ADMINISTRATIVE GUIDANCE REGARDING HB 261

Section I: Use of Words “Diversity,” “Equity,” and “Inclusion”

Guidance

- The University should avoid using the full phrase “diversity, equity, and inclusion” in connection with any policy, procedure, practice, program, office, initiative, or required training, as required by the plain language of HB 261.

- The University should also avoid that phrase in connection with titles of committees, activities, interview questions, and other items that may be construed as “practices” or “initiatives.”

- Where possible, the University should also avoid using any of the terms “diversity,” “equity,” or “inclusion” individually in connection with any policy, procedure, practice, program, office, initiative, required training, or with titles of other committees, activities, or interview questions.

- Instead, the University should use descriptive phrases that emphasize the goals and priorities of the programs. The University encourages personnel to focus on framing programs in terms of success—student success, faculty success, staff success, and community success. Specific examples of words that might be appropriate based on the endeavor’s goals include: “equal opportunity,” “all backgrounds,” “social mobility,” “student wellbeing,” “differing viewpoints,” and “belonging.”

Examples:

A. Interview Questions.

1. “Here at the University of Utah, our mission is to serve the whole community, which includes people of diverse backgrounds in terms of race, gender, sexuality, ability, culture, people experiencing homelessness or addiction, and incarcerated people, to name a few. What do you think is important to keep in mind when serving a diverse patient population?”

   Possible Revision: “Here at the University of Utah, our mission is to serve the whole community, which includes people of many backgrounds in terms of ability, culture, people experiencing homelessness or addiction, and incarcerated people, to name a few. What do you think is important to keep in mind when serving these varied types of patient populations?”

2. “What experiences have you had with hiring, training, and/or supervising a diverse team?”
Possible Revision: “What experiences have you had with hiring, training, and/or supervising people from backgrounds that are different from your own, or who may see the world differently from you?”

3. “Our team includes people of diverse identities and cultural backgrounds. Please describe a situation that required you to consider a different perspective than your own when exploring an issue. What did you learn from that experience?”

Possible Revision: “Our team includes people with various identities from different cultural backgrounds. Please describe a situation that required you to consider a different perspective than your own when exploring an issue. What did you learn from that experience?”

B. Interview Evaluation Rubric.

*Current sample applicant evaluation rubric measures:*

1. “Does not value diversity”

Possible Revision: “Does not value people of all backgrounds”

2. “Values diversity on a team”

Possible Revision: “Values being on a team with members of all backgrounds”

C. Job Titles/Ads. In general, job titles and postings should not include the words diversity, equity, or inclusion, whether they are used alone or in combination. Exceptions should be approved through Human Resources leadership.

D. Committees, Programs, or Initiatives. In general, the University should not use the words diversity, equity, or inclusion in any committee, program, or initiative title, whether they are used alone or in combination. Exceptions should be approved through the cognizant VP.
### Section II: Hiring Pools

**Guidance**

- The University may continue its efforts to identify and encourage qualified candidates from a broad range of backgrounds to apply for University positions. The final hiring decision, however, must be based on best qualifications given the hiring pool, and may not consider a candidate’s race, ethnicity, etc.

- The University may continue to evaluate whether the demographic makeup of a hiring pool is in line with expected demographics. If hiring pools are not reflective of expected demographics, searches may be cancelled and reposted. The University should not use quotas or specific metrics in evaluating hiring pools (e.g., 50% women, 30% people of color, etc.).

- The University may post jobs in a wide variety of forums, and is encouraged to conduct broad initial searches to include a varied group of applicants.

- Job postings may state that candidates from all backgrounds or all populations are encouraged to apply.

### Section III: Institutional Relationships

**Guidance**

- The University may continue to seek out and enter into relationships with other institutions, including Historically Black Colleges and Universities (“HBCUs”).

- The University may continue to support these relationships, including relationships with HBCUs, schools that attract students from rural areas, community colleges, etc.
### Section IV: Admissions Applicant Pools

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<td>• The University should continue to undertake efforts to increase the representation of students from all backgrounds in its admissions pools.</td>
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<td>• The University may undertake efforts to increase the number of candidates from different backgrounds and demographics in admissions pools, but the final admissions decisions cannot consider race, ethnicity, gender, etc.</td>
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### Section V: Trainings

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<td>• HB 261 prohibits mandatory trainings entitled “Equity, Diversity, and Inclusion” or that contain certain concepts such as assertions that an individual is inherently privileged, oppressed, racist, sexist, etc. whether consciously or unconsciously, or that an individual should be advanced, or receive beneficial treatment because of their race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity, etc.</td>
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<td>• The University may not employ or contract with a vendor to provide a required training on a “prohibited discriminatory practice.” The University may wish to extend the prohibition on trainings on a “prohibited discriminatory practice” to voluntary trainings as well.</td>
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### Section VI: Membership in Federally Recognized Tribes

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<td>• HB 261 does not include membership in a federally recognized or Utah recognized tribe as a “personal identity characteristic.”</td>
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<td>• HB 261 specifically permits the University to comply with the terms of its agreement with the Ute Tribe.</td>
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<td>• Under federal law, membership in a federally recognized or Utah recognized tribe is a political or sovereign status, and is not equated with race, national origin, or ethnicity in the student context.</td>
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With respect to student initiatives, practices, programs, and offices, the University may continue to consider membership in a federally recognized or Utah recognized tribe as a criterion for eligibility. To the extent possible, this should not be the sole criterion.

Section VII: Student-Led Initiatives

Guidance

- Although sponsored student organizations are legally separate from the University, sponsored student organizations are “integral to the mission and culture of the University and [are] sponsored by . . . University college[s] or department[s]” and are “[i]nherently linked to the University because of [their] role in representing the University of Utah or in presenting events that are considered an integral part of the institution.” (University Rule R6-401A)

- Because of this close relationship, sponsored organizations should comply with HB 261.

- ASUU should also comply with HB 261.

Section VIII: Data Collection

Guidance

- HB 261 does not address demographic data collection; however, the University has received inquiries on this topic.

- Data collection is legally permissible, but it is important that the data be used primarily for analysis purposes. Data regarding personal identity characteristics may not be used in connection with admissions, hiring, promotion, or other advancement opportunities.

- Wherever possible, suggest making demographic data questions optional, and especially those questions regarding personal identity characteristics.