

**DATE:** January 25, 2021

**TO:** Faculty and Staff

**FROM:** Michael E. Norton  
University Counsel

Reginald Stewart, Ph.D.  
Vice President for Diversity and Inclusion

**RE:** Executive Order Update – Advancing Racial Equity; Combating Discrimination on the Basis of Gender Identity and Sexual Orientation; Deferred Action for Childhood Arrivals (DACA); and Lifting of Travel Restrictions

Dear Iowa State faculty and staff,

On January 20, President Biden issued a series of executive orders. This communication provides a summary of four of these orders that impact the Iowa State community.

***Advancing Racial Equity and Support for Underserved Communities***

The first executive order, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government,” primarily pertains to federal agencies and federal employees but aspects of it impact University operations. Important for University operations, the new executive order revokes the former administration’s executive order 13950 (“Combating Race and Sex Stereotyping”), which limited the ability of federal government agencies, contractors, subcontractors, and some grantees from implementing certain diversity and inclusion trainings. Additional background information about executive order 13950 is available [here](#). Previously, as explained [here](#), a federal court had issued a preliminary injunction barring enforcement of specific provisions of executive order 13950.

**Takeaways for Iowa State:** Revocation of the entirety of executive order 13950 should end all possibility of federal agency enforcement of that order’s provisions, including those provisions prohibiting identified topics in diversity trainings. As a result, all diversity, equity and inclusion trainings should continue to proceed.

***Combating Discrimination on the Basis of Gender Identity and Sexual Orientation***

A separate executive order issued by President Biden, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” requires relevant federal agencies to interpret Title VII of the Civil Rights Act of 1964 as prohibiting workplace discrimination on the basis of sexual orientation and gender identity, consistent with the Supreme

Court's recent *Bostock v. Clayton County* decision. This order also directs federal agencies to take all lawful steps to assure that federal anti-discrimination statutes that cover sex discrimination prohibit discrimination on the basis of sexual orientation and gender identity. The University is subject to Title VII of the Civil Rights Act, Title IX of the Education Amendments Act, and other anti-discrimination laws.

**Takeaways for Iowa State:** The University's [Non-Discrimination and Anti-Harassment Policy](#) is in alignment with this executive order and governing law. All departments and units of the University should be aware of University policy and continue to take measures to ensure compliance with these policies. Questions about these issues may be directed to the [Office of University Counsel](#) and [Office of Equal Opportunity](#).

### ***Preserving and Fortifying Deferred Action for Childhood Arrivals***

In addition, President Biden issued an executive order directing the Department of Homeland Security to take actions to "preserve and fortify" the Deferred Action for Childhood Arrivals (DACA) program. As detailed in this executive order, "DACA and associated regulations permit eligible individuals who pass a background check to request temporary relief from removal and to apply for temporary work permits." Previously, in June 2020, the U.S. Supreme Court prevented the Department of Homeland Security (DHS) from ending DACA because it failed to adequately explain its reasoning for the decision. Subsequently, in November 2020, a federal district judge reinstated DACA after DHS attempted again to suspend portions of the program after updating its reasoning.

**Takeaways for Iowa State:** While federal courts had temporarily halted attempts to end DACA, the new executive order gives further indication that the DACA program will remain throughout this administration without interruption. Members of the Iowa State community who have questions about DACA should contact these University [resources](#).

### ***Proclamation on Ending Discriminatory Bans on Entry to The United States***

President Biden also revoked the former administration's executive orders that suspended immigration and travel from specified countries, including but not limited to Iran, Iraq, Libya, Myanmar, Somalia, Sudan, Syria, and Yemen. The new order directs the Secretary of State to resume visa processing from these countries, although some travel restrictions remain due to the ongoing COVID-19 pandemic.

**Takeaways for Iowa State:** Current and prospective faculty, staff, and students from the affected countries will be able to apply for visas and seek other related immigration status that will allow them to travel to campus and start/or resume their educational programs and scholarship. The University's [International Students and Scholars Office](#) (ISSO) is available to assist our international students and scholars and provide the latest visa and travel guidance.

Iowa State University is committed to its goal of achieving a diverse, welcoming and inclusive campus community. Additional information related to campus diversity, equity and inclusion programing can be found on the University's [Campus Climate webpage](#).