DATE: January 5, 2021

TO: Faculty and Staff

FROM: Michael E. Norton
University Counsel

RE: Injunction Regarding Executive Order on Combating Race and Sex Stereotyping

Dear Iowa State faculty and staff,

On December 22, a federal district court issued a nationwide preliminary injunction stopping the enforcement of President Trump’s Executive Order 13950, which according to the Order seeks “to combat race and sex stereotyping” in workplace trainings provided by federal government contractors and recipients of federal grants. Additional background information and guidance about Executive Order 13950 (“the Order”) is available here.

In its decision, the district court ruled that Section 4 of the Order, which applies to workplace training programs conducted by federal contractors, and Section 5 of the Order, which applies to recipients of federal grants, likely violate the First Amendment as well as the Fifth Amendment of the U.S. Constitution. The court held that in light of the plaintiffs’ likelihood of success at trial, as well as the irreparable harm that would result from enforcement of the Order, that temporarily blocking the enforcement of the Order on a nationwide basis was warranted. It is likely that this injunction, combined with the change in presidential administrations, will permanently diminish the impact of the Order. While the Trump administration may appeal the district court’s ruling, in general, the executive orders of one administration may be revoked by the succeeding administration.

We want to underscore that University diversity and inclusion training and programs should continue. Iowa State University is committed to diversity, equity, and inclusion. Increasing understanding of important diversity, equity, and inclusion concepts through training and education is critical to the University. Campus community members who participate in and lead this important work are valued and appreciated. Faculty and staff who receive federal support should continue to monitor their communications with the appropriate federal agencies and alert the Office of University Counsel of any relevant communications or questions concerning the content of covered workplace trainings.

While Sections 4 and 5 of the Order are temporarily unenforceable under the court’s decision, other sections of the Order remain operative for the time being. For example, the Order’s creation of a complaint hotline and other provisions relating to potential liability under Title VII of the Civil Rights Act of 1964 remain. The Office of University Counsel will issue additional updates as developments occur and departments should not hesitate to contact University Counsel with any questions.