclusion refers to a campus community where all members are and feel respected, have a sense of belonging, and are able to participate and achieve to their potential. While diversity is essential, it is not sufficient. An institution can be both diverse and non-inclusive at the same time, thus a sustained practice of creating inclusive environments is necessary for success.
- ISU: Commitment to fostering a climate where all individuals have a sense of belonging through support and respect to fully participate in the educational and working environment.

The Study Group acknowledges the value of a broad definition of diversity in supporting the goal of creating an inclusive campus environment where all feel welcome. The Study Group does not

propose changes to each campus's definitions for these terms, although it does wish to clarify the scope of the current study and resulting recommendations considering these broadly defined concepts. When referencing "DEI" in this report and recommendations, it will generally not refer to activities, policies and procedures that are necessary for compliance with state and federal laws, grants or contracts, even if those activities are based on or connected to protected class status. This includes, but is not limited to, veteran services, disability services, federal TRIO programs, and state or federal affirmative action and compliance functions.

**State and Federal Laws, Accreditation, and NCAA, Contract and Grant Compliance:** Each Regent university is required to take affirmative steps to assure compliance with state and federal laws that prohibit discrimination in education and employment. The universities must also satisfy certain obligations to maintain institutional and discipline-specific accreditation, NCAA eligibility, and compliance with grants and contracts. A summary of key laws and compliance obligations follows.

#### Federal Laws

[Executive Order 11246 \(EO 11246\) - Equal Employment Opportunity](#) - EO 11246, as amended, prohibits federal contractors from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin and requires federal contractors to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin.

As federal contractors, the Regent universities are required to develop and maintain a written affirmative action program. As part of the affirmative action program, EO 11246 requires the contractor to:

- Provide for the implementation of equal employment opportunity and the affirmative action program by assigning responsibility and accountability to an official of the organization;
- Perform in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exist;
- Develop and execute action-oriented programs designed to correct any problem areas identified and attain established goals and objectives. The contractor must demonstrate that it has made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results; and
- Develop and implement an auditing system that periodically measures the effectiveness of its total affirmative action program.

[Section 503 of the Rehabilitation Act of 1973, as amended \(Rehabilitation Act\)](#) - Section 503 of the Rehabilitation Act of 1973 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities and requires contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.

[Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended \(VEVRAA\)](#) - VEVRAA prohibits federal contractors and subcontractors from discriminating in employment against protected veterans and requires employers to take affirmative action to recruit, hire, promote and retain qualified protected veterans.

[Title IX of the Education Amendments of 1972 \(Title IX\)](#) – Title IX prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence. All universities receiving any Federal funds must comply with Title IX and are required to:

- Designate a Title IX Coordinator who is responsible for coordinating the university's compliance with Title IX;
- Have and distribute a policy against sex discrimination; and
- Adopt and publish grievance procedures for students to file complaints of sex discrimination.

[Title VI of the Civil Rights Act of 1964 \(Title VI\)](#) – Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.

[Title VII of the Civil Rights Act of 1964, as amended \(Title VII\)](#) – Title VII prohibits employment discrimination based on race, color, religion, national origin and sex (including pregnancy, sexual orientation and gender identity). Pursuant to Title VII, employers must take appropriate corrective action to end any discriminatory behavior and prevent its recurrence when the employer is on notice of allegations of discrimination. Corrective action includes conducting employment investigations.

[Age Discrimination in Employment Act of 1967 \(ADEA\)](#) – The ADEA prohibits employment discrimination against persons 40 years of age or older in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits and any other term or condition of employment.

[Americans with Disabilities Act of 1990 \(ADA\)](#) – The ADA prohibits discrimination against individuals with disabilities. Title I of the ADA prohibits discrimination against qualified individuals with disabilities in applying for jobs, hiring, firing and job training. Title II of the ADA prohibits discrimination in programs or activities that receive federal financial assistance from the Department of Education. Pursuant to the ADA, the universities must provide reasonable accommodations to qualified individuals with disabilities, both in the workplace and in academic programs.

#### State Laws

[Iowa Code 19B - Equal Opportunity and Affirmative Action](#) – Iowa Code Chapter 19B sets forth the administrative responsibilities of the Board of Regents for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment and advancement of personnel by the Board and the institutions under its jurisdiction.

[Iowa Code 216 - Iowa Civil Rights Act of 1965](#) – The Iowa Civil Rights Act prohibits discrimination in the areas of employment, housing, public accommodations, education and credit. The Iowa Civil Rights Act prohibits discrimination on the basis of a person's race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

[Iowa Code 261H - Speech and Expression - Public Institutions of Higher Education](#) – Iowa Code Chapter 261H requires the Board of Regents to adopt a policy addressing speech and expression at the universities under its jurisdiction. Pursuant to Iowa Code 261H the Board of Regents adopted Board Policy Manual Chapter 4.2 Freedom of Expression.

Accreditation

In U.S. postsecondary education, accreditation provides quality assurance from external experts in the areas of faculty, curriculum, administrative and student support. Each of the Regent universities has been institutionally accredited for more than 100 years, providing transparency and assurance to students and taxpayers of the soundness of the institutions. Each of the Iowa Regent universities is institutionally accredited by the Higher Learning Commission, a status which is required for students to be eligible for federal and state financial aid programs, for students to be able to transfer earned academic credits, and for institutional eligibility for many federal grants.

In addition, many colleges, departments or academic programs have accreditation that is specific to the discipline (architecture, business, engineering, medicine, teacher preparation, etc.). In many professions there are licensing boards and employers that require completion of an accredited program to ensure employees have the knowledge, skills and training expected for the profession (ex. healthcare fields, law, teaching, vet med). The loss of program-level accreditation would have a direct impact on some graduates' ability to become licensed, get accepted to graduate schools or enter their chosen profession.

Along with required assurances around faculty qualifications, financial stability, and curricular offerings, many of these accreditors have categories of requirements associated with student support, accessibility and resources necessary for successful graduation, retention and career development outcomes. It is in this area that accreditors often refer to expectations of addressing diversity, equity or inclusion through the work of the institution or academic program. All of this extends to the University of Iowa Hospitals and Clinics which are also required to maintain good standing with its hospital regulator and accreditors. Attachment B includes information provided by the universities that outlines some of the accreditation expectations and standards. The Study Group acknowledges the critical importance of the Regent universities and their programs maintaining good standing in accreditation while also observing that the accreditors do not typically mandate a specific organizational structure to meet those expectations. Maintaining accreditation is a labor-intensive activity, and one in which many faculty and staff at each campus and in the healthcare enterprise engage to ensure the quality and effectiveness of the education and services being provided to all students, patients and other stakeholders. Specific requirements that have been associated with DEI may be necessary for that work to meet the relevant accreditation standards.

NCAA Requirements

The Regent universities are active member institutions of Division I of the NCAA. The NCAA Division I Manual requires member institutions to commit to promoting diversity and inclusion in athletics activities and events, hiring practices, professional coaching relationships, and leadership and advancement opportunities. As part of this commitment, member institutions are required to complete an Equity, Diversity and Inclusion review pursuant to Section 20.2.4.3 of the NCAA Division I Manual which states:

Equity, Diversity and Inclusion Review. An active member institution shall complete an equity, diversity and inclusion review at least once every four years and provide written confirmation of completion to the national office. Failure to complete an equity, diversity and inclusion review at least once every four years shall subject an institution to a penalty pursuant to a penalty structure and timeline maintained by the Strategic Vision and Planning Committee.

The NCAA provides a sample framework for Diversity, Equity and Inclusion Reviews. Step 3 is a review of athletic policies and practices for impact on DEI, which includes a review of:

- Hiring practices;
- Student-athlete recruitment practices;
- Professional development efforts for individuals from historically marginalized populations in athletics;
- Student-athlete and staff support offerings/retentions efforts; and
- DEI educational efforts for student-athletes and staff.

### Grant and Contract Requirements

Each Regent university currently has Federal grants, contracts, subcontracts or cooperative agreements that provide substantial funding for various research projects and initiatives. The universities continually seek applications for new Federal grants and contracts to sustain the research enterprise. These grants and contracts typically contain affirmative requirements that the institution demonstrate ongoing compliance with civil rights laws, which often includes the requirement show proactive efforts to increase diversity and create inclusive environments. For example, Iowa State University's contract with the United States Department of Energy for the Ames Laboratory – valued at \$60.5 million for FY23 – includes requirements that ISU comply with EO 11246 on Equal Opportunity and submit a diversity plan in accordance with Department of Energy Acquisition Regulations. The institution's performance under the contract is evaluated, in part, based on demonstrated compliance with these requirements. Additional information regarding grant and contract requirements is included in Attachment C.

**Summary of feedback form:** When President Richards appointed the Study Group, he noted that opportunities for public feedback would be provided as part of the process. In early July, a feedback form was posted on the Board of Regents public website. In August, an email was sent to the full campus communities, hospital staff and all members of the Iowa legislature providing a direct link to the feedback form. The form remained available until mid-September.

More than 8,400 people provided responses to at least some questions on the form. Of those, 7,400 were from either current students, faculty or staff with the rest coming from alumni, parents, employers, government officials or other members of the public. Institutional affiliations were generally proportional to the size of the campus communities, and there were a few hundred that did not identify an institutional affiliation. The results are available in Attachment D. The Study Group appreciated receiving this breadth of stakeholder perspectives.

## ANALYSIS AND RECOMMENDATIONS

### I. Current Structure of DEI and Compliance Functions on Each Campus

Each Regent university currently maintains a central office for diversity, equity and inclusion, although the structure and oversight responsibilities of these offices vary among the institutions. To better understand which functions of the central office are primarily dedicated to DEI, the Study Group reviewed current university operations and organizational structures in a broad range of areas, including diversity, equity and inclusion; compliance; and student services.



University of Iowa

The University of Iowa Division of Diversity, Equity and Inclusion is comprised of three distinct offices: the Center for Inclusive Academic Excellence, the Office of Inclusive Education and Strategic Initiatives, and the Office of Institutional Equity. The central division is led by the Executive Officer and Associate Vice President for DEI, who reports directly to the Executive Vice President and Provost and indirectly to the President. The division organizational chart is included as Attachment E. The mission of the Division of DEI is, in part, to provide “leadership and resources to support the University diversity, equity and inclusion goals, as articulated in its Strategic Plan 2022-2027.”

The Center for Inclusive Academic Excellence (CIAE) offers programming and support services focused on ensuring student success. This includes pre-college student development, assistance with the enrollment process, and academic coaching through all aspects of the college experience, as well as the federally sponsored TRIO and Upward Bound programs that support middle and high school students from low income and first-generation college-going families. The programs offered by CIAE are available to all students, although they are targeted towards historically marginalized students, first-generation students, and students from low socioeconomic backgrounds.

The Office of Inclusive Education and Strategic Initiatives (IESI) is primarily responsible for fulfilling the university’s diversity, equity, and inclusion mission and vision. This office provides professional development (trainings or workshops for faculty, staff, departments, or community organizations), educational resource development, coaching, and consultation focused on DEI initiatives primarily to staff and the various offices throughout campus. The DEI Success Collaborative and Women’s Leadership Initiative are supported by IESI.

The Office of Institutional Equity (OIE) is the centralized office for receiving and processing reports of alleged policy violations concerning bias, harassment, discrimination, equity, free speech and sexual misconduct. The office oversees investigations as required by state and federal law and supports programming to educate the campus community on compliance obligations.

Reporting to the Vice President for Student Life, the Office of Multicultural and International Student Support and Engagement (MISSE) houses five cultural centers which support minority, LGBTQ and international student issues. MISSE supports student success through planned activities, diversity programming, and student organization events. The services provided by MISSE are available to all students and the cultural center facilities may be utilized by any student organization. Though not part of the centralized Division of Diversity, Equity and Inclusion, MISSE is a key area for programming and student support.

Also within the Division of Student Life is the Belonging and Inclusion department which includes:

- Rape Victim Advocacy Program (RVAP), which provides free, confidential, trauma-informed advocacy to people affected by sexual violence and promotes social change through prevention education. RVAP serves anyone impacted by sexual violence, survivors and/or their loved ones in Cedar, Des Moines, Henry, Iowa, Johnson, Lee, Washington and Van Buren County.
- Student Disability Services (SDS), which provides support and academic accommodations for students with disabilities. SDS collaborates with students, faculty and staff to create an accessible educational environment for all.

- Women's Resource and Action Center (WRAC), which works to create greater equity for individuals and communities of all identities, with a particular focus on women, through leadership training, advocacy, service and personal and professional development.

Military Community at Iowa has several offices on campus dedicated to assisting Veteran and Military-Connected students and their families including: Iowa Veteran Education, Transition, and Support (IVETS), Iowa Supports Education and Resources for Veterans and Enlisted Center (I-SERVE), Air Force ROTC (AFROTC) and Army ROTC.

### Iowa State University

The Iowa State University Office of Diversity, Equity and Inclusion advises the overall institutional strategy for advancing the university's strategic initiatives related to DEI as articulated in the ISU Principles of Community. The office supports and promotes DEI-related programming, workshops, and training across campus and within the larger ISU community. The office is led by the Vice President for Diversity, Equity and Inclusion, which reports directly to the President. The Office of DEI organizational chart is included as Attachment F.

The Office of Equal Opportunity (OEO) is responsible for assuring compliance with state and federal civil rights laws. OEO's compliance functions include investigation of complaints and complaint resolution, education and training on state and federal laws and university policies governing anti-discrimination and harassment, and administration of the university's affirmative action plan. The office is separate from the Office of DEI and led by the Director of Equal Opportunity, which reports directly to the President. The OEO organizational chart is included as Attachment G.

Also separate from the central Office of DEI, and reporting to the Vice President for Student Affairs, the Office of Multicultural Student Affairs (MSA) supports the academic, social and cultural development of all students, with an emphasis on the transition, retention and graduation of multicultural students. MSA manages scholarship programs, offers academic and cultural programming, and provides meeting and event spaces available for use by student, university and community organizations.

Iowa State University maintains additional programs that provide support services and resources. This includes:

- The Center for LGBTQIA++ Student Success was established in 1992 and provides programs, events, and resources to build community and achieve academic success.
- The Margaret Sloss Center for Women and Gender Equity, which provides programming and events to support student success, connectedness and wellbeing.
- Military Affiliated Student Center, which provides academic support, transition, assistance and advocacy for students who are Active-Duty service members, Veterans, ROTC cadets, Reservists, National Guard members and their families.
- Student Accessibility Services (SAS), which provides support and academic accommodations for students with disabilities.

### University of Northern Iowa

The University of Northern Iowa's Chief Diversity Officer (CDO) is a position within the Office of the President. The CDO is the centralized role that is responsible for advancing DEI initiatives in furtherance of the university's strategic plan. The CDO works collaboratively with individuals in all

areas of campus, and provides a connection to community organizations and businesses, as well as provides support, as needed, to federal TRIO programs and the activities of UNI's Center for Urban Education (UNI-CUE).

The Office of Diversity, Inclusion and Social Justice (DISJ) is a component of the Division of Student Life at UNI. The office is responsible for "promot[ing] equity and inclusion for all members of the university by leading efforts in diversity education, advocacy and support of underrepresented and minoritized individuals, and implementing best practices to foster a sense of belonging for all." Organizational charts depicting the position of CDO and the Office of DISJ are included as Attachment H. The Office of DISJ is primarily composed of the following units:

- The Center for Multicultural Education's (CME) mission is to "develop engaged and culturally competent students into leaders who contribute to creating a more inclusive and just society." The Center houses five cultural clubs centered on supporting minority student issues, although all students are welcome to participate. CME provides student support in exploring Greek life, applying for scholarships, and academic success.
- The Thrive mentoring program provides first year and transfer students with an upperclassman mentor who assists in developing leadership skills and other tools for academic success.
- Military and Veteran Student Services (MVSS) provides services and support to military and veteran students, their spouses, and dependents. MVSS connects military and veteran students with a network of internal and external resources to assure academic success, including admissions assistance, financial aid, academic advising, and military transition assistance.
- Gender and Sexuality Services (GSS) "promote[s] healthy, engaged, successful LGBT students and allies." GSS provides educational programming central to its stated mission as well as individual and group support and referrals to campus partners such as housing, student health, financial aid, and counseling services.

The UNI Office of Compliance and Equity Management (OCEM) is responsible for assuring compliance with state and federal civil rights laws. OCEM processes reports of discrimination, harassment and sexual misconduct and prepares and administers the university's affirmative action plan. The office is separate from the CDO and from the Office of DISJ and is led by the Assistant to the President for Compliance and Equity, which reports directly to the President. The OCEM organizational chart is included as Attachment H.

The office of Student Accessibility Services (SAS) at UNI works with individuals to determine appropriate accommodations for the academic and campus Experience. Students with disabilities are encouraged to connect with SAS to engage in the individualized process of determining reasonable accommodations, based on the nature of the disability and the academic or living environment.

### Summary

As noted in the summaries above, each university supports offices and functions that are required to maintain compliance with state and federal laws. This includes the offices of equity and compliance, veteran and military affairs, and student and employee disability services. Other functions are supported solely by federal funding through grants or contracts and are governed by federal requirements, such as TRIO programming for low-income and/or first-generation K-12 students. These functions must be sustained by the universities to assure federal compliance,

receipt of federal funding and continued support of the unique needs of these populations. Information regarding individual positions necessary to support compliance and related functions is included in Attachment I<sup>1</sup>.

For the purposes of recommendation one, the following offices or units represent the central, university-wide DEI functions: at SUI the Division of Diversity, Equity and Inclusion; at ISU the Office of Diversity, Equity and Inclusion; and at UNI the Chief Diversity Officer in the Office of the President. The Study Group recognizes that in some instances these offices might perform functions necessary to assure compliance with state and federal laws, grant and contract requirements, or accreditation. However, the Study Group is unable to conclude that all the programming, training and services provided by these units are necessary for one of these purposes. To assure that the institutions are utilizing their resources efficiently and effectively, the Study Group proposes the following recommendation:

***Recommendation 1: Restructure the central, university-wide DEI offices to eliminate any DEI functions that are not necessary for compliance or accreditation. Support services in these offices must be broadly available to all students and/or employees, subject to applicable state or federal eligibility requirements.***

Separate from the central, university-wide DEI offices, the universities also have employees in other units, colleges and departments across campus whose job titles indicate roles related to DEI. Additional information on these positions is in Attachment I. In addition, there are multicultural offices that provide critical academic support services, such as mentoring, resource consultation and connection, and scholarship opportunities. These offices also serve as centers where students can connect with their peers over areas of common interest. While the services provided by these offices, and some others in colleges, departments or residence life, are available to all students and/or student organizations, a review of the programming and promotional materials indicates that some of the services could be perceived as being offered only to students who share certain identity characteristics. For example, the ISU Office of Multicultural Student Affairs states that it supports students who self-identify as African American, Asian, Pacific Islander, Desi American, Latinx, Native American/Alaskan Native, or multi-racial. UNI's Center for Multicultural Education has a stated purpose of supporting underrepresented and marginalized students. Similarly, while SUI's MISSE states that its cultural centers can be utilized by any student, the programming is centered on minority or underrepresented populations. A student could reasonably interpret the services provided by these offices as being limited to minority students.

The Study Group agrees that staff in decentralized units and the multicultural centers offer some important services that support student success, although better efforts could be made to assure that students understand that all are welcome. The Study Group proposes the following recommendations:

***Recommendation 2: Review all college, department, or unit-level DEI positions to determine whether DEI-specific job responsibilities are necessary for compliance, accreditation or student and employee support services. Any position responsibilities that are not necessary for these purposes shall be adjusted or eliminated. Position and/or***

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<sup>1</sup> Pursuant to SF 560, the Study Group reviewed the salary, benefits and other compensation paid to employees tasked with furthering each university's diversity, equity and inclusion efforts, which is included in Attachment I. The Study Group also received salary and benefit information for employees who support compliance with state and federal laws. This additional information is also reflected in Attachment I.

*working titles shall be reviewed to ensure they appropriately reflect position responsibilities.*

***Recommendation 3: Review the services provided by offices currently supporting diversity or multicultural affairs in other divisions of the university to ensure they are available to all students, subject to applicable state or federal eligibility requirements. Program promotional and informational materials and websites shall be updated to clarify that the mission of these offices is to support success broadly.***

## II. Human Resources

### Affirmative Action Plans

Each university has in effect an affirmative action plan as required by state and federal law. The affirmative action plan is a tool used to identify equal employment opportunities for applicants and existing employees based on the federal definition which includes the following: race, color, religion, sex, sexual orientation, gender identity or national origin. Using a quantitative analysis, affirmative action plans compare the composition of the university's workforce to that of the relevant labor pool. An affirmative action goal may be identified based on this analysis, and recruitment or other employment strategies may be implemented to achieve the goal. These strategies include evaluating position descriptions, advertising, and recruitment strategies to attract a broader pool of potential candidates. Importantly, the Study Group found no evidence of quotas based on protected class in hiring or other employment practices.

### Hiring Practices

Outside of the implementation of affirmative action plans, the Study Group reviewed university hiring and employment processes to assess the extent to which they incorporate requirements related to DEI. The Study Group found no evidence of any official university policies requiring applicants or employees to submit a written DEI statement. However, in practice some individual departments were occasionally imposing such a requirement as part of the hiring process.

While not a requirement for submission of a written DEI statement, the University of Iowa currently has a requirement that candidates for all positions above a certain paygrade demonstrate experience with or a commitment to diversity in the work and academic environment. See [SUI Operations Manual section 9.8](#).

Requirements such as these could serve to limit the applicant pool, particularly where the requirement has little or no direct relationship to the position requirements. The Study Group wants to emphasize that over the past several months each institution has taken steps to explicitly prohibit department or unit-level requirements related to DEI statements in hiring, effectively ending any opportunity for individual departments or units to do so. The Study Group proposes a recommendation formally adopting this prohibition.

### Employment Expectations and Evaluations

While not standard among the three universities, the Study Group found some instances where employee performance is evaluated based on a commitment to advancing DEI. At the University of Iowa, DEI is considered a universal competency that applies to all employment classifications. The standard employee evaluation form requests that employees describe steps taken to demonstrate level of proficiency in relation to this universal competency. Iowa State University

and the University of Northern Iowa do not have a DEI competency requirement that is standard for all employment classifications, although individual departments or units may have expectations related to DEI that could reasonably be interpreted as performance expectations. For example, the ISU Department of Geological and Atmospheric Sciences publishes a DEI checklist and requests that faculty annually update faculty pages to include DEI statements and progress.

The Study Group supports university efforts to ensure that employees can competently and professionally work and thrive in a diverse employment environment and effectively create a welcoming educational environment for all students, but the Study Group questions the necessity of DEI-specific competencies or employment expectations, particularly when there is little direct relationship to the requirements of the position. The Study Group proposes a recommendation assuring performance is not evaluated based on an individual's participation in DEI initiatives, except as it specifically relates to an employee's job responsibilities. The Study Group wants to make clear that this recommendation should not be interpreted as prohibiting any employee from voluntarily participating in a DEI program or activity. This recommendation also does not prohibit the universities from evaluating an employee's performance as it relates to policies and procedures governing appropriate workplace conduct. Rather, the Study Group agrees that the universities should not require that employees be evaluated based on their participation in DEI activities or functions, unless such participation is necessary for compliance or accreditation purposes.

#### Pronoun Disclosure

The Study Group received survey feedback and heard examples of situations when students, employees or visitors on campuses were asked to provide information regarding their personal use of pronouns in ways that made them uncomfortable. Societal norms on pronoun usage have evolved in recent years and the issue is one that is now seen to intersect with political viewpoints. While the Study Group found no evidence that the universities have policies to require individuals to declare their pronouns, all three institutions provide opportunities for students, employees, or any others on campus to voluntarily do so. The Study Group agrees that an individual's decision to disclose or not disclose their pronouns should be respected, and it supports university efforts to foster an environment where individuals feel comfortable exercising their right to speak. The universities should, however, ensure that no individual is compelled to disclose pronouns by their institutions.

#### ***Recommendation 4: Take reasonable steps to assure the following:***

- a. No employee, student, applicant, or campus visitor is required to submit a DEI statement or be evaluated based on participation in DEI initiatives, unless the position is required for DEI-related compliance or accreditation.***
- b. No employee, student, applicant, or campus visitor is compelled to disclose their pronouns.***

### **III. Academic and Curricular Matters**

#### Admissions

The United States Supreme Court recently ruled that the consideration of race as a factor in university admissions processes is unconstitutional. The undergraduate admissions process at each Regent university does not consider race as a factor. Since 1958 when the Board of Regents

passed a policy to guarantee admission to lowans graduating in the top 50 percent of their high school class, Iowa's Regent universities have had a policy ([Board Policy 3.2](#)) guaranteeing automatic admission irrespective of race, ethnicity, sex or any other protected characteristic. The Regent Admission Index has been the pathway for undergraduate automatic admission since 2009 and continues to assure that undergraduate admissions decisions are free from consideration of any protected class characteristics.

Graduate admissions are generally not managed through a centralized mechanism. The submission of applications to graduate and professional programs occurs through a centralized system, but the review process is handled by the departments to which the students are applying. The nature of graduate education is such that the faculty and department level staff are most well-equipped to evaluate academic qualifications as well as alignment of other critical applicant skills and interests with the faculty who will provide the coursework, advising and research guidance. Starting about two years ago, the University of Iowa removed all race and ethnicity fields from the review screens that are visible to departments in the application system. Iowa State University and the University of Northern Iowa have not removed these fields from the application or review materials, but both ISU and UNI affirmed to the Study Group that applicant race, ethnicity, sex and other protected characteristics are not used as factors in admissions decisions by their graduate and professional programs. To provide clarity and assure full compliance with the law, the Study Group proposes a recommendation for a new Board policy.

***Recommendation 5: Develop a Board policy prohibiting the consideration of race and other protected class characteristics in admissions that is consistent with the law.***

#### General Education Requirements

A foundational piece of undergraduate education at all three Regent universities is the general education curriculum. Survey feedback indicates these courses often provide education on topics that students find valuable in expanding their worldview. All bachelor's degree granting institutions must have a general education curriculum to maintain compliance with accreditation obligations. It is also expected that the content of the curriculum will be determined by the faculty of the university. However, as with general education at most universities, students have a wide spectrum of course choices in order to fulfill the general education requirements.

The Study Group observed that each university has a portion of its general education program identified as being associated with concepts of diversity, equity and inclusion, but no specific course is required of all students.

- Iowa State University: All students must choose one course to fulfill the *U.S. Diversity* core area requirement. A review of the current options available to students to fulfill that requirement indicate that 94 courses covering a wide range of topics, including courses not related to DEI, are approved, with the majority of those courses offered at least once each year. Course topics span a wide range of cultural, historical, literary and social issues.
- University of Iowa: The relevant general education core area is entitled *Diversity and Inclusion*. Students must choose one 3-credit course to fulfill this requirement out of more than 60 courses, including courses not related to DEI, that are approved in this category. The available courses represent a wide array of topics from departments across the university.

- University of Northern Iowa: The university recently revised its general education program. A core category of courses in the general education program is entitled *Human Condition* and requires students to take one course from more than 20 options in both the “Domestic” category and the “Global” category. Many of the options are not DEI related. In addition, students at UNI can add an optional general education certificate that permits a deeper study of an issue with four additional courses. One option offered for the first time in Fall 2023 is the Diversity, Equity and Inclusion certificate. While this can be embedded as part of the general education curriculum, it is only for those students who choose to pursue it. No student is required to earn this certificate.

The Board has a long history of recognizing and respecting the academic freedom of the faculty and the role that shared governance plays in successful institutions as outlined in [Board Policy 3.10](#). Due to this commitment and in accordance with accreditation requirements, the Study Group notes the importance of faculty control of the curriculum. The options available as described above provide significant opportunity for undergraduate students to look for a course that is aligned with their interests or educational goals. However, the Study Group observed that the names of the general education categories at ISU and SUI, in particular, are not well aligned with the spectrum of courses available for students to choose from to fulfill the requirement. To assure that students have a clear understanding of the purpose of this portion of the general education requirements as well as the range of ways to meet that requirement, the Study Group proposes a recommendation to review and update the name of this category of courses.

***Recommendation 6: Initiate a review of DEI-related general education categories and update category names to accurately reflect the array of options students may select from to satisfy these requirements and ensure a breadth of offerings.***

The Study Group reviewed and discussed a number of other aspects in the academic realm of the universities. In line with prior Board of Regents actions pertaining to free speech, the Study Group found that existing academic policies are in place at all three institutions to protect students whose perspectives span a range of viewpoints. Since 2020, all three universities have required that all course syllabi must include a statement making clear that viewpoint diversity is encouraged with no student being penalized for any content or viewpoint expressed in a class context that is germane to the course (an example syllabus statement from Iowa State University is [here](#)). In addition to emphasizing free speech rights, this also provides an important mechanism for protecting the academic freedom of students. For instances in which students feel they have been unfairly penalized based on their viewpoints in a class, existing policies for grade reviews and appeals are robust at each institution. No examples of bias in grading were brought forward during the review, and all three institutions noted that grade appeals on the basis of viewpoint bias are extremely rare. The Study Group is pleased with the successful use of the syllabus statements at the universities and the availability of the appeal mechanisms provided to students who feel they may have been penalized for personally held viewpoints.

#### **IV. Free Speech and Related Matters**

There is a perception by some that the Regent universities are dominated by individuals who share a singular political perspective on current matters of societal concern and use the university as a vehicle for advocacy. Individual political viewpoints are deeply personal and closely guarded by the First Amendment. While employees are free to engage in political advocacy on their personal time, Iowa law prohibits the use of university resources for political activities. See [I.C.A. section 68A.505](#). The Study Group agrees that annual reminders on the application of Iowa law would be beneficial to reinforce the importance of this separation of personal political views from



professional responsibilities. Each university currently distributes annual reminders to faculty and staff ([ISU example](#), [SUI policy](#), [UNI policy](#)) although now is the right opportunity to formalize and standardize this process for all employees.

***Recommendation 7: Standardize issuance of annual employee guidance regarding the separation of personal political advocacy from university business and employment activities.***

A frequent sentiment in conversations with campus constituents and in survey feedback is the value to the universities and the state of Iowa in having a welcoming, diverse campus community. The Study Group agrees that diversity in all its forms contributes to a richer and more vibrant campus environment. This includes diversity of thought and perspective as captured in each campus definition. The Regent universities are and should continue to be places where individuals can engage in the free and robust exchange of ideas, even those that some may find disagreeable. Feedback received in this process indicated that at times people on campus experience a “chilling effect” on their free speech rights due to not entirely agreeing with some content from a DEI-related training or program. Improving the atmosphere for free, robust civil discourse is critical to the mission of the universities, but it requires thoughtful strategies and possibly access to additional resources to do it well.

Similarly, the Study Group recognizes that the First Amendment prohibits the universities from discriminating against individuals in employment and education based on their viewpoints or expressions of those viewpoints but agrees that more should be done to foster an environment where a variety of perspectives are welcomed and shared. The universities currently utilize employee recruitment strategies to increase the number of underrepresented minorities in applicant pools. The Study Group agrees that similar recruitment strategies, if available, could further support a campus environment that is comprised of a diversity of perspectives.

***Recommendation 8: Explore potential recruitment strategies for advancing diversity of intellectual and philosophical perspective in faculty and staff applicant pools.***

The Board of Regents policy on Freedom of Expression acknowledges that the primary mission of the universities is to support the discovery and dissemination of knowledge through research, teaching, discussion, and debate. Consistent with the principles of Board Policy [4.2.1](#), the universities should be a platform for the free exchange of a diversity of ideas while refraining from taking action that could unduly pressure individuals to support a particular viewpoint. The Board of Regents and the universities have dedicated considerable effort to supporting freedom of expression, including, establishment of the Free Speech Committee, adoption of the policy on Freedom of Expression, and implementation of annual training and biennial surveys. The Study Group notes that universities across the country have or are considering the establishment of centers, institutes or similar initiatives dedicated to freedom of expression and civic education. The Study Group recommends that the Regent universities evaluate whether such an initiative could be efficiently and effectively implemented within the Regent system.

***Recommendation 9: Develop a proposal, including cost, to establish a widespread initiative that includes opportunities for education and research on free speech and civic education.***

Free speech for individuals, academic freedom, and institutional positions on policy issues are areas that frequently intersect and require careful attention. Board Policy Manual 4.2.1 states, “[t]he University’s proper role is in supporting and encouraging freedom of inquiry by fostering

opportunities for the expression of differing views regarding many issues in multiple areas of study, research, and debate, including current political, social, and public policy issues.” In fulfilling this role, the universities are prohibited from taking action that requires or unduly pressures members of the campus community to adopt a particular viewpoint. While the universities may speak on matters of public concern that are central to their missions, any statements must be consistent with the position of the Board of Regents.

The Study Group reviewed university websites for the central DEI offices, as well as those for a number of related departments and activities. While these websites contain general information on the mission and structure of the units, in some instances websites contain statements that could be perceived as the official position of the university on a political, social or public policy matter. One example noted by the Study Group is the publication of land acknowledgment or similar statements that describe the history of inhabitants of the land the campuses encompass. The source and content of these statements vary across the institutions and in some instances may use language that suggests a position that might depart from a Board position. The Study Group agrees that the Board office should review central university statements like these to assure that their purpose and content aligns with Board policy. Annual reminders of the universities’ obligations when speaking on matters of public concern will also serve to support the Board of Regents’ ongoing commitment to freedom of expression for all members of the campus community.

***Recommendation 10: Annually, the Board office shall issue a reminder to the universities on the requirements of 4.2.1, which governs university websites and other university communications.***

### CONCLUSION

The Study Group presents this report and 10 recommendations for consideration and deliberation by the Board of Regents. Following final action by the Board of Regents, the Board office and the Universities shall review and modify all relevant policies, practices and procedures to assure consistency with any recommendations adopted by the Board. The Study Group suggests that the Board of Regents direct the Universities to provide a progress report, including any necessary implementation timelines, during the April 2024 meeting.