

MINUTES
Approved by the Committee
DEI
Wednesday, October 23, 2024
10:00 A.M.
Room EW41
Boise, Idaho

Members in attendance: Cochair Representative Judy Boyle and Cochair Senator Todd Lakey; Representatives Barbara Ehardt (via Zoom), Elaine Price, and Dale Hawkins; Senators Julie VanOrden, Ben Toews, and Melissa Wintrow; and Legislative Services Office (LSO) staff Peter Cook, Jennifer Kish, and Kevin Campbell.

Others in attendance: Boise State University -- Kristi Spalding, Erika Wassom, Diego Tapia, Ethan LaHaug, Macey Dixon, McKaylie Boyd, Sam Martin, Chris Courtheyn, Darrah Spittle, Jenisys Sarrett, Ani Carnell, Jeff Matsushita, Martha Uhlmann, Kaeden Lincoln, Erik Nati-Johnson, Lorraine Draper, and Alanis Ziegler; College of Western Idaho -- Cassandra Conner and Kerry Draper; University of Idaho -- Caroline Troy; Idaho Department of Education -- Gideon Tolman and Meghan Wonderlich; Idaho Council on Developmental Disabilities -- Christine Pisani; Idaho State Independent Living Council -- Mel Leviton; Indigenous Idaho Alliance -- Amy York; Legal Voice -- William Mitchell and Cornealius Goldman; Idaho Crisis and Suicide Hotline -- Chelsea Gaona-Lincoln; and Dora Ramirez (self).

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2024/interim/> and copies of those items are on file at the Legislative Services Office in the State Capitol. Recordings of the meeting may be available under the committee's listing on the website.

WELCOME/INTRODUCTION

Cochair Boyle called the meeting to order at 10:02 a.m.; a silent roll call was taken. Cochair Lakey read from the letter describing the charge of the Diversity, Equity, and Inclusion (DEI) working group: "The working group will undertake and study the prevalence and impact of diversity, equity, and social justice ideology in Idaho."

LEGISLATIVE SERVICES OFFICE RESEARCH OVERVIEW

Cochair Boyle called Casey Hartwig, LSO Principle Research Analyst, to the podium to present LSO's findings to the committee [see [LSO Research Overview](#)]. Mr. Hartwig stated that in its research, LSO looked at the impact of existing legislation, including appropriation bills, on diversity, equity, and inclusion. He explained that the team took a broad view of what diversity, equity, and inclusion meant in its research, since these terms can have a wide range of interpretation. The four areas that LSO looked at in its research include: legislative and executive DEI activity in the United States; Idaho DEI legislation; DEI in required courses at Idaho's public college and universities; and accreditation standards review.

- Cochair Lakey referenced Senate Bill 1176 (2023) and House Bill 734 (2024) regarding the use of state-appropriated funds to support DEI programs or social justice ideology and asked whether the team had looked into funds that indirectly support facilities or personnel in connection with such programs. Mr. Hartwig responded that the analysis hadn't extended to that level but said the handouts included letters from the universities that addressed the issue. Kevin Campbell, LSO Senior Budget and Policy Analyst, responded that the team did look at funds in student activities, including the standard budget categories of personnel costs, operating expenditures,

and capital outlay. He said that, according to the universities, there were no state-appropriated funds used for those purposes.

- Senator Wintrow asked how diversity, equity, and inclusion were defined in the research process and wondered how these topics were considered when comparing states that either supported or limited DEI through legislation. She also inquired whether LSO looked into reasoning behind the states' decisions to increase or decrease diversity initiatives and if they researched any positive outcomes of diversity inclusion at universities as well as private businesses. Mr. Hartwig responded that they would do more research about the reasoning behind states' actions, and he suggested that political maps were a good indicator of how "blue" and "red" states align in their approach to DEI. Senator Wintrow expressed her interest in understanding the societal events that led to a shift in DEI legislation and would like to look at the history and backlash of similar movements.
- Senator VanOrden requested that Mr. Campbell go over the information in the handout regarding Senate Bill 1176 and the responses from the college and universities. Mr. Campbell directed the working group to the report from the State Board of Education that showed the institutions were in compliance with spending requirements. He explained that the letters in the handout were responses from the college and universities describing the use of state-appropriated funds and the total budget for activity on campus. He stated that Boise State University, Idaho State University, and the University of Idaho have diversity or equity resource centers but no state funds were used to support them. LSO had also inquired about Lewis-Clark State College's (LCSC) Native American, Minority, and Veterans' Services Office and its College Assistance Migrant Program; LCSC reported that no state funds were used for these programs. Senator VanOrden expressed interest in hearing from the universities about their DEI-related activities.
- Senator Toews inquired whether LSO had looked into the ethics and DEI statement of the Northwest Commission on Colleges and Universities (NWCCU). In the statement, he observed that DEI standards seemed to be an overarching principle and felt that NWCCU was focused on equity rather than outcomes. Elizabeth Bowen, LSO Legal Counsel, responded that her research of the accreditation standards was cursory, and she recommended the working group have each of the institutions and a representative from NWCCU explain the accreditation process directly in order to receive the best information.
- Cochair Lakey asked Ms. Bowen if she could look into the recent Supreme Court decision on affirmative action and provide the working group with a summary at its next meeting.
- Representative Ehardt asked for clarification that Boise State University was the only institution with a diversity requirement. Mr. Hartwig responded that yes, the other institutions did have diversity requirements, but they could be met through courses that did not mention DEI topics in the course description. He provided the example of University of Idaho's requirement of American diversity where students could meet the requirement through courses that did not focus on DEI.
- Representative Price pointed to LCSC's requirement of three credits in global perspectives and asked Mr. Hartwig if this was another example of a DEI requirement that could be met through non-DEI courses. He confirmed that it was.
- Cochair Lakey asked LSO to look into existing job descriptions and employment policies in addition to the information they had already gathered regarding job hiring and admissions.
- Senator Wintrow said that she would like to hear from other organizations, business entities, students, faculty, and marginalized groups regarding the benefits and outcomes they've seen through diversity efforts. She also expressed curiosity to know the effects other states have seen in their economies and workforce, especially in health care.
- Representative Price inquired whether LSO had followed up on job postings with diversity statements to see if the positions had been filled, adjusted, or were still open. Mr. Hartwig

replied that he didn't have information on the current status of previously flagged job postings, but he would look into it.

- Senator Toews asked if the University of Idaho's Native American Student Center matched the criteria to be considered DEI and wondered if it should be removed from consideration. Mr. Hartwig said that LSO would look into it.
- Representative Hawkins expressed concern that job postings and educational programs may be using language outside of the key terms of diversity, equity, and inclusion in order to hide DEI activity. He asked LSO to perform a deeper dive in its research of the education system to ensure that DEI programs weren't continuing under different language. Mr. Hartwig responded that the team had done a high-level review but would look into additional ways to continue their research.
- Senator Toews requested that LSO look into Utah's DEI legislation to learn whether the response had resulted in actual changes to staffing or simply title changes as a workaround.
- Senator Wintrow stated interest in hearing from the Idaho Human Rights Commission regarding state and federal law as well as looking at how Equal Employment Opportunity Commission laws affect state agencies that receive federal funding. She emphasized the importance of clearly defining what diversity, equity, and inclusion mean so as to avoid relying on these key terms in research, which she was concerned could lead to censorship. Cochair Boyle replied that she thought leadership wanted the working group to consider employment based on merit versus discrimination through DEI. Ms. Bowen informed the members that LSO staff would adjust their research process with additional guidance.
- Cochair Lakey stated his agreement that clear definitions were important and that he thought the working group's primary focus was to look at DEI in the context of discrimination.
- Representative Ehardt expressed concern that the working group couldn't accommodate all of the requests that had been made and suggested its focus should remain on universities and accreditation. She stated that university professors have academic freedom that is limited to topics germane to their course subjects, and she worried that DEI content was being taught in noncompliance.
- Representative Price asked whether the scope of the working group included business and other areas in addition to state agencies and education. Cochair Boyle responded that they could reference the working group's letter from leadership for guidance and could request further clarification if needed. Cochair Lakey recommended the working group review the requests that had been made and determine where to focus first in order to break their work into manageable parts.

WORKING GROUP DISCUSSION/ADJOURNMENT

The next meeting was tentatively set for December 2, 2024.

With no further business, the working group adjourned at 11:15 a.m.