

Kansas Board of Regents Diversity Equity and Inclusion Guidance for State Universities in Kansas

June, 18 2025

BACKGROUND

During the 2025 Legislative session the Legislature passed and the Governor signed 2025 Senate Bill 125. The Kansas Board of Regents (Board) offers this guidance to assist institutions as they seek to comply with state law.

Section 161 of 2025 Senate Bill 125 contains a proviso (the “Proviso”) requiring the Secretary of Administration, in consultation with the Governor’s Office, to certify to the State Finance Council by August 1, 2025, that state agencies have taken certain actions related to “diversity, equity, and inclusion” (“DEI”). The Proviso, however, does not define “DEI.” In order to guide compliance with the Proviso, related federal guidance and other recent Kansas legislation in this area offer relevant context.

That recent legislation includes 2024 HB 2105, which specifically exempts from its coverage those activities intended to comply with federal or state law, including antidiscrimination laws, and made clear it would not be construed to limit or restrict the academic freedom of faculty or to prevent faculty members from teaching, researching or writing publications about diversity, equity, inclusion or other topics. Moreover, the Legislature also passed a specific requirement related to hiring practices of applicants with disabilities (Kathy’s Law, 2024 SB 333) and continues to recognize the military service of veterans enrolled at the institutions of higher education with opportunities for resident tuition. Consistent with these more specific substantive laws, programs or activities serving disabled students and veterans would not be interpreted as covered by the Proviso, nor would anything affecting university curricula, research, or instructional activities that may address specific religious, ethnic, cultural, sexual, or racial groups or foreign language instruction (K.S.A. 76-7,165, 2024 Kansas House Bill 2105).

This guidance is intended to assist the state universities in Kansas to uniformly interpret the applicable provisions of the Proviso and recognizes that the universities have already begun efforts to be in compliance. In the event the Secretary of Administration provides additional guidance or requirements related to these matters, those will also apply and may modify this guidance.

OVERVIEW OF STATE LAWS

2025 Kansas Senate Bill 125

Kansas 2025 SB 125, Section 161, provides that during Fiscal Year 2026, on or before August 1, 2025, the Secretary of Administration, in consultation with the Governor's Office, shall certify to the members of the State Finance Council, by presentation at a State Finance Council meeting, that all state agencies have:

- (1) Eliminated any positions that relate to diversity, equity and inclusion;
- (2) eliminated any mandates, policies, programs, preferences and activities relating to diversity, equity and inclusion;
- (3) eliminated any training requirements in diversity, equity and inclusion for any employee;
- (4) canceled any state grants or contracts relating to diversity, equity and inclusion; and
- (5) removed gender identifying pronouns or gender ideology from email signature blocks on state employee's email accounts and any other form of communication.

K.S.A. 76-711 and 76-712 (Universities as State Agencies)

Except as otherwise provided by act of the Legislature, state universities in Kansas are separate state agencies and state institutions controlled by and operated and managed under the supervision of the Kansas Board of Regents pursuant to K.S.A. 76-711 and 76-712.

K.S.A. 76-7,165 (2024 Kansas House Bill 2105)

K.S.A. 76-7,165 provides, in part, that no postsecondary educational institution shall condition admission or educational aid to an applicant for admission, hiring an applicant for employment or hiring, reappointing or promoting a faculty member, on the applicant's or faculty member's pledging allegiance to or making a statement of personal support for or opposition to any political ideology or movement, including a pledge or statement regarding diversity, equity or inclusion, or to request or require any such pledge or statement from an applicant or faculty member (Current Board policy also contains this provision). The law provides that it does not prohibit the institution from requiring a student, faculty member or employee to comply with federal or state law, including antidiscrimination laws, or from taking action against a student, faculty member or employee for violations of federal or state law, and should not be construed to limit or restrict the academic freedom of faculty or to prevent faculty members from teaching, researching or writing publications about diversity, equity, inclusion or other topics.

BOARD GUIDANCE TO STATE UNIVERSITIES

State universities are directed to, no later than July 31, 2025:

- (1) eliminate any positions that relate to diversity, equity and inclusion;
- (2) eliminate any mandates, policies, programs, preferences and activities relating to diversity, equity and inclusion;
- (3) eliminate any training requirements in diversity, equity and inclusion for any employee;
- (4) cancel any state grants or contracts relating to diversity, equity and inclusion; and
- (5) remove gender identifying pronouns or gender ideology from email signature blocks on state employee's email accounts and any other form of communication.

In complying with this directive, and consistent with federal law and guidance, the terms “diversity, equity, and inclusion” — commonly known as DEI — shall refer to the use of state sponsored grants or contracts, and university positions, mandates, policies, required employee trainings, programs or activities (“University Activities”), where such University Activities are intended to intentionally give preference to individuals or groups, to the exclusion of others, on the basis of race, color, or national origin. University Activities shall not include curriculum, instruction, or research.

Programs focused on interests in particular cultures, heritages, and areas of the world do not in and of themselves violate Title VI, assuming they are open to all students regardless of race, color, or national origin. Additionally, educational and/or cultural observances that celebrate historical events and contributions or promote awareness do not fall under the definition of DEI as long as they are open to all regardless of race, color, or national origin.

NOTE: The foregoing is based on those federal and state directives issued in 2024 and 2025 and effective as of the date of this guidance.