

Texas Tech University System

Question 1:

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response 1:

TTUS has never had a DEI office or officer, nor has any individual or organization performed duties of a DEI office or officer.

Question 2:

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response 2:

TTUS has never required DEI training for students, staff, or faculty.

Question 3:

How has your institution acted to comply with the provisions which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response 3:

TTUS does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: “Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee’s protected status.”

Additionally, the following statement is included in job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or status as a protected veteran.”

Question 4:

How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response 4:

TTUS has never mandated diversity statements in its hiring process. TTUS hiring practices will always evaluate candidates based on their merits.

Question 5:

SB 17 requires regular audits by the State Auditor's Office. How has your institution been preparing for this oversight action?

Response 5:

The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.

Angelo State University

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response:

Angelo State University had a Diversity and Inclusion officer and office. That office was eliminated effective July 31, 2023. The President briefed university faculty and staff during an assembly on August 24, 2023 concerning the changes relative to SB17 and has briefed the faculty and staff during various department and town hall meetings. Additionally, the university received a campus-wide email in the form of a “Note From the President” on August 29, 2023 that outlined changes on campus pertaining to SB 17.

The Diversity and Inclusion office was a one-person office and that person transitioned to another role within the campus community where that person is not performing any DEI functions.

Angelo State University will abide not only by the letter of the law but the spirit of the law and will not engage in activities that violate state or federal law.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

Angelo State University has never required DEI training for students, staff, or faculty. Administration at the University monitors events on campus at the College, Department, and Faculty levels to ensure that DEI training is not being required or promoted. In addition, a mandatory training module is being developed that will outline the statutory requirements of SB17 that must be followed. All faculty and staff will be required to complete the training annually.

The Division of Student Affairs will continue to monitor to ensure no DEI training is conducted.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response: Angelo State University does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: “Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee’s protected status.”

Additionally, the following statement is included in all Angelo State University job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or status as a protected veteran.”

4. **Diversity Statements** How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response: HR reviews and manages the selection process for all posted positions with the institution. The HR department does not allow diversity statements to be utilized for hiring or promotion.

HR continues to review the hiring process and will develop training to ensure compliance with SB 17.

5. **Audit Compliance** SB 17 requires regular audits by the State Auditor’s Office. How has institution been preparing for this oversight action?

Response: The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.

Midwestern State University

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response:

Midwestern State University has never had a dedicated DEI Office. The university has taken steps to ensure that no university-directed DEI initiatives are conducted at MSU. Senior leadership in the areas of student affairs and academic affairs work in collaboration with the cabinet to ensure the university maintains compliance.

Midwestern State University will abide not only by the letter of the law but the spirit of the law and will not engage in activities that violate state or federal law.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

DEI training has never been required of Midwestern State University students, faculty, or staff.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response:

Midwestern State University does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: “Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee’s protected status.”

Additionally, the following statement is included in all Midwestern State University job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national

origin, age, disability, genetic information, or status as a protected veteran.”

4. **Diversity Statements** How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response: Midwestern State University has never considered diversity statements in hiring or promotion decisions.

5. **Audit Compliance** SB 17 requires regular audits by the State Auditor’s Office. How has institution been preparing for this oversight action?

Response: The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.

Texas Tech University Health Sciences Center El Paso

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response:

In order to comply with SB 17, all DEI offices and initiatives have been eliminated and personnel have been transitioned to other roles within the campus community where they are not performing any DEI functions. The TTUHSC El Paso Faculty Senate Bylaws were amended to eliminate the Committee on Diversity and Inclusion from the standing committees of the institution effective December 28, 2023. The Foster School of Medicine Faculty Bylaws were also amended to eliminate the Committee on Diversity from the standing committees of the institution effective December 28, 2023. There are no committees at TTUHSC El Paso involving DEI.

TTUHSC El Paso will abide not only by the letter of the law but the spirit of the law and will not engage in activities that violate state or federal law.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

DEI training has never been mandated for students, staff, or faculty at our institution. Historically, training sessions were organized upon departmental request. However, since May 2023, no DEI training has been conducted.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response:

TTUHSC El Paso does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: "Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee's protected status."

Additionally, the following statement is included in all TTUHSC El Paso job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or status as a protected veteran.”

4. **Diversity Statements** How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response: Diversity statements were never part of our hiring or promotion criteria. Human Resources and Faculty Affairs monitor recruitments to ensure that diversity statements are not used in the scoring and evaluative process for applicants.

5. **Audit Compliance** SB 17 requires regular audits by the State Auditor’s Office. How has institution been preparing for this oversight action?

Response: The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.

Texas Tech University Health Sciences Center

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response:

In June 2023, the President of Texas Tech University Health Sciences Center (TTUHSC) appointed a taskforce to develop and implement a process to collect information on any trainings, programs, or activities taking place across the university that may have related to race, color, ethnicity, gender identity, and/or sexual orientation. The items collected by this taskforce were reviewed and any necessary changes were effective September 1, 2023. This process included closing the TTUHSC Office of Diversity, Equity and Inclusion and ensuring no individual or officer had diversity, equity, and inclusion (DEI) responsibilities as part of their positions.

TTUHSC will abide not only by the letter of the law but the spirit of the law and will not engage in activities that violate state or federal law.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

DEI-specific training was never required for faculty, staff, and students at TTUHSC.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response:

TTUHSC does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: “Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee’s protected status.”

Additionally, the following statement is included in all TTUHSC job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or status as a protected veteran.”

4. **Diversity Statements** How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response: TTUHSC does not utilize diversity statements in the hiring and promotion process. Human Resources ensures that the option for a “diversity statement” is not allowable when departments create job requisitions. Human Resources monitors recruitments to ensure that diversity statements are not used in the scoring and evaluative process for applicants.

5. **Audit Compliance** SB 17 requires regular audits by the State Auditor’s Office. How has institution been preparing for this oversight action?

Response: The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.

Texas Tech University

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Response:

In June 2023, Texas Tech University (TTU) immediately began the process to eliminate its Division of Diversity, Equity & Inclusion (DDEI) and positions related to DEI efforts. Some units previously housed under the DDEI were transitioned to other administrative units within the university where they are not performing any DEI functions.

A communication from the university's President to the campus community dated [July 19, 2023](#), explained SB17 and what the institution was doing to comply with the legislation. Although the law did not take effect until January 1, 2024, TTU decided to eliminate all DEI activity before the start of the 2023 Fall semester.

TTU will abide not only by the letter of the law but the spirit of the law and will not engage in activities that violate state or federal law.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

As of April 14, 2023, TTU ended any student training that may have contained DEI related modules. No ongoing DEI training is required for faculty, staff, and students at TTU.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response:

TTU does not make employment (e.g., hiring, promotion, etc.) decisions on the basis of race, sex, color, ethnicity, national origin, or any other protected category in accordance with [TTU System Regulation 07.09](#), which mandates compliance with federal and state employment laws and regulations. Specifically, Section 3.a(i) reads: "Employment actions such as hiring, promotion, demotion, transfer, rate of pay, or other forms of compensation, selection for training, and termination shall not be made based on an employee's protected status."

Additionally, the following statement is included in all TTU job postings: “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or status as a protected veteran.”

4. **Diversity Statements** How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response:

While TTU has never mandated diversity statements in its hiring process, in February 2023, before the passage of SB17, the university withdrew the use of these statements as they were identified in position postings and revised its Operating Policy on Faculty Hiring (OP 32.16), which now prohibits faculty search committees from requiring or requesting diversity statements in applications for faculty positions.

Units at TTU are prohibited from compelling, requiring, inducing, or soliciting any person to provide a DEI statement or giving preferential consideration to any person based on the provision of a DEI statement.

TTU’s hiring practices will always evaluate candidates based on their merits, emphasizing disciplinary excellence and the ability of candidates to support our priorities in student success, impactful scholarship, and community engagement.

5. **Audit Compliance** SB 17 requires regular audits by the State Auditor’s Office. How has institution been preparing for this oversight action?

Response:

The Texas Tech University System Office of Audit Services is conducting an audit of compliance with SB17 for all components of the System.



Office of the Chancellor
THE TEXAS A&M UNIVERSITY SYSTEM

May 3, 2024

The Honorable Brandon Creighton
Chairman, Texas Senate Committee on Education
Texas Senate
P.O. Box 12068
Austin, TX 78711

Chairman Creighton,

As requested in your letter to me dated March 26, 2024, below you will find responses to the questions you presented regarding the A&M System's implementation of Senate Bill 17. In addition to the responses below, I have included two attachments to provide additional information on our implementation effort. The first attachment is a letter we submitted to the State Auditor on April 19, 2024, welcoming the audit by the State Auditor. The second attachment is a more comprehensive summary of the various steps we have taken to implement Senate Bill 17. After reviewing this information, I trust that you will be satisfied with the diligence of our efforts.

1. DEI Office Prohibition

How has your institution ensured that there are no new DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

Through a compliance review facilitated by the System Ethics and Compliance Office (SECO), DEI offices and DEI personnel were identified. Member institutions then worked with System Human Resources to close all DEI offices and positions by August 31, 2023. A follow-up review in September 2023 showed all DEI office and DEI positions successfully closed out. Also in September, the System Office of General Counsel (OGC) provided written guidance for all members regarding compliance with the law. During the fall of 2023 and into the spring of 2024, SECO and OGC provided frequent guidance to members on how to identify and eliminate any residual DEI job duties that non-DEI staff may have been performing across their institutions. The System Internal Audit Department (System Audit) reviewed all System Members and determined that all DEI offices, along with the positions in those offices, had been closed or appropriately transitioned by January

1, 2024. To facilitate compliance going forward, OGC launched targeted on-campus training on SB 17 for institutional leadership and other key staff.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

After identifying all training sessions facilitated by member agencies and institutions during the summer of 2023, OGC issued specific guidance in September 2023 by which members must evaluate and determine compliance for all training. During the fall 2023, SECO and OGC subsequently worked closely with members to identify any noncompliant content and provide a compliant path forward. Any training program identified as out of compliance with SB 17 was discontinued. The System then developed a DEI Compliance Operating Manual outlining the procedures to be followed by members of the Texas A&M University System to facilitate compliance with the DEI Law. The manual was issued in March 2024 and articulates the procedures to be followed to ensure compliance on an annual basis, which includes identifying stakeholders across each institution that are responsible for vetting any future trainings and certifying their compliance to the CEO on a rolling-basis. This establishes a centralized approach to training and is intended to remove the risk of noncompliant training being facilitated without knowledge of institutional leadership. System Audit is currently auditing all System members to determine compliance with the provisions of SB 17 specific to the prohibition of DEI training as a condition of enrolling or being hired at the institution or performing any institutional function.

3. Merit-based Hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Promptly after the February 6, 2023, letter from Governor Abbott reminding all state agencies of their responsibilities under state and federal law governing recruitment, hiring and related employment practices Chancellor Sharp directed System members to review their hiring and employment practices and affirm their compliance with the Governor's statement. In addition, the Chancellor issued a public statement announcing no member of the A&M System will admit any student nor hire any employee based on any factor other than merit. System agencies and institutions were directed to remove all requirements for applicants to submit a diversity statement and to update all websites and printed publications related to recruitment, hiring or other employment practices. During the summer 2023, SECO reviewed all System member hiring materials and procedures to evaluate compliance with SB 17. In September 2023 OGC issued FAQs to provide legal guidance to System members on various SB 17 issues including merit-based hiring. OGC and SECO worked with System members during the fall 2023 to help them achieve

compliance. In March 2024, SECO developed and distributed the DEI Compliance Operating Manual outlining the procedures members will follow to facilitate continued compliance with DEI Law. Under the monitoring section of the manual, members are provided with specific directives on the continued review of all hiring practices, materials, and online content to ensure compliance. Beginning in the spring of 2024, System Audit began a comprehensive review of member hiring practices, materials, and online content to verify full compliance and remove any vestiges of defunct practices. Throughout the implementation process OGC attorneys have emphasized the importance of complying with anti-discrimination laws such as Title VI, Title VII, and Title IX.

Finally, it is important to emphasize that the A&M System has developed a strong, centralized process for ensuring compliance with Senate Bill 17. Our System legal, compliance and audit offices have worked closely with System members to advise and guide them as they implement the bill's requirements. Our compliance and audit teams have gathered data and reviewed records repeatedly in recent months to verify that our guidance has been followed and compliance has been achieved. Going forward, we will retain these centralized processes to facilitate our ability to certify compliance on an annual basis, as required by the new law.

4. Diversity Statements

How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Following Chancellor Sharp's directive to remove all requirements for applicants to submit a diversity statement and to update all websites and printed publications related to recruitment, hiring or other employment practices, SECO reviewed all System member hiring materials and procedures to evaluate compliance with SB 17 and ensure requirements for such statements have been removed. This process was performed over the summer 2023 and included a review of job descriptions, job postings and related information through the System's centralized HR management program via Workday. The System then developed and distributed the DEI Compliance Operating Manual outlining the procedures members will follow to facilitate continued compliance with DEI Law. Throughout the process, SECO and OGC have provided direction to institutions on needed changes to mission statements, strategic plans, job posting templates, advertisements, and other guiding documents to ensure there are no inducements or calls for diversity statements in any form. Additionally, System Audit is currently auditing all System members to determine compliance with SB 17 in terms of diversity statements for hiring or promotion.

5. Audit Compliance

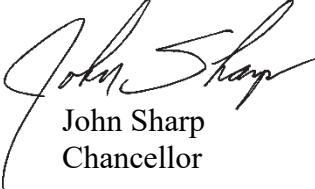
SB 17 requires regular audits by the State Auditor's Office. How has your institution been preparing for this oversight action?

In addition to reviewing all System member institutions and agencies to ensure compliance in hiring materials and practices, job duties, training, programs & activities, websites, and social media pages through a compliance review, the System Internal Audit Department initiated a System-wide DEI compliance audit to evaluate compliance across all members of the A&M System. This audit began on September 1, 2023, and will culminate in July 2024. The expectation is that audit findings will support the certification of compliance with SB 17 by all System member CEOs. The Board of Regents will then review for certification to the state.

Also, I want to note that in August 2023, the Board of Regents of The Texas A&M University System revised System Policy to align with Senate Bill 17 to ensure that state funds are not spent in violation of its requirements. Our revised System Policy and other information regarding out implementation effort can be found at the following link: [DEI Compliance Page - System Ethics and Compliance Office \(tamus.edu\)](#).

I appreciate the opportunity to address your questions and look forward to answering any additional questions you may have at the upcoming hearing of your committee. In the meantime, please do not hesitate to contact me if other information is needed.

Sincerely,



John Sharp
Chancellor

Attachments



Office of the Chancellor
THE TEXAS A&M UNIVERSITY SYSTEM

April 19, 2024

State Auditor's Office
State Auditor Lisa R. Collier, CPA, CFE, CIDA
1501 N. Congress Ave
Austin, Texas 78701

Dear Ms. Collier:


Thank you for the important work you and your team perform daily for the State of Texas.

Also, please know that we at The Texas A&M University System are happy to be the first system in the state to be audited for compliance with Senate Bill 17. Our entities have worked hard to adhere to each of the requirements outlined in the new law.

We are prepared and willing to cooperate in every way. Just let us know what you need from us for a smooth, effective and thorough audit.

Thank you again for your service to the state.

Sincerely,



John Sharp
Chancellor

Senate Bill 17 Compliance-The Texas A&M University System

- **February-March 2023.** Chancellor Sharp directs System member university and agency CEOs to take steps to ensure compliance with the Governor's February 6, 2023, statement on compliance with state and federal law on hiring practice. He also directs that members CEOs remove any requirement for diversity statements in admissions or employment, and revise websites and publications in conformance with this directive.
- **May-June 2023.** S.B. 17 is passed by the Legislature on May 29, 2023, and it is signed by the Governor on June 17, 2023, with an effective date of January 1, 2024. The System Office of Ethics and Compliance (SECO) and the Office of General Counsel (OGC) issue notice of compliance review to member CEOs and request data on all potential DEI programs, offices, expenditures, trainings, activities, websites, etc., and any programs or activities providing preferences based on race, color, ethnicity, gender identity, or sexual orientation, with a submission deadline of June 30, 2023.
 - *DEI compliance added to 2024 Annual Audit plan by System Internal Audit Department (Audit).*
- **July-August 2023.** SECO works with OGC to review member submissions, meets with compliance officers to correct identified items, including eliminating DEI offices and positions. SECO and OGC meet with member CEOs, compliance officers on findings and member next steps, work with System HR to close DEI offices and positions systemwide by August 31, 2023. SECO and OGC brief Board of Regents (BOR) on compliance implementation process at the August Regular Meeting. At this meeting, BOR also approves revisions to System Policy 08.01, Civil Rights Protections and Compliance, to implement S.B. 17 requirements.
 - *Audit sends draft 2024 audit plan to Chancellor and CEOs for comment and BOR for review. BOR approves 2024 Annual Audit Plan at its August Regular Meeting, including a DEI Compliance Audit (DEI audit).*
- **September-November 2023.** OGC publishes FAQs document and distributes to members. SECO begins meeting with Audit on DEI audit. OGC has numerous in-person and phone/virtual meetings to provide guidance to numerous member administrator groups (academic and student affairs administrators, deans, faculty, etc.) including providing written follow-up as needed. System Cyber Risk Management reviews member websites and social media sites for DEI offices, programs, and activities, presents findings to members for resolution.
 - *Audit notifies members of DEI audit and sends information requests to member senior administrators and compliance officers. Audit meets with member CFOs. Joint Audit and SECO meeting with member compliance officers regarding scope and timeline of DEI audit. Audit meets with member CEOs, CAOs, VPSAs, briefs BOR Committee on Audit during November 2023 BOR meetings.*
- **December 2023-February 2024.** SECO/OGC provide members with DEI Law Response Procedures to address complaints regarding potential non-compliance with SB 17.

Complaints entered in System hotline for tracking purposes and coordinated by compliance officers for response/resolution as needed.

- *Members begin submitting requested data to Audit in response to DEI audit. Audit and SECO meet on bi-weekly basis. System IT provides guidance to members on member website reviews. Audit meets with Chief Information Officers. Audit follows up on data request, SECO meets with compliance officers to review status of audit and member responses to Audit data requests. Audit provides feedback to members on initial data submissions. OGC and SECO provide guidance to Audit and members to facilitate audit compliance.*

- **March-May 2024.** SECO and OGC develop, publish, and distribute DEI Law Compliance Operational Manual, including compliance checklist and certification forms, to facilitate member review of SB 17 compliance and certify compliance to System, allowing BOR certification to THECB in August. Guidance provided to members through virtual meetings with compliance officers, various member administrators on operational manual and certification process.
 - *Audit issues member management letter reports starting in late April.*

- **June-August 2024.** Member CEO SB 17 compliance certifications due to SECO June 1st, including a report detailing member compliance procedures and checklists. SECO, in consultation with OGC, will review member reports and submit a System SB 17 compliance report to the BOR in the form of an agenda item for the August Regular Meeting, seeking Board approval of a report certifying the System's SB 17 compliance for submission to the legislature and THECB. Upon Board approval, SECO will submit the report on behalf of the Board.
 - *Audit's final DEI Compliance Audit Report will be submitted to the BOR Committee on Audit in July 2024, and the committee will be briefed at the August meeting. The final audit report will be published per state law.*

May 2, 2024

The Honorable Brandon Creighton
P.O. Box 12068
Austin, Texas 78711

RE: TSUS Member Institutions' Responses Relating to Compliance with SB 17

Dear Senator Creighton:

On behalf of the Texas State University System (TSUS) Board of Regents and myself, thank you for the opportunity to inform you of the extensive measures undertaken by our Member Institutions¹ to ensure compliance with SB 17, now codified as Texas Education Code §51.3525.

The enclosed table illustrates the comprehensive actions undertaken by each of our seven Member Institutions to adhere to the requirements of SB 17. As you can see, each campus adopted a comprehensive, multi-tiered strategy to ensure compliance. It was crucial for our campuses not only to achieve legal compliance but also to maintain ongoing compliance efforts as a top priority.

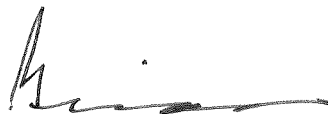
For this reason, campuses also implemented systems for monitoring certain processes and procedures to identify deviations from their campus compliance framework. For example, job postings are now being reviewed by Human Resources personnel to ensure job duties do not include prohibited DEI duties. Mandatory student and employee training, not affiliated with academic course work, now requires review and approval by high-level administrators to ensure such training does not run afoul of the prohibited initiatives stated in the statute.

I am pleased to inform you that the compliance efforts of each campus are currently being tested by the TSUS's Office of Internal Audit (OIA). The OIA's audit is assessing diverse operations across multiple departments at each Member Institution, and we anticipate the audit to be complete in advance of the first compliance certification by our Board of Regents.

We acknowledge the duties and responsibilities placed upon us by the law and are fully prepared to fulfill them. And we believe the comprehensive measures taken by our campuses reflect our firm commitment to upholding the standards in Texas Education Code §51.3525.

Should you require any further information or clarification regarding our compliance efforts, please do not hesitate to contact me or Sean Cunningham at sean.cunningham@tsus.edu.

Sincerely,



Brian McCall
Chancellor

¹ The Texas State University System Member Institutions consist of Lamar University, Sam Houston State University, Sul Ross State University, Texas State University, Lamar Institute of Technology, Lamar State College Orange, and Lamar State College Port Arthur.

TSUS MEMBER INSTITUTIONS' RESPONSE

1. DEI Office Prohibition

How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

RESPONSE:

<p>Lamar State College Orange (LSCO)</p>	<p>Prior to passage of SB 17, LSCO did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because LSCO did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.</p> <p>As part of LSCO's compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership notified the college campus about SB 17 prohibitions, • conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions, • reviewed job postings and confirmed that no employee was assigned DEI duties, • reviewed websites and removed non-compliant SB 17 materials, and, • adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Lamar State College Port Arthur (LSCPA)</p>	<p>Prior to passage of SB 17, LSCPA did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because LSCPA did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.</p> <p>As part of LSCPA's compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership notified the college campus about SB 17 prohibitions, • formed a leadership committee to review all policies, procedures, publications, practices, and activities to verify the college's compliance with the tenants of SB 17,

	<ul style="list-style-type: none"> • conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions, • reviewed job postings and confirmed that no employee was assigned DEI duties, • reviewed websites and removed non-compliant SB 17 materials, and, • adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Lamar Institute of Technology (LIT)</p>	<p>Prior to passage of SB 17, LIT did not have a DEI office or DEI related position, nor an individual or organization performing the duties of a DEI office or officer. Because LIT did not have any offices, officers, individuals, or organizations performing the duties of a DEI office or officer, there have been no displaced or reassigned employees or departments.</p> <p>As part of LIT’s compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership informed their direct reports about SB 17 prohibitions, • conducted a self-assessment of its departments and confirmed that it did not have any DEI programs, initiatives, departments, or positions, • reviewed job postings and confirmed that no employee was assigned DEI duties, • reviewed websites and removed non-compliant SB 17 materials, • reviewed contracts related to Human Resources, Finance and Procurement and confirmed such contracts did not contain any prohibited DEI activities, and, • adopted a policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Lamar University (LU)</p>	<p>As part of LU’s compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • notified community stakeholders about SB 17 prohibitions, • held leadership meetings to discuss implementation of SB 17, • conducted a self-assessment to identify DEI departments, offices, programs, or initiatives, • closed DEI departments or offices, <ul style="list-style-type: none"> ○ specifically dissolving the former Division of Diversity, Inclusion, and Community Relations, • eliminated all DEI-related committees and programs housed

	<p>within other offices,</p> <ul style="list-style-type: none"> • reviewed third-party training contracts and discontinued any aspects of those contracts that consisted of prohibited DEI activities, • reviewed job descriptions to ensure DEI duties were not assigned to anyone, • reviewed its website and removed non-compliant web materials, and, • adopted a University policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Sul Ross State University (SRSU)</p>	<p>As part of SRSU’s compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership notified the University campus about SB 17 prohibitions, • held leadership meetings to discuss implementation of SB 17, • conducted a self-assessment of its departments to identify any DEI programs, initiatives, departments, and positions, • ceased DEI-related programs or initiatives, • closed the one-person part-time office engaged in DEI activities, <ul style="list-style-type: none"> ○ Office of Diversity Equity and Inclusion • eliminated job duties prohibited by SB 17, • reviewed job postings to remove DEI duties, • reviewed third-party training contracts and discontinued any aspects of those contracts that consisted of prohibited DEI activities, • reviewed websites and removed DEI web materials, and • adopted a University policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Sam Houston State University (SHSU)</p>	<p>As part of SHSU’s compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership notified the University campus about SB 17 prohibitions, • conducted a self-assessment of its departments to identify any DEI programs, initiatives, departments, and positions, • met with all college deans and divisional leadership to discuss implementation of SB 17 including personnel changes, if any, • ceased DEI-related programs or initiatives, • closed DEI departments or offices, <ul style="list-style-type: none"> ○ Center for Diversity and Intercultural Affairs was

	<p style="text-align: center;">eliminated</p> <ul style="list-style-type: none"> • reviewed job descriptions to ensure DEI duties were not assigned to any employee, • eliminated job duties prohibited by SB 17, • reviewed its website and removed non-compliant web materials, and, • adopted a University policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy.
<p>Texas State University (TXST)</p>	<p>As part of TXST’s compliance efforts, the following measures were taken to confirm compliance with SB 17:</p> <ul style="list-style-type: none"> • leadership notified students, faculty and staff regarding SB 17 and the elimination of DEI initiatives in accordance with the restrictions of SB 17, • leadership met with various University stakeholders to raise awareness of and discuss SB 17 compliance, • conducted a self-assessment of its departments to identify any DEI programs, activities, initiatives, departments, offices, and positions, • eliminated prohibited programs, activities, initiatives, jobs, and offices including, <ul style="list-style-type: none"> ○ Division of Inclusive Excellence • reviewed vacant job postings to remove DEI duties, • eliminated job duties prohibited by SB 17, • reviewed TXST policies to eliminate DEI-related content, • adopted a University policy that prohibits DEI offices, officers, programs, initiatives, and provides for disciplinary action, up to and including termination, against anyone who violates the policy, • performed, and continues to perform, quarterly reviews of websites to ensure SB 17 compliance.

2. Training Requirement Prohibition

How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

Response:

Lamar State College Orange (LSCO)	<p>To ensure that DEI training is not required, LSCO:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • imposed a high-level review and approval at the Vice President level for any mandatory training for students and employees.
Lamar State College Port Arthur (LSCPA)	<p>To ensure that DEI training is not required, LSCPA:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • requires review by a high-level administrator for any mandatory training for students or employees.
Lamar Institute of Technology (LIT)	<p>To ensure DEI training is not required, LIT:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • imposed a high-level review and approval by the Executive Team and President for any mandatory training for students and employees.
Lamar University (LU)	<p>To ensure DEI training is not required, LU:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials and removed or deactivated any material containing prohibited DEI components, and • has a high-level review and approval by the Associate VP in Human Resources
Sul Ross State University (SRSU)	<p>To ensure that mandatory DEI training is not required, SRSU:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • imposed a high-level review and approval at the Vice President and President level for any mandatory training for students and employees.

<p>Sam Houston State University (SHSU)</p>	<p>To ensure that mandatory DEI training is not required, SHSU:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • will have the Office of Compliance and Insurance conduct quarterly reviews of training records to ensure prohibited training is not being conducted.
<p>Texas State University (TXST)</p>	<p>To ensure that mandatory DEI training is not required, TXST:</p> <ul style="list-style-type: none"> • has reviewed mandatory training materials to confirm that such training does not contain prohibited DEI components, and • imposed a high-level review and approval at the Vice President level for any mandatory training for students and employees.

3. Merit-based hiring

How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Response:

<p>Lamar State College Orange (LSCO)</p>	<ul style="list-style-type: none"> • LSCO adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • All employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission. • Training for search committee and hiring managers contain best practices for making merit-based hiring decisions. • Employee recruitment and hiring is managed through the Office of Human Resources, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
<p>Lamar State College Port Arthur (LSCPA)</p>	<ul style="list-style-type: none"> • LSCPA adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • LSCPA employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission. • Hiring managers and search committee members are not allowed to see the part of the application containing the candidate’s race, sex, color, ethnicity, or national origin. The committee is only able to view the candidate’s credentials and work experience. • Employee recruitment and hiring is managed through the Human Resources department, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
<p>Lamar Institute of Technology (LIT)</p>	<ul style="list-style-type: none"> • LIT adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • Employee recruitment and hiring is managed through the Human Resources department, which oversees and reviews

	<p>the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.</p>
Lamar University (LU)	<ul style="list-style-type: none"> • LU adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • All employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission. • Training for search committee and hiring managers contain best practices for making merit-based hiring decisions. • Employee recruitment and hiring is managed through the Human Resources department, which oversees and reviews the hiring process for all departments consistent with best practices for avoiding bias and making merit-based hiring decisions.
Sul Ross State University (SRSU)	<ul style="list-style-type: none"> • SRSU adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • All employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission. • SRSU Administrative Policy Manual 5.01 requires hiring departments or search committees to carefully and impartially evaluate all candidates for the position based on bona fide job-related qualifications. • Training for search committee and hiring managers contain best practices for making merit-based hiring decisions.
Sam Houston State University (SHSU)	<ul style="list-style-type: none"> • SHSU adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • All employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. The training is provided by the Texas Workforce Commission. • As employee recruitment and hiring is managed through Human Resources, SHSU employee search committees and hiring authorities cannot see the race, sex, color, ethnicity, or national origin of an applicant. Therefore, the pre-interview selection is blind to such categories.

	<ul style="list-style-type: none"> • Training for search committee and hiring managers contain best practices for making merit-based hiring decisions.
Texas State University (TXST)	<ul style="list-style-type: none"> • TXST adheres to its non-discrimination policies, which are based on state and federal law, and which prohibit consideration of race, sex, color, ethnicity, or national origin in employment decisions. • All TXST University employees are required to complete EEO/Civil Rights training upon hire and every two years thereafter. • As part of the hiring process, TXST’s Talent Acquisition team completes a review of the screening and evaluation tool (matrix) to verify the qualifications of all candidates and to ensure that the candidates were evaluated based on their qualifications, regardless of race, sex, color, ethnicity, or national origin. Offers to faculty and staff candidates may not be extended unless and until this review is completed.

4. Diversity Statements

How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Response:

On March 2, 2023, Chancellor McCall sent written communication to every Member Institution President directing them to immediately eliminate the use or consideration of a diversity statement in all hiring practices. Campus policies were to be reviewed and, if necessary, modified to ensure compliance.

<p>Lamar State College Orange (LSCO)</p>	<p>In addition to the above-referenced directive from Chancellor McCall, LSCO performed the following tasks to ensure nonuse of diversity statements:</p> <ul style="list-style-type: none"> • College leadership, including leadership within the Office of Human Resource office, were notified of the prohibition on the use of diversity statements. • LSCO’s Office of Human Resources reviews all college job postings to ensure diversity statements are not solicited or considered. • LSCO’s Office of Human Resources will remove all unsolicited diversity statements from hiring packets before hiring packets are distributed to hiring managers or search committees.
<p>Lamar State College Port Arthur (LSCPA)</p>	<p>In addition to the above-referenced directive from Chancellor McCall, LSCPA performed the following tasks to ensure nonuse of diversity statements:</p> <ul style="list-style-type: none"> • College leadership, including leadership within the Human Resource department, were notified of the prohibition on the use of diversity statements. • Staff and faculty job postings are reviewed by LSCPA’s Human Resources department to ensure that hiring and promotion materials do not require diversity statements. • LSCPA’s Human Resources department removed, and will continue to remove, any unsolicited diversity statement from an applicant’s hiring packet before the packet is distributed to the hiring manager and search committee.
<p>Lamar Institute of Technology (LIT)</p>	<p>In addition to the above-referenced directive from Chancellor McCall, LIT performed the following tasks to ensure nonuse of diversity statements:</p> <ul style="list-style-type: none"> • LIT leadership, including leadership within the Human Resource department, were notified of the prohibition on the use of diversity statements. • Staff and faculty job postings were and are reviewed by LIT’s Human Resources department to ensure that hiring and

	<p>promotion materials do not require diversity statements.</p> <ul style="list-style-type: none"> LIT's Office of Human Resources will continue to remove all unsolicited diversity statements from hiring packets before hiring packets are distributed to hiring managers or search committees.
Lamar University (LU)	<p>In addition to the above-referenced directive from Chancellor McCall, LU performed the following tasks to ensure nonuse of diversity statements.</p> <ul style="list-style-type: none"> University leadership, including leadership in the Human Resource department, were notified of the prohibition on the use of diversity statements. LU's Office of Human Resources & Talent Management reviews all University job postings to ensure diversity statements are not solicited or considered.
Sul Ross State University (SRSU)	<p>In addition to the above-referenced directive from Chancellor McCall, SRSU performed the following tasks to ensure nonuse of diversity statements.</p> <ul style="list-style-type: none"> University leadership, including leadership in the Human Resources department, were notified of the prohibition on the use of diversity statements. SRSU's Human Resources department reviewed all University job postings to ensure compliance with hiring best practices and to ensure diversity statements were not solicited or considered. The Human Resources department will remove unsolicited diversity statements from the hiring packet before the packet is provided to the hiring manager or search committee.
Sam Houston State University (SHSU)	<p>In addition to the above-referenced directive from Chancellor McCall, SHSU performed the following tasks to ensure nonuse of diversity statements:</p> <ul style="list-style-type: none"> University leadership, including leadership in Human Resources, were notified of the prohibition on the use of diversity statements. If an unsolicited diversity statement is received with the job application, the diversity statement is removed from the job application and is not forwarded to the search committee or hiring manager. In the event a search committee or hiring manager receives a diversity statement through any means, all search committee members and hiring managers are informed that they may not consider the diversity statement in the candidate review process.

Texas State University (TXST)	<p>In addition to the above-referenced directive from Chancellor McCall, TXST performed the following tasks to ensure nonuse of diversity statements:</p> <ul style="list-style-type: none">• University leadership, including leadership within the Office of Human Resource, were notified of the prohibition on the use of diversity statements.• Staff and faculty job postings are reviewed by TXST’s Talent Acquisition Team in the Human Resources Office and faculty promotions are reviewed by the Faculty and Academic Resources in the Office of the Provost. Together, these offices ensure that hiring and promotion materials do not require diversity statements.• The hiring matrix for every job vacancy does not allow for consideration of a diversity statement.
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5. Audit Compliance

SB 17 requires regular audits by the State Auditor's Office. How has your institution been preparing for this oversight action?

Response for all Member Institutions:

At the request of the TSUS Board of Regents, the Office of Internal Audit (OIA) began performing an audit of campus activities to assess compliance with SB 17; that audit is expected to be completed by August 2024.

Each TSUS member institution has been actively engaged in coordinating efforts across its campus to prepare for regular audits mandated by SB 17 and in establishing controls to ensure sustained compliance.

The current OIA audit includes, but is not limited to:

- reviewing policies designed to ensure compliance with SB 17,
- determining what actions were taken to eliminate/close DEI-related programs/offices (where applicable) and analyzing resultant personnel actions,
- reviewing the position descriptions/job duties of and interviewing personnel who transitioned from performing DEI-related activities to new roles,
- reviewing hiring protocols, job postings, and trainings,
- observing campus signage,
- performing searches of websites for potential non-compliant information,
- reviewing departmental and program operations, and
- testing expenditures.

OIA intends to include similar audits in future periods. Additionally, the Office of General Counsel provides on-going guidance to the institutions to ensure continued compliance. Collectively, the current actions by TSUS institutions to ensure compliance with SB 17 are preparing our institutions for the oversight action by the State Auditor's Office.



Office of the Chancellor and President

TEXAS WOMAN'S
UNIVERSITY

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May 3, 2024

State Senator Brandon Creighton
Chairman, Texas Senate Committee on Education
P.O. Box 12068
Capitol Station
Austin, TX 78711

RE: Enactment of SB 17

Dear Senator Creighton:

I am in receipt of your March 26, 2024, correspondence. I appreciate the invitation to provide testimony to the Senate Committee on Education regarding Texas Woman's University's progress in overseeing and implementing SB 17.

Texas Woman's University ("TWU") was founded in 1901 and is the nation's largest public institution with a focus on women. We have campuses in Denton, Dallas, and Houston, and serve a student population of 15,664. Our responses to your questions are detailed below.

1. DEI Office Prohibition: How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

In the summer of 2023, TWU's Board of Regents delegated authority to the Chancellor and President to implement compliance measures consistent with SB 17, which included ensuring the closure of any DEI offices, as defined by SB 17. Ultimately, TWU closed the Office of Diversity, Inclusion, and Outreach ("DIO"), housed in the University's Division of Student Life.

Over fifty percent (50%) of incoming students at Texas Woman's are the first in their family to attend college. Therefore, to better meet the needs of our students, and in compliance with Senate Bill 17, TWU Division of Student Life opened the Center for First-Generation Students.

Additionally, TWU conducted a University-wide legal and compliance review, which included several components. In July 2023, the Office of General Counsel sent out SB 17 self-assessment questionnaires to TWU Division heads. Subsequently, Division heads were

asked to complete the self-assessments and identify any questions they had regarding implementing SB 17 within their Divisions. The Office of General Counsel reviewed the completed self-assessments and worked with the relevant divisions and offices to provide additional guidance to assist them in ensuring full compliance with SB 17.

Also, beginning in August 2023 and throughout the fall 2023 semester, TWU held compliance information sessions to discuss compliance with the new law and to answer questions related to SB 17 from administrators and relevant faculty, staff, and student stakeholders. The compliance information sessions were held for stakeholders such as the TWU Cabinet, Academic Council, Council of Chairs, Faculty Senate, different departments, and student leaders.

TWU also published guidelines for the entire TWU community in December 2023. The FAQ guidelines provide an overview of the law and responses to commonly asked questions. A mass communication was sent to the TWU community wherein Division and department heads were instructed to reach out directly to the Office of General Counsel if they had additional questions or concerns that were addressed in the FAQ. See attached Texas Woman's University Working Guidance – Implementation of Senate Bill 17.

To ensure continued implementation and monitoring of SB 17, the Office of General Counsel continues to provide legal advice, as appropriate, in interpreting the law and maintaining compliance.

2. Training Requirement Prohibition: How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

To the best of our knowledge, prior to the enactment of SB 17, TWU did not require any prohibited DEI training for students, faculty, or staff. As such, with the enactment of SB 17, TWU continues to remain compliant with the law. The foregoing notwithstanding, to affirm compliance with SB 17, all Divisions were required to review their programs, trainings, and activities for compliance with SB 17, as part of the legal and compliance review described above in the response to Question 1. In addition, the Office of General Counsel has had additional meetings with offices that oversee employee or student trainings, such as the Student Life Division and Human Resources Department.

3. Merit-based Hiring: How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

Prior to the enactment of SB 17, and as consistent with state and federal law, TWU has complied with applicable laws prohibiting the discrimination of any person on the basis of race, age, color, religion, sex, disability, sexual orientation, gender identity, gender expression, national or ethnic origin, genetic information, veteran status, or any other protected characteristic. This is reflected in the University's Non-Discrimination Statement, Regent Policy B.20000, Nondiscrimination Policy, and University Regulation and Procedure 05.100, Non-Discrimination, Equal Opportunity, and Diversity.

SB 17 bolsters the existing laws and policies, and TWU continues to stay compliant with all of the aforementioned. In addition, guidance on SB 17's hiring prohibitions were included in the legal and compliance review, information sessions, and FAQ. The prohibitions, as well as the consequences for violations regarding the same, were also reiterated in meetings with Human Resources Department and administrators who oversee faculty hiring.

4. Diversity Statements: How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

Guidance regarding SB 17's prohibition on diversity statements was provided in the self-assessment legal and compliance review process, compliance information sessions, and FAQ. The prohibition on diversity statements, as well as the consequences for violations, was reiterated to Human Resources Department staff and to administrators who oversee faculty hiring and promotion.

5. Compliance: SB 17 requires regular audits by the State Auditor's Office. How has your institution been preparing for this oversight action?

TWU began preparation for the State Auditor's Office compliance audits with the initial legal and compliance review last year and, through the university's Office of Audit Services, is monitoring updates from the State Auditor's Office. Additionally, TWU's Office of Compliance will review the university's compliance with SB 17.

On an annual basis, Division heads and Deans are required to assess and certify that their respective Division, College, School, or department has not spent state money in violation of SB 17 during the preceding state fiscal year. The certifications will be reviewed and approved by the Chancellor and President and presented to the Board of Regents during the August Board of Regents Meeting. A final report will be submitted to the Texas Higher Education Coordinating Board at the end of each state fiscal year.

Sincerely,



Carine M. Feyten, Ph.D.
Chancellor and President

Texas Woman's University

Working Guidance - Implementation of Senate Bill 17

INTRODUCTION

On June 14, 2023, Governor Greg Abbott signed into law, Senate Bill 17, "Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives," previously passed by the 88th Texas State Legislature. SB 17 is codified in Section 51.3525 of the Texas Education Code, "Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives" and becomes law on January 1, 2024.

Beginning with Fiscal Year 2024–2025, SB 17 requires the Texas Woman's University Board of Regents to annually certify the System's compliance to the Texas Legislature and the Texas Higher Education Coordinating Board during the prior fiscal year, before TWU may spend state appropriated funds for the then-current fiscal year. Thus, it is critically important that TWU ensure the necessary adjustments are implemented to achieve compliance with SB 17. Implementation will be a continually evolving process, and accordingly, TWU is engaged in the process to achieve an appropriate state of compliance by January 1, 2024, which is the effective date of SB 17.

Each Division of the university including their respective schools, colleges, offices, departments, and units (academic and administrative) are responsible for ensuring that TWU achieves compliance with SB 17. Each Division must make the administrative changes necessary under the new law while implementing appropriate communication and monitoring practices to support compliance.

To assist in this process, the Office of General Counsel (OGC) has created the following FAQ to provide guidance on the implementation of SB 17 in each of TWU's respective offices, departments, and units. OGC will update the guidance as needed.

It is important to remember that nothing in SB 17 alters TWU's existing obligations under federal and state law, including the anti-discrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The TWU community must continue to ensure that our programs and activities are open and available to all persons on a non-discriminatory basis.

Texas Woman's University remains committed to supporting its community members who come to TWU from across the state and around the world and bring a variety of perspectives and experiences. TWU remains steadfast in its commitment to its mission, which reads as follows:

Texas Woman's University cultivates engaged leaders and global citizens by leveraging its historical strengths in health, liberal arts, and education and its standing as the nation's largest public university primarily for women. Committed to transformational learning, discovery, and service in an inclusive environment that embraces diversity, Texas Woman's inspires excellence and a pioneering spirit.

If you have questions about SB 17, please consult with your supervisors. Deans, Chairs, Department heads should continue to seek legal advice from the Office of General Counsel as questions related to SB 17 arise.

GENERAL BILL PROVISIONS

1. What specific restrictions are included in SB 17?

A. DEI offices are prohibited.

An institution of higher education (institution) cannot maintain a “diversity, equity, and inclusion [DEI] office,” which is defined as an institution office, division, or other unit established for the purpose of:

(1) Influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination law;

(2) Promoting differential treatment of or providing special benefits on the basis of race, color, or ethnicity;

(3) Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution’s chief legal officer, TWU’s Office of General Counsel (OGC), and the Texas Higher Education Coordinating Board (THECB), and for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

(4) Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by TWU General Counsel, and the THECB, and for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

B. Performing the duties of a DEI office is prohibited.

TWU also cannot hire or assign an employee of the University or contract with a third-party to perform the duties of a prohibited DEI office.

C. DEI statements are prohibited.

No unit of TWU can compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to any person based on the provision of a DEI statement.

D. Giving preference on the basis of race, sex, color, ethnicity, or national origin is prohibited.

No unit of TWU can give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution. This restriction is consistent with the federal anti-discrimination laws.

E. Mandatory DEI trainings in connection with any institution function are prohibited.

No unit of TWU can mandate as a condition of enrolling at the University or performing any University function the requirement for any person to participate in DEI training. A DEI training includes “a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.”

2. What does it mean for an office, division, or unit to be “established for the purpose of” performing the duties of a DEI office listed above?

Divisions and Colleges must review the purposes, duties, and missions of existing offices, divisions, and units to evaluate whether they are established for the purpose of performing any of the four enumerated duties that DEI offices are prohibited from performing.

Similarly, they must determine whether individuals are “hired or assigned” for the purpose of performing any of the four enumerated prohibited DEI office, division, or unit duties.

To ensure compliance with SB 17, Divisions and Colleges must evaluate:

- Office and unit names, descriptions, portfolios, mission statements, and related materials, websites, communications, policies, and procedures; and
- Individuals’ position titles and job descriptions, duties, and responsibilities.

3. What is a “special benefit” in the context of a DEI office?

Under SB 17, a unit of the institution may not be established or maintained for the purpose of “providing special benefits on the basis of race, color, or ethnicity.” SB 17 does not define “special benefit.” TWU interprets “special benefit” to mean a term, condition, opportunity, or privilege that is unavailable, or substantially better than what is available, or provided to others. Opportunities open to all are not considered a “special benefit” because a particular individual or group takes advantage of such opportunity. For example, use of institution space reserved in accordance with the university’s ordinary processes is not a “special benefit.”

4. How does SB 17 restrict training?

SB 17 includes three restrictions related to training:

- (1) An office, division, or unit cannot be established for the purpose of conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation (“DEI training”);
- (2) An institution cannot hire or assign an employee or a contractor the duties of an office established for the purpose of conducting DEI training;
- (3) An institution cannot require a person to participate in DEI training as a condition of enrolling or performing any function at the institution (“mandatory DEI training”).

The training prohibition does not apply to training designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation when it is (1) developed by an attorney; (2) approved in writing by the TWU’s General Counsel and the Texas Higher Education Coordinating Board; and (3) for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

5. May a student or employee participate in voluntary DEI training offered by an outside resource?

Generally, yes.

SB 17 does not restrict a student or employee from voluntarily participating in a non-TWU DEI training offered by an outside resource, provided that TWU has not contracted with the outside resource for the purpose of providing DEI training.

A department may continue to offer a library of professional development trainings—similar to LinkedIn Learning—even if the library includes individual DEI training modules. Such professional resources have multiple topics related to overall professional development, and the institution is not contracting with the training provider for the purpose of conducting impermissible DEI trainings.

Participation by students and employees must be truly voluntary. A supervisor, instructor, or administrator should not track participation in a voluntary DEI training. Further, a supervisor, instructor, or administrator cannot give any type of preference, beneficial consideration, or consequence (positive or negative), no matter how informal, to students and employees based on whether they participate in voluntary DEI trainings with an outside resource.

TWU cannot require any person to participate in DEI training with an outside resource in order to perform any institution function.

6. What is a DEI statement?

Under SB 17, TWU may not compel, require, induce, or solicit any person to provide a “DEI statement”.

TWU interprets a “DEI statement” to mean a written or oral statement of a person’s commitment to (1) furthering diversity, equity, and inclusion based on race, color, ethnicity, national origin, sex, gender identity or sexual orientation or (2) promoting differential treatment of or providing special benefits to individuals based on their identification as a member of one or more of these classifications.

A “DEI statement” does not include a non-discrimination statement, which typically explains federal and state law obligations, and does not include information submitted in connection with HUB certification.

SB 17 does not prohibit the University, as part of its recruitment and selection process, from soliciting information related to TWU’s mission, student population, or role as a federally-designated Hispanic-Serving Institution.

7. In the context of a person providing a DEI statement, what does it mean to give “preferential consideration”?

Under SB 17, a person may not be afforded “preferential consideration” for providing a DEI statement. TWU interprets “preferential consideration” to mean treating one person more favorably than another because they provided a DEI statement or because the content expresses a particular viewpoint regarding DEI.

8. Does SB 17 require universities to expressly prohibit applicants for employment or admission from providing a DEI statement?

No, SB 17 does not require universities to expressly prohibit applicants for employment or admission from providing DEI statements in job postings, applications, or other stages of the hiring or admissions processes.

If an applicant provides an unsolicited or voluntary DEI statement, institutions cannot give preferential consideration based on the provided DEI statement. The statement should not be given positive or negative consideration in evaluating the applicant.

9. What does it mean to “give preference on the basis of” the listed classifications in “any function of the institution”?

SB 17 prohibits giving “preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.” This restriction is consistent with federal antidiscrimination law. To “give preference on the basis of” a classification means to treat one person more favorably than another because of that classification. “Function” is expansive and includes an institution’s employment, academic, and service functions.

EXCEPTIONS

1. Are there any exceptions to the restrictions described in SB 17 and above?

Yes, there are exceptions. The restrictions contained in SB 17 do not apply to:

- (1) Academic course instruction;
- (2) Scholarly research or a creative work by an institution’s students, faculty, or other research personnel or the dissemination of that research or work;
- (3) An activity of a student organization registered with or recognized by an institution;
- (4) Guest speakers or performers on short-term engagements;
- (5) A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
- (6) Data collection; or
- (7) Student recruitment or admissions.

SB 17 makes clear that TWU and its contractors, shall not circumvent SB 17’s prohibitions against conducting the duties of a DEI office by using a statutory exception to accomplish those prohibited duties.

TWU maintains its commitment to academic freedom, freedom of speech, and freedom of expression, in order to promote open inquiry and expand knowledge.

EVENTS, PROGRAMS, AND ACTIVITIES

1. Are programs and activities designed or implemented in reference to sex permissible?

Yes. TWU is the nation's largest public university primarily for women. Programs and activities designed for women or men that are otherwise lawfully implemented remain permissible. Such programs and activities should comply with existing state and federal law.

2. May a university host university/college/department-wide events or programs that support diversity in a general way?

Yes, events or programs that support diversity in a general way are not affected by SB 17 as long as they do not promote preferential treatment of any particular identity-based group and are open to everyone. Examples include, but are not limited to, events or programs with themes of promoting a welcoming climate, ensuring curricular alignment, and cultural competency.

3. Are programs or activities associated with federally- and state-recognized heritage and history days and months, such as Black History Month, Juneteenth, Pride Month, Hispanic Heritage Month, and others permitted?

Yes, SB 17's restriction on "programs or activities" do not include participation in federally-and state-recognized history days and months. Such activities are designed or implemented in reference to national and state traditions and history. Participation should be through a history-focused lens to further TWU's educational mission. Any programs or activities associated with federally- and state-recognized heritage and history days or months must be open to all who want to participate.

4. May TWU host multicultural events or programs?

Yes, as long as these events or programs are open to everyone who wants to participate. The events and programs must not show preference for any identity-based group over another. The emphasis should generally focus on history or culture. Attendance at such events cannot be mandatory for students or employees. Events hosted by recognized and registered student organizations are exempted from the limitations of SB 17. Guest speakers and performers on short-term engagements are also exempt from SB 17.

5. May a TWU department or college have a diversity or DEI-related committee?

All committee mission statements, bylaws, and position responsibilities should be reviewed to determine compliance with SB 17. Committee names and position titles shall not include the terms diversity, equity, and inclusion.

Departments and Colleges should ensure that all committees adhere to the following:

1. They are not established for the purpose of influencing hiring or employment practices at TWU with respect to race, sex, color, or ethnicity;
2. They are not established for the purpose of promoting preferential treatment or special benefits on the basis of race, color, or ethnicity;
3. They are not established for the purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity;

4. They are not established for the purpose of conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation;
5. Participation and membership is open to all on a non-discriminatory basis; and
6. Participation does not require the provision of a DEI statement or participation in a mandatory DEI training.

6. May a university host events or programs that reference or focus on specific identity-based groups?

It depends. The mere name of an event or program does not violate SB 17. However, engagement in certain DEI activities, for instance, by offices that were to promote differential treatment of or provide special benefits to certain persons or groups as defined by the bill, does violate SB 17. Therefore, university events or programs that focus on specific groups must be open to everyone. All groups should be evaluated according to the same objective standards in determining whether the event or program can take place.

7. Are identity-based employee resource groups (affinity groups) permissible, and, if so, may staff be assigned to support them?

Yes. Employee resource groups typically consist of employees with a common background or a common set of interests. Identity-based affinity groups must be open to all interested participants and receive similar treatment as and benefits available to other employee groups.

Staff may be assigned to support employee resource groups generally. Any university support for such groups must be consistent with the support the university provides to other faculty and staff groups.

8. To what extent are patient healthcare and health and wellness initiatives impacted by SB 17?

SB 17 does not impact the provision of healthcare to patients or student and employee health and wellness initiatives. Healthcare is individualized and is primarily designed and implemented in regard to health care needs even though, in limited circumstances, it may also include reference to some classifications listed in SB 17 to meet the applicable standard of care.

9. May the university recognize identity-based alumni networking groups?

Yes, but to the extent that a department engages with stakeholders, such as alumni networking groups, it should steer clear of showing preference for one over another.

10. May a university lease space for an identity-driven conference, such as a gathering of Native American lawyers?

Yes. Turning down such a group based on their identity driven purpose would violate state and federal law. Nothing in SB 17 suggests such a limitation.

11. May college or department monies (some of which are state funds, some of which are local funds) be used to support conference travel where the topic of the presentation is DEI?

Yes. Nothing in SB 17 prevents support for continuing education, engaging with professional associations, or presenting scholarly papers at a conference. However, the University should

have a neutral basis for providing such funding that does not consider DEI as a factor in providing the funds.

Scholarly and creative work are not affected by SB 17. Institutional leadership cannot compel attendance at DEI programs nor outsource DEI work.

12. May a university provide funding or support for a student or student organization to attend an unaffiliated conference that meets the definition of DEI programming?

Yes, student organizations are exempted from SB 17. Moreover, if a student organization seeks funding for travel or attendance to an unaffiliated, third-party conference that promotes its organizational mission, it should not be denied support simply because of the content or viewpoint of the program, assuming other similarly situated student organizations would receive the same support. The same rationale would apply to an individual student seeking university support for professional development off campus.

STUDENT ORGANIZATIONS

Generally, registered and recognized student organizations' status is not affected by the passage of SB 17. The law specifically exempts: an activity of a student organization registered with or recognized by an institution of higher education.

1. SB 17 states that its restrictions may not be construed to apply to an activity of a student organization. What is considered an “activity” of a student organization?

SB 17 does not define “activity.” TWU interprets the term broadly to encompass all functions of a student organization.

2. May a university employee be assigned or volunteer to serve a registered identity-based student organization, e.g., as a faculty advisor?

Yes, TWU employee may provide the same level of administrative support to identity-based registered student organizations as it provides to all registered student organizations. Serving in this context is not one of the prohibited DEI-related duties. An identity-based registered student organization would not be receiving differential treatment or a special benefit because institution employees also are assigned to serve registered student organizations that are not identity-based.

3. May student organizations put on events in support of the LGBTQ community?

Yes. Registered and recognized student organizations are exempt from the limitations of SB 17. As such, student organizations may host programs and initiatives supporting the LGBTQ community, including programs discussing sexual orientation or gender identity.

4. May an institution provide funding to a registered student organization that is organized in reference to race, color, ethnicity, gender identity, or sexual orientation?

Yes, if provided to all student organizations in a neutral manner without regard to the specified classifications. Student activity fees may be used for all registered student organizations. Institutions should continue to allocate student activity fees in accordance with state law and University policy and procedures. Allocating student activity fees to a registered student organization is not a “special benefit” and does not negate the application of the bill’s exception if

such funds are made available to all registered student organizations. Student organizations also are allowed to raise funds independently in accordance with University policies and procedures.

5. How is a student organization’s status as a sponsored student organization impacted by SB 17?

Student organizations that are registered with or recognized by TWU are exempted from the prohibitions of SB 17. However, depending on the level of institutional control and the specific policies and practices regarding a sponsored student organization’s programs and activities, Senate Bill 17 may be implicated in some instances.

ACADEMIC COURSE INSTRUCTION

1. How does SB 17 impact “academic course instruction”?

SB 17 specifically states that the bill’s restrictions do not apply to academic course instruction. Faculty retain academic freedom in how they provide instruction in their assigned courses, curriculum, practicums, seminars, clinical rotations, executive education programs, and any other academic instructional or clinical training setting.

The bill’s restrictions also do not apply to guest speakers, including those in an academic instructional or clinical setting.

TWU maintains its commitment to academic freedom, freedom of speech, and freedom of expression, in order to promote open inquiry and expand knowledge.

2. May a professor discuss race, ethnicity, sex, gender, gender identity, sexual orientation or related topics in their course instruction?

Yes. SB 17 does not apply to academic course instruction, scholarly research or creative work by a university’s students, faculty, or other research personnel or the dissemination of that research work. University policy recognizes a faculty member’s academic freedom in the classroom.

3. May a professor use a diversity statement in their course syllabus?

A professor may, on their own syllabus, use a statement relating to diversity if it pertains to academic course instruction. However, such statements must not indicate an intention to treat students differently or in a preferential manner on the basis of their race, sex, color, ethnicity, or national origin. It is recommended that any diversity statement include a non-discrimination statement, such as “The Department does not condone discrimination in any form and complies with Texas Woman’s University Non-Discrimination Policy.”

4. May academic programs still invite (and advertise) research colloquia by guests from outside the university where the research focuses on DEI issues?

Yes. SB 17 specifically exempts research, data collection, and guest speakers on a particular topic.

STUDENT ACADEMIC ACHIEVEMENT AND POST-GRADUATE OUTCOMES

SB 17 exempts programs that support the academic achievement of students. Programs promoting academic achievement should be provided to all students regardless of their race,

color, ethnicity, sex, gender identity, or sexual orientation. Nothing in SB 17 prevents training staff to identify common barriers for at-risk students. SB 17 does not apply to programs for first generation, low-income college students, or underserved student populations, as long as the programs are designed and implemented without regard to race, sex, color, or ethnicity. These programs can continue as well as programs for veterans and students with disabilities programs as required under federal law.

1. May university members assist students with obtaining fellowships or internships that focus on DEI?

Yes. Postgraduate outcomes that are specific to career opportunities, including fellowships or internships, are exempt from SB 17. Specifically, a policy, practice, procedure, program or activity to enhance student academic achievement or postgraduate outcome and that is designed and implemented for all students is permitted under SB 17. Career centers, as well as student success resources, are permitted to assist students if the opportunities are available to all.

2. May TWU employees write a Letter of Recommendation for a student who is applying for a position or internship with an external group focused on race, sex, gender, national origin, sexual orientation, or gender identity?

Yes, SB17 does not prohibit staff or employees from writing letters of recommendation for graduate or undergraduate students. For example, a letter of recommendation for a summer internship with the League of United Latin American Citizens (LULAC) would be permitted.

GRANTS, SCHOLARSHIPS, AND ENDOWMENTS

SB 17 states: “Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that: highlights the institution’s work in supporting first-generation college students; low-income students; or underserved student populations; or certifies compliance with state or federal antidiscrimination laws.”

1. Does SB 17 allow for the inclusion of language in grant applications that affirms TWU’s commitment to diversity?

Yes. SB 17 allows TWU and its employees, for the purposes of applying for a grant, to submit to the grantor a statement that highlights the University’s work in supporting first-generation college students, low-income students, and or underserved student populations. Additionally, as a public institution of higher education, the grant application can also include that TWU must comply with state and federal antidiscrimination laws. In addition, historical or new information relating to statistical diversity, programmatic offerings, awards, and achievements can be included to convey factual data in support of general diversity.

As the nation’s largest public university primarily for women, TWU is committed to furthering transformational learning, discovery, and service in an inclusive environment that embraces diversity through the solicitation of grants and scholarly and creative works. Diversity and collaboration are fundamental to TWU’s academic culture of innovation, research, and creative expression.

2. How does SB 17 affect student scholarships?

Student scholarships are not prohibited by SB 17 if they are awarded and administered by TWU without regard to race, sex, color, ethnicity, or national origin, and if a DEI statement is not required or considered as part of the application. If an entity separate from the University offers a closed scholarship that is prohibited by SB 17 or federal law, TWU may not participate in the award or implementation of the scholarship.

DATA COLLECTION

Senate Bill 17 specifically excludes data collection, including that of identifying characteristics of the applicant or employee. Said demographics are required for EEO reports and to comply with other state and federal laws.

1. May funds, whether they be from endowed chairs or professorships (or faculty fellowships) or from the state, be used to support research on DEI topics?

Yes, SB 17 specifically exempts research and data collection.

2. May researchers use race, ethnicity, color, sexual orientation, gender identity, or sex in gathering data for research?

Yes. SB 17 specifically exempts research and data collection. The Office of Research and Sponsored Programs, institutional review boards, and internal grant-funding programs should evaluate research projects in a neutral manner, regardless of whether the projects are designed or implemented in reference to race, color, ethnicity, sexual orientation, gender identity, or sex.

SCHOLARLY RESEARCH AND CREATIVE WORKS

Senate Bill 17 specifically excludes scholarly research or creative work by students, faculty, or other research personnel (which also includes staff), or the dissemination of that research or work.

1. Does SB 17 define how the “scholarly research” and “creative work” exception applies?

SB 17 specifically states that the bill’s restrictions do not apply to “scholarly research or creative work by an institution’s students, faculty, or other research personnel or the dissemination of that research or work,” but the bill does not define either term.

“Scholarly research” may include research conducted by a student, faculty, or research personnel in their respective field under generally accepted scientific standards (e.g., systems in place to ensure the quality and accuracy of hypotheses, methods, data, and findings, such as in a peer reviewed or refereed publication). Grant applications to support research that are submitted by TWU’s students, faculty, or other research personnel are part of the research process and within this exception to SB 17’s prohibitions.

“Scholarly research” also may include systematic inquiries by a student, faculty, or research personnel in their respective field. Systematic inquiry includes the collection of data, documentation of critical information, and analysis and interpretation of that data or information in accordance with suitable methodologies set by specific professional fields or disciplines.

“Scholarly research” may be intended to develop or contribute to generalizable knowledge. “Creative work” may include academic work product of an innovative or interpretive nature.

“Creative work” may also include non-research written material created for publication and grant submissions seeking funding for research, instructional, or other activities.

Programmatic components directly related to and part of the scholarly research or creative work and proposed in a grant submission are deemed scholarly research or creative work and not subject to the SB 17 prohibitions.

“Research personnel” may include any non-faculty staff or trainee with assigned job responsibilities related to research based on the employment or academic training position they hold at TWU, including individuals who serve on institutional review boards.

As discussed above, “scholarly research” and “creative work” can take many forms, and this answer is not intended to be exhaustive.

STUDENT RECRUITMENT OR ADMISSIONS

Senate Bill 17 specifically excludes student recruitment efforts or admissions from the law.

1. May a university send recruitment staff to an event geared towards recruiting underserved racial or ethnic groups?

Yes.

2. May a university train recruitment staff on cultural competence that will assist them in recruiting students?

Yes.

HIRING PROCESSES

SB 17 states “a preference may not be given to a particular applicant based on race, sex, color, ethnicity or national origin for employment.”

1. May legally protected characteristics, such as race or gender, be considered when hiring faculty or staff?

No. Hiring (selecting a particular qualified applicant for a position) must be conducted in accordance with state and federal law and University policy which has always been, and continues to be, that faculty members are hired based on merit. Merit can include notable scholarly or creative work on a particular topic, awarded grants, education, and experience. In addition, SB 17 states that TWU cannot “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.” TWU should take actions to recruit a diverse pool of applicants from which to select the best qualified person for the position consistent with federal requirements. Advertising jobs in non-traditional outlets and sources is encouraged.

2. What are guidelines for questions that may be asked of applicants in the hiring process, both on applications and in interviews?

Guidelines consistent with state and federal law and University policy should be used during the hiring and selection process. In addition, questions that do not categorize students or employees

by classification are a best practice in the recruitment of candidates. For example, applicants could be asked:

- What is your experience in or philosophy about or plan for supporting students?
- How do you reach students where they are?
- How have you been effective reaching students of different backgrounds?
- Describe your teaching philosophy.

If appropriate for the job, applicants may be asked about their experience at a Hispanic- Serving Institution (“HSI”) such as TWU or their experience teaching first-generation college students, low-income students, or underserved student populations. Such questions are permissible because they assist the University in identifying the most qualified candidate for the job.

If a job applicant volunteers information relevant to the position in an interview about their experience with or philosophy about teaching or caring for first-generation college students, low-income students or patients, or underserved populations or explicitly references teaching or working with individuals identified by race, color, sex, ethnicity, national origin, gender identity or sexual orientation, that information may be considered because it is not a “DEI statement.”

If a job applicant provides an unsolicited or voluntary “DEI statement”, the statement should not be given positive or negative consideration. TWU interprets a “DEI statement” to mean a written or oral statement of a person’s commitment to (1) furthering diversity, equity, and inclusion based on race, color, ethnicity, national origin, sex, gender identity or sexual orientation or (2) promoting differential treatment of or providing special benefits to individuals based on their identification as a member of one or more of these classifications.

3. May a university give preference to a job applicant with second language fluency?

Yes, if the preference for fluency in a second language is legitimately connected to the position description and essential to the job duties and responsibilities.

FACULTY & STAFF DEVELOPMENT

1. May college or department monies (some of which are state funds, some of which are local funds) be used to support academic or professional conference travel where the topic of the presentation is DEI?

Yes. SB 17 does not preclude support for continuing education or engaging with professional associations or conferences. However, the University should have a neutral basis for providing such funding that does not consider DEI as a factor in providing the funds. Institutional leadership cannot compel attendance at DEI programs nor outsource DEI work.

2. May faculty and staff speak at a conference focused on DEI?

Yes, if the activity is part of the faculty or staff member’s research activity or the dissemination of their scholarly or creative work. SB 17 provides an exception for scholarly research and does not limit the ability of faculty and staff members to speak at conferences.

3. May a faculty or staff member conduct independent DEI work outside the University, such as work as a consultant or trainer?

Yes. Nothing in SB 17 limits faculty or staff members' ability to conduct such work on their personal time if the work complies with other limitations on outside work, such as conflict of interest or other ethical limitations.

ACCREDITATION

1. How may a department respond to accrediting agency prompts and questions on diversity?

In preparing a response to accrediting agency prompts on diversity, the department should try to address the specific question being asked while highlighting compliant diversity efforts. Although SB 17 prohibits DEI offices and certain trainings, programs, and activities, departments may continue many initiatives that both satisfy accrediting agency diversity priorities and comply with SB 17.

Permissible responses may emphasize some or all of the following:

- TWU or the program's compliance with state and federal antidiscrimination statutes;
- Work to support first generation college students, low-income students, and underserved student populations;
- Efforts or initiatives to recruit and admit students of diverse backgrounds and geographic locations and the results of those efforts or initiatives;
- The general diversity of TWU's surrounding community, and, in the case of health-related programs, the diversity of the institution's patients; and
- Programs or efforts consistent with the particular accrediting agency's identified, SB 17- neutral diversity priorities.

2. What are appropriate measures or metrics that institutions may use for data collection and data reporting as part of accreditation?

SB 17 restrictions do not apply to data collection.



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman J. Fertitta
Chairman

May 3, 2024

The Honorable Brandon Creighton
Chairman, Texas Senate Committee on Education
State Senator
Senate District 4

Dear Senator Creighton,

Please allow this letter to serve as a formal response to the Senate Bill 17 (SB 17) – Diversity, Equity, and Inclusion (DEI) prohibition communication shared with the University of Houston System and each of its institutions, on March 26, 2024. The University of Houston System (UH System) and each of its institutions, including the University of Houston, the University of Houston Downtown, the University of Houston Clear Lake and the University of Houston Victoria acted to adopt the tenants of SB 17 DEI by September 1, 2023, ahead of the effective date of January 1, 2024.

At the direction of leadership, the UH System Offices of Compliance and Ethics, General Counsel and Student Affairs in June 2023 began the process of surveying all campuses in the UH System personnel, programs, policies, and procedures to proactively prepare for the approval of SB 17, which officially passed June 17, 2023. The review, outlined below in further detail, led to the creation of the UH System website reference page entitled, “Diversity, Equity, and Inclusion - Implementation of Senate Bill 17”, which houses the UH System’s Frequently Asked Questions and UH System policy, SAM 01.D.18 - Diversity, Equity, and Inclusion Initiatives. These documents are attached hereto. Please find the responses to your inquiries, below.

1. DEI Office Prohibition

To ensure UH System compliance with our new DEI policies, the following steps were taken. An inventory of existing personnel, policies, practices, trainings, and any other SB 17 DEI related items were requested from vice chancellors and presidents from each institution of the UH System. We created a list of potential personnel, programs, committees, trainings, and statements relating to DEI that needed to be reviewed for compliance. The UH System Offices of Compliance and Ethics, General Counsel and Student Affairs reviewed materials to determine compliance with SB 17. Upon completion of the review, we had meetings with unit heads regarding necessary changes to staffing, programming, policies, or statements. This process occurred over several months, allowing for the dissemination of information and receiving of feedback and additional inquiries. During this time, the UH System Offices of

Compliance and Ethics and General Counsel drafted the UH System DEI policy, which was adopted during the August 2023 BOR meeting, to take effect September 1, 2023. After Board approval, the UH System also published FAQs related to DEI compliance. Subsequently, a community comment period was established for the UH System to receive any feedback regarding the policy and provide any additional compliance questions.

At the conclusion of the community comment period additional communications were disseminated regarding policy implementation. To provide a formal avenue of feedback an email address was established, situated within the UH System Offices of Compliance and Ethics, the General Counsel, and the Board of Regents office, to answer questions related to SB 17 DEI compliance. After the September 1, 2023 implementation date, we performed a post-implementation website inventory, which led to additional review meetings to correct any potential deficiencies. The UH System Offices of Compliance and Ethics and General Counsel as well as the Office of Internal Audit (reporting directly to the Board of Regents) will perform regular reviews, to ensure continued compliance and oversight.

2. Training Requirement Prohibition

To ensure the UH System's compliance with SB 17's training requirement regarding DEI trainings not being required for students, staff, and faculty, we used the same process detailed above in conjunction with human resources, student affairs, and academic affairs, and institutional leadership across the UH System, to review all training requirements that could implicate SB 17 DEI compliance. The necessary changes and elimination of certain training was completed as a result of the review.

3. Merit Based Hiring

To ensure UH System compliance with SB 17's merit-based hiring requirement, and in conjunction with the initial inventory, we worked with systemwide human resources, student affairs, academic affairs, and institutional leadership to identify any potential instances of non-merit-based hiring. No instances were identified through the review. To ensure continued merit-based hiring compliance, systemwide human resources highlighted multiple points of accountability along the hiring process including: the integration of the departmental business administrator to oversee and guide hiring managers through the process; the formal integration of human resources business partner/recruiter into the candidate review process; the standardization of hiring matrix template, which must be completed and signed by each committee member; formalized reference checks; and finally periodic audits completed by the UHS Internal Auditing Team. The UH System DEI policy includes verbiage regarding merit-based hiring.

4. Diversity Statements

To ensure UH System compliance with SB 17's prohibition of diversity statements, we used the same process outlined above and worked with systemwide human resources, student affairs, academic affairs, and institutional leadership to identify programmatic areas that may have had a requirement of diversity statements in hiring. We reviewed, met with, provided guidance, and solicited feedback from respective units, regarding the necessary changes to our hiring paradigm. We were very clear about the prohibition of diversity statements, as well as questions that relate to any of the prohibited items in

SB 17. The UH System DEI policy includes verbiage regarding the prohibition of diversity statements.

5. Audit Compliance

In preparing for the regular audits, the UH System utilizes a four-pronged approach to ensure compliance.

1. The UH System Offices of Compliance and Ethics and General Counsel will continue to provide periodic checks of the UHS campuses websites, program, activities, and statements for compliance. Certain areas such as committees, statements, and trainings will receive special attention to ensure continued accountability.
2. The UH System Human Resources Officer, in conjunction with each institutions' Human Resources Office, will continue to randomly audit hiring packages. These reports will be shared with the Office of the General Counsel and the Internal Auditors Office, as necessary.
3. The UH System Compliance and Ethics Office will provide quarterly updates regarding any non-compliance hotline reports related to any of the prohibited items in SB 17 to the Board during their quarterly compliance report.
4. Holistically, the UH System Internal Audit team will perform regular audits related to any of the prohibited items in SB 17 and submit the reports to the Board as needed. The information and processes audited will continue to be refined based upon the State Auditor's Offices' procedures to address SB 17.

The University of Houston System, Regents, and institutions of the System are committed to align our campuses with SB 17 provisions. It is our intention that the information enclosed in this letter demonstrates the extensive effort that the UH System has undertaken to ensure the fostering of a merit-based environment where every student, faculty, and staff member can thrive and achieve personal excellence.

Thank you for the opportunity to share with you the steps and processes enacted to ensure compliance with SB 17.

Sincerely,



Chairman Tilman Fertitta

CC: UH System Board of Regents
Chancellor/President Renu Khator, UHS, UH
President Loren Blanchard, UHD
President Richard Walker, UHCL
President Robert Glenn, UHD

Attachments: UH System Policy and FAQs on SB 17 Implementation

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.18

AREA: Legal Affairs

SUBJECT: Diversity, Equity, and Inclusion Initiatives

1. PURPOSE AND SCOPE

The University of Houston System and its universities (“UHS”) are committed to compliance with applicable federal and state laws, including Title VI of the Civil Rights Act of 1964 (“Title VI”), Title VII of the Civil Rights Act of 1964 (“Title VII”), Title IX of the Education Amendments Act of 1972 (“Title IX”), and [Texas Education Code Section 51.3525](#), as applicable to Diversity, Equity, and Inclusion initiatives. This policy does not apply to those items listed in Section 4, including but not limited to, statements protected by [Board of Regents Policy 21.12](#) (Freedom of Expression), [Board of Regents Policy 21.03](#) (Academic Freedom), and [System Administrative Memorandum \(SAM\) 01.D.15](#) (Freedom of Expression).

2. DEFINITIONS

2.1. DEI: Diversity, Equity, and Inclusion.

2.2. DEI Office: An office, division, or other unit of an institution of higher education established for the purpose of: (1) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws; (2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity; (3) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or (4) conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

3. POLICY

The following provisions apply to all offices, divisions, and units (academic and administrative) within UHS, unless excluded under Section 4.

- 3.1. No person shall be compelled, required, induced, or solicited to provide a DEI Statement, or shall make a DEI Statement on behalf of UHS or its universities, including any division, department, or unit, or shall give preferential consideration to another person based on the provision of a DEI Statement.

For purposes of this policy, a DEI Statement is any statement relating to DEI, written or otherwise, that is contrary to UHS or university policies or federal or state law, including Title VI, Title VII, Title IX, and/or [Texas Education Code Section 51.3525](#), but does not include statements protected by [Board of Regents Policy 21.12](#) (Freedom of Expression), [Board of Regents Policy 21.03](#) (Academic Freedom), and [SAM 01.D.15](#) (Freedom of Expression).

- 3.2. No applicant for employment, employee, or participant in any function of UHS shall be given preference on the basis of race, sex, color, ethnicity, or national origin.
- 3.3. No training that includes content, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation shall be mandatory (i.e., required as a condition before a person can enroll at the university or perform any university function) unless it is developed by an attorney and approved in writing by the Vice Chancellor for Legal Affairs and General Counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.
- 3.4. No division, department, or unit (academic or administrative) shall establish or maintain a DEI Office.
- 3.5. No division, department, or unit (academic or administrative) shall hire or assign an employee or contract with a third party to perform the duties of a DEI Office.

4. POLICY EXCLUSIONS

- 4.1. Required by Federal Law. This policy does not prohibit conduct that is required by federal law, even if the conduct falls under Section 3.
- 4.2. Protected Statements. This policy does not prohibit statements protected by [Board of Regents Policy 21.12](#) (Freedom of Expression), [Board of Regents Policy 21.03](#) (Academic Freedom), and [SAM 01.D.15](#) (Freedom of Expression).
- 4.3. Statements to Grantor or Accrediting Agency.

4.3.1. This policy does not prohibit a statement highlighting UHS’ work in supporting first-generation college students, low-income students, or underserved student populations that is submitted for the purpose of applying for a grant or complying with the terms of accreditation by an accrediting agency.

4.3.2. This policy does not prohibit a statement certifying compliance with state and federal anti-discrimination laws that is submitted for the purpose of applying for a grant or complying with the terms of accreditation by an accrediting agency.

4.4. Other Exclusions. This policy does not apply to any of the following:

4.4.1. Academic course instruction;

4.4.2. Scholarly research or creative work by students, faculty, or other research personnel (which may include staff), or the dissemination of that research or work;

4.4.3. An activity of a registered student organization;

4.4.4. Guest speakers or performers on short-term engagements;

4.4.5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;

4.4.6. Data collection; or

4.4.7. Student recruitment or admissions.

5. NONCOMPLIANCE

An employee or contractor of UHS who violates this policy is subject to disciplinary action, up to and including termination of employment or contract, as applicable.

6. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every five years

7. APPROVAL

Approved: /Dona Cornell/
Vice Chancellor for Legal Affairs and General Counsel

 /Renu Khator/
Chancellor

Date: October 6, 2023

8. REFERENCES

U.S. Constitution, Amendment XIV, §1

- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972

[Texas Education Code § 51.3525](#)

- [Board of Regents Policy 21.03](#) – Academic Freedom
- [Board of Regents Policy 21.12](#) – Freedom of Expression

[SAM 01.D.15](#) – Freedom of Expression

[Frequently Asked Questions: Diversity, Equity, and Inclusion](#) – Implementation of Senate Bill 17

Frequently Asked Questions

Diversity, Equity, and Inclusion – Implementation of Senate Bill 17

Introduction

On June 14, 2023 Governor Greg Abbott signed into law, Senate Bill 17, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives,” previously passed by the 88th Texas State Legislature. This is codified in Section 51.3525 of the Texas Education Code, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives”) and System Administrative Memorandum 01.D.18 (“Diversity, Equity, and Inclusion Initiatives”) and is effective January 1, 2024.

Beginning with FY 24-25, SB 17 requires the University of Houston System Board of Regents to annually certify our System’s compliance to the Texas Legislature and the Texas Higher Education Coordinating Board during the prior fiscal year, before we may spend state appropriated funds for the then-current fiscal year. Thus, it is critically important that each university of the System ensure the necessary adjustments are implemented to achieve compliance with SB 17. Implementation will be a continually evolving process, and accordingly, we have begun that process to achieve an appropriate state of compliance by January 1, 2024, which is the effective date of SB 17.

Each university of the System, including their respective offices, divisions, and units (academic and administrative) are responsible for ensuring that they achieve compliance with SB 17. Each university of the system must make the administrative changes necessary under the new law while implementing appropriate communication and monitoring practices to support compliance.

To assist in this process the UH System Office of General Counsel (OGC) has created the following FAQs to provide guidance on the implementation of SB 17 in your respective offices, divisions, and units. OGC will be available going forward for questions on implementation efforts.

It is important to remember that nothing in SB 17 alters our existing obligations under federal and state law, including the anti-discrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. We must continue to ensure that our programs and activities are open and available to all persons on a non-discriminatory basis.

1. What is DEI?

A: DEI stands for diversity, equity, and inclusion. Diversity, Equity, and Inclusion, as defined by SB 17 and System Administrative Memorandum 01.D.18 means engaging in any of the following actions:

1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than through the use of equal opportunity;
2. Promoting differential treatment of or providing special benefits to individuals;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by OGC in accordance with state law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than those expressly authorized by OGC in accordance with state law.

Events/Programs That Involve Belonging, Cultural Education, and Support for Certain Affinity Groups

SB 17 prohibits(i) giving preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any function of the institution; (ii) hiring or assigning an employee or contracting with a third party to perform the duties of a DEI office; and (iii) requiring any person performing any institution function to participate in DEI training.

2. May a university host university/college/department-wide events or programs that support diversity in a general way?

A: Yes, events or programs that support diversity in a general way are not affected by SB 17 as long as they do not promote preferential treatment of any particular group and are open to everyone. Examples include, but are not limited to, events or programs with themes of promoting a welcoming climate, ensuring curricular alignment, and cultural competency.

3. May a university host multicultural events or programs, such as those that recognize Hispanic Heritage Month, Black History Month, Asian American Pacific Islander Month, Women's History Month, and Indigenous People's Day?

A: Yes, as long as these events or programs are open to everyone who wants to participate. The Division of Student Affairs as well as registered (also called recognized) student organizations would be appropriate hosts of such events or programs, but they must not show preference for any one group over another. The emphasis should generally focus on history and culture. Attendance at such events cannot be mandatory for students or employees. If a student organization that is registered with or recognized by the university wants to host a multicultural event or

program, even one that may include DEI elements, it can do so as they are exempted from the limitations of SB 17. Guest speakers and performers on short-term engagements are also exempt from SB 17.

4. May a university leader “recognize” a cultural celebration such as “Black History Month” in the form of an email blast or other campus communication?

A: Yes. Nothing in SB 17 prevents leadership from recognizing the existence, history, and/or importance of such a celebration. However, caution should be taken to avoid differential treatment of campus community members on the basis of race, color, ethnicity, or any other protected category.

5. May a university host events or programs that focus on specific groups, such as Women in STEM?

A: It depends.

The mere name of an event or program does not violate SB 17. However, engagement in DEI activities, as defined by the bill, such as promoting differential treatment of or providing special benefits to certain persons or groups does violate SB 17. Therefore, as with multicultural events, university events or programs that focus on specific groups must be open to everyone. All groups should be evaluated according to the same objective standards in determining whether or not the event or program can take place.

Some offices will close as a result of SB 17, however compliant activities and services previously conducted by those offices will be handled in different areas. Please communicate with the affiliated division, which previously provided that service, to determine the appropriate avenue to receive continued services if appropriate.

6. May a university support events or programs that are focused on faculty or staff in certain groups?

A: Yes, as long as the university treats all such groups equally and membership is not restricted. And as with students, these faculty and staff groups must be open to everyone and any university support (including funding) for such groups must be consistent with the support the university provides to other faculty and staff groups. For example, a faculty group called, “Women Leaders in Business” would have to permit membership of all gender types, even if the group’s primary purpose is to provide career and leadership training for women. And any benefits offered through this group by the university, such as free memberships, would have to be available to all, not just females.

7. May a university recognize alumni networking groups, such as the Black Alumni Association?

A: Yes, but to the extent that an institution engages with stakeholders, such as alumni networking groups, it should steer clear of showing preference for one over the other. If a university website references alumni groups, providing a link to the Black Alumni Association would be permissible as would links to other specific alumni groups as long as the university was not providing benefits, such as scholarships, to those groups that are closed to a specific ethnicity, race, national origin, gender, or sexual orientation.

8. May a university lease space for an identity driven conference, such as a gathering of African American lawyers?

A: Yes. Turning down such a group based on their identity driven purpose would violate state and federal law. Nothing in SB 17 suggests such a limitation.

9. May a university organize a conference or program that includes DEI programs or activities on campus?

A: No. SB 17 prohibits a university from conducting programs or activities that promote certain legally protected individuals and groups, such as those of a specific race, color, ethnicity, or sexual orientation. However, certain exemptions may apply such as guest speakers and performers on short term engagement.

10. May a university authorize the use of campus facilities for a DEI-centered conference for members of a particular profession (law, engineering, student affairs, etc.)?

A: Yes. A third-party's use of university space would not be in violation of the bill. This would not be the creation of a DEI office, nor would it constitute "hiring" or assigning an employee for DEI purposes, and it would be a stretch to consider this third-party outsourcing of DEI work. However, caution should be taken not to allow this exception to have the practical effect of establishing a contracted presence of DEI programming on campus.

11. May a university support or fund a third-party conference or program that contains DEI programming?

A: Yes. Nothing in SB 17 forbids an institution from supporting third-party academic or professional conferences or programs that are not intended to provide programming on campus or for the university's community. For example, a university may be a sponsor for an out-of-state conference that focuses on an appropriate academic topic but includes DEI programming of a limited nature without violating SB 17. However, if an institution were to make attendance at such a conference mandatory, it would violate SB 17.

12. May college/department monies (some of which are state funds, some of which are local funds) be used to support conference travel where the topic of the presentation is DEI?

A: Yes. Nothing in SB 17 prevents support for continuing education or engaging with professional associations and/or presenting scholarly papers at a conference. However, the university should have a neutral basis for providing such funding that does not consider DEI as a factor in providing the funds. Scholarly and creative work are not affected by SB17. Institutional leadership cannot compel attendance at DEI programs nor outsource DEI work.

13. May a university provide funding or support for a student or student organization to attend an unaffiliated conference that meets the definition of DEI programming?

A: Yes, student organizations are exempted from SB17. Moreover, if a student organization seeks funding for travel or attendance to an unaffiliated, third-party conference that promotes its organizational mission, it should not be denied support simply because of the content or viewpoint of the program, assuming other similarly situated student organizations would receive the same support. The same rationale would apply to an individual student seeking university support for professional development off campus.

Student Organizations

Generally, registered (also called recognized) student organizations' status is not affected by the passage of SB17. The law specifically exempts: an activity of a student organization registered with or recognized by an institution of higher education.

14. Should a university deny benefits to student organizations that have the express purpose of conducting Diversity, Equity, and Inclusion (“DEI”) programming?

A: No. SB 17 expressly exempts student organizations from its restrictions. Moreover, Section 51.9315 of the Texas Education Code bars universities from denying a student organization any benefit that is generally available to other student organizations, if the denial is based on the organization’s political, philosophical, ideological, or academic viewpoint or content.

15. Is a university barred from using state funds to support student organizations that have the express purpose of conducting DEI programming?

A: No. A university cannot deny a student organization generally available funding, regardless of its source. Section 51.9315 defines “benefit” as including “funding sources made generally available to student organizations at an institution of higher education.” If state funds are used in a neutral fashion to support other student

organizations, the university cannot deny funding to the student organization because of its DEI work. And of course, SB 17 expressly exempts student organizations from its restrictions.

16. May a university deny access to speakers brought in by student organizations because the speaker intends to conduct DEI programming?

A: No. SB 17 expressly exempts student organizations from its restrictions as well as short-term speakers. Moreover, Texas Education Code 51.9315 also defines “benefit” to include the use of facilities for meetings or speaking purposes. It also requires only content and viewpoint neutral criteria for approving speakers.

17. May identity driven student organizations continue to receive support and access to facilities?

A: Yes. Identity-driven organizations must be treated the same as non-identity driven organizations. Neutral funding open to all organizations must be made available, as well as access to facilities. Denying neutral funding would violate state and federal law as content or viewpoint discrimination.

18. May staff and faculty continue to advise “identity” driven organizations, such as a Women in STEM organization?

A: Yes, as long as they do not receive special funding/compensation for providing this service that other advisors would not receive for advising non-identity driven organizations.

19. May universities continue to “feature” identity driven student organizations on their website or materials?

A: Yes, as long as they are not given preferential treatment because of their identity components. For example, an engineering program would be compliant with SB 17 if it listed all student organizations that are relevant to engineering students. To deny this neutrally available “benefit” would be in violation of state law governing expressive activity on campus.

20. May student organizations put on events in support of the LGBTQ community?

A: Yes. Student Organizations are exempt from the limitations of SB 17. As such, student organizations may host programs and initiatives supporting the LGBTQ community, including programs discussing sexual orientation or gender identity.

Student Life

21. May institutions maintain offices that provide resources to the LGBTQ community?

A: Programs to support the LGBTQ community may be part of student success and access and are possible if voluntary and open to everyone in the community. Further, while SB 17 prohibits institutions from “assigning” or “hiring” an employee to conduct “programs or activities” that are “designed or implemented in reference to . . . gender identity, or sexual orientation,” the bill exempts programs needed for effective compliance with federal or state law. Such programs cannot be used as a workaround for training that is not otherwise consistent with SB 17.

Current federal guidance states that discrimination on the basis of sexual orientation or gender identity constitutes a violation of Title IX. Moreover, the new Title IX regulations, which are anticipated to be finalized in October 2023, explicitly define sex discrimination to include discrimination based on gender identity and sexual orientation. In addition to federal law, Section 51.282 of the Texas Education Code requires institutions to “develop and implement a comprehensive prevention and outreach program on sexual harassment.”

To the extent that programming previously provided by these offices support compliance with Title IX as well as Section 51.282, such as by eliminating disparate treatment or preventing a hostile environment against the groups in question, they should be maintained. This does not mean that all programming previously supported fits this exception. Such programming is properly to be driven or vetted by the federally mandated Title IX officer or their designee(s) in order to ensure its positive impact on Title IX and related state law compliance. This will likely require a reconfiguration of departments and employees and their scope of work.

22. May university officials ask for, or collect, a student’s preferred pronouns or preferred name?

A: Yes. Nothing in SB 17 affects the ability to ask for or use preferred pronouns. However, institutions should not require students or employees to attend training on the use of preferred pronouns or provide preferential treatment based on pronouns preferred by a student or employee.

23. Does SB 17 affect sex-based athletic teams?

A: No. Another law, recently passed Senate Bill 15, reinforces the existence of single sex teams. Federal law, including Title IX, specifically permits separation of teams by sex. Moreover, Title IX already requires equitable treatment of student-athletes regardless of sex.

Academic Course Instruction

Generally, academic course instruction is not affected by the passage of SB17. The law specifically states that its limitations may not be construed to apply to: (1) academic course instruction or (2) scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work. Moreover, guest speakers and performers on short-term engagements are also exempt from SB 17.

24. May a professor discuss race, ethnicity, sex, gender, gender identity, sexual orientation or related topics in their course instruction?

A: Yes. SB 17 does not apply to academic course instruction, scholarly research or creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research work. System policy recognizes a faculty member's academic freedom in the classroom provided that comments are appropriate for the classroom subject and are subject to the faculty member's responsibility to maintain and exhibit professional competence in the classroom, to demonstrate professionalism, and to show respect for their students.

25. May a professor use a DEI Statement in their course syllabus?

A: A professor may, on their own syllabus, use a statement relating to DEI if it relates to academic course instruction. However, to ensure compliance with SB 17 the use of the following statement on critical thinking is recommended:

At this university level course, the material is intended to encourage critical thinking and discussion as we examine new ideas and concepts from varying frameworks. To do this effectively I, as the instructor, will do my best to foster an environment in which each class member is able to hear and respect each other. In turn, it is vital that each class member show respect for all worldviews and experiences expressed in class. It is my intent that students from all backgrounds and perspectives be well served by this course, that students' learning needs be addressed both in and out of class, and that the different backgrounds and perspectives that students bring to this class be viewed as a resource, strength, and benefit. It is my intent to present materials and activities that are respectful to all.

26. May academic programs still invite (and advertise) research colloquia by guests from outside the university where the research focuses on DEI issues?

A: Yes. SB 17 specifically exempts research, data collection, and guest speakers on a particular topic.

Student Academic Achievement and Post-Graduate Outcomes

SB 17 exempts programs that support the academic achievement of students. Programs promoting academic achievement should be provided to all students regardless of their race, color, ethnicity, sex, gender identity, or sexual orientation. Nothing in SB 17 prevents institutions from training staff to identify common barriers for at-risk students. SB 17 does not apply to programs for first generation, low-income college students, or underserved student populations, as long as the programs are designed and implemented without regard to race, sex, color, or ethnicity. These programs can continue as well as programs for veterans and students with disabilities programs as required under federal law.

27. May university members assist students with obtaining fellowships or internships that focus on DEI?

A: Yes. Postgraduate outcomes that are specific to career opportunities, including fellowships or internships, are exempt from SB 17. Specifically, a policy, practice, procedure, program or activity to enhance student academic achievement or postgraduate outcome and that is designed and implemented for all students is permitted under SB 17. Career centers, as well as student success resources, are permitted to assist students if the opportunities are available to all.

28. May I write a Letter of Recommendation for a student who is applying for a position or internship with an external group focused on race, sex, gender, national origin, sexual orientation, or gender identity?

A: Yes, SB17 does not prohibit staff or employees from writing letters of recommendation for graduate or undergraduate students. For example, a letter of recommendation for a summer internship with the NAACP would be permitted.

Grants/Scholarships/Endowments

SB 17 states: “Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that: highlights the institution’s work in supporting first-generation college students; low-income students; or underserved student populations; or certifies compliance with state or federal antidiscrimination laws.”

29. What does the above provision from SB 17 mean?

A: As part of applying for a grant for research or academic work, a university faculty or staff member can detail the institution’s support of first-generation, low-income, or underserved student populations. Also, the faculty or staff member may certify

compliance with state and federal non-discrimination laws as part of the application. Note, however, that this provision in SB 17 does not authorize a grant to perform DEI work that does not constitute academic course instruction, scholarly research or a creative work, data collection, or another activity specifically exempted by SB 17 as discussed in this document. A grant cannot be sought to establish an entity within the university to perform DEI work (for example set up a DEI office) as defined by the statute.

30. How does SB 17 affect student scholarships?

A: Student scholarships are not prohibited by SB 17 if they are awarded and administered by a System university without regard to race, sex, color, ethnicity, or national origin, and if a DEI statement is not required or considered as part of the application. However, if a scholarship is closed to a specific race, color, ethnicity, nation of origin, sex, gender identity, or sexual orientation, a System university cannot support the efforts under SB 17, federal law, and System policy. If an entity separate from the university offers a closed scholarship that is prohibited by SB 17, System policy, or federal law, the System university may not participate in the award or implementation of the scholarship. Further, such “closed scholarships” offered by external groups cannot be specifically advertised on System websites and should be removed.

Data Collection

Senate Bill SB 17 specifically excludes data collection, including that of identifying characteristics of the applicant or employee. Said demographics are required for EEO reports and to comply with other state and federal laws.

31. May funds, whether they be from endowed chairs or professorships (or faculty fellowships) or from the state, be used to support research on DEI topics?

A: Yes. SB 17 specifically exempts research and data collection.

32. May researchers use race, ethnicity, color, or sex in gathering data for research?

A: Yes. SB 17 specifically exempts research and data collection.

Grants, Scholarly Research, & Creative Works

Senate Bill SB 17 specifically excludes scholarly research or creative work by students, faculty, or other research personnel (which may include staff), or the dissemination of that research or work.

33. Does SB 17 allow for the inclusion of language in grant applications that affirms the UHS universities' commitment to diversity?

A: Yes. SB 17 allows institutions and employees of an institution of higher education, for the purposes of applying for a grant, to submit to the grantor a statement that highlights the institution's work in supporting first-generation college students, low-income students, and or underserved student populations. Additionally, as public Institutions of higher education reference could be made to the fact that we must comply with state and federal antidiscrimination laws.

Information, (historical or new), relating to statistical diversity and/or programmatic offerings, awards, and achievements, excluding any prohibited information outlined in SB17, can be included to convey factual data in support of general diversity.

The University of Houston System is committed to being a diverse community of scholarly citizens and strive to remove barriers through the solicitation of grants and scholarly work that advances our global society.

For further guidance or assistance in creating any necessary language, please contact your appropriate Division of Research personnel.

Student Recruitment or Admissions

Senate Bill 17 specifically excludes student recruitment efforts or admissions from the law.

34. May a university send recruitment staff to an event geared towards recruiting underserved racial or ethnic groups?

A: Yes.

35. May a university train recruitment staff on cultural competence that will assist them in recruiting students?

A: Yes.

36. May a university affiliated career center post a third-party identity-based job posting, with the intention of recruiting individuals from a specific racial or gender identity?

A: No, university affiliated career centers cannot post job descriptions that promote the differential treatment of or provides special benefits to certain individuals. Career Centers should work with the employer to reframe the opportunity, regardless of a specific racial or gender identity, or provide the employer an all-encompassing contact list for identity-based student organizations through which to work.

Faculty & Staff Recruitment

SB 17 states “a preference may not be given to a particular applicant based on race, sex, color, ethnicity or national origin for employment.”

37. May legally protected characteristics, such as race or gender, be considered when hiring faculty?

A: No. Hiring (selecting a particular qualified applicant for a position) must be conducted in accordance with university policy which has always been, and continues to be, that faculty members are hired based on merit. Merit can include notable scholarly or creative work on a particular topic, awarded grants, education, and experience. In addition, SB 17, as well as the Chancellor, has stated the System cannot “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.” The university should continue to hire on merit. However, we should take actions to recruit a diverse pool of applicants from which to select the best qualified person for the position consistent with federal requirements, such as Executive Order 11246. Advertising jobs in non-traditional outlets/sources is encouraged.

38. May a university give preference to a job applicant with second language fluency?

A: Yes, if the preference is legitimately connected to the position description and essential to the job duties and responsibilities and not a pretext for a racial or ethnic preference.

39. How does SB 17 impact training for faculty and staff hiring committees?

A: It is recommended that faculty hiring committees be trained on SB 17 provisions related to hiring. Please contact your respective Office of Human Resources for further information.

Faculty & Staff Development

40. May college/department monies (some of which are state funds, some of which are local funds) be used to support academic or professional conference travel where the topic of the presentation is DEI?

A: Yes. SB 17 does not preclude support for continuing education or engaging with professional associations or conferences. However, the university should have a neutral basis for providing such funding that does not consider DEI as a factor in providing the funds. Institutional leadership cannot compel attendance at DEI programs nor outsource DEI work.

41. May a faculty member speak at a conference focused on DEI?

A: Yes, if the activity is part of the faculty members research activity. SB 17 provides an exception for scholarly research and does not limit the ability of faculty members to speak at conferences unaffiliated with their institution.

42. May a faculty or staff member conduct independent DEI work outside the university, such as work as a consultant or trainer?

A: Yes. Nothing in SB 17 limits faculty or staff members' ability to conduct such work on their personal time if the work complies with other limitations on outside work, such as conflict of interest or commitment or other ethical limitations.

43. May faculty receive “release time” to conduct research or other scholarly pursuits involving DEI?

A: Yes. If the work is within the faculty member’s subject matter expertise or scope of scholarly work and it meets relevant academic requirements for release time. SB 17 provides an exception for scholarly research.

Websites and Social Media
(Including Printed Materials)

Websites should not have information that would promote activities that are DEI related. Links to diversity offices or to programs that exclude a portion of the student population based on race, color, ethnicity, gender, or sexual orientation should be eliminated. Advertisements and social media should continue to utilize and maintain the EEO statement required under federal law.

44. May information about DEI be on university websites or social media pages?

A: No. DEI information, as referenced in SB 17, should not be on university websites. Such prohibited information would be that which promotes the differential treatment of or special benefits to certain individuals or groups.

45. May universities feature references to identity driven professional organizations, such as IEEE Women in Engineering on their website?

A: Yes, if the organization is committed to non-discrimination and is open to all individuals. This all-inclusive message should be conveyed up front, such as having the site’s landing page say, “This program welcomes everyone regardless of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status. Our program provides learning opportunities to all participants.” The name of the organization does not necessarily constitute a problem under SB 17. It is the activity of an organization that should be the focus when deciding whether to feature content on university websites. For example, if an unaffiliated third-party

organization offers several scholarship opportunities, and one of those opportunities impermissibly favors one race over another, a direct reference to that particular scholarship opportunity cannot be on a university website and the university cannot provide any support for the administration of that scholarship. This is prudent not only under SB 17, but under the anti-discrimination requirements of Title VI and the Equal Protection Clause of the 14th Amendment.

Further Support?

46. How does an individual or department submit unanswered questions or novel issues for SB 17 compliance assistance and review?

Please direct all unanswered questions or novel issues for SB 17 compliance assistance and review to the UH System Office of the General Counsel at OGCSupport@uh.edu.

Related Statutes, Policies or Requirements

Fourteenth Amendment to the U.S. Constitution

Title IX of the Education Amendments of 1972

Title VII Civil Rights Act of 1964, as amended

Title VI Civil Rights Act of 1964

The Rehabilitation Act of 1973, as amended

Americans with Disabilities Act of 1990, as amended

Executive Order 11246

Texas Education Code Section 51.9315

Texas Education Code Section 51.3525

Texas Commission on Human Rights Act

Texas Labor Code, Chapter 21, Employment Discrimination

State of Texas Disparity Study Historically Underutilized Business Program

System Administrative Memorandum 01.D.05, Equal Opportunity and Non-Discrimination Statement

System Administrative Memorandum 01.D.07, Non-Discrimination

System Administrative Memorandum 01.D.18, Diversity, Equity, and Inclusion Initiatives

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Office of the Chancellor

May 3, 2024

Chairman Brandon Creighton
State Senator, District 4
Chairman, Texas Senate Committee on Education
P.O. Box 12068
Austin, Texas 78711

RE: Response to letter, dated March 26, 2024, requesting information regarding implementation of SB 17 and DEI prohibitions

Dear Chairman Creighton and members of the Senate Committee on Education:

The University of North Texas System provides the following information in response to the committee's request for information regarding UNT System's implementation of SB 17's prohibition on DEI trainings, programs, activities, employment practices, and policies and procedures.

1. DEI Office Prohibition

The UNT System Office of General Counsel provided guidance to all UNT System institutions and employees to facilitate and ensure compliance with SB 17's prohibition of DEI offices or officers and individuals or organizations performing the duties of a DEI office or officer:

- Announcement and Memorandum providing guidance for SB 17 legal compliance and analysis of policies, programs, trainings, and activities distributed to all UNT System and Institution administrators, faculty, and staff (Nov. 30, 2023);
- Memorandum providing guidance for SB 17 legal compliance and analysis of DEI Committees and Councils distributed to all UNT System presidents, provosts, and deans (Dec. 12, 2023);
- Memorandum providing guidance for SB 17 legal compliance and analysis of DEI related funds, fundraising, award of scholarships, and other advancement activities distributed to all UNT System Campus Advancement Offices (Dec. 15, 2023, and Jan. 4, 2024); and
- FAQs providing additional SB 17 information and guidance posted to the Office of General Counsel website (Jan. 10, 2024).

In addition, a thorough review of functions across UNT System institutions was undertaken to identify and eliminate any office, division, or unit that could meet the definition of a "diversity, equity, and inclusion office."

At the University of North Texas, the division of Inclusion, Diversity, Equity, and Access (IDEA) was eliminated October 1, 2023, and offices within that division were dissolved December 1, 2023. The federal and state required Equal Opportunity Office was transferred to the division of Finance and Administration.

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The University of North Texas Health Science Center, the University of North Texas at Dallas, and UNT System Administration did not have similar divisions or offices meeting the definition of a “diversity, equity, and inclusion office” that had to be eliminated for compliance with SB 17.

The UNT System Human Resources department reviewed job descriptions and job duties of faculty and staff members throughout the UNT System and its institutions to determine whether any position included any DEI responsibilities. Any position with DEI responsibilities was eliminated or modified to remove any duty or work associated with prohibited DEI activities.

2. Training Requirement Prohibition

UNT System reviewed over 200 training programs from the System and campuses. Title IX and Equal Opportunity trainings required by federal or state law were compliant with SB 17 and needed no modification.

For all other trainings, any training that referenced DEI was removed from the Bridge Training System and is no longer available for participation. For any training available through LinkedIn, UNT System IT developed a coder that runs daily based on key words and any training program with content subject to SB 17 is automatically removed.

3. Merit-Based Hiring

UNT System, as a values-based organization, conducts merit-based hiring, and no modification of practices or procedures was necessary to comply with SB 17. UNT System also follows the employment requirements of the Texas Workforce Commission and the Texas Labor Code.

As additional assurance, guidance was provided to campus faculty search committees directing each committee to take precautions to ensure that any employment decision not be influenced by race, sex, color, ethnicity, or national origin.

The UNT System Human Resources department reviewed, and continues to review, job postings and job descriptions to comply with these requirements.

4. Diversity Statements

In February of 2023, after Governor Abbott issued a letter regarding the use of DEI statements in hiring decisions, UNT System reviewed faculty and staff hiring practices and policies to confirm compliance with federal and state law.

The UNT System Chancellor issued a directive prohibiting any job posting from requesting, requiring, or using DEI statements in any hiring decision. The UNT System Human Resources department reviews job postings to ensure there is no requirement for a diversity statement or any DEI function.

5. Audit Compliance

In addition to the Board of Regents submitting its annual report certifying the Board’s compliance with Texas Education Code § 51.3525 during the preceding state fiscal year, the Board of Regents will receive a written compliance certification from each institution president, with the expectation that divisions, offices, or units reporting to the president will provide their own

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written compliance certification upon which the president and Board of Regents can rely in making representations in the annual report.

The UNT System Office of General Counsel, UNT System Internal Audit, and all system and institutional Compliance Directors have begun the transition of implementing § 51.3525 to long-term oversight and compliance. A close working relationship and regularly scheduled meetings between these offices will provide awareness and allow thorough questions and discussions of any DEI issues as well as the development of tools and training to ensure continued compliance.

UNT System Internal Audit is developing an audit plan to provide audits of the Compliance programs and processes to identify strengths and ensure continued compliance in the overall DEI compliance program. The initial audit is planned to occur prior to the Board of Regents submitting its annual report certifying § 51.3525 compliance.

Respectfully submitted,



Dr. Michael R. Williams, Chancellor



Alan Stucky, General Counsel



May 2, 2024

The Honorable Brandon Creighton
Texas State Senator
P.O. Box 12068
Austin, Texas 78711

Dear Senator Creighton:

In response to your letter dated March 26, 2024, The University of Texas System provides the following answers to your request for information pertaining to the implementation of SB 17.

The UT System adopted systemwide policies and published guidance to help institutions interpret and comply with Texas Education Code, Section 51.3525. The UT System Board of Regents revised Regents' Rule 10701: Compliance with Laws Related to Race, Color, National Origin, Ethnicity, Religion, Sex, Age, Veteran Status, or Disability to prohibit institutions from maintaining Diversity, Equity, and Inclusion (DEI) offices and engaging in any conduct prohibited by Section 51.3525. Further, the UT System Administration issued new systemwide policy UTS 197, "Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education," which includes the same prohibitions and includes detailed provisions regarding compliance with the law.

1. DEI Office Prohibition. How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?

UTS 197 prohibits institutions from maintaining a DEI office or permitting, hiring, or assigning any employee or volunteer or contracting with a third party to perform any of the duties of a DEI office. Employees who violate UTS 197 are subject to discipline, up to and including termination, pursuant to their institution policies.

Each UT System institution reviewed its operations and eliminated or significantly changed functions to bring them into full compliance with Section 51.3525. Each institution closed offices devoted to DEI. There were also offices that housed some DEI functions, but other functions not impacted by Section 51.3525 (such as

military/veterans' support and Title IX). All prohibited duties were eliminated, and some permissible functions were retained. All DEI committees were eliminated.

Institutions identified non-faculty positions that performed prohibited DEI work full-time. Affected employees were terminated, voluntarily resigned or retired, or were transferred to existing open positions for which they were qualified. Some had their duties revised or assumed newly created positions with duties consistent with Section 51.3525. Some non-faculty positions performed DEI duties part-time. Of those, most had their duties revised to comply with Section 51.3525, others were terminated, voluntarily resigned or retired, or assumed another existing open position for which they were qualified.

Among faculty, very few performed DEI duties full-time. For those who did, almost all were terminated or returned to full-time faculty duties. Two faculty members had their administrative assignments changed to duties fully in compliance with Section 51.3525. Faculty members who did part-time DEI work as part of their duties either voluntarily left the institution, had their part time duties changed to comply fully with Section 51.3525, or returned to full-time faculty duties.

2. Training Requirement Prohibition. How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?

UT System policy UTS 197 prohibits institutions from requiring any person to participate in DEI training as a condition of enrollment, employment, performing any institution function, or for any other purpose. Employees who violate UTS 197 are subject to discipline, up to and including termination, pursuant to their institution policies.

Each UT System institution reviewed all trainings and discontinued DEI trainings. Some trainings for which only a portion could be considered a prohibited training were changed to be in full compliance with the law. No UT System institution has sought approval for any training for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

3. Merit-based Hiring. How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?

UT System prohibits discrimination in Regents' Rule 10701, and each institution has a consistent nondiscrimination policy. Moreover, UT System policy UTS 197 specifically prohibits influencing hiring or employment practices at the institution with

respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state or federal antidiscrimination law. Employees who violate UTS 197 are subject to discipline, up to and including termination, pursuant to their institution policies.

4. Diversity Statements. How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?

UT System policy UTS 197 prohibits institutions and their employees from compelling, requiring, inducing, or soliciting any person to provide a DEI statement or giving preferential consideration to any person based on the provision of a DEI statement. Employees who violate UTS 197 are subject to discipline, up to and including termination, pursuant to their institution policies.

UT System institutions worked with their human resources departments and provided education to faculty and staff involved in the hiring process to ensure that no institution is soliciting or considering diversity statements.

5. Audit Compliance. SB 17 requires regular audits by the State Auditor's Office. How has your institution been preparing for this oversight action?

UT System stands ready to respond and assist the State Auditor's Office as appropriate. UT System policy UTS 197 requires that institutions that receive notice from the state auditor of an audit of the institution under Texas Education Code § 51.3525, to promptly notify the UT System Audit Office and the Vice Chancellor and General Counsel of the pending audit. UTS 197 also requires institutions to cooperate fully with the State Auditor. Finally, UTS 197 requires institutions to cure any identified violations within 180 days.

UT System Administration and each UT System institution are conducting own compliance audits, which we plan to complete and make public this summer.

Please let me know if you have additional questions.

Sincerely,



James B. Milliken
Chancellor

May 2, 2024

The Honorable Brandon Creighton
Texas State Senator
Chair, Senate Higher Education Committee
P.O. Box 12068
Capitol Station
Austin, TX 78711
[via email to: abby.johnston_SC@senate.texas.gov]

Dear Mr. Chairman,

In response to your letter dated March 26, 2024, I have enclosed responses to your questions for TTUS and each of the five component institutions within the TTUS.

As we work to uphold the tenets of SB 17, leadership at TTUS and its component institutions took the time to thoroughly address each point in your correspondence. Our efforts have demonstrated that our intent is to not only abide by the letter of the law, but also the spirit of the law. In implementing SB17, presidential leadership has closely monitored compliance and taken appropriate actions to align with the law in coordination with their respective executive teams and governance structures. It should also be noted that even though SB 17 did not take effect until January 1, 2024, TTUS and its component institutions made the decision to implement the requirements of SB 17 at the beginning of the Fall 2023 academic semester.

At TTUS, our focus is ensuring that all students, staff, and faculty members at each of our component institutions have opportunities to succeed in their educational and career pursuits. In fostering excellence with all who attend and work across our great universities, our efforts are aimed at advancing higher education, health care, research, and community engagement.

TTUS has taken comprehensive measures to ensure full compliance with the requirements and provisions set forth in SB 17. It would be impossible to describe each and every action taken to ensure compliance with SB 17; however, from a high level, our efforts have included, but are not limited to, the following:

1. Upon SB 17 being signed by Governor Abbott on June 17, 2024, our administrative team promptly reviewed the contents to understand its implications thoroughly. In fact, in anticipation of SB 17 being signed by Governor Abbott, TTUS issued a legal memorandum to all of its component institutions on June 8, 2023 outlining the provisions of SB 17 and to discuss next steps to ensure compliance with the bill's provisions. This memo is available on the TTUS Office of General Counsel website and can be accessed [here](#).
2. TTUS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. As part of this plan, TTUS assembled a task force with representatives from the TTUS Office of General Counsel, TTUS Office of Equal Opportunity, and the TTUS Office of Governmental Relations to assist our component institutions in reviewing their current practices and

policies and provide guidance to aid institutions with implementing the bill's requirements.

3. On September 14, 2023 TTUS issued a Guidance Document for faculty and staff regarding questions related to SB 17. This Guidance Document is available on the TTUS Office of General Counsel website and can be accessed [here](#).
4. As part of the implementation plan, the TTUS task force reviewed and provided analysis on approximately 500 SB 17 inquiries and questions submitted by TTUS component institutions. On September 27, 2023, the task force's recommendations and analysis of these more than 500 SB 17 inquiries and questions were incorporated into a detailed spreadsheet and distributed to each component institution.
5. The TTUS Office of General Counsel, in consultation with the TTUS Office of Equal Opportunity, and the TTUS Office of Governmental Relations, provides advice and guidance on questions that continue to arise. To this end, the TTUS Office of General Counsel has a standing weekly virtual meeting to answer any SB 17 related questions that component institutions may have to ensure compliance with the Bill's provisions.

Should you require any further clarification or additional information regarding the responses provided, please do not hesitate to contact me directly.

Thank you for your dedication to this matter.

Sincerely,

Tedd L. Mitchell, M.D.
Chancellor
Texas Tech University System

Enclosures: Responses from Texas Tech University System, Angelo State University, Midwestern State University, Texas Tech University, Texas Tech University Health Sciences Center, Texas Tech University Health Sciences Center El Paso