WEST VIRGINIA CODE: §18B-1G-2

§18B-1G-2. Restrictions.

(a) A state institution of higher education and each governing board of a state institution of higher education shall ensure that each unit of the institution does not:

(1) Establish, sustain, support, staff, or maintain a diversity, equity, and inclusion officer or office;

(2) Hire or assign an employee of the institution 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 provision of a diversity, equity, and inclusion statement;

(4) Give preference on the basis of diversity, equity, and inclusion to an applicant for employment, an employee, or a participant in any function of the institution; or

(5) Require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training.

(b) A state institution of higher education and each governing board of a state institution of higher education shall ensure that each unit of the institution shall adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of subsection (a) of this section.

(c) Subsection (a) of this section shall not be construed to cover or affect a state institution of higher education's support of any of the following:

(1) Academic course instruction;

(2) Research or creative works by the state institution of higher education's students, faculty, or other research personnel, and the dissemination of such research or creative works;

(3) Activities of registered student organizations;

(4) Arrangements for guest speakers and performers with short-term engagements;

(5) Mental or physical health services provided by licensed professionals;

(6) Services or support provided to individuals with learning, physical or neurological

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developmental disabilities;

(7) Policies, programing, training, practices, activities, or procedures designed to prevent sexual harassment or to meet accreditation standards;

(8) Data collection;

(9) Sex-based educational opportunities such as science, technology, engineering, and mathematics (STEM) opportunities for women;

(10) Donor-designated scholarships;

(11) Single-sex athletic programs, events, or teams;

(12) Single-sex spaces including restrooms, changing rooms, locker rooms, showers, sleeping quarters, and dorms;

(13) Compliance with the state institution of higher education's obligations under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq.*, or any other applicable federal or state law or court order.

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