

Contact: Mark Braun

DIVERSITY, EQUITY AND INCLUSION REPORT

Action Requested: Receive the report and consider any action directly and reasonably related to the report.

Executive Summary: On March 14, 2023, the President of the Board of Regents appointed a working group to conduct “a comprehensive study and review of all Diversity, Equity and Inclusion (DEI) programs and efforts” at the three Regent universities. On June 1, Governor Reynolds signed into law [Senate File 560](#), which directed the Board of Regents to “conduct a comprehensive study and review of the diversity, equity and inclusion programs and efforts of each institution under [its] control.”

The DEI Study Group presented its Report and Recommendations to the Board of Regents during the November 16, 2023, meeting. Following robust deliberation, the Board of Regents approved the report and adopted the 10 recommendations as [Board Directives](#).

On February 28, 2024, the Board adopted a series of [new policies](#) implementing four of the Board Directives. During this period, each University developed internal processes for reviewing and implementing the remaining Directives. On April 25, 2024, the Universities provided a progress report, including implementation plans and timelines, to the Board.

On May 9, 2024, Governor Reynolds signed [Senate File 2435](#) into law. Division IX of SF 2435 enacts, effective July 1, 2025, new Iowa Code Chapter 261J – Diversity, Equity, and Inclusion. Chapter 261J generally prohibits the Regent universities from establishing, maintaining or funding a diversity, equity, and inclusion office or hiring an individual to perform the duties of a diversity, equity and inclusion office, except as otherwise provided by law or accreditation standards.

Although Chapter 261J will not take effect until July 1, 2025, Board President Sherry Bates requested that the Board office begin working with the Universities immediately to assess all DEI units, programs, and positions with a goal of developing a plan for compliance by December 31, 2024. This review was conducted under the leadership of President Bates, President Pro Tem Rouse, Regent Barker, and Regent Risewick. President Bates summarized the process and reiterated this commitment during the September Board meeting.

IOWA CODE CHAPTER 261J

Iowa Code Chapter 261J provides, “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 the duties of a diversity, equity, and 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.” SF 2435, Division IX, Sec. 32; Attachment A, p. 3.

important issue for employment opportunities of graduates. A full list of accreditors, pertinent standards and related licensing bodies is available in Attachment C.

ANALYSIS

Although the analysis below reflects the unique structures and aspects of each university, the review revealed some key elements that apply to all three universities. First, all of them have definitions of terms such as diversity, equity and inclusion that include elements beyond what is reflected in Chapter 261J. These broader definitions (often including things like veterans, first-generation, students with disabilities and more) were identified during the Board DEI Study Group process and included in the [report from November 2023](#). Another common factor was that several positions which might have had DEI responsibilities in them were currently vacant, due in part to the legislative hiring freeze in FY 2024. Other positions may have been currently vacant due to typical employee turnover situations. Finally, some work in response to the Board directives was still in the implementation phase in June 2024, so over the course of the review it was important to revisit some areas to clarify expectations, outcomes and timelines.

University of Iowa

Following issuance of the Board of Regents Directives, the University of Iowa changed its Division of Diversity, Equity, and Inclusion by eliminating positions, programs and activities in compliance with Directive 1. The central division was previously comprised of three offices: the Office of Institutional Equity (OIE), the Center for Inclusive Academic Excellence (CIAE), and the Office of Inclusive Education and Strategic Initiatives (IESI). The office primarily responsible for the university's DEI efforts (IESI) was eliminated. The remaining two units were reorganized and retitled under a new division – Access, Opportunity and Diversity (AOD). The restructured organizational chart is included as Attachment D.

OIE was the centralized office responsible for compliance with state and federal Civil Rights laws. This office was retitled to the Office of Civil Rights Compliance to better align with its functions. OCRC continues to respond to reports of discrimination, harassment and sexual misconduct, provide training, perform investigations, and implement remedial measures necessary to assure compliance with state and federal law.

CIAE previously provided programming and support services targeted to certain underserved populations – in some cases based on protected class status. The office also managed programs associated with protected class-based scholarships such as the Advantage Iowa Scholarship, as well as federally sponsored programs such as TRIO and Upward Bound. In response to Board Directive 1, the university expanded its student support services to assure they are available to all students, and not based on protected class status. Scholarships and programs that were targeted towards minority students have been eliminated and scholarship funds have been redistributed through the Slater grant program to support financially disadvantaged students. Federally sponsored programs supporting low-income and first-generation students have been maintained. The office has been renamed the Office of Access and Support (OAS). In addition to providing broad-based recruitment, retention, and student support services, OAS is responsible for assuring any ongoing campus programming in academic units is provided for by state and federal law or accreditation standards in compliance with Iowa Code Chapter 261J.

The Office of Inclusive Education and Strategic Initiatives (IESI) was the unit responsible for fulfilling many programmatic and training aspects of the university's diversity, equity and inclusion mission and vision. The office supported professional development, educational resource

development, coaching, and consultation to other university units focused on DEI initiatives. This office and its programming have been eliminated.

Based on a review of the functions and objectives of the restructured division, AOD and each individual unit complies with the requirements of Iowa Code Chapter 261J. OCRC performs functions necessary for compliance with state and federal civil rights laws. OAS does not provide any programming or activities that meet the definition of DEI under Iowa law. Additionally, OAS provides campus-wide support to assure that any current or future programming or activities are consistent with the requirements of Iowa Code Chapter 261J, other state and federal laws, or specific accreditation standards.

Under the direction of the Associate Vice President of AOD and in consultation with the Board office, the university undertook a comprehensive review of 77 centralized and distributed positions to assess if they perform DEI functions as defined under the law. The university evaluated all position requirements related to DEI to determine if the specific responsibilities are provided for by state or federal law or accreditation standards. Position responsibilities that do not directly and reasonably align with compliance or accreditation are being eliminated. Eleven full-time DEI positions were eliminated, including 6 positions held vacant during the FY 2024 legislative hiring freeze. The resulting savings of \$868,219 for the eleven positions was directed to other student success and programming needs. Many of the reviewed positions performed DEI functions as a fraction of the overall assignment of effort. Based on the review process, 59 position descriptions have been reviewed and modified to reduce or eliminate the percentage of effort assigned to DEI, or how to document how responsibilities align with compliance or accreditation. This results in a cumulative reduction of 12.8 FTE DEI effort (because most of this effort was reassigned to other university needs, many of these are budget neutral DEI cuts). Additional information regarding the position review is included in Attachment E.

The university is also conducting a comprehensive review of all DEI-related committees as well as non-mandatory trainings, programs and activities not directly tied to accreditation or compliance at the university, college and department level. Any committee that is tied to an accreditation or compliance obligation will work within its necessary framework. All others will be categorized by AOD as either Formal, Participatory or Informal based on their functions and authority levels (see Attachment F). Those in the Formal or Participatory categories will be subject to all expectations of Iowa Code Chapter 261J. Those in the Informal category receive no administrative oversight or financial commitment and are generally protected by First Amendment principles related to freedom of expression and association.

The Board office and the university evaluated seven additional organizational units and related programs to determine whether further restructuring or reductions are necessary to assure compliance with Iowa Code Chapter 261J. This review focused on both the core operational purpose of the unit as well as the individual programming conducted by the unit. Four of the seven units do not meet the definition of a DEI office under the law based on a review of the core operational purpose. These units are identified in Attachment G. One unit, the University of Iowa Health Care Office of Health Parity, meets the definition of a DEI office under the law but is necessary for compliance with Joint Commission accreditation standards and the effective provision of physical and mental health services. See Attachment G.

Two units/programs were identified as requiring additional review – cultural houses and living-learning communities. The university currently has four facilities that are named with reference to race, ethnicity, sexual orientation or gender identity. These are commonly referred to as cultural houses and are physical locations on campus that are available for use by any member of the

Currently the university has nine employees with a job profile of Multicultural Student Success (MSS) in various colleges. The MSS job profile is a unique job profile that was narrowly focused on student success for students with identities that would fall into the DEI definitions of Chapter 261J. Through this compliance review, it was determined that the MSS job profile and description being used did not accurately describe the employees' scope of work with students, which in most cases was to work broadly with all students regardless of individual identity characteristics.

Accordingly, to fully comply with Chapter 261J, the unique job profile for Multicultural Student Success will be eliminated and the current employees within this profile will be transitioned to other existing more general student success job profiles. Additionally, consistent with their more accurate new job profiles, these employees will ensure that the focus of their service is to all students or to broad categories of students identified as needing support based on factors not defined as DEI by Chapter 261J (i.e. first generation, Pell eligible, etc.).

In addition to reviewing distributed positions, the Board office and the university reviewed 17 units and related programs. Twelve were determined not to meet the definition of a DEI office under the law based on an evaluation of the programming they currently provide. These units are further identified in Attachment G. The Office of Multicultural Student Affairs (MSA), for example, was determined not to meet the definition based on a review of its core functions. MSA administers two scholarship programs that are available to any interested student and not based on protected class status. MSA also provides general student support programming that is not with reference to any of the protected classes identified in Chapter 261J. MSA includes two physical spaces on campus that are available for use by any member of the campus community - the Multicultural Center and the George A. Jackson Black Cultural Center.

The Office of Equal Opportunity (OEO) meets the Chapter 261J definition of a DEI office, but the services and programming it provides are necessary to ensure compliance with state and federal law. OEO's compliance functions include investigation and resolution of discrimination and harassment complaints, education and training on state and federal civil rights obligations, and administration of the university's affirmative action plan. The programming supported by OEO is provided for by state and federal law and exempted from the prohibitions in Iowa Code Chapter 261J.

Four units were identified as requiring additional review and potential changes to ensure compliance with Iowa Code Chapter 261J - ISCORE, a cultural center for LGBTQIA+ Students, ISU Extension and Outreach, and department-level committees and employee groups.

The Thomas L. Hill Iowa State Conference on Race and Ethnicity (ISCORE) was patterned after the national conference on race and ethnicity and focused on issues that would fall within the definition of the work of a DEI office. Through this compliance review, Iowa State University decided to change the focus and scope of the conference to be a one-day speakers conference for the presentation of research. In addition, the ISCORE Office will be closed, reassigning the current employee to other student support work within the Division of Student Affairs.

Next year, Iowa State University will host the first Iowa State Conference on Research for Opportunity, Equality and Excellence in Education. This conference will replace the former ISCORE conference and will shift the content of the conference to research-based presentations by ISU community members and invited scholars. Moving forward, the conference will include presentations and speakers on topical areas such as support for people with different abilities, veteran status, anti-Semitism and religious accommodations, socioeconomic status, and other protected classes. A new faculty, staff and student committee will be formed to develop the

of a DEI Office or the work of a DEI office and not “otherwise provided for by federal or state law or accreditation standards,” the committee will be restructured or eliminated.

University of Northern Iowa

In compliance with Directive 1, the University of Northern Iowa eliminated the Chief Diversity Officer (CDO) position and the Office of Diversity, Inclusion and Social Justice (DISJ). The CDO was the centralized position responsible for advancing the university’s DEI initiatives. The Office of DISJ was primarily composed of four units: Multicultural Education, retention and mentoring, Military and Veteran Student Services, and Gender and Sexuality Services. These component units were evaluated consistent with Directive 3, and either eliminated or realigned as part of a larger reorganization of the Division of Student Life. The Center for Gender and Sexuality Services was eliminated. Remaining units that do not perform DEI functions as defined in Iowa Code Chapter 261J, such as Military and Veteran Student Services, are maintained within the new organizational structure within the Division of Student Life. The restructured Division of Student Life organizational chart is included as Attachment H.

The university reviewed the job descriptions for 25 centralized or distributed positions that performed DEI functions. Five positions were eliminated, and one position was reassigned as part of the overall reorganization. Five additional positions that performed DEI functions as a portion of the assignment of effort were adjusted to eliminate DEI and reallocate the position responsibilities towards academic advising or broad-based student support. Additional information regarding the position review is included in Attachment I. In total, \$486,144 of funding was reallocated in support of student success initiatives.

The Board office and the university evaluated six additional organizational units and related programs to determine whether additional restructuring is required for compliance with Chapter 261J. Five units do not qualify as DEI offices under the law and are maintained under the new Division of Student Life structure or within academic affairs. These units are further identified in Attachment G.

Concurrently with the review of above-mentioned structures and programs, the Office of Compliance and Equity Management was retitled to the Office of Civil Rights Compliance (OCRC). OCRC is responsible for responding to reports of discrimination, harassment and sexual misconduct, providing preventative and remedial training, and administering the university’s affirmative action plan. These functions are necessary for compliance with state and federal civil rights laws.

The Center for Multicultural Education (CME) was also reviewed and determined not to meet the definition of a DEI office under the law. CME is the name of a physical space on campus in Maucker Union that is available for use by any member of the campus community to gather, study or meet with friends.

Additional Units

The Board of Regents has governance authority over Iowa Lakeside Laboratory, the State Hygienic Laboratory, and the Western Iowa Regents Resource Center. As part of this comprehensive review, the Board office evaluated the programming and activities provided by each of these entities. These entities do not provide DEI programming or activities and are in compliance with the requirements of Iowa Code Chapter 261J.

