

MINUTES
Approved by the Committee
DEI
Monday, December 02, 2024
8:30 A.M.
Room EW 42
Boise, Idaho

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

Others in attendance: Kristi Spalding, Ani Carnell, Elliot Tan, Aster Crockett, and Charles Jones III — Boise State University; Aspen Shumpert — KTVB; Selena Grace — NWCCU; Helina Alvarez; Diego Tapia; Lizzi Zieba and Mavia Torres — NASW; and Caroline Troy — University of Idaho.

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/APPROVAL OF MINUTES

At 8:35 a.m., Cochair Lakey called the meeting to order and requested a silent roll call. He asked for a motion regarding the minutes on the October 23, 2024, meeting. **Rep. Price made a motion to approved the minutes; Sen. VanOrden seconded the motion. The motion was approved unanimously by a voice vote.**

USSC AFFIRMATIVE ACTION DECISION

Cochair Lakey called **Elizabeth Bowen**, LSO Legislative Counsel, to the podium for her presentation regarding the [SFFA v. Harvard](#) affirmative action decision by the US Supreme Court.

- Sen. Wintrow inquired how Idaho attracts a diversity of students to its higher education institutions if they are not using race-conscious applications. Ms. Bowen reported that institutions use one's geographic origin, legacy status, athletic ability, gender, and many other deciding factors rather than one's race to create diversity.
- Rep. Ehardt inquired whether the diversity of thought was included in the decision. Ms. Bowen responded that the UNNC case did include the diversity of thought, diversity of religion, and diversity of opinions.

SBOE DRAFT RESOLUTIONS

At 9:23 a.m., Cochair Lakey called upon **Josh Whitworth**, Executive Director for the Idaho State Board of Education, for his comments to the members. Mr. Whitworth discussed the [three draft resolutions](#) recently proposed by the board for higher education.

- Sen. Wintrow asked for clarification about DEI ideology on campuses. Mr. Whitworth explained that any ideology that focused on convincing students that they MUST accept an ideology rather than accepting a difference of opinion would be targeted. He stated that the board was open to working with the Legislature to better define the term and commented that the original intent of DEI was to support all students, but in reality, it was supporting small selective groups. Sen.

Wintrow inquired whether any complaints had been filed accusing groups of denying access to organizations. Mr. Whitworth stated that he was not aware of such occurrences.

- Rep. Price asked for clarification regarding the exceptions listed in the first resolution (page 2, second paragraph). Mr. Whitworth explained that the language was similar to other states for those situations.
- Rep. Price inquired whether funds were being redirected. Mr. Whitworth commented that funding was being moved from individualistic identities to a more wholistic focus.
- Rep. Ehardt inquired about a faculty member's academic freedom being limited to the relevance of the topic being taught. Mr. Whitworth commented that the intent of the proposed resolutions was to remind educators not to teach ideology unrelated to their academic topic.
- Sen. VanOrden inquired about the "norm" before this was an issue. Mr. Whitworth commented that the ideology had morphed over the years and maybe it had become too segregated rather than inclusive. Sen. VanOrden asked whether the proposed resolutions would move institutions in the right direction. Mr. Whitworth believed they would.
- Cochair Lakey stated that he supported equal opportunities rather than equal outcomes.
- Sen. Wintrow commented that SBOE presented resolutions in 2021 that defined DEI. Mr. Whitworth noted that those resolutions of 2021 actually were not adopted by the board.

UTAH DEI LAW

At 10:20 a.m., **Senator Toews** provided an overview of Utah's [HB261 \(2024\)](#). Sen. Toews noted that the bill was a collaborative effort of the Utah Legislature and Utah higher education institutions. The bill provided a brief summary and bullet points of the key focus points.

- Cochair Lakey commented that the Utah legislation may provide the framework for Idaho legislation.
- Cochair Boyle inquired whether the legislation from Iowa and Texas, referenced in the presentation, had been reviewed. Sen. Toews responded that he had reviewed both and had crafted proposed legislation based on the best practices from both examples.

LSO UPDATES/REPORTS

At 10:34 a.m., **Casey Hartwig**, LSO Principal Research Analyst, provided his presentation [Definitions of Diversity, Equity, and Inclusion](#). Mr. Hartwig summarized that there was not a universal definition for the terms and many states still did not recognize DEI as a concept. He identified where examples of the terms were found at the state and federal levels.

Upon the conclusion of Mr. Hartwig's presentation, the committee took a break.

HIGHER EDUCATION ACCREDITATION

At 11:10 a.m., **Selena Grace**, Executive Vice President of North West Commission on Colleges and Universities (NWCCU), began the [presentation](#) from the commission that provided an overview of the commission's purpose and history. **Sonny Ramaswamy**, President of NWCCU, took over the presentation upon his arrival at slide #6.

- Cochair Lakey inquired whether DEI-based requirements existed for accreditation. Ms. Grace responded that NWCCU did not have any requirements but it did require a variety of stakeholders be included in the planning. Cochair Lakey asked whether the commission required specific types of students to meet that standard. Ms. Grace noted that the commission did not.
- Rep. Ehardt commented that the commission was applying DEI language while stating that it did not require DEI, and inquired whether the involvement was by current students. Ms.

Grace noted that standards were applied to current students, faculty, and staff; the community stakeholders included former students and elected officials. Rep. Ehardt asked why Idaho should stay with NWCCU accreditation. Ms. Grace commented that it is the institution's decision to select its accreditor.

- Sen. Toews inquired how DEI ideology was not part of the commission's core values when it was listed as a bullet point on the commission's website. Mr. Ramaswamy explained that those were the core values of NWCCU and was not intended to be the core values of institutions that were seeking accreditation.
- Cochair Boyle asked for clarification as to why male students were leaving higher education before obtaining a degree. Mr. Ramaswamy reported that the reasons identified were the cost of the education and that students would leave for employment. Cochair Boyle inquired how that was different for women. Mr. Ramaswamy commented that men providing for their families found it more important to have a job than to have a degree.
- Rep. Price asked how peer institutions were determined. Mr. Ramaswamy responded that peers were selected by the institution. Ms. Grace added that an institution selected peers with similar demographics. Rep. Price inquired why some institutions felt they were required to have a DEI component to obtain accreditation. Mr. Ramaswamy responded that it was not a requirement.
- Sen. VanOrden inquired whether all of Idaho's public institutions were accredited by NWCCU. Mr. Ramaswamy responded in the affirmative. Sen. VanOrden inquired what private Idaho institutions were accredited by NWCCU. Mr. Ramaswamy identified the College of Idaho and BYU-Idaho. Sen. VanOrden asked whether the community colleges were accredited by NWCCU. Mr. Ramaswamy responded in the affirmative.
- Rep. Hawkins inquired whether Mr. Ramaswamy believed that institutions would benefit from adopting NWCCU's core values. Mr. Ramaswamy responded that institutions should adopt their own values. Rep. Hawkins inquired about NWCCU's parent company. Mr. Ramaswamy responded that the US Department of Education was its oversight entity.
- Cochair Lakey asked whether a state's update to DEI requirements would put NWCCU's accreditation at risk. Mr. Ramaswamy responded that it would not.
- Cochair Boyle commented that having certain beliefs on its website may mislead institutions. Mr. Ramaswamy noted that the commission evaluated itself every eight years and maybe that item would be considered.
- Rep. Ehardt inquired whether students who initially attend a two-year program would do better in completing a four-year program. Mr. Ramaswamy commented that most often the inability to complete a program was attributed to a lack of preparation.

The committee discussed having a meeting during the first week of the 2025 legislative session. With no further business, the meeting was adjourned at 12:20 p.m.