

ASSESSMENT OF NOLS DEI IMPLEMENTATION

This Assessment was prepared by a group of concerned alumni, former Board and Advisory Council members, current employees and students. NOLS became the leader in outdoor education by adhering to its founding Articles of Incorporation (“**Articles**”), staying true to its Mission Statement and making Expedition Behavior (“**EB**”) into an everyday practice. Diversity, Equity and Inclusion (“**DEI**”) can and should be part of NOLS’ continued success.

We are concerned that the very foundation of NOLS as the leader in outdoor education is being undermined by a poorly implemented DEI initiative. The prohibition against propaganda contained in the NOLS Articles is being ignored or overlooked. The Mission Statement that emphasizes teaching wilderness skills and leadership is being weakened by prioritizing DEI training over faculty competency. EB that puts the group first is being replaced by DEI emphasis on individual differences.

In example after example, NOLS’ DEI implementation is the antithesis of what NOLS is all about with potentially disastrous consequences for the school.

The following paragraphs discuss in turn: 1. NOLS Articles of Incorporation/Mission Statement; 2. Competence/Quality versus Diversity; 3. Expedition Behavior/Inclusivity; 4. The Board’s Fiduciary Duty; and 5. Recommendations for the Board. We start our Assessment at the school’s beginning – March 4, 1965.

1. NOLS Articles of Incorporation/Mission Statement

NOLS filed its Articles of Incorporation on March 4, 1965 to become a Wyoming corporation (copy attached). Article III of the 7 page document states NOLS’ Purpose as follows:

The purpose for which the corporation is organized is exclusively charitable and educational in the inauguration and maintenance of a school for the development of leadership through an outdoor training and adventure program.

The Corporation may carry out the purpose in any state, territory, district or possession of the United States, or in any foreign country.

The Corporation will not carry on propaganda, nor attempt to influence legislation, nor participate in any political campaign.

These three purposes reflect why Paul Petzoldt founded NOLS after setting up Outward Bound’s first United States school in Marble, Colorado in 1963.

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As stated on the NOLS website, the NOLS Mission is “to be the leading source and teacher of wilderness skills and leadership that serve people and the environment. Our community - staff, students, trustees, and alumni - shares a commitment to wilderness, education, leadership, safety, community, and excellence.”

A. Leadership Through Outdoor Training and Adventure/Worldwide.

The first two paragraphs of the Articles are straightforward – the school is to be an outdoor training and adventure program with potential worldwide presence.

B. No Political Involvement. The third paragraph states that the school will “*not carry on propaganda, nor attempt to influence legislation, nor participate in any political campaign.*” This prohibition is an admonition that is being ignored or overlooked. It is a warning and guideline directly relevant to DEI implementation.

i. What is Propaganda? Does DEI as implemented by NOLS amount to propaganda? Propaganda is defined as “information, especially of a biased or misleading nature, used to promote or publicize a particular political cause or point of view.” Wikipedia expands on this definition: “Propaganda is communication that is primarily used to influence or persuade an audience to further an agenda, which may not be objective and may be selectively presenting facts to encourage a particular synthesis or perception, or using loaded language to produce an emotional rather than a rational response to the information that is being presented.”

DEI as implemented by NOLS through actions and statements clearly meets the definition of propaganda. The following paragraphs list a few examples:

- DEI is being described within NOLS and to students by labeling people as oppressed or oppressor based on their immutable traits, the insistence that everyone use and share pronoun choice, the specific targeting of white male students, and the overall assertion that whites have implemented a system of oppression and are not even aware of doing this because of unconscious bias.

- Rather than being inclusive, DEI as implemented rejects all persons having differing opinions about the role of diversity and inclusion in what amounts to a campaign of identity politics. This occurs at all levels – from the Board to the field.

- “Our internal Cultural Competency Seminar helps participants understand how larger societal systems and values impact our classrooms, as well as practical tools that we can employ to mitigate unconscious bias.” The narrative about unconscious bias sets up a circular argument affirming the DEI narrative. If you accept the premise, it is impossible to argue against.

- On the NOLS Instructor Course (“IC”) application, since removed as an ‘oversight,’ was the following statement:

“At NOLS we place a high value on creating an equitable and inclusive learning environment for students, faculty and staff. Please respond to both of the following questions:

1. In what ways can outdoor education serve to dismantle systems of oppression?
2. How have systems of oppression shaped your personal and professional experience in the outdoors and in outdoor educations?”

The questions blatantly support a political narrative. There is no possible acceptable answer that begins with “Systems of oppression have not shaped me.” You would have then self-identified as being part of the problem. Heads I win, tails you lose.

- As being implemented, NOLS DEI initiative does not support an inclusive community. In reality, it has done the opposite by creating ill will and divisiveness and by silencing all dissenters - students in the field, the staff and members of the board.

The DEI policy as implemented meets the definition of propaganda and is prohibited.

2. Competency/Quality vs. Diversity

Is NOLS trading off competency and quality to achieve diversity? From our own experience, we know that for at least the past 15 years, NOLS’ goal has been to encourage diversity while maintaining the competency and quality of its faculty and trustees. What are the results?

We have spoken recently with current faculty and employees about this, and they asked not to be named since they were worried they would be fired for straying from the Executive Team’s statements. Our takeaway from these conversations is that NOLS over the past three years has made implementing DEI at the faculty level a top priority. As a consequence, more time is being spent on diversity issues while less time can be given to teaching required wilderness and leadership skills.

Examples in the Instructor Course classroom range from taking time to discuss how emotional support stuffed animals can be part of your gear to exploring the language of love. NOLS Faculty Summit agendas include Gender Science for Outdoorspeople, Breaking Your Habits of Implicit Bias and Let Brown and Black Kids Play. By putting more emphasis on DEI issues and instructor diversity than on skills competency, NOLS faculty may no longer embody being the leading source and teacher of wilderness skills and leadership. With the curriculum focus

shifting away from risk management, evacuation protocols, leadership paradigms and wilderness related topics such as field biology, glaciology, ecosystem management etc., there are student instruction and safety concerns, with possible life and death consequences. Are NOLS students now at increased risk in the wilderness because DEI is being given unduly high priority status?

For DEI to work, faculty need to be both diverse and competent, which can take more time than initially planned.

3. Expedition Behavior/Inclusivity

A fundamental NOLS tenet supporting the NOLS Mission is Expedition Behavior. Paul Petzoldt's approach to team dynamics is the basis for EB. He realized that to become an effective leader and to be a contributing member of a group facing daily adversity and uncertainty, individual differences become less important. Religious beliefs, politics, race, money, sexual orientation, gender identity and expression should not be the emphasis or the focus. What matters most is how each person's actions, attitude and character contribute every day to the group's success.

EB lessons learned in the wilderness – how to balance each person's individual identity with the group's own identity in order to achieve success – can be life-changing and taken back into society to promote and achieve a greater community good. It can even become a mantra when faced with a difficult situation – “Time to practice good EB.”

On a NOLS course, students deal with daily challenges, adversity and uncertainty presented by the wilderness, and by the group. Learning how to deal in real time with group dynamics of students from different backgrounds is the essence of EB. Affinity courses by definition are not inclusive. They emphasize an individual's differences first and foremost, running completely contrary to EB. In particular, segregated LGBTQ+ and People of Color courses guide self-identified students away from other courses and lessen the value of EB across *all* NOLS courses for all students.

By segregating students into affinity groups, NOLS may also inadvertently promote what Harvard economist Raj Chetty calls “friending bias.” According to [The Harvard Gazette](#), his recently published study is the most comprehensive study ever done on the topic of economic success. As seen through the lens of economic mobility, the study is relevant to personal growth and development, since a “friending bias” leads people to socialize with others whom they find to

be the most similar to themselves. By introducing affinity courses, NOLS is encouraging and reinforcing this behavior.

Particularly relevant quotes from the article are as follows with bold for emphasis:

- “It’s not just about exposure,” Chetty said. “It’s not just about admitting a more diverse class at Harvard. **It’s about actually getting people to interact** at Harvard or in their high school or in their neighborhood.”

- The Social Capital II study revealed that **children of lower socioeconomic status are often less likely to connect with those of higher status, a so-called “friending bias”** that appears even when both groups are exposed to each other.

- This bias, the researchers found, is more likely to occur in certain settings. **In churches, faith-based groups, and recreational groups, for example, people exhibit less friending bias.** However, in neighborhoods, high schools, and colleges, “You’re much more likely to spend time with people who are **more like you** than people from a different socio-economic class,” said Chetty.

- **“In large settings, there’s a tendency to split, and in small groups there’s a tendency to come together,”** he said. “That’s something we can work on to create more meaningful cross-class interaction and **cross-race interaction.**”

NOLS is uniquely positioned to do this - bring together students from different backgrounds in small recreational groups to enable meaningful social connections that might not otherwise occur. We urge NOLS to get back to doing what NOLS does best by bringing all students together in the field to have them practice EB and to interact with life-changing results.

The following paragraphs are a student’s summary of a NOLS WFR course he took in May 2022. They show how far some NOLS faculty have departed from encouraging a shared EB experience to emphasizing individual differences with a special focus on white males.

“During our first day on the NOLS WFR, the instructors urged that we please introduce ourselves using our preferred pronouns which I thought was odd since NOLS is an outdoor leadership school and not a liberal arts gender studies class.

On the second day, the male instructor got the group together after a scenario and told the group collectively that there are a lot of white males in the group, and that the white males should take a step back and let others in the group that were not white males assume leadership positions and allow them to speak up more. He mentioned that historically white males have assumed privileged leadership positions and that the white males needed to take a back seat and let others have more opportunity. This caught me and others in the group off guard since we didn’t feel like

the “white males” were hogging “stage time” or not allowing others to participate. I felt the comments were very uncalled for and made others in the group uneasy.

There were a few other instances where the instructors would make a comment revealing their left/liberal political viewpoints. He also reminisced about the inequality of health care in this country and said it was sad how minorities and other under-represented groups are at much higher risk for medical issues or lack of adequate medical care and that he wished things were different. He blamed it on the fact that minorities and people who are not white males don't have as much access to healthy foods and often live in food deserts that were created by racist policies such as redlining. I still felt the comments were unprofessional for a NOLS WFR course.

Towards the end of the course, when it was time to give the instructors written feedback about their teaching, I mentioned that I didn't think it was appropriate for instructors to provide unsolicited political beliefs during the course and that those should generally be kept to oneself. The NOLS WFR just isn't the time or place for getting on a soapbox and pushing political viewpoints.

Overall, they did provide quality instruction related to the medical material we needed to learn. However, I didn't feel like my feedback was taken seriously by the male instructor since I overheard him talking to another instructor about how the anonymous feedback was silly and didn't seem to take it seriously. We all gave anonymous feedback so I don't think he knew it was me that wrote it. I'm not sure if anyone else in the group provided similar feedback since it was all anonymous and written.”

4. The Board of Trustees' Fiduciary Duty

Black's Law Dictionary defines fiduciary duty as “a duty to act for someone else's benefit while subordination one's personal interest to that of the other person (or Organization).” If a lawsuit is brought after a serious accident or death, or other incident on a course, the plaintiff's attorneys could easily bring an action against the Board and Board members individually for breach of fiduciary duty based on the emphasis on diversity over quality of the faculty. If a breach is found, Directors and Officers liability insurance policies will not cover those actions resulting in personal liability for the Trustees. In addition, donations to the NOLS endowment may be in jeopardy if a donor, assuming that NOLS would remain true to its Articles and Mission, donated in good faith, but in fact this assumption proved not to be true.

5. Recommendations for the NOLS Board of Trustees

We are concerned that the very foundation of NOLS as the leader in outdoor education is being undermined by a poorly implemented DEI initiative. The NOLS Articles that prohibit propaganda are being ignored by the Board, the Executive Team and the Faculty. The Mission Statement that emphasizes teaching wilderness skills and leadership is being weakened by

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prioritizing DEI training over faculty competency. EB that puts the group first is being replaced by an emphasis on individual differences.

The Board of Trustees has a fiduciary duty to NOLS and is responsible for the management and protection of an inclusive NOLS for the benefit of staff, students, trustees, alumni, and one other important entity – the wilderness itself. To fulfill their obligation, we recommend the Trustees make changes to faculty contracts and instruction as well as convene a meeting with members of the greater NOLS community.

- **Faculty Contracts.** To insure that all faculty members are aware of the specifics of the Articles and the NOLS Mission, all faculty contracts should include specific language stating their responsibility while in NOLS’ employ and on a course (i) to the school and its Mission; (ii) not to initiate or engage in discussion of politics or politically charged topics; (iii) not to promote their personal beliefs and (iv) not to initiate or engage in discussion of topics that are polarizing and divisive. A violation of these contract terms can lead to a performance review, coaching and termination if warranted.
- **Faculty Instruction.** To make certain NOLS faculty follow the contract guidelines stated above, faculty should not initiate discussions of DEI and other politicizing, propagandizing or polarizing topics. While these topics should not be part of any NOLS course or curriculum, they WILL come up. Faculty need to know HOW to handle them so that they do not negatively impact the course. In other words, faculty need to be a role model for tolerance and respect. The problem and the challenge is that a portion of the faculty may be too young, or too indoctrinated, or too passionate, or too inexperienced to effectively manage such a discussion. The future success of the school depends on how well NOLS can recognize the actual limits of faculty “cultural competency” when compared to its definition in the NOLS Diversity and Inclusion Plan 2020.
- **Direct Board Involvement.** To address a poorly implemented DEI initiative at the school-wide level, we recommend that the Board, or a select group of Board members, convene a meeting with a diverse group of NOLS alumni and concerned members of the NOLS community to discuss and determine the changes needed to align DEI with the NOLS Mission and Articles. NOLS already had a task force on this issue, but apparently it was affected by confirmation bias that has resulted in the current poorly implemented DEI initiatives.

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- **NOLS Community Involvement**. Starting last month, we took the first steps to reach out to the greater NOLS community. The petitioners below are the first to add their names to our assessment - the way DEI is being implemented harms NOLS and needs to change. Through one-on-one discussions and more broadly by building out our [website](#), we plan to continue to add signatories who care about the school's future.

When working with NOLS going forward, our self-assembled group plans to follow the Guiding Principles the school adopts when carrying out new initiatives as follows:

- Assume best intent
- Invite feedback, embrace a growth mindset
- Prioritize partnership & service
- Leverage opportunities to build trust
- Ensure high integrity processes

We look forward to your response,

NOLS Self-Assembly

Bill Murdock	Anne Cannon	Larry Berger
Bob Schoultz	Barbara Rabold	Mary Allen
David Rothberg	Dave Neary	Michael Murdock
Doc Hermalyn	Diane Shoutis	Monica Benton
Homer Luther	Fox Benton	Steve Goryl
John Robinson	Jack Kammer	
John Whisnant	Jason Rothberg	
Kurt Petersen	Jeffrey Huntington	

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ARTICLES OF INCORPORATION
of
NATIONAL OUTDOOR LEADERSHIP SCHOOL

The undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a non-profit corporation under the Wyoming Statutes, Chapter 189 of the Session Laws of 1959, and amendment thereto, adopt the following Articles of Incorporation.

ARTICLE I

Name

The name of the Corporation is NATIONAL OUTDOOR LEADERSHIP SCHOOL, a Wyoming corporation.

ARTICLE II

Term of Existence

The term of existence of the Corporation is perpetual.



ARTICLE III

Purpose

This Corporation is not organized for pecuniary profit; it is a non-profit corporation. This Corporation has no purpose of direct gain to itself or to any individual.

The purpose for which the corporation is organized is exclusively charitable and educational in the inauguration and maintenance of a school for the development of leadership through an outdoor training and adventure program.

The Corporation may carry out the purpose in any state, territory, district or possession of the United States, or in any foreign country.

The Corporation will not carry on propaganda, nor attempt to influence legislation, nor participate in any political campaign.

STATE OF WYOMING, ss
Office of the Secretary

95455

Filed the 4th day of March
A. D. 1965, at 9:45 o'clock a
Recorded in Book 106 Record of
Corporations, Page 51
LYNN THOMSON

ARTICLE IV

Amount, Kind and Rights of the Capital Stock

The Corporation will not issue any capital stock.

The Board of Directors may direct to be issued from time to time to deserving individuals such honorary certificate in form as the Board of Directors shall determine evidencing participation in the purpose and functions of the corporation.

ARTICLE V

Designation of Class of Shares - Membership

There will be no classes of shares of stock.

The Corporation shall have no members. Membership awarded as an honorarium by the Board of Directors to deserving persons shall have no legal efficacy.

ARTICLE VI

No Shares Issued in Series

The Corporation is not authorized to issue shares of any stock in series.

ARTICLE VII

Initial Consideration - Assessments

The Corporation will not commence business until consideration of the value of at least \$500.00 has been received by the corporation by gift, donation, or otherwise.

Participation in the corporation or its affairs shall not subject any person to any type of assessment. Honorary memberships, if any, are non-assessable.

ARTICLE VIII

Pre-emptive Rights

No person shall have any pre-emptive right to purchase or acquire any shares or securities or evidence of ownership of any type or any property which may at any time be disposed of by the corporation.

ARTICLE IX

Organization and Control of the Internal Affairs
of the Corporation

All organization and control of the internal affairs of the corporation shall be according to the By-Laws adopted, and from time to time altered, amended or repealed by the Board of Directors.

The corporation, upon proper action by the Board of Directors, has the power and right to invest and re-invest its funds in shares of stock of corporations.

ARTICLE X

Provisions for Distribution of Assets on Dissolution

Upon dissolution the Directors must distribute the assets in one or more of the following manners:

1. Donate all of the same to the City of Lander, Fremont County, Wyoming, parks and recreation program.
2. Donate the same to another institution having non-profit exemption status the same as this corporation, and the general purpose or goal of which is the same as this corporation.
3. Donate the same to a governmentally owned and controlled educational institution.
4. Sell the same and donate the proceeds to an institution as described in paragraphs (2) or (3) of this Article.

ARTICLE XI

Address of Initial Registered Office and Initial Registered Agent

The address of the initial registered office of the corporation is 310 Canyon Street, Lander, Fremont County, Wyoming; and the name of its initial registered agent at such address is Paul K. Petzoldt.

ARTICLE XII

Initial Directors

The number of directors constituting the initial Board of Directors is eight, and the names and addresses of the initial directors who are to serve as directors until their successors are elected and qualify are:

Edward J. Breece	291 Cascade Street Lander, Wyoming
William G. Erickson, M. D.	550 Main Street Lander, Wyoming
Glenn Exum	Grand Teton National Park Mountain Climbing School Jackson Hole, Moose, Wyoming
W. J. Nicholas	268 Main Street Lander, Wyoming
Lloyd W. Taggart	608 - 17th Street Cody, Wyoming
Ernest Tapley	Marble, Colorado
Wendell S. Wilson	Teton Valley Ranch Jackson's Hole Kelly P.O., Wyoming
Elizabeth Woolsey	Trail Creek Ranch Jackson's Hole Wilson P.O., Wyoming

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Signed and verified this February 2, 1965.

Paul K. Petzoldt
W. J. Nicholas

Edwin J. Pierce
William G. Erickson M.D.
Wendell L. Wilson
James E. ...
Robert L. ...
Alfred W. ...

STATE OF WYOMING)
) ss
COUNTY OF FREMONT)

I, the undersigned, a Notary Public duly commissioned to administer oaths in the State of Wyoming, certify that on February 2, 1965, Paul K. Petzoldt, William G. Erickson, M.D., and W. J. Nicholas, being three of the incorporators referred to in Article XIII of the foregoing Articles of Incorporation, personally appeared before me, and being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

Witness my hand and Notarial seal the day and year last above.

Stanley K. Petzoldt
Notary Public

(SEAL)
My commission expires:

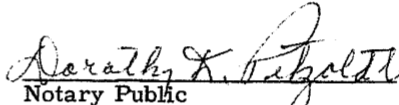
My Commission Expires Sept. 26, 1968

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STATE OF WYOMING)
) ss
COUNTY OF LARAMIE)

I, the undersigned, a Notary Public duly commissioned to administer oaths in the State of Wyoming, certify that on February 3, 1965, Edward J. Breece, being one of the incorporators referred to in Article XIII of the foregoing Articles of Incorporation, personally appeared before me, and being by me first duly sworn, so declared that he is the person who signed the foregoing document as incorporator and that the statements therein contained are true.

Witness my hand and notarial seal this February 3, 1965.



Notary Public

(SEAL)

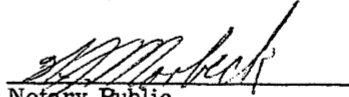
My commission expires:

My Commission Expires Sept. 26, 1968

STATE OF IDAHO)
) ss
COUNTY OF SHOSHONE)

I, the undersigned, a Notary Public duly commissioned to administer oaths in the State of Idaho, certify that on February 16, 1965, Glenn Exum being one of the incorporators referred to in Article XIII of the foregoing Articles of Incorporation, personally appeared before me, and being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator and that the statements therein contained are true.

Witness my hand and notarial seal the day and year last above.



Notary Public

(SEAL)

My commission expires:

2-5-69

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STATE OF WYOMING)
) ss
COUNTY OF PARK)

I, the undersigned, a Notary Public duly commissioned to administer oaths in the State of Wyoming, certify that on February 25, 1965, Lloyd W. Taggart, being one of the incorporators referred to in Article XIII of the foregoing Articles of Incorporation, personally appeared before me, and being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator and that the statements therein contained are true.

Witness my hand and notarial seal the day and year last above.

(SEAL) ~~MY COMMISSION EXPIRES OCTOBER 1, 1968~~
My commission expires:

O. J. Edmunds
Notary Public

STATE OF COLORADO)
) ss
CITY AND COUNTY OF DENVER)

I, the undersigned, a Notary Public duly commissioned to administer oaths in the State of Colorado, certify that on February 23, 1965, Ernest Tapley, being one of the incorporators referred to in Article XIII of the foregoing Articles of Incorporation, personally appeared before me, and being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator and that the statements therein contained are true.

Witness my hand and notarial seal the day and year last above.

(SEAL)
My commission expires:

My Commission expires June 26, 1968

William P. Painter
Notary Public