

**Annual Certification Documentation
Per Texas Education Code 51.3525**

Institutions by Name (TH-W)

September 2024

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Institution: The University of Texas Arlington
Date Submitted: 08/27/24
Pages: 9

August 19, 2024

Chairman Kevin P. Eltife
The University of Texas System Board of Regents
210 West 7th Street
Austin, Texas 78701

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.


I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.


Jennifer.Cowley (Aug 19, 2024 13:15 CDT)

Jennifer Cowley
President

8-19-2024

Institution Contact Name: Shelby Boseman

Institution Contact Email: sboseman@uta.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents




ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, _____ Jennifer Cowley _____, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal’s SB17 Annual Certification form in the electronic signature block for “Institution’s President” or “Institution’s Board Chair,” as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the “Form”) is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Jennifer Cowley (Aug 19, 2024 13:15 CDT)

08/19/2024

Signature:

Date:

Please check one:

President

Board Chair



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The UTA Office of Audit and Consulting Services performed an audit to assess UTA’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UTA Administration complied with the requirements of TEC §51.3525. This included determining whether UTA Administration has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work performed, UTA achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies



TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law: (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”</p>	Complies
<p>“Does not, except as required by federal law: (C) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law: (D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law: (E) require as a condition of enrolling at the institution or performing any institution function, any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”</p>	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTA complied with the requirements of UTS 197.

Based on the work performed, UTA achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:



Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: UTA discontinued the usage of the Principles of Community in 2023 based on several factors. However, the Principles of Community were erroneously included as a Performance Factor on approximately 360 interim employee (new hire) evaluations. The period covered by these interim evaluations included portions of 2024.</p> <p>Eliminating the Principles of Community from employee evaluations was recommended.</p>	<p>Upon learning of the oversight, the Principles of Community were immediately removed from the interim evaluation template and will not be included on any employee evaluations going forward.</p>
<p>Medium: Several policies, procedures, organizational charts, position descriptions, and website pages were identified that referenced <u>out-of-date</u> information related to discontinued DEI activities.</p> <p>Given the numerous pages, decentralized content management, and public visibility, regular reviews of website content should be performed.</p>	<p>Out-of-date content identified during the audit was removed and/or corrected to reflect current conditions. Regular reviews will be performed to help ensure compliance going forward.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

David Price, CPA, CIA
Chief Audit Executive



Methodology and Scope

The UTA Office of Audit and Consulting Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The UTA Office of Audit and Consulting Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management completed to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External-facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance



- Other key institutional policies where applicable

REPORT DATE	REPORT DISTRIBUTION
August 13, 2024	To: President Cowley Cc: UTA Institutional Audit Committee External Agencies (State Auditor, Legislative Budget Board, Governor's Office)

Institution: The University of Texas Austin
Date Submitted: 08/27/24
Pages: 9



August 22, 2024

The Honorable Kevin P. Eltife
Board of Regents
The University of Texas System
201 West 7th Street
Austin, Texas 78701

Dear Chairman Eltife:

Re: Certification Submission for SB 17

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion

JAY HARTZELL, President



statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Jay Hartzell".

Jay Hartzell
President

JAY HARTZELL, President



August 22, 2024

Institution Contact Name: Jeff Graves

Institution Contact Email: jgraves@austin.utexas.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

JAY HARTZELL, President

The University of Texas at Austin • 110 Inner Campus Drive • Austin, Texas 78712 • 512-471-1232 • president@utexas.edu



THE UNIVERSITY OF TEXAS AT AUSTIN
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas at Austin (UT Austin) Office of Internal Audits performed an audit to assess UT Austin’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UT Austin has complied with the requirements of TEC §51.3525. This included determining whether UT Austin has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UT Austin has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:… (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies



THE UNIVERSITY OF TEXAS AT AUSTIN
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (C) 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 [.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UT Austin has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UT Austin has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:


Observations and Recommendations (by Rating)	Management Action Plans
Medium: The chief compliance officer is developing a compliance program to conduct risk-based monitoring activities, including validation of annual certifications, to provide leadership reasonable assurance of ongoing compliance with UTS 197 and TEC §51.3525. Complete the implementation of the compliance program.	The compliance monitoring program will be implemented by December 15, 2024.



THE UNIVERSITY OF TEXAS AT AUSTIN
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Observations and Recommendations (by Rating)	Management Action Plans
<p>Low: While management has communicated to college, school, and unit leadership its commitment to comply with TEC §51.3525, all employees may not be aware of their roles and responsibilities with respect to compliance with the law. The chief compliance officer has launched a pilot training program and has plans to roll out training to employees.</p> <p>Complete the campus roll out of training.</p>	<p>The campus-wide roll out of the TEC §51.3525 training module will occur by August 31, 2024.</p>
<p>Low: Marketing and Communications runs website scans for keywords to help identify webpages that communicate about discontinued or prohibited activities, websites that do not adequately reflect current activities, or websites requiring other clarifications. Findings are then shared with the appropriate units to review and implement necessary changes.</p> <p>Formalize UT Austin website guidance and processes for existing and newly developed websites.</p>	<p>Guidance and procedures will be formalized by October 31, 2024.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.



Sandy Jansen, CIA, CCSA, CRMA
Chief Audit Executive



Methodology and Scope

The UT Austin Office of Internal Audits conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The UT Austin Office of Internal Audits is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until August 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable

REPORT DATE
August 12, 2024

REPORT DISTRIBUTION
 To: Dr. Jay C. Hartzell, President
 Cc: Ms. Nancy Brazzil, Deputy to the President
 Ms. Amanda Cochran-McCall, Vice President for Legal Affairs and
 General Counsel
 Mr. Roger Cude, Vice President of People and Talent
 Mr. Jeff Graves, Chief Compliance Officer



THE UNIVERSITY OF TEXAS AT AUSTIN
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Ms. Janet Huang, Deputy to the President for Transformation Strategies
Ms. Emily Reagan, Vice President and Chief Marketing and
Communications Officer

Ms. Andrea Sheridan, Deputy to the President for Governmental Affairs
and Initiatives

Dr. Daniel Slesnick, Interim Vice President and Chief Financial Officer

Ms. Christy Sobey, Director of President's Office Operations

Dr. Catherine Stacy, Chief of Staff, Office of the Executive VP and
Provost

Dr. Sharon Wood, Executive Vice President and Provost

The University of Texas at Austin Institutional Audit Committee

The University of Texas System Audit Office

Legislative Budget Board

Governor's Office

State Auditor's Office



ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, **JAY HARTZELL**, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.

A handwritten signature in black ink, appearing to read "JAY HARTZELL".

Signature

8/22/2024

Date:

Please check one:

President

Board Chair

JAY HARTZELL, President

Institution: The University of Texas Dallas
Date Submitted: 08/27/24
Pages: 14



THE UNIVERSITY OF TEXAS AT DALLAS

OFFICE OF THE PRESIDENT

RICHARD C. BENSON

August 19, 2024

Kevin P. Eltife, Chairman
The University of Texas System
Board of Regents
210 West 7th Street
Austin, Texas 78701

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review. Institutional Actions to Comply with Tex Educ. Code § 51.3525.


Kevin P. Eltife
August 19, 2024
Page 3

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.


Richard C. Benson
President

08/20/2024
Date

Institution Contact Name: Tim Shaw, University Attorney
Institution Contact Email: Tim.Shaw@utdallas.edu

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Richard C. Benson, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

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Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature

08/20/2024

Date:

Please check one:

- President
- Board Chair



Texas Education Code Section 51.3525 Compliance Audit

Audit Report No. R2411 | August 19, 2024



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The UT Dallas Office of Audit and Consulting Services Office performed an audit to assess UT Dallas’ compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UT Dallas has complied with the requirements of TEC §51.3525. This included determining whether UT Dallas administration has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed; we believe that UT Dallas administration has achieved compliance with TEC §51.3525.

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies



TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (C) 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 [.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UT Dallas has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UT Dallas has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
High: While management has taken actions to strengthen controls to enhance compliance with the statute, management has not developed risk-based monitoring activities to provide itself reasonable assurance over ongoing compliance. Departments were instructed to come to the University Attorney for legal advice during the period of implementation, and corrective action would be taken when needed. In discussing compliance efforts with various responsible parties tasked with reviews of programs and activities prohibited by TEC §51.3525, they are still working on resolving and clarifying compliance. While work on existing compliance	Institutional Compliance will develop and implement a risk-based monitoring program to support ongoing compliance with TEC §51.3525 and UTS 197. This program will include the following components: annual training programs for employees, self-report and certification forms for key stakeholders, and a system for reporting and addressing non-compliance. Estimated Date of Implementation: January 1, 2025 Responsible Party Name and Title:



Observations and Recommendations (by Rating)	Management Action Plans
<p>issues is ongoing, management has not established a risk-based compliance monitoring program to review and confirm ongoing compliance with TEC 51.3525 and UTS 197.</p> <p>The University should designate a responsible party to conduct ongoing monitoring as well as enforcement. The monitoring process could be designed and developed to address key risk areas in the statute including, but not necessarily limited to, faculty, staff, and student hiring; programs and activities such as scholarships; and training.</p>	<p>Sanaz Okhovat, Chief Compliance Officer</p>
<p>High: UT Dallas does not have an institution-wide certification process to provide the president with reasonable assurance that all offices, divisions, and units of the University are operating in compliance with TEC §51.3525 and that the annual certification to the Texas Higher Education Coordinating Board is accurate and complete. Certifications are an effective method to communicate the campus units’ responsibilities, establish their understanding and responsibility, and provide assurance to the president.</p> <p>Management should consider developing a certification process.</p>	<p><i>As noted in the response above, Institutional Compliance will be developing a program to include self-report and certification forms for key stakeholders by January 1, 2025.</i></p>
<p>Medium: UTD policy UTDBP3056, Discipline Dismissal and Grievances Section, does not contain language related to discipline and dismissal of employees as a result of noncompliance with state laws, such as TEC §51.3525 and UT System policies, such as UTS 197. Also, the policy is only for classified employees and does not pertain to administrative and professional employees, or contractors. There is a separate faculty policy, UTDP1049, University Policy on Faculty Conduct, which does give examples of unacceptable conduct, including “Disobeying University rules or Rules and Regulations of the Board of Regents, federal or state laws or regulations.” UTDBP3056 should be updated to include administrative and professional employees and contract employees as well as adding consequences for violating laws and policies.</p>	<p>Revised UTDBP3056 to comply with recommendation to include A&P positions and contract employees and consequences of violating laws and policies.</p> <p>Estimated Date of Implementation: Implemented on August 19, 2024</p> <p>Responsible Party Name and Title: Colleen Dutton, Chief Human Resource Officer and Ellen Ammons, Director of Employee Relations and Talent Development</p>
<p>Medium: Although management has updated faculty and staff hiring and employment practices, we noted the following:</p> <p><u>Office of Human Resources (staff)</u> We found 23 staff jobs posted from January 1, 2024 - May 31, 2024, had a reference to the University being a</p>	<p><u>Office of Human Resources</u> The reference to SEA Change membership has been removed from the UTD profile included in staff job postings. The Employment and Compensation Specialists in HR have been reminded to review all job postings and job descriptions carefully to ensure any prohibited language or job duties are excluded. The Director of</p>



Observations and Recommendations (by Rating)	Management Action Plans
<p>charter member of SEA (STEMM Equity Achievement) Change. Upon review of their website at https://seachange.aaas.org/, their front page says: "SEA Change aims to advance institutional transformation in support of diversity, equity, and inclusion, especially in colleges and universities." This statement was also noted in the student hiring postings. UTD’s membership in this organization is not prohibited by TEC §51.3525 as long as UTD does not engage in any prohibited DEI programming, training, or activities. However, job applicants may not understand this. Management should review and consider whether to revise or delete.</p> <p>One of the 23 staff jobs posted also noted "Commitment to diversity, equity, and inclusion principles." This should be removed.</p> <p><u>Career Center (student workers)</u> In reviewing student hiring, we found one of the responsibilities noted in the job description for the SUAAB Events Chair(s) 2024-2025 stated: "Follow and promote the SUAAB key pillars: Innovation, Inclusion, Creativity, Adaptability, Diversity, Immersion, Community, and Accessibility." Also, another job description posted after January 1, 2024, for an Administrative Office Support (AOS) position stated that the employee supports the Employee Engagement Director in cultivating a culture of equity and inclusion for all UT Dallas faculty, staff, students, and visitors. Although student activities are not subject to TEC §51.3525, employees, including those in positions that support student activities, must comply with TEC §51.3525 and may not engage in prohibited DEI activities. The job descriptions should be revised.</p>	<p>Employment and Compensation, and the Employment Manager will continue to monitor. The error made on the one posting has been corrected.</p> <p>Estimated Date of Implementation: Implemented July 17, 2024.</p> <p>Responsible Party Name and Title: Colleen Dutton, Chief Human Resources Officer and Celeste Burnett, Director of Employment and Compensation</p> <p><u>Career Center</u> The job postings identified in the audit have been edited to remove any reference to DEI activities and the departments that submitted them have been notified that this language may not be included in future Handshake job postings.</p> <p>The following wording has been added to the Handshake job approval process followed by the Student <i>"Employment team:</i> <i>Texas law prohibits institutions of higher education from hiring or assigning employees to perform DEI duties. Although student activities are not subject to TEC §51.3525, employees, including those in positions that support student activities, must comply with TEC §51.3525 and may not engage in prohibited DEI activities. Job postings that include a description or duties related to diversity, equity, or inclusion activities must be revised to remove that language before they are posted."</i></p> <p>The following wording has been added to the SE website on the page for on-campus and off-campus employers creating job postings: <i>"Please note: Texas law prohibits institutions of higher education from hiring or assigning employees to perform DEI duties. Although student activities are not subject to TEC §51.3525, employees, including those in positions that support student activities, must comply with TEC §51.3525 and may not engage in prohibited DEI activities."</i></p>



Observations and Recommendations (by Rating)	Management Action Plans
	<p>Date of Implementation: July 10, 2024</p> <p>Responsible Party Name and Title: Hannah Azmi, Assistant Director of Student Employment and Bethany AuHoy, Director of University Career Center</p>
<p>Medium: UT Dallas relies on the UT System guidance and website and does not have its own website or other guidance available to faculty, staff, and students related to compliance with TEC §51.3525 and UTS 197 as other universities do. Without guidance, faculty, staff, and students may not pursue programs or activities consistent with the University’s mission and permitted by statute or may pursue programs or activities that may not be permitted by statute. In addition, faculty, staff, and students may not be aware if or how University resources might be available to support permissible programs and activities. Guidance would also help employees know what to do if they suspect noncompliance and how to report it.</p> <p>In addition, there is no compliance training specific to TEC §51.3525. This is not required by statute. However, other institutions have implemented compliance training for TEC §51.3525 to ensure that all employees are aware of the law and their responsibilities. Management should consider whether additional compliance training specific to TEC §51.3525 would be beneficial.</p>	<p>Institutional Compliance (IC) will review/develop a module for possible inclusion in Annual Compliance Education.</p> <p>Estimated Date of Implementation: If approved, February 1, 2025, with launch of annual training.</p> <p>Responsible Party Name and Title: Marco Mendoza, Assistant Vice President, Institutional Compliance</p>
<p>Medium: As noted in the last five annual audits related to the Purchasing and Contracting Policies Compliance Assessment (TEC §51.9337), the Standards of Conduct Guide is not available on the Institutional Compliance website: https://institutional-compliance.utdallas.edu/compliance/resources/standard-of-conduct/. The site states that it is being updated and will be reposted soon.</p> <p>The UTD Standards of Conduct Guide website states¹, "The purpose of the Standards of Conduct Guide is to emphasize the necessity for and the responsibility of all employees at UT Dallas to be aware of how to perform their duties and responsibilities in compliance with applicable provisions of federal and state laws, regulations and policies, and with the policies, rules and regulations of the Board of Regents of The UT System and UT Dallas. Section 2113.014 of the Texas Government</p>	<p>The Standards of Conduct Guide Standards of Conduct Guide is undergoing a comprehensive update to reflect current federal and state laws, regulations, and policies. This update process has been more extensive than initially anticipated. However, we prioritize its completion and immediate reposting on the Institutional Compliance website. The revised guide will include information regarding TEC §51.3525, similar to other institutions.</p> <p>Estimated Date of Implementation: We have set a definitive timeline for completing the updates and publishing the Standards of Conduct Guide. The updated guide will be available on the website by September 1, 2024.</p> <p>Responsible Party Name and Title: Sanaz Okhovat, Chief Compliance Officer</p>

¹ <https://institutional-compliance.utdallas.edu/compliance/resources/standard-of-conduct/>

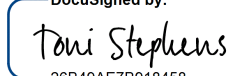


Observations and Recommendations (by Rating)	Management Action Plans
<p><u>Code</u> requires UT Dallas to give this information to all new employees. The information covers the standards of conduct required of all state employees."</p> <p>Other institutions have included information regarding TEC §51.3525 in their guides, and it would be beneficial to include this in the updated UTD Standards of Conduct Guide.</p>	
<p>Medium</p> <p><u>Websites</u> Web Services uses a software tool that will perform keyword searches for websites; however, they do not have full access or staffing to update all websites on the UTD domain, which limits their monitoring capabilities. For example, the Office of Information Technology (OIT) provides personal websites that reside on the main domain that are offered to employees, and there are numerous research sites and research labs that Web Services does not have access to update. OIT provides assistance on how to set up a personal website, but there is no guidance related to acceptable use and compliance with applicable university, UT System, and State policies and laws.</p> <p><u>Social Media</u> The University uses a software tool to monitor institutional social media; however, there is currently no software available on the market that will monitor <i>all</i> social media, such as images and temporary stories, to their knowledge.</p> <p>The University lacks personnel and resources to conduct increased monitoring due to the number of social media accounts that would require monitoring. The social media team does meet monthly with employees responsible for social media. Guidance for social media monitoring has been provided to the responsible social media teams across campus, but it does not contain information related to compliance with state laws and system policies.</p>	<p><u>Websites</u> The University of Texas at Dallas (UTD) regards these sites as personal in nature and does not control or endorse their content. They are not associated with University administration. Because of this, The Office of Information Technology (OIT), University Web Services (UWS) and other administrative entities do not provide oversight for the personal content on these pages. OIT will work with stakeholders to explore discontinuing personal website services and sunset the existing personal sites. Staffing and cost for this initiative will be dependent on an audit of the existing environment.</p> <p>OIT will provide a recommendation to leadership on the discontinuation/migration of existing personal sites by the end of FY25.</p> <p>Estimated Date of Implementation: August 31, 2025</p> <p>Responsible Party Name and Title: Frank Feagans, Vice President and Chief Information Officer</p> <p><u>Social Media</u></p> <ul style="list-style-type: none"> • We will continue to review social media management services/providers and assess new technologies or services that would allow greater monitoring capabilities. • We will continue to review and update the online social media directory. • We will continue to update the guidelines for social media operators on campus. • We will continue to manage and add to our list of social media operators on campus. • We will continue to maintain the Teams group of social media operators on campus and host regular meetings with them and share any new information.



Observations and Recommendations (by Rating)	Management Action Plans
	<ul style="list-style-type: none"> We will meet periodically with the University attorneys to ensure continued compliance with the law. <p>Estimated date of Implementation: December 31, 2024</p> <p>Responsible Party Name and Title: Katherine Morales, Associate Vice President for Communications, Media Relations</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

DocuSigned by:

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Toni Stephens, CPA, CIA, CRMA
 Chief Audit Executive



Methodology and Scope

The UT Dallas Office of Audit and Consulting Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The UT Dallas Office of Audit and Consulting Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable



Distribution

Members and ex-officio members of the UT Dallas Institutional Audit Committee

Persons Responsible for Implementing Recommendations:

- Frank Feagans, Vice President and Chief Information Officer
- Colleen Dutton, Chief Human Resource Officer
- Sanaz Okhovat, Chief Compliance Officer
- Katherine Morales, Associate VP Communications, Media Relations
- Marco Mendoza, Assistant Vice President, Institutional Compliance
- Ellen Ammons, Director of Employee Relations and Talent Development
- Celeste Burnett, Director of Employment and Compensation
- Bethany AuHoy, Director of University Career Center
- Hannah Azmi, Assistant Director of Student Employment

Other Interested Parties

- Chad Thomas, Senior Associate Vice President of Student Affairs
- Joe Wilson, Senior Director, Web Services
- Stephanie McCane, Senior Director, Information Technology

External Parties

- The University of Texas System Audit Office
- Legislative Budget Board
- Governor's Office
- State Auditor's Office

Engagement Team

- Ms. Toni Stephens, CPA, CIA, CRMA, Chief Audit Executive
- Mr. Rob Hopkins, CFE, Audit Manager
- Mr. Luis Carrera, CPA, CIA, CISA, IT Audit Manager

Institution: The University of Texas El Paso
Date Submitted: 08/27/24
Pages: 10



THE UNIVERSITY OF TEXAS AT EL PASO

August 23, 2024

Kevin Eltife, Chairman
Office of the Board of Regents
The University of Texas System
210 West 7th Street
Austin, TX 78701

Re: Certification Submission for SB 17

Chairman Eltife,

In compliance with the requirements of Tex. Educ. Code § 51.3525 and the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form, I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

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Office of the President
500 West University Avenue
El Paso, Texas 79968
915.747.5555



I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

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I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements,



or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Heather Wilson
President

August 23, 2024

Andrea Cortinas, Vice President and Chief of Staff
acortinas@utep.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

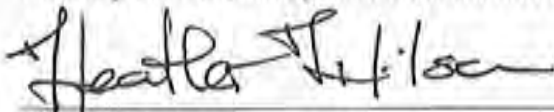


ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, **Heather Wilson**, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature

08/23/24

Date:

Please check one:

- President
 Board Chair



**The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit**

500 West University Ave.
Admin Bldg. #402
El Paso, Texas 79968
915-747-5191
WWW.UTEP.EDU

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The Office of Auditing and Consulting Services performed an audit to assess The University of Texas at El Paso’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the President and executive leadership reasonable assurance as to whether The University of Texas at El Paso (UTEP) has complied with the requirements of TEC §51.3525. This included determining whether UTEP has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UTEP has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies



**The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit**

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TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law:… (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”</p>	Complies
<p>“Does not, except as required by federal law:… (C) 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 [.]”</p>	Complies
<p>“Does not, except as required by federal law:… (D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”</p>	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC §51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTEP has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UTEP has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC §51.3525:



The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit

500 West University Ave.
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Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management continues the process of identifying and modifying endowment and scholarship accounts with relevant DEI references. The Office of Institutional Advancement flagged endowments and scholarships that needed further review if scholarship recipient criteria, established prior to the law, appeared to provide special benefits to students based on race, color, or ethnicity.</p> <p>Complete the process of identifying current endowment and scholarship agreements that may need modifications and ensure donor approval is obtained as necessary.</p>	<p>Continue to maintain a dedicated task force within the Office of Institutional Advancement to oversee the review and modification process until complete. Track compliance and report progress to UTEP senior management and the UTEP Office of Auditing and Consulting Services by November 1, 2024.</p>
<p>Medium: Management has taken action to strengthen controls around TEC §51.3525 and UTS 197 compliance, and a formal process to promote ongoing compliance with the law is being fully implemented.</p> <p>Continue the process of implementing additional controls that will ensure ongoing compliance with TEC §51.3525 and UTS 197.</p>	<p>The FY 2025 Annual Compliance Training will include a mandatory module on TEC §51.3525 and UTS 197 requirements. Timely completion of the module will be tracked and escalated in accordance with the Office of Institutional Compliance’s (OIC) already established process by October 31, 2024.</p>
<p>Medium: Management has taken action to support the President’s certification to the chancellor, and a formal process to request and track sub-certifications is being implemented.</p> <p>Ensure sub-certifications from Deans and Vice Presidents are received before the President’s certification to the Chancellor.</p>	<p>Management implemented the recommendation before report issuance.</p>
<p>Medium: The University continues to remove all references to DEI from its websites and social media accounts when identified. Due to the decentralized nature of managing websites and social media content, this process will be ongoing since remaining instances of DEI may lead to non-compliance with state law.</p> <p>Ensure all DEI references are removed from the University’s domain and social media accounts. Perform reviews to ensure ongoing compliance.</p>	<p>The Division of Marketing and Communications will conduct a review of UTEP’s public websites on an annual basis every December. Any corrections made will be reported to UTEP executive leadership. The process will be implemented by December 20, 2024.</p>



**The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit**

210 West University Ave
Admin Bldg. #405
El Paso, Texas 79969
915.747.5133

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

A handwritten signature in blue ink that reads 'Courtney H. Rios'.

Courtney H. Rios, CPA, CIA, CFE
Chief Audit Executive



**The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit**

500 West University Ave.
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El Paso, Texas 79968
915-747-5191
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Methodology and Scope

The Office of Auditing and Consulting Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The Office of Auditing and Consulting Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until June 27, 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable



**The University of Texas at El Paso
Office of Auditing and Consulting Services
TEC §51.3525 Compliance Audit**

500 West University Ave.
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El Paso, Texas 79968
915-747-5191
WWW.UTEP.EDU

REPORT DATE

August 12, 2024

REPORT DISTRIBUTION

University of Texas System (UT System):
System Audit Office

External:

Governor's Office of Budget, Planning and Policy
Legislative Budget Board
Internal Audit Coordinator, State Auditor's Office

University of Texas at El Paso:

Dr. Heather Wilson, President
Ms. Andrea Cortinas, Vice President and Chief of Staff
Ms. Priscilla Castillo, Chief Legal Officer
Ms. Mary Solis, Director/Chief Compliance and Ethics Officer, Office of Institutional Compliance
Mr. Jake Logan, Vice President for Institutional Advancement
Mr. Lucas Roebuck, Vice President for Marketing and Communications

Audit Committee Members:

Mr. J. Stephen DeGroat
Dr. John Wiebe
Mr. Mark McGurk
Mr. Fernando Ortega
Mr. Daniel Garcia
Ms. Guadalupe Gomez

Institution: The University of Texas Health Science
Center Houston
Date Submitted: 08/27/24
Pages: 8



Office of the President
Giuseppe N. Colasurdo, M.D.
President and Alkek-Williams Distinguished Chair

August 20, 2024

Chairman Kevin P. Eltife
The University of Texas System
210 West 7th Street
Austin, TX 78701

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.



Giuseppe N. Colasurdo, MD
President and Alkek-Williams Distinguished Chair

08/20/2024

Institution Contact Name:

Kevin A. Morano, PhD, Senior Vice President of Academic and Faculty Affairs

Institution Contact Email:

Kevin.A.Morano@uth.tmc.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

24-407 TEC Assurance

Executive Summary

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institutional function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The UTHealth Science Center at Houston (UTHealth Houston) Auditing and Advisory Services department performed an audit to assess UTHealth Houston’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UTHealth Houston has complied with the requirements of TEC §51.3525. This included determining whether UTHealth Houston has:

- Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- Complied with the restriction on hiring or assigning employees to perform DEI duties.
- Updated faculty and staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- Complied with the prohibition on requiring participation in DEI training as a condition of enrolling at the institution or performing any institutional function.
- Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the procedures we performed, we believe that UTHHealth Houston has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:... (C) 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 [.]”	Complies
“Does not, except as required by federal law:... (D) 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[.]”	Complies
“Does not, except as required by federal law:... (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTHHealth Houston has complied with the requirements of UTS 197.

Based on the procedures we performed, we believe that UTHHealth Houston has achieved compliance with the key requirements of UTS 197. However, while not specifically required by statute, we identified an opportunity as described below, to help ensure ongoing compliance with TEC§51.3525:

24-407 TEC Assurance

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management is in the final phase of developing a Senate Bill 17 Compliance subcommittee and compliance plan to provide reasonable assurance over ongoing compliance with UTS 197 and TEC §51.3525.</p> <p>Approve and implement a Risk Mitigation Plan to Ensure Ongoing Compliance with TEC §51.3525.</p>	<p>Management has drafted a Risk Mitigation Plan and will adopt, following discussion with the Executive Compliance Committee in October 2024.</p>

We will follow up on this action plan to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observation in this report.



Daniel G. Sherman, MBA, CPA, CIA
Vice President & Chief Audit Officer

Methodology and Scope

The UTHealth Houston Auditing and Advisory Services department conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, reliable, and relevant evidence to provide a reasonable basis for our observations and conclusions based on our objectives. The UTHealth Houston Auditing and Advisory Services department is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, performing data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed within the institution;
- Faculty and staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External-facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities from January 1, 2024, to June 20, 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of UTHealth Houston or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to UTHealth Houston as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to UTHealth Houston as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to UTHealth Houston as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable

REPORT DATE
August 9, 2024

REPORT DISTRIBUTION
 To: Dr. Giuseppe Colasurdo
 Cc: Audit Committee Dr. Latanya Love Michael Tramonte
 Dr. Kevin Morano Kevin Dillon Claudia Madrigal
 Dr. Jagat Narula Karen Spillar Melissa Pifko

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Dr. Giuseppe N. Colasurdo, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature

August 20, 2024

Date:

Please check one:

- President
- Board Chair

Institution: The University of Texas Health Science
Center San Antonio
Date Submitted: 08/27/24
Pages: 9



UT Health

San Antonio

The University of Texas Health
Science Center at San Antonio

August 23, 2024

VIA EMAIL to Stacey Napier, General Counsel to the UT System Board of Regents
(snapier@utsystem.edu)

To: Kevin P. Eltife, Chairman, The University of Texas System Board of Regents

From: Robert A. Hromas, M.D., F.A.C.P., Acting President, The University of Texas Health Science Center at San Antonio

Re: *Certification Submission for SB 17*

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

Office of the President

Mail Code 7834 | 7703 Floyd Curl Drive | San Antonio, Texas 78229 | 210.567.2000 | fax 210.567.2025 | uthscsa.edu

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

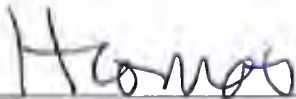
I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.



Robert A. Hromas, M.D., F.A.C.P.
Acting President, UT Health San Antonio

Institution Contact Name: Hailey Mullican, J.D.
Vice President for Legal Affairs and Chief Legal Officer

Institution Contact Email: mullicanh@uthscsa.edu

CC: Dan Sharphorn (dsharphorn@utsystem.edu)
Laura Barbour (lbarbour@utsystem.edu)
Paige Barnett (pbarnett@utsystem.edu)

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Robert A. Hromas, MD, FACP, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.

Hromas
Signature

8-16-24
Date:

Please check one:

- President, Acting
- Board Chair



UT Health

San Antonio

Internal Audit &
Consulting Services

Internal Audit & Consulting Services
7703 Floyd Curl Dr. MC#7974
San Antonio, Texas 78229-3900
210-567-2370 Fax: 210-567-2373
www.uthscsa.edu

Date: August 12, 2024
To: Robert A. Hromas, MD, FACP
From: John Lazarine, Chief Audit Executive
Internal Audit & Consulting
Subject: Audit Report – TEC 51.3525 Compliance Audit

As added to our FY 2024 Audit Plan, we recently completed the Texas Education Code (TEC) 51.3525 Compliance Audit. Attached is the report detailing the results of this review. Management's Action Plans are included in the report.

We appreciate the cooperation and assistance we received from Executive Leadership, the Office of Legal Affairs, Human Resources, and the Institutional Compliance and Privacy Office throughout the review.

Respectfully,

John Lazarine, CIA, CISA, CRISC, CDPSE
Chief Audit Executive
Internal Audit & Consulting Services

Distribution

cc: Andrea Marks, MBA, CPA, Senior Executive Vice President & Chief Operating Officer
Heather Adkins, MS, Vice President & Chief Marketing & Communications Officer
Michael Schnabel, MBA, Interim Vice President & Chief Information Officer
Hailey Mullican, JD, Vice President for Legal Affairs & Chief Legal Officer
Amy Tawney, MBA, Vice President & Chief Human Resources Officer
Jessica Saldivar, JD, Chief Compliance & Privacy Officer
J. Michael Peppers, CPA, Chief Audit Executive, The University of Texas System

External Audit Committee Members:
Randy Cain
Carol Severyn
Ed Garza



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

UT Health San Antonio’s Internal Audit and Consulting Services performed an audit to assess UT Health San Antonio’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the President and executive leadership reasonable assurance as to whether UT Health San Antonio has complied with the requirements of TEC §51.3525. This included determining whether UT Health San Antonio has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if needed, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UT Health San Antonio, has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law:...</p> <p>(B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(C) 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 [.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:</p> <ul style="list-style-type: none"> (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]” 	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies


In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UT Health San Antonio has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UT Health San Antonio has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:



Observations and Recommendations (by Rating)	Management Action Plans
<p>Low: The Institution defined UTS 197 as its policy with regards to TEC §51.3525 and maintains general information/FAQs and a link to the UTS policy on the HOP page.</p> <p>Management should consider redesigning the Senate Bill 17 link on the Institution's intranet homepage to guide employees to a central location for statute guidance and communicate this resource to employees.</p>	<p>Management will relocate the resources related to SB 17 compliance to the Institutional Compliance Office webpage by October 31, 2024.</p>
<p>Low: While management has communicated to department leadership its commitment to comply with TEC §51.3525, all employees may not be aware of their roles and responsibilities with respect to compliance with the law.</p> <p>Management should ensure employees are educated about TEC §51.3525 requirements.</p>	<p>TEC §51.3525 content will be added to a general compliance training module by October 31, 2024.</p>
<p>Medium: Management implemented monitoring activities to help ensure ongoing compliance to TEC §51.3525, however a documented monitoring plan had not yet been implemented.</p> <p>Management should document a monitoring plan to ensure ongoing compliance with TEC §51.3525.</p>	<p>Management will draft and adopt a monitoring plan by December 31, 2024.</p>
<p>Medium: Management had not yet defined a process to provide the President with reasonable assurance that all offices and departments of UT Health San Antonio are operating in compliance with TEC §51.3525.</p> <p>Management should document the process the President will rely upon to support certification to the Chancellor.</p>	<p>The President relied on current institutional monitoring activities and the results of this audit to certify compliance to TEC §51.3525 for FY 2024. The process that the President will rely on to certify on-going compliance will be documented in the overall monitoring plan to be developed by December 31, 2024. The plan will include monitoring updates to the President and the institutional Compliance Committee semi-annually going forward.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.


John Lazzarino, CIA, CISA, CRISC, CDPSE
Chief Audit Executive

Methodology and Scope

UT Health San Antonio Internal Audit and Consulting Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. UT Health San Antonio Internal Audit and Consulting Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable



UT HEALTH SAN ANTONIO - INTERNAL AUDIT AND CONSULTING SERVICES
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

REPORT DATE

August 7, 2024

REPORT DISTRIBUTION

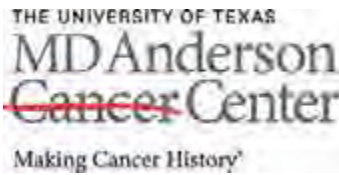
To: Robert A. Hromas, MD, FACP, Acting President

- c: Andrea Marks, MBA, CPA, Senior Executive Vice President & Chief Operating Officer
Heather Adkins, MS, Vice President & Chief Marketing & Communications Officer
Michael Schnabel, MBA, Interim Vice President & Chief Information Officer
Hailey Millican, JD, Vice President for Legal Affairs & Chief Legal Officer
Amy Tawney, MBA, Vice President & Chief Human Resources Officer
Jessica Sandivar, JD, Chief Compliance & Privacy Officer
J. Michael Peppers, CPA, Chief Audit Executive, The University of Texas System
External Agencies (State Auditor, Legislative Budget Board, Governor's Office)

External Audit Committee Members:

Randy Cain
Carol Severyn
Ed Garza

Institution: The University of Texas MD Anderson
Cancer Center
Date Submitted: 08/27/24
Pages: 9



Office of the President
T 713-792-6000 F 713-563-4500
1515 Holcombe Boulevard
Houston, Texas 77030-4009

August 19, 2024

U.T. System Board of Regents
Chairman Kevin Eltife

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form. I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

A handwritten signature in dark ink, appearing to read "Peter Pisters", is centered on a light-colored rectangular background.

Peter WT Pisters, M.D.
President
The University of Texas
MD Anderson Cancer Center

Institution Contact Name: Daniel E. Gospin, J.D., Chief Legal Officer

Institution Contact Email: DEGospin@mdanderson.org

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Peter WT Pisters, M.D., understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



August 19, 2024

Signature

Date

Please check one:

- President
- Board Chair



THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER
DEPARTMENT OF INTERNAL AUDIT
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas MD Anderson Cancer Center Department of Internal Audit performed an audit to assess the Institution’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether MD Anderson Cancer Center has complied with the requirements of TEC §51.3525. This included determining whether the management at the Institution has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that the Institution, has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies



THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER
DEPARTMENT OF INTERNAL AUDIT
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:… (C) 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 [.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that the Institution’s leadership has complied with the requirements of UTS 197.

Based on the work we performed, we believe that the Institution has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:



THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER
DEPARTMENT OF INTERNAL AUDIT
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024

<p>Medium: Management has taken multiple actions to ensure compliance with TEC §51.3525 and UTS 197. A centralized monitoring function would assist in providing reasonable assurance over ongoing compliance. An ongoing monitoring process could be designed and developed to address key risk areas, enforce disciplinary actions, and submit complaints to the State Auditor’s Office.</p> <p>Recommendation: Management should consider developing a centralized monitoring function to strengthen controls needed to ensure compliance with state law and any reporting obligations.</p>	<p>Management will develop and implement a centralized monitoring function to ensure compliance with state law and reporting obligations by November 30, 2024.</p>
<p>Medium: While Management reviewed and revised policies and procedures to comply with TEC §51.3525, two policies and four procedures contained inadvertent DEI references.</p> <p>Exceptions noted were remediated prior to release of the report.</p>	<p>No additional corrective actions are necessary.</p>
<p>Medium: During our audit, we noted two employees with performance goals inadvertently referencing DEI activities. These goals were developed prior to January 1, 2024, and were not subsequently revised.</p> <p>Exceptions noted were remediated prior to release of the report.</p>	<p>No additional corrective actions are necessary.</p>
<p>Medium: During our review of faculty and staff hiring practices, we identified that several job postings and job descriptions contained references to DEI. According to management, this may have occurred because department personnel utilized outdated templates.</p> <p>Exceptions noted were remediated prior to release of the report.</p>	<p>No additional corrective actions are necessary.</p>

We will follow up on the action plan to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

Sherri Magnus
 Sherri Magnus, CPA, CIA, CFE, CRMA, CHIAP
 Vice President & Chief Audit Officer



THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER
DEPARTMENT OF INTERNAL AUDIT
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024

Methodology and Scope

The University of Texas at MD Anderson Cancer Center Department of Internal Audit conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The University of Texas at MD Anderson Cancer Center Department of Internal Audit is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the Institution;
- Faculty and staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Graduate School of Biomedical Sciences (GSBS)

The scope of the audit included activities taken from January 1, 2024, until June 30, 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the Institution or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the Institution as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the Institution as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the Institution as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable



THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER
DEPARTMENT OF INTERNAL AUDIT
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024

REPORT DATE

August 12, 2024

REPORT DISTRIBUTION

To: Peter WT Pisters, MD
Cc: Allyson Kinzel
Tadd Pullin
Shibu Varghese
Fatima Sheriff
Daniel Gospin
Ashley Palermo
J. Michael Peppers
State Auditor's Office
Legislative Budget Board
Governor's Office

Institution: The University of Texas Medical Branch
Date Submitted: 08/27/24
Pages: 8



Jochen Reiser, MD, PhD
President
CEO, UTMB Health System
Professor, John Sealy School of Medicine
John D. Stobo, MD Distinguished Chair

301 University Boulevard
Galveston, Texas 77555-0129
O 409.772.1902 F 409.772.5064

August 20, 2024

Kevin P. Eltife
Chairman
The University of Texas System Board of Regents
210 West 7th Street
Austin, TX 78701

Delivered via email to Stacey Napier, JD,
General Counsel to the U.T. System Board of Regents
snapier@utsystem.edu

Re: Certification Submission for SB 17

Dear Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form, I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

Kevin P. Eltife
Page 3
August 20, 2024

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Sincerely,



Jochen Reiser, MD, PhD
President
CEO, UTMB Health System
Professor, John Sealy School of Medicine
John D. Stobo, MD Distinguished Chair

8/20/24

Date

Institution Contact Name: Tobin Boenig
Vice President & Chief Compliance Officer
Office of Institutional Compliance
The University of Texas Medical Branch at Galveston

Institution Contact Email: trboenig@utmb.edu

Enclosures

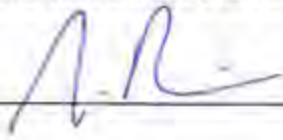
cc: Dan Sharphorn, dsharphorn@utsystem.edu
Laura Barbour, lbarbour@utsystem.edu
Paige Barnett, pbarnett@utsystem.edu
Carolanda Bremond Woodgett, cabremon@utmb.edu
Tobin Boenig, trboenig@utmb.edu

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Jochen Reiser, MD, PhD, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.

Signature 

Date: 8-20-24

Please check one:

President

Board Chair

University of Texas Medical Branch
Texas Education Code Section 51.3525 Compliance Audit
 Fiscal Year 2024



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas Medical Branch (UTMB Health), as summarized below, to ensure the institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

UTMB Health Audit Services performed an audit to assess UTMB Health’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the President and Executive Leadership reasonable assurance as to whether UTMB Health has complied with the requirements of TEC §51.3525. This included determining whether UTMB Health has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UTMB Health, has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:.... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies

University of Texas Medical Branch
Texas Education Code Section 51.3525 Compliance Audit
 Fiscal Year 2024



TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (C) 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 [.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTMB Health has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UTMB Health has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management was considering but had not implemented risk-based monitoring activities to provide itself reasonable assurance over ongoing compliance with UTS 197 and TEC §51.3525.</p> <p>Develop a Monitoring Plan to Ensure Ongoing Compliance with TEC §51.3525.</p>	<p>Management is drafting a monitoring plan and will adopt following discussion with the Executive Institutional Compliance Committee by November 30, 2024.</p>

University of Texas Medical Branch
Texas Education Code Section 51.3525 Compliance Audit
 Fiscal Year 2024



Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management was considering but had not yet implemented, an institution-wide certification process to provide the chancellor with reasonable assurance that all offices and departments of UTMB Health are operating in compliance with TEC §51.3525.</p> <p>Implement a UTMB Health certification process to provide the President with reasonable assurance that all offices and departments are operating in compliance with TEC §51.3525.</p>	<p>Management will receive confirmation from Deans, Executive Vice Presidents, and the Vice President of Human Resources of compliance with TEC §51.3525 for certification by August 13, 2024.</p>
<p>Low: While management has communicated to department leadership its commitment to comply with TEC §51.3525, all employees may not be aware of their roles and responsibilities with respect to compliance with the law.</p> <p>Ensure employees are educated about TEC §51.3525 requirements.</p>	<p>TEC §51.3525 content will be added to a general compliance training module by September 16, 2024.</p>
<p>Low: Management identified some web pages that referenced discontinued activities, web pages that did not adequately reflect current activities, or web pages requiring other clarifications. We also identified other web pages where references to past DEI activities were not clear or where updates might need to be made.</p> <p>Periodically review and update websites and social media accounts.</p>	<p>As part of compliance monitoring plan approved by Executive Institutional Compliance Committee, management will begin reviewing and updating websites and social media accounts by November 30, 2024.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

Methodology & Scope

UTMB Audit Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. UTMB Health Audit Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable

REPORT DATE
August 13, 2024

REPORT DISTRIBUTION
 To: Dr. Jochen Reiser, MD, PhD
 Cc: Charles P. Mouton, MD, MS, MBA
 Rebecca B. Korenek, MBA, MHA
 Carolanda B. Woodgett, JD
 Tobin R. Boenig, JD
 Stephanie C. Guzik, RN, BSN, MBA, CHRC
 Philesha Evans, MBA, SPHR
 External Agencies:
 State Auditor, Legislative Budget Board, Governor’s Office

Institution: The University of Texas Permian Basin
Date Submitted: 08/27/24
Pages: 8



Office of the President

August 20, 2024

Kevin Eltife, Chairman, UT System Board of Regents

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form, I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.



Office of the President

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

A handwritten signature in cursive script that reads "Sanders H. Woodley".

President of the University of Texas Permian Basin

August 20, 2024

Institution Contact Name: Joe Sanders

Institution Contact Email: sanders_j@utpb.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents



The University of Texas Permian Basin

Texas Education Code §51.3525 Compliance
Audit Report

August 2024

Office of Internal Audit
4901 E. University Boulevard
Odessa, Texas 79762



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section §51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of the institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- Give preference based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution; or
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas Permian Basin (UTPB) Office of Internal Audit performed an audit to assess UTPB compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UTPB has complied with the requirements of TEC §51.3525. This included determining whether UTPB has:

- ❖ Closed the DEI office, if it existed, and/or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives;
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties;
- ❖ Updated faculty and staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of enrolling at the institution or performing any institutional function;
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity; and
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work performed, we believe that UTPB has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:… (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies



TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (C) 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 [.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UT Systemwide Policy 197: *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC §51.3525. UTS 197 includes activities that are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTPB has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UTPB has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
High: Ongoing compliance with TEC §51.3525 can be strengthened by expanding communication of its provisions to all employees to ensure they understand the prohibition on performance of DEI duties. Planned compliance training that will include this topic, to be required annually, is not yet in place.	The Office of Compliance is working with Human Resources to develop and implement a new compliance training module specific to TEC §51.3525 by September 30, 2024. The new training will be required for all employees annually.



Observations and Recommendations (by Rating)	Management Action Plans
High: While management has taken actions to strengthen controls to enhance compliance with statute, management has not developed risk-based monitoring activities to provide reasonable assurance of continued compliance. Ongoing monitoring should be designed to address key risk areas in the statute including, but not limited to, staff hiring and employment practices, tracking of related compliance training, and periodic review of programs and activities.	The Office of Compliance is developing a risk-based compliance monitoring plan based on the key prohibitions of TEC §51.3525, to be implemented by September 30, 2024.

We will follow up on action plans in this report to determine their implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

Dyan G. Hudson, CIA, CISA, CFE, CRMA
Interim Chief Audit Executive



Methodology and Scope

The UTPB Office of Internal Audit conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The Office of Internal Audit is independent per GAGAS requirements for internal auditors. Procedures included, but were not limited to, interviews with management, review of policies and procedures, hiring practices, financial information, and supporting documentation, controls testing, data analytics, and other work which we deemed necessary to achieve our audit objectives.

The scope of this audit covered activities and actions taken by management prior to July 31, 2024, to address DEI-related:

- Offices and duties that may have been performed elsewhere within UTPB;
- Faculty and staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of UTPB or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- Texas Education Code §51.3525, *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*
- UT Systemwide Policy 197, *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education*
- UT System Office of General Counsel, *UT System SB 17 Working Guidance*
- Other UTPB institutional policies where applicable

Report Date

August 12, 2024

Report Distribution

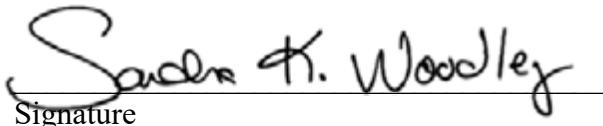
To: Dr. Sandra K. Woodley, President
 Cc: Dr. Joe Sanders, Chief Compliance Officer
 Dr. Becky Spurlock, Sr. Vice President for Student Affairs and Enrollment Management
 Ron Appling, Director of Human Resources
 UT Permian Basin Internal Audit Committee
 J. Michael Peppers, UT System Chief Audit Executive
 External Agencies (Texas State Auditor, Legislative Budget Board, Governor's Office)

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Sandra Woodley, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.


Signature

08/20/2024
Date:

Please check one:

- President
 Board Chair

Institution: The University of Texas Rio Grande Valley
Date Submitted: 08/27/24
Pages: 13

August 23, 2024



Chairman Kevin Eltife
The University of Texas System
210 West 7th Street
Austin, Texas 78701-2982

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

Office of the President

One West University Blvd.
Brownsville, Texas 78520
(361) 382-8201

201 West University Drive
Edinburg, Texas 78549
(956) 865-2100

2102 Treasure Hill Blvd.
Haltom City, Texas 76110
(817) 396-1115

utrgv.edu

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

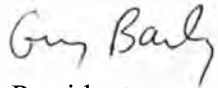
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented

changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.



President
The University of Texas Rio Grande Valley

Karen Adams, Chief Legal Officer
Karen.adams@utrgv.edu

Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents



Texas Education Code § 51.3525 Compliance Audit

Report No. 24-AEN-55

August 12, 2024

Office of Audits & Consulting Services

Background

The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas Rio Grande Valley (UTRGV) Office of Audits & Consulting Services performed an audit to assess The University of Texas Rio Grande Valley’s compliance with TEC §51.3525 and UTS 197.

Objective

The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UTRGV has complied with the requirements of TEC §51.3525. This included determining whether UTRGV has:

- ❖ Closed DEI office(s) if any or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.

- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525

Based on the work we performed, we believe that UTRGV has achieved compliance with the requirements of TEC §51.3525:

TEC §51.3525 Requirements		Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”</p>		Complies
<p>“Does not, except as required by federal law: ... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”</p>		Complies
<p>“Does not, except as required by federal law: ... (C) 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 [.]”</p>		Complies
<p>“Does not, except as required by federal law: ... (D) 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[.]”</p>		Complies

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law: ... (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”</p>	<p>Complies</p>
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	<p>Complies</p>

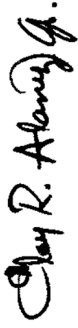
In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTRGV has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UTRGV has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Texas Education Code §51.3525 Compliance Audit

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: UTRGV management has not fully developed or incorporated specialized TEC §51.3525 into its portfolio of compliance training requirements to ensure appropriate members of the institution understand key requirements.</p> <p>UTRGV management should develop specialized TEC §51.3525 training to ensure appropriate members of the institution understand key requirements of the law in accordance with UTS Policy 197.</p>	<p>The Office of Institutional Compliance will develop, assign, and track completion of online training related to the prohibitions and exceptions to TEC §51.3525 for all employees. This training will include the identification of the points of contact that should be consulted regarding TEC §51.3525 and UTS 197 compliance questions.</p> <p>Implementation date: July 15, 2024</p>
<p>Medium: UTRGV management has not yet implemented ongoing controls to evaluate ongoing compliance with TEC §51.3525 and UTS Policy 197.</p> <p>UTRGV management should develop ongoing monitoring controls to evaluate ongoing compliance with TEC §51.3525 and UTS Policy 197.</p>	<p>The Office of Institutional Compliance will develop and implement a formal monitoring activity plan as well as a process to report results of such monitoring to the president and leadership.</p> <p>Implementation date: December 1, 2024</p>
<p>Medium: UTRGV management has not implemented an ongoing, documented certification process of compliance to provide assurances to the president regarding accuracy and completeness of annual certification(s) in accordance with UTS Policy 197.</p> <p>UTRGV management should implement a certification process to provide the president with reasonable assurance that all offices, divisions, and units of UTRGV are operating in compliance with TEC §51.3525 and the certification from the president to the UT System Chancellor is accurate and complete.</p>	<p>The training delivered by the Office of Institutional Compliance will include a mechanism to allow each employee taking the training to certify compliance with TEC §51.3525 and UTS 197. The results of the individual certifications will be reported to the UTRGV President to allow him to provide certification to the UT System Board of Regents and any other agencies requiring such compliance certification.</p> <p>Implementation date: August 16, 2024</p>

We will follow up on management action plans to determine their implementation status. Follow up will help enhance accountability and ensure that timely action is taken to address the observations in this report. We appreciate the courtesy and cooperation from management and departments.



Eloy Alaniz, CPA, CIA, CISA
Chief Audit Officer

Risk Classifications and Definitions

Priority	High probability of occurrence that would significantly impact UT System and/or UT Rio Grande Valley. Reported to UT System Audit, Compliance, and Risk Management Committee (ACRMC). Priority findings reported to the ACRMC are defined as “an issue identified by an internal audit that, if not addressed timely, could directly impact achievement of a strategic or important operational objective of a UT institution or the UT System as a whole.”
High	Risks are considered substantially undesirable and pose a significant level of exposure to UT Rio Grande Valley operations. Without appropriate controls, the risk will happen on a consistent basis. Immediate action is required by management in order to address the noted concern and reduce exposure to the organization.
Medium	Risks are considered undesirable and could moderately expose UT Rio Grande Valley. Without appropriate controls, the risk will occur some of the time. Action is needed by management in order to address the noted concern and reduce the risk exposure to a more desirable level.
Low	Low probability of various risk factors occurring. Even with no controls, the exposure to UT Rio Grande Valley will be minimal. Action should be taken by management to address the noted concern and reduce risk exposure to the organization.

Criteria, Methodology & Scope

Criteria

- ❖ Texas Education Code (TEC) Section 51.3525 – Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives.
- ❖ The University of Texas System (UTS) Policy 197 – Compliance with State Laws Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education.
- ❖ The University of Texas System Administration Senate Bill 17 Guidance

Methodology

The Office of Audits & Consulting Services conducted this audit in conformance with the Institute of Internal Auditor’s International Standards for the Professional Practice of Internal Auditing. Additionally, we conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for findings and conclusions based on our audit objectives. The Office of Audits and Consulting Services is independent per both standards for internal auditors. These standards are also required by the Texas Internal Auditing Act.

Scope

The scope of this audit covered activities management undertook to address DEI-related:

- ❖ Offices and duties that may have been performed elsewhere within the institution;
- ❖ Staff hiring and employment practices and DEI statements;
- ❖ Training;
- ❖ Programs and activities;
- ❖ Applicable policies and procedures;
- ❖ Internal controls and monitoring;
- ❖ External facing web pages and social media accounts that may have referenced active DEI activities; and
- ❖ Funding.

The scope of this audit included activities taken from January 1, 2024, until July, 2024.

Report Distribution & Audit Team

Report Distribution

UTRGV Internal Audit Committee
UT System Audit Office
Governor's Office - Budget and Policy
State Auditor's Office
Legislative Budget Board

Audit Team

Eloy R. Alaniz, Jr., Chief Audit Officer
Norma Ramos, Director of Auditing

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Guy Bailey, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.

Guy Bailey

Signature

8/23/2024

Date:

Please check one:

- President
- Board Chair

Office of the President

One West University Blvd.
Brownsville, Texas 78520
(351) 382-8201

201 West University Drive
Edinburg, Texas 78549
(956) 865-2100

2102 Treasure Hill Blvd.
Haltom City, Texas 76110
(817) 396-1115

Institution: The University of Texas San Antonio
Date Submitted: 08/27/24
Pages: 9

August 23, 2024

The University of Texas Board of Regents
The University of Texas System
210 West 7th Street
Austin, TX 78701

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

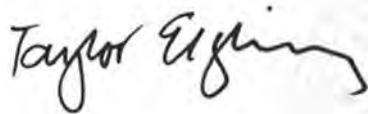
I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

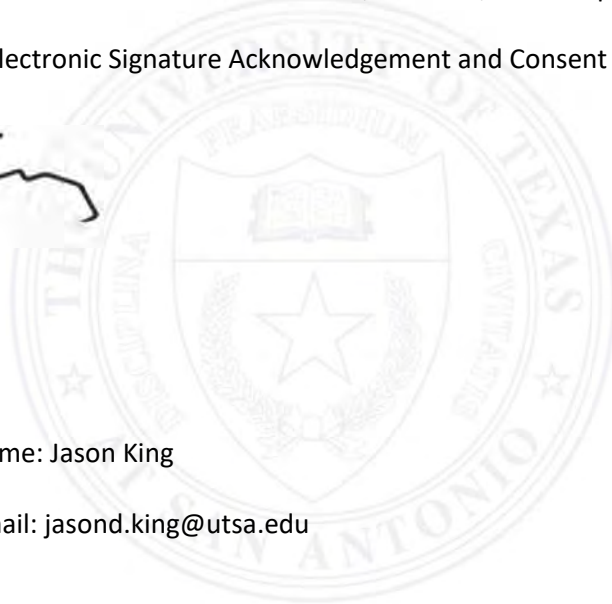


Taylor Eighthmy
President

August 23, 2024

Institution Contact Name: Jason King

Institution Contact Email: jasond.king@utsa.edu





THE UNIVERSITY OF TEXAS AT SAN ANTONIO
OFFICE OF AUDITING AND CONSULTING SERVICES
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas at San Antonio Office of Auditing and Consulting Services performed an audit to assess the University of Texas at San Antonio’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether The University of Texas at San Antonio has complied with the requirements of TEC §51.3525. This included determining whether The University of Texas at San Antonio has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures to comply with TEC §51.3525.



THE UNIVERSITY OF TEXAS AT SAN ANTONIO
OFFICE OF AUDITING AND CONSULTING SERVICES
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that the University of Texas at San Antonio has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”</p>	Complies
<p>“Does not, except as required by federal law:... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”</p>	Complies
<p>“Does not, except as required by federal law:... (C) 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 [.]”</p>	Complies
<p>“Does not, except as required by federal law:... (D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law:... (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”</p>	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies



THE UNIVERSITY OF TEXAS AT SAN ANTONIO
OFFICE OF AUDITING AND CONSULTING SERVICES
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that the University of Texas at San Antonio has complied with the requirements of UTS 197.

Based on the work we performed, we believe that The University of Texas at San Antonio has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: UTSA Leadership should finalize the implementation of an ongoing TEC §51.3525 and UTS 197 compliance and monitoring program by educating the university community about the monitoring function, assigning and communicating responsible parties for interpreting compliance questions and ensuring ongoing compliance, and communicating the avenues for reporting noncompliance and the consequences for non-compliance.</p>	<p>Management has developed a detailed monitoring program to address these observations and will complete its comprehensive implementation before December 31, 2024.</p>
<p>Medium: UTSA Leadership should finalize the design of an institution-wide certification process to provide the president with reasonable assurance that all offices, divisions, and units of the University are operating in compliance with TEC §51.3525 and UTS 197 and that the Texas Higher Education Coordinating Board certification from the president to the UT System Chancellor and Board of Regents is reasonably accurate and complete.</p>	<p>By the submission deadline of August 31, 2024, management will submit its Texas Higher Education Coordinating Board certification to the Chancellor and the Board of Regents. The certification will be based upon a robust sub-certification process from leadership across the institution.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

Paul Tyler, CIA, CFE, CRMA
 Chief Audit Executive



Methodology and Scope

The University of Texas at San Antonio Office of Auditing and Consulting Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The University of Texas at San Antonio Office of Auditing and Consulting Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities and
- Funding.

The audit scope included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- [TEC §51.3525 Responsibilities of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives](#)
- [UTS 197 Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education](#)
- [UT System SB 17 Guidance](#)



THE UNIVERSITY OF TEXAS AT SAN ANTONIO
OFFICE OF AUDITING AND CONSULTING SERVICES
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

REPORT DATE

August 12, 2024

REPORT DISTRIBUTION

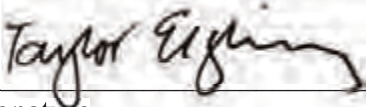
To: Dr. Taylor Eighmy, UTSA President
Veronica Salazar, Executive Vice President for Business Affairs and
Chief Enterprise Development Officer
Heather Shipley, Provost and Executive Vice President for
Academic Affairs
Carlos Martinez, Senior Vice President for Institutional Strategic
Planning, Compliance Risk Management, and Office Operations
Chief of Staff
Jason King, Associate Vice President of Strategic Risk Management
Michael Peppers, UT System Audit Office Chief Audit Executive
External Agencies (State Auditor, Legislative Budget Board,
Governor's Office)

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Taylor Eighmy, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature

August 23, 2024
Date:

Please check one:

- President
- Board Chair

Institution: The University of Texas Southwestern
Medical Center
Date Submitted: 08/27/24
Pages: 9

Daniel K. Podolsky, M.D.

President

Philip O'Bryan Montgomery, Jr., M.D. Distinguished
Presidential Chair in Academic Administration

Professor of Internal Medicine

Doris and Bryan Wildenthal Distinguished Chair
in Medical Science

August 20, 2024

Kevin P. Eltife

Chairman of the Board of Regents

The University of Texas System

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form, I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

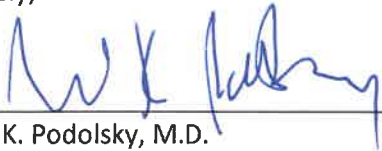
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. K. Podolsky', is written over a horizontal line.

Daniel K. Podolsky, M.D.

President

The University of Texas Southwestern Medical Center

Institution Contact Name: Shawna Nesbitt, M.D., Chief Institutional Opportunity Officer

Institution Contact Email: shawna.nesbitt@utsouthwestern.edu

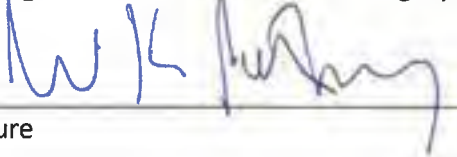
Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Daniel K. Podolsky, M.D., understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature



Date:

Please check one:

- President
- Board Chair

UT SOUTHWESTERN MEDICAL CENTER
OFFICE OF INSTITUTIONAL COMPLIANCE & AUDIT SERVICES
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024 REPORT



Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas Southwestern Medical Center (UTSW)’s Office of Institutional Compliance & Audit Services performed an audit to assess UTSW’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the president and executive leadership reasonable assurance as to whether UTSW has complied with the requirements of TEC §51.3525. This included determining whether UTSW has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated faculty and staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the Institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UTSW leadership has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:… (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies

UT SOUTHWESTERN MEDICAL CENTER
OFFICE OF INSTITUTIONAL COMPLIANCE & AUDIT SERVICES
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024 REPORT



TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law:...</p> <p>(C) 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 [.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:</p> <ul style="list-style-type: none"> (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]” 	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UTSW leadership has complied with the requirements of UTS 197.

Based on the work we performed, UTSW has achieved compliance with the key requirements of TEC§51.3525 and UTS 197. However, while not specifically required by statute or policy, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management has not developed risk-based monitoring activities to provide reasonable assurance of ongoing compliance.</p> <p>Partner with Compliance to develop an ongoing compliance monitoring plan and resolve any corrective actions in a timely manner.</p>	<p>Management has committed to implementing monitoring activities to evaluate ongoing compliance with TEC §51.3525 by September 1, 2024.</p>

UT SOUTHWESTERN MEDICAL CENTER
OFFICE OF INSTITUTIONAL COMPLIANCE & AUDIT SERVICES
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024 REPORT



Observations and Recommendations (by Rating)	Management Action Plans
<p>Low: Management no longer assigns employees to perform any DEI duties. However, opportunities were identified to ensure all changes to job descriptions and duties were current and accurately reflected in PeopleSoft.</p> <p>Make updates to identified job descriptions in PeopleSoft.</p>	<p>Management has promptly addressed the identified opportunities, and no further actions are needed.</p>
<p>Low: Management no longer utilizes a diversity and inclusion webpage that could be accessed via a link in job postings. However, a link to a deactivated diversity and inclusion-related career website still existed in some job postings.</p> <p>Remove the link in all active job postings and websites and implement monitoring activities.</p>	<p>Management has implemented ongoing monitoring and has committed to removing the link from identified websites by August 31, 2024.</p>
<p>Low: Management has provided talent acquisition staff training on TEC §51.3525. However, a formal training module to ensure that all individuals engaged in the hiring process are aware of the requirements related to TEC §51.3525 compliance has not been developed.</p> <p>Ensure employees are educated about TEC §51.3525 requirements.</p>	<p>Management has committed to developing a training module for all employees on TEC §51.3525 compliance by November 30, 2024, that will be deployed during Annual Training in the Spring of 2025.</p>
<p>Low: Management has discontinued any training prohibited by TEC §51.3525 and removed discontinued training from its websites and Taleo Learn; however, training materials for two discontinued trainings were still accessible through alternative sources.</p> <p>Remove the identified training materials and do a comprehensive review for all other trainings.</p>	<p>Management has promptly addressed the identified opportunities and committed to doing a comprehensive review to ensure no other materials from discontinued training remain by August 31, 2024.</p>
<p>Low: Review of employees' performance goals reports revealed instances of active performance goals that referenced taking DEI training.</p> <p>Update or remove the performance goals and monitor performance goals annually to identify any exceptions or trends.</p>	<p>Management has promptly addressed the identified opportunities and committed to developing a monitoring plan and training on TEC §51.3525 compliance by November 30, 2024.</p>
<p>Low: Management has developed, but not published, a webpage to include references to TEC §51.3525.</p> <p>Publish the webpage to include references to TEC §51.3525 and associated guidance.</p>	<p>Management has promptly addressed the opportunities, and no further action is needed.</p>

UT SOUTHWESTERN MEDICAL CENTER
OFFICE OF INSTITUTIONAL COMPLIANCE & AUDIT SERVICES
TEXAS EDUCATION CODE §51.3525 COMPLIANCE AUDIT
FY 2024 REPORT



Observations and Recommendations (by Rating)	Management Action Plans
<p>Low: Management has not performed a comprehensive review of social media accounts and Teams / SharePoint sites to ensure compliance with TEC §51.3525.</p> <p>Perform a comprehensive review of social media accounts and Teams / SharePoint sites and implement ongoing monitoring activities for websites, social media accounts, and Teams / SharePoint to ensure compliance with TEC §51.3525.</p>	<p>Management has committed to doing a comprehensive review of social media accounts and Teams / SharePoint sites and implementing monitoring activities to track new posts across websites, social media, and Teams / SharePoint for compliance with TEC §51.3525 by November 30, 2024.</p>

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

Natalie Ramello

Natalie A. Ramello, JD, CIA, CHC, CHPC, CHRC, CHIAP
 Vice President, Chief Institutional Compliance Officer & Interim Chief Audit Executive
 Office of Institutional Compliance & Audit Services
 August 13, 2024

Methodology and Scope

The Office of Institutional Compliance & Audit Services conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The Office of Institutional Compliance & Audit Services is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web, social media accounts, and Teams / SharePoint that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the Institution as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the Institution as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the Institution as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- UTSW ETH-151 Equal Opportunity

REPORT DATE
August 13, 2024

REPORT DISTRIBUTION
 To: President
 Cc: Appropriate institutional stakeholders
 UT System recipients
 External Agencies (State Auditor, Legislative Budget Board, Governor’s Office)

Institution: The University of Texas System
Administration
Date Submitted: 08/27/24
Pages: 7

August 22, 2024

Chairman Kevin P. Eltife
Board of Regents
The University of Texas System
210 West 7th Street
Austin, Texas 78701

Re: Certification Submission for SB 17

Dear Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, The University of Texas System Administration, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525. All references herein to "institution" or "this institution" are to The University of Texas System Administration.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

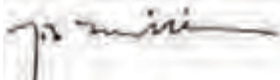
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Sincerely,



James B. Milliken
Chancellor



THE UNIVERSITY OF TEXAS SYSTEM AUDIT OFFICE
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The UT System Audit Office performed an audit to assess UT System Administration’s compliance with TEC §51.3525.

Objective: The primary objective of this engagement was to provide the chancellor and executive leadership reasonable assurance as to whether UT System Administration has complied with the requirements of TEC §51.3525. This included determining whether UT System Administration has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures, if necessary, to comply with TEC §51.3525.

Conclusion on Compliance with TEC §51.3525: Based on the work we performed, we believe that UT System Administration has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies



THE UNIVERSITY OF TEXAS SYSTEM AUDIT OFFICE
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law:… (C) 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[.]”	Complies
“Does not, except as required by federal law:… (D) 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[.]”	Complies
“Does not, except as required by federal law:… (E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which: (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]”	Complies
“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC §51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UT System Administration has complied with the requirements of UTS 197.

Based on the work we performed, we believe that UT System Administration has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC §51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
Medium: Management was considering but had not implemented risk-based monitoring activities to provide itself reasonable assurance over ongoing compliance with UTS 197 and TEC §51.3525. Develop a monitoring plan to ensure ongoing compliance with TEC §51.3525.	Management has drafted a monitoring plan and will adopt following discussion with the Executive Compliance Committee in October 2024.



THE UNIVERSITY OF TEXAS SYSTEM AUDIT OFFICE
TEXAS EDUCATION CODE SECTION 51.3525 COMPLIANCE AUDIT
FY 2024

Observations and Recommendations (by Rating)	Management Action Plans
<p>Medium: Management was considering but had not yet implemented, an institution-wide certification process to provide the chancellor with reasonable assurance that all offices and departments of UT System Administration are operating in compliance with TEC §51.3525.</p> <p>Implement a UT System Administration certification process to provide the chancellor with reasonable assurance that all offices and departments are operating in compliance with TEC §51.3525.</p>	<p>In May 2024, management received confirmation from department heads of compliance with TEC §51.3525 for certification by August 31, 2024 and will implement the UT System Administration certification process by August 31, 2025.</p>
<p>Low: While management has communicated to department leadership its commitment to comply with TEC §51.3525, all employees may not be aware of their roles and responsibilities with respect to compliance with the law.</p> <p>Ensure employees are educated about TEC §51.3525 requirements.</p>	<p>TEC §51.3525 content will be added to a general compliance training module by August 31, 2024.</p>
<p>Low: UTS 187 <i>Interviews of Executive Administrators and other Senior Administrators</i> (UTS 187) was repealed in September 2023. An updated contract addendum template with references to UTS 187 removed was made available to all institutions. Management engaged an executive search firm to perform an executive search that was completed in May 2024. The contract addendum used was not updated and required the vendor to comply with UTS 187. Management could also not confirm whether the institutions had used the updated template for searches completed after January 1, 2024.</p> <p>Ensure executive searches are completed without requirements related to repealed UTS policy.</p>	<p>Management implemented this recommendation prior to report issuance by (1) working with the 23 vendors to amend the search firm contracts to remove references to UTS 187, and (2) notifying the UT institutions of the changes and to use the updated contract addendum.</p>
<p>Low: Management identified some web pages that referenced discontinued activities, did not adequately reflect current activities, or required other clarifications. We also identified other web pages where references to past DEI activities were not clear or where updates might need to be made.</p> <p>Periodically review and update websites and social media accounts.</p>	<p>As part of compliance monitoring, management will begin reviewing and updating websites and social media accounts by October 2024.</p>

We will follow up on the action plans to determine their implementation status. Follow-up will help ensure that timely action is taken to address the observations in this report.

J. Michael Peppers, CPA, CIA, QIAL, CRMA
 Chief Audit Executive



Methodology and Scope

The UT System Audit Office conducted this engagement in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The UT System Audit Office is independent per GAGAS requirements for internal auditors. The procedures we performed included, but were not limited, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, testing controls, data analytics, and other work which we deemed necessary to achieve our audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024 until July 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University or the UT System as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance
- Other key institutional policies where applicable

REPORT DATE
August 13, 2024


REPORT DISTRIBUTION
 To: Mr. J.B. Milliken, Chancellor
 Cc: Mr. Phil Dendy, Chief Risk Officer
 External Agencies (State Auditor, Legislative Budget Board, Governor’s Office)

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

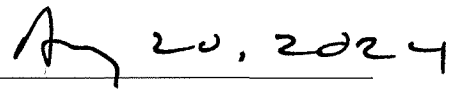
I, Chancellor James B. Milliken, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.



Signature



Date:

Please check one:

- President
- Chancellor
- Board Chair

Institution: The University of Texas Tyler
Date Submitted: 08/27/24
Pages: 13



The University of Texas at Tyler

3900 University Boulevard | Tyler, TX 75799

OFFICE OF THE PRESIDENT

August 19, 2024

Chairman Kevin P. Eltife
The University of Texas System
210 West 7th Street
Austin, Texas 78701

Re: Certification Submission for SB 17

Chairman Eltife:

In compliance with the requirements of Tex. Educ. Code § 51.3525 and [the Texas Higher Education Coordinating Board's SB 17 Annual Certification Form](#), I certify, under penalty of perjury and the loss of funding to my institution, that my institution has complied with the requirements in Tex. Educ. Code § 51.3525.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.
Institutional Actions to Comply with Tex Educ. Code § 51.3525.

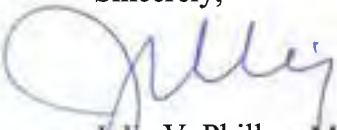
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

This institution has conducted a thorough review of its operations, policies, procedures, hiring and other practices, trainings, and activities and implemented changes to come into compliance with the statute. Additionally, we conducted an internal audit to ensure compliance and are including a copy of the audit report with the submission of this form.

I certify that all information in this submission is true, accurate, and complete.

A signed copy of the Electronic Signature Acknowledgement and Consent Form also is provided with this certification.

Sincerely,



Julie V. Philley, MD
President

August 19, 2024

Institution Contact Name: Donny Henry

Institution Contact Email: dhenry@uttyler.edu

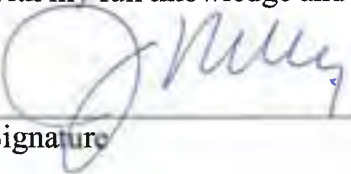
Delivered via email to Stacey Napier, General Counsel to the U. T. System Board of Regents

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Julie Philley, understand that an employee of the University of Texas System Board of Regents will enter my name on the Texas Higher Education Coordinating Board online portal's SB17 Annual Certification form in the electronic signature block for "Institution's President" or "Institution's Board Chair," as applicable, and that this Electronic Signature Acknowledgment and Consent Form (the "Form") is to be submitted in conjunction with the submission of the SB17 Annual Certification form required by 51.3525(e).

I agree and understand that my electronic signatures on this Form and entered on the THECB online SB 17 Certification portal are the legal and valid equivalent of my handwritten signature, and I consent to be legally bound by this Form.

Under penalty of perjury, I herewith affirm that my electronic signature below was completed with my full knowledge and consent and that I am legally bound to these terms and conditions.


Signature

20-Aug-2024
Date:

Please check one:

- President
- Board Chair



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

Background: The 88th Texas State Legislature passed, and the Texas Governor signed into law, Senate Bill 17, which amended Section 1, Subchapter G, Chapter 51 of the *Texas Education Code* by adding Section 51.3525, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives” (TEC §51.3525). TEC §51.3525 requires the Board of Regents of The University of Texas (UT) System, as summarized below, to ensure that each unit of each UT institution does not, except as required by federal law:

- Establish or maintain a diversity, equity, and inclusion (DEI) office;
- Hire or assign an employee of the institution or contract with a third party to perform the duties of a DEI office;
- 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;
- 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; and
- Require, as a condition of enrolling at the institution or performing any institution function, any person to participate in DEI training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

The University of Texas at Tyler (“UT Tyler”) engaged King & Spalding LLP (“K&S”) to perform an audit to assess UT Tyler’s compliance with TEC §51.3525.

Objective: The overall objective of this engagement was to provide the President and Executive Leadership reasonable assurance as to whether UT Tyler has complied with the requirements of TEC §51.3525. This included determining whether UT Tyler has:

- ❖ Closed the DEI office or made appropriate changes to offices, divisions, or other units that were previously responsible for DEI initiatives.
- ❖ Complied with the restriction on hiring or assigning employees to perform DEI duties.
- ❖ Updated staff hiring and employment practices to remove requirements for DEI statements and to not provide preferential treatment based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.
- ❖ Complied with the prohibition on requiring participation in DEI training as a condition of performing any institutional function.
- ❖ Discontinued programs and activities which promote differential treatment of, or provide special benefits to, individuals based on race, color, or ethnicity.
- ❖ Developed or updated disciplinary policies and procedures to comply with TEC §51.3525, if necessary.

Conclusion on Compliance with TEC §51.3525: Based on the work performed, we believe that UT Tyler has achieved compliance with TEC §51.3525:

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
“Does not, except as required by federal law: (A) establish or maintain a diversity, equity, and inclusion office[.]”	Complies
“Does not, except as required by federal law:... (B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office[.]”	Complies



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

TEC §51.3525 Requirements	Based on Audit Procedures and Management Actions
<p>“Does not, except as required by federal law:...</p> <p>(C) 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 [.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(D) 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[.]”</p>	Complies
<p>“Does not, except as required by federal law:...</p> <p>(E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:</p> <ul style="list-style-type: none"> (i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and (ii) does not include a training, program, or activity 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[.]” 	Complies
<p>“(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).”</p>	Complies

In fall 2023, UT System implemented UTS 197 *Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education* (UTS 197) to help achieve and enable ongoing compliance with TEC§51.3525. UTS 197 includes activities which are considered important but are not specifically required by statute. The secondary objective of this audit was to provide reasonable assurance that UT Tyler has complied with the requirements of UTS 197.



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

Based on the work performed, we believe that UT Tyler has achieved significant compliance with the key requirements of UTS 197. However, while not specifically required by statute, we have identified opportunities, as described below, to help ensure ongoing compliance with TEC§51.3525:

Observations and Recommendations (by Rating)	Management Action Plans
<p>1) High: Texas law prohibits institutions of higher education from requiring any person to participate in DEI training as a condition of enrollment, employment, or performance of any institution function at UT Tyler. The DEI-focused training program identified was discontinued. K&S did not receive a formal list of employees who are responsible for preparing and disseminating training materials for students.</p> <p>K&S recommends confirming for students that there are no DEI-related or required trainings as of January 1, 2024, DEI training programs have been discontinued as of January 1, 2024, and DEI-related training programs (if any) were approved by the institution’s general counsel and the Texas Higher Education Coordinating Board or permitted under the exception for grants / agency accreditation.</p>	<p>In response to this observation, the Division of Student Success reviewed and confirmed compliance with the specific items referenced.</p> <p>Completed as of July 18, 2024.</p>
<p>2) High: Given the scrutiny around the word “equity,” UT Tyler should consider revising its value statement to the following: “We respect and value people, philosophies, and all cultures; we strive to create <i>a community of fairness</i> an equitable community where everyone feels like they belong.”</p> <p>K&S recommends similar revisions to similar UT Tyler’s value statements.</p>	<p>The value statement has been removed. Any additions or revisions to the value statement will undergo a review process to ensure compliance.</p> <p>Completed as of July 16, 2024.</p>
<p>3) High: Websites and social media should not communicate prohibited DEI functions, programs or activities or give the impression that eliminated DEI functions, programs or activities are still active. K&S noted there are UT Tyler social media accounts without formal central oversight and therefore views there to be opportunities for social media posts to occur without prior review and approval by Marketing.</p> <p>K&S recommends that UT Tyler implement a central oversight model or network of oversight for approval of UT Tyler website materials and social media pages to ensure compliance with TEC § 51.3525.</p>	<p>The institution currently requires prior approval of content posted to the University’s website, and the Office of Marketing and Communications manages this oversight process through a mix of technology and personnel assigned to review existing and requested content. In response to this observation, the Office of Marketing and Communications has extended this prior approval requirement and oversight to all posts on official social media accounts. The individuals responsible for overseeing the prior approval process are trained on TEC § 51.3525 compliance and provided guidance from the Office of Compliance. Personnel in the Office of Marketing and Communications are responsible for reporting suspected noncompliance to the Office of Compliance.</p> <p>Completed as of July 15, 2024.</p>



**THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION
CODE § 51.3525 COMPLIANCE AUDIT**

Observations and Recommendations (by Rating)	Management Action Plans
<p>4) High: Leadership from the Texas Legislature have communicated that institutions of higher education should have internal controls and ongoing monitoring to ensure ongoing compliance with TEC §51.3525. K&S did not identify adequate internal controls and monitoring processes in place to ensure ongoing compliance with TEC§ 51.3525.</p> <p>a) K&S recommends UT Tyler adopt a new UT Tyler SB 17 DEI Compliance Policy to set forth its internal controls and monitoring for compliance with TEC §51.3525. This should include identifying compliance lead(s), compliance/discipline processes, training requirements, periodic monitoring, and certification process.</p> <p>b) K&S recommends including a training module on compliance with TEC §51.3525 for new employees during onboarding and for all employees as part of the annual compliance training materials.</p> <p>c) K&S recommends creating a Q&A guidance document specific for the Academic Deans to further clarify what is and is not prohibited by TEC §51.3525.</p>	<p>a) The Office of Compliance drafted a new UT Tyler policy entitled “Compliance with State Law Regarding Diversity” which was approved by the UT Tyler HOP Committee on July 16, 2024. This policy covers the topics within Observation 4. The Office of Compliance is named in policy as the Office responsible for ongoing compliance and staff contact names and information are published online for the campus community to contact for any questions or to report suspected noncompliance. Reports of noncompliance are investigated in accordance with the institution’s <i>Compliance Investigations</i> policy.</p> <p>Completed as of July 16, 2024.</p> <p>b) The new <i>Compliance with State Law Regarding Diversity</i> policy was approved on July 16, 2024 and specifically requires training. Accordingly, the Office of Human Resources added a training module to both new employee onboarding training and annual compliance training for existing employees. All training modules are reviewed a least annually.</p> <p>Completed as of July 16, 2024.</p> <p>The Office of Compliance provides the institutional guidance document to Deans. In response to this recommendation, the Office of Compliance has created a guidance document that highlights Q&A topics that are of specific interest to Academic Deans.</p> <p>Completed as of July 17, 2024.</p>



**THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION
CODE § 51.3525 COMPLIANCE AUDIT**

Observations and Recommendations (by Rating)	Management Action Plans
<p>5) Medium: Texas law prohibits institutions of higher education from hiring or assigning employees or contracting with third parties to perform DEI duties. Management noted that an addendum had been made for contracts to include TEC §51.3525 considerations, but K&S had not reviewed it as of the time of the audit. K&S did not find any language or provisions implicating DEI activities or TEC §51.3525.</p> <p>K&S recommends confirming that UT Tyler’s standard terms and conditions addendum incorporated into its contracts includes language prohibiting the vendors from providing UT Tyler any services that would run afoul of TEC §51.3525.</p>	<p>The standard terms and conditions addendum is promulgated by UT System. At this time, no changes have been made or advised by UT System regarding this addendum; however, UT Tyler’s contract review process includes reviews by the Office of Legal Affairs and the Office of Compliance. As part of our contract review process, reviewers and approvers ensure that nothing prohibited by TEC § 51.3525 is solicited or procured. As an added step in response to this observation, departments or individuals requesting a contract are now required to affirmatively state in UT Tyler’s contracts management system that nothing in the requested contract violates TEC § 51.3525.</p> <p>Completed as of July 26, 2024.</p>
<p>6) Medium: Texas law prohibits institutions of higher education from preferential treatment based on race, sex, color, ethnicity, or national origin to an employee, or a participant in any function of the institution. No reference to DEI requirements were identified in evaluation materials for promotions, merit increases and awards. The K&S work plan did not specifically address student scholarships, which is a potentially high-risk area for DEI implications.</p> <p>K&S recommends a detailed review of its scholarships to ensure they do not consider race, sex, color, ethnicity or national origin in their award or qualification criteria.</p>	<p>The Office of the Provost and the Office of Enrollment Management reviewed all 321 endowments and 81 current use gift funds and confirm that none of the names of the scholarships covered by these gifts indicate a preference based on prohibited criteria. In three instances, the donor indicated their intent in the gift documents – but not requirements – for certain recipients (e.g., a female computer science student); however, the Provost and the Vice President for Enrollment Management confirmed that scholarships are open to all students and are awarded based on merit, need, or academic achievement. The Provost has confirmed that the administration of scholarships meets the compliance standard.</p> <p>Completed as of July 18, 2024.</p>



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

<p>7) Medium: Texas law prohibits institutions of higher education from compelling, requiring, inducing, or soliciting any person to provide a DEI statement or give preferential consideration to any person based on the provision of a DEI statement. No DEI statements were identified on clinical staff applications.</p> <p>K&S recommends confirming that the form faculty, student and staff employment and student applications do not include any DEI statements.</p>	<p>The Office of Human Resources and the Office of the Provost reviewed employment forms for faculty, staff, and students and confirmed that they do not contain DEI statements. The Office of Enrollment Management reviewed applications for undergraduate and graduate admissions and confirmed that application materials do not include DEI statements. One program – the MA in School Counseling – had a single prompt requesting applicants to provide a response as to how they would serve students from diverse backgrounds and with diverse needs. The Office of the Provost, in consultation with the College of Education and Psychology and the Office of Legal Affairs, has revised this prompt to ensure compliance.</p> <p>Completed as of July 18, 2024.</p>
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It is noted, in light of the UT Health East Texas arrangement between UT Tyler and Ardent Health, a review of Ardent Health’s DEI statement, trainings, and activities was performed to analyze the impact of such statement on UT Tyler under Section 51.3525. See Appendix A for details.

We will follow up on the action plans to determine the implementation status. Follow-up will help ensure that timely action has been taken to address the observations in this report.

Stephen Ford, CPA, MBA, CHIAP
Vice President, Chief Audit Executive



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

Methodology and Scope

This engagement was conducted on behalf of the Internal Audit Department by King & Spalding in accordance with the *International Standards for the Professional Practice of Internal Auditing* and generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our objectives. The Internal Audit Department is independent per GAGAS requirements for internal auditors. The procedures performed included, but were not limited to, interviews with management, reviewing policies and procedures, reviewing hiring practices, reviewing financial information, obtaining and reviewing supporting documentation, and other work which was deemed necessary to achieve the audit objective.

The scope of this audit covered activities management undertook to address DEI-related:

- Offices and duties that may have been performed elsewhere within the institution;
- Staff hiring and employment practices and DEI statements;
- Training;
- Programs and activities;
- Applicable policies and procedures;
- Internal controls and monitoring;
- External facing web pages and social media accounts that may have referenced active DEI activities; and
- Funding.

The scope of the audit included activities taken from January 1, 2024, until April 30, 2024.

Observation Ratings

Priority	An issue that, if not addressed timely, has a high probability to directly impact achievement of a strategic or important operational objective of the University as a whole.
High	An issue considered to have a medium to high probability of adverse effects to a significant office or business process or to the University as a whole.
Medium	An issue considered to have a low to medium probability of adverse effects to an office or business process or to the University as a whole.
Low	An issue considered to have minimal probability of adverse effects to an office or business process or to the University as a whole.

Criteria

- TEC §51.3525
- UTS 197
- UT System SB 17 Guidance and Other key institutional policies where applicable

REPORT DATE

August 13, 2024

REPORT DISTRIBUTION

To: Dr. Julie Philley, President
 Cc: Mr. Daniel Deslatte, Chief Business Officer
 Dr. Amir Mirmiran, Provost
 Mr. Dwain Morris, Chief Financial Officer
 Mr. Carl Baranowski, Chief Legal Officer
 Dr. Archie L. Holmes, Jr., UT System Executive Vice Chancellor for Academic Affairs
 Dr. John Zerwas, UT System Executive Vice Chancellor for Health Affairs
 Mr. J. Michael Peppers, UT System Chief Audit Executive
 Legislative Budget Board audit@lbb.texas.gov
 Governor budgetandpolicyreports@gov.texas.gov
 State Auditor’s Office iacoordinator@sao.state.tx.us



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

Appendix A

Performing DEI Duties Prohibited – Ardent

Procedures:

Ardent Health’s DEI activities: Review Ardent Health’s DEI statement, trainings, and activities in light of the UT Health East Texas arrangement between UT Tyler and Ardent Health and analyze the impact of such statement on UT Tyler under TEC §51.3525.

Results:

K&S identified areas of improvement surrounding Ardent’s DEI statement, trainings, and activities:

- Ardent publicly posts its DEI statement, which describes Ardent’s focus on “supporting local communities, including diverse suppliers and partners who share [its] commitment to equality and integrity.” The statement describes Ardent’s work to “ensure that [its] team members accurately reflect the diverse populations that [it] serve[s].” The statement also describes Ardent’s commitment to support and elevate women at Ardent and describes the professional development resources available to men and women throughout Ardent.
- During the On-Site Review, K&S learned that Ardent has historically disseminated women in leadership communications to employees working in the UT Health East Texas hospitals, which would include UTHSCT employees and Ardent employees. These communications previously involved “lunch and learns” – a program that we understand involved supporting women in leadership by spotlighting current women in leadership at Ardent. K&S understands this lunch and learn program ended prior to January 1, 2024. More recently, K&S learned Ardent has been circulating a newsletter spotlighting Ardent women in leadership, and this newsletter has replaced the Ardent-sponsored lunch and learns. K&S understands these women in leadership materials are also circulated by Ardent to employees working in the UT Health East Texas hospitals.
- During the On-Site Review, HR explained that Ardent is responsible for the clinical training components for employees working at the UT Health East Texas hospitals. Prior to SB 17, Ardent’s clinical training included a full DEI module, but HR confirmed during the On-Site Review that in 2023, Ardent removed this DEI module from the clinical training materials to facilitate UT Tyler’s compliance with SB 17.
- During the On-Site Review, K&S learned that Ardent has a DEI Committee that meets regularly and makes decisions regarding its approach to DEI. A UT Tyler employee was previously a member on this Committee, and its attendance during the Committee meetings made UT Tyler aware of Ardent’s DEI activities. But UT Tyler has since ceased its representation on this Committee for SB 17 considerations. K&S understands the Committee still operates and may maintain minutes documenting what activities the Ardent DEI Committee is planning.
- Based on the On-Site Review, K&S understands Ardent leadership is aware of SB 17 and the related restrictions on UT Tyler. K&S also understands that Ardent leadership has agreed not to extend the Ardent DEI initiatives to UT Tyler and has taken affirmative steps to limit the reach of its DEI efforts in light of SB 17 by, e.g., removing the DEI module from its UT Health East Texas clinical operations training materials. Although K&S understands Ardent is taking steps to facilitate UT Tyler’s compliance with SB 17, it appears there are not yet sufficient parameters and safeguards in place to ensure that Ardent’s DEI initiatives do not impact UT Tyler’s compliance with SB 17. For example, dissemination of an Ardent newsletter promoting women in leadership could create confusion among the UTHSCT employees who receive these materials as to why they are receiving these materials given the SB 17 restrictions. Ardent sharing these types of materials with UTHSCT employees may also, depending on the specific content of the newsletter, draw scrutiny as to UT Tyler’s compliance with SB 17 because of the integration between the Ardent clinical operations and the UTHSCT clinical operations as part of UT Health East Texas. It is also unclear what funds Ardent is using to support the Ardent DEI initiative and whether such funds are from Ardent parent, from Ardent’s UT Health East Texas clinical operations, or



THE UNIVERSITY OF TEXAS AT TYLER FY 2024 TEXAS EDUCATION CODE § 51.3525 COMPLIANCE AUDIT

from another source of funding. Even if these funds are unrelated to the operations of UT Health East Texas, having a DEI initiative directed towards Ardent employees at hospitals operating under the UT Health name as part of UT Health East Texas may draw unwanted scrutiny as to UT Tyler's compliance with SB 17.

Observations - Ardent Health's DEI activities: To formally articulate UT Tyler's position on SB 17 to Ardent and ensure that Ardent is aware of UT Tyler's DEI restrictions, K&S recommends providing Ardent with a formal letter that (i) includes a copy of UT System Policy 197, Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education, and any other policy adopted by UT Tyler to address compliance with § 51.3525, and (ii) requests that Ardent comply with such policies and § 51.3525 in managing the UTHSCT clinical operations.

In the written notice, K&S recommends requesting a follow-up meeting to discuss the impact of Ardent's DEI initiatives on UTHSCT's clinical operations, with the meeting to include Donald Baker and other appropriate Ardent leaders. The purpose of the meeting would be to discuss and decide on formal parameters around Ardent's DEI initiatives and the UTHSCT clinical operations, particularly as it relates to UTHSCT employees receiving information about Ardent's DEI initiatives, including materials around Ardent's women in leadership initiatives (including invites to DEI events and dissemination of DEI-related newsletters). The Ardent DEI Committee should also be fully briefed on the SB 17 considerations and UT Tyler's DEI policies applicable to the UTHSCT clinical operations, so Ardent's DEI Committee is aware of these limitations as it makes decisions regarding its approach to DEI in East Texas. K&S also recommends exploring with Ardent whether Ardent is willing to focus any DEI initiatives that do not comply with SB 17 on only areas outside of Texas in order to allow for uniform treatment of employees within the UT Health East Texas facilities as to SB 17.

K&S recommends confirming with Ardent whether the Ardent DEI initiatives in the East Texas region are funded solely with funding from Ardent parent and if not, understanding the source of funding.

In advance of this meeting and submission of this formal notice, K&S also recommends obtaining sample "women in leadership" newsletters disseminated by Ardent to employees of UTHSCT so UT Tyler can better understand the content of what is being shared as part of Ardent's women in leadership initiative. K&S also recommends confirming whether these newsletters are still being circulated to employees working in the UT Health East Texas hospitals, including UTHSCT employees.

Management Action Plan: A formal letter was sent on July 29, 2024, as recommended above, and discussions were held with Ardent leadership to ensure Ardent's awareness of UT Tyler's DEI restrictions and its compliance in managing UTHSCT clinical operations.

Anticipated Implementation Date: Completed as of July 29, 2024.

Institution: University of Houston
Date Submitted: 08/23/24
Pages: 31



UNIVERSITY OF HOUSTON SYSTEM
UNIVERSITY OF HOUSTON

Renu Khator
Chancellor and President

MEMORANDUM

To: Tilman Fertitta, Chairman, University of Houston System Board of Regents

From: Renu Khator, President, University of Houston

Date: August 22, 2024

Re: SB 17 Certification Submission for the University of Houston

Institution Contact Name: Dona Cornell

Institution Contact Email Address: dghamilton@central.uh.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

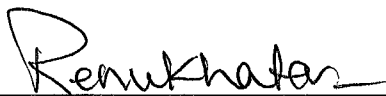


Renu Khator
President, University of Houston

Date signed: August 22, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Renu Khator, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature President, University of Houston

August 22, 2024

Date

Please check one:

- President
- Board Chair

**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



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman Fertitta
Chairman

MEMORANDUM

From: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
To: Texas Higher Education Coordinating Board
Re: **SB 17 Certification Submission for the University of Houston System and Universities of the System**
Date: August 22, 2024

On behalf of University of Houston System, University of Houston, University of Houston-Clear Lake, University of Houston-Downtown, and University of Houston-Victoria, as certified to me in writing signed by each of the system's institution's Presidents and based expressly on those written certifications, I certify as follows for each institution:

I certify, under penalty of perjury and the loss of funding to my institutions (listed below), that each institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System
University of Houston
University of Houston-Clear Lake
University of Houston-Downtown
University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the system'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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 system'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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), each institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), each institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), each institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), each institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that each institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for each institution and if violations of Tex. Educ. Code § 51.3525 are found, then that institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

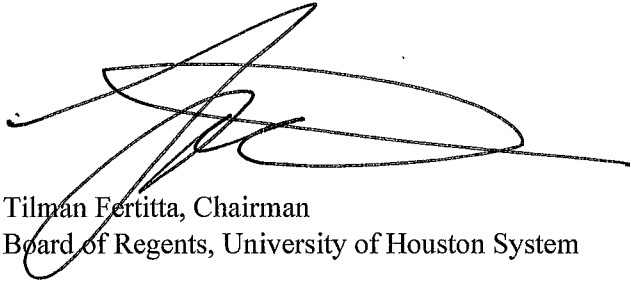
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year the University of Houston System and each institution of the system has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to read 'Tilman Fertitta', is written over a horizontal line. The signature is stylized and cursive.

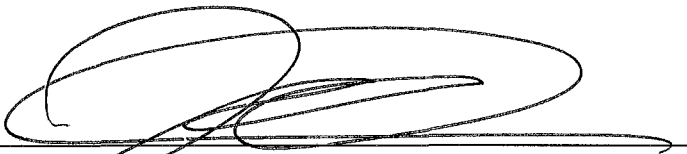
Tilman Fertitta, Chairman
Board of Regents, University of Houston System

Date Signed: August 22, 2024

cc: Renu Khator, Ph.D., Chancellor

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Tilman Fertitta, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chairman, Board of Regents
University of Houston System

August 22, 2024
Date

Please check one:

- President
- Board Chair



Internal Auditing Department

University of Houston System Compliance with Texas Education Code § 51.3525

Report to the Audit and Compliance Committee of the UHS Board of Regents
AR2024-16

August 2024



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Executive Summary

The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Scope

This report is prepared to demonstrate that The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Certification Reviews

The following certifications and actions demonstrate our commitment to complying with these statutory requirements.

1. Hiring and Employment Practices

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that The University of Houston System and its associated universities does not have any office, division, or unit established for influencing hiring or employment practices based on race, sex, color, or ethnicity, except as required by federal law. We utilize color-blind and sex-neutral hiring processes in compliance with all applicable state and federal anti-discrimination laws.

2. Differential Treatment and Special Benefits

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote differential treatment or provide special benefits to individuals based on race, color, or ethnicity, except as required by federal law.

3. Policy Promotion and Implementation

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote policies or procedures related to race, color, or ethnicity without approval from the institution's General Counsel and the Texas Higher Education Coordinating Board, ensuring compliance with court orders and laws.

4. Training, Programs, and Activities

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not conduct trainings or activities based on race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved for legal compliance purposes.

5. Diversity, Equity, and Inclusion (DEI) Roles

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution has not hired or contracted for a DEI office, except as federally required.

6. DEI Statements

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that the institution does not require or solicit DEI statements from individuals as a condition of employment or participation in institutional activities.

7. Preference in Employment or Participation

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets confirmed that the institution does not give preference based on race, sex, color, ethnicity, or national origin, except as required by federal law.

8. DEI Training Requirements

Internal auditing has reviewed relevant training actions and confirmed that the institution does not require DEI training as a condition of enrollment or participation, except as allowed by the law.

9. Disciplinary Policies

Internal auditing has reviewed relevant policies and procedures and confirmed that the institution has policies to discipline employees or contractors violating the provisions of Tex. Educ. Code § 51.3525, including termination if necessary.

10. Use of State Appropriations

Internal auditing has reviewed relevant actions and confirmed that no state appropriations for FY24 were spent on DEI in violation of the TEC.

Institution Actions

In the past fiscal year, The University of Houston System and its associated universities has undertaken the following actions to ensure compliance with Tex. Educ. Code § 51.3525:

- **Review and Revision of Hiring Practices:**

Internal auditing confirmed that the UHS and its associated universities conducted a comprehensive review of all hiring practices to ensure they are in line with color-blind and sex-neutral standards and updated hiring

policies and procedures to reflect these standards and trained hiring managers accordingly.

- **Audit of Institutional Policies:**

Internal auditing has reviewed relevant actions, policies, processes and all institutional policies related to race, color, ethnicity, and other protected characteristics to ensure alignment with state and federal laws. Compliance functions and appropriate policy owners revised policies as necessary and ensured they are approved by the General Counsel.

- **Training and Awareness Programs:**

Internal Auditing confirmed that training sessions to educate staff and faculty about compliance requirements and the importance of maintaining non-discriminatory practices occurred at all universities.

- **Monitoring and Compliance Checks:**

Internal audit confirmed a monitoring system is in place to regularly check for compliance with Tex. Educ. Code § 51.3525. In addition, compliance audits will be conducted periodically, and any identified issues will be reported to the General Counsel's office promptly.

- **Stakeholder Engagement:**

Internal Auditing confirmed that executive leadership and General Counsel engaged with stakeholders, including students, faculty, and staff, to communicate the institution's commitment to compliance and gather feedback on policies and practices.

Conclusion

Internal auditing concludes, based on the evidence, that the UHS and its associated universities are in compliance with the requirements of Tex. Educ. Code § 51.3525. The University of Houston System and its associated universities have undergone extensive analysis, led by the General Counsel's Office, of policies, procedures, and associated documents to ensure a fair, equitable, and legally compliant environment for all students, staff, and faculty. Internal Auditing will continue to audit our practices and policies to ensure ongoing compliance with Tex. Educ. Code § 51.3525.

The UHS Internal Auditing Department would like to thank all those involved for their cooperation and assistance during this audit process.

Sincerely,



UHS Internal Auditing Department

Chief Audit Executive

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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

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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.

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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.

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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.

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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?

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(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.

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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

Institution: University of Houston Clear Lake
Date Submitted: 08/23/24
Pages: 31

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.

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(Including Printed Materials)

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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

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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

**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



OFFICE OF THE PRESIDENT

MEMORANDUM

From: Richard Walker, President, University of Houston-Clear Lake
To: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
Re: SB 17 Certification Submission for the University of Houston-Clear Lake
Date: August 22, 2024

Institution Contact Name: Dona Cornell

Institution Contact Email Address: dghamilton@central.uh.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston-Clear Lake

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.
4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third

party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

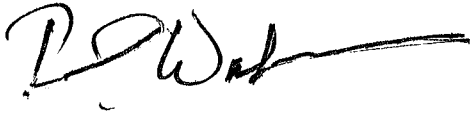
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.

3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to read 'R. Walker', with a long horizontal flourish extending to the right.

Richard Walker, Ed.D.
President, University of Houston-Clear Lake

Date Signed: August 22, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Richard Walker, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature President, University of Hosuton-Clear Lake

August 22, 2024

Date

Please check one:

- President
- Board Chair



Internal Auditing Department

University of Houston System Compliance with Texas Education Code § 51.3525

Report to the Audit and Compliance Committee of the UHS Board of Regents
AR2024-16

August 2024



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Executive Summary

The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Scope

This report is prepared to demonstrate that The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Certification Reviews

The following certifications and actions demonstrate our commitment to complying with these statutory requirements.

1. Hiring and Employment Practices

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that The University of Houston System and its associated universities does not have any office, division, or unit established for influencing hiring or employment practices based on race, sex, color, or ethnicity, except as required by federal law. We utilize color-blind and sex-neutral hiring processes in compliance with all applicable state and federal anti-discrimination laws.

2. Differential Treatment and Special Benefits

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote differential treatment or provide special benefits to individuals based on race, color, or ethnicity, except as required by federal law.

3. Policy Promotion and Implementation

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote policies or procedures related to race, color, or ethnicity without approval from the institution's General Counsel and the Texas Higher Education Coordinating Board, ensuring compliance with court orders and laws.

4. Training, Programs, and Activities

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not conduct trainings or activities based on race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved for legal compliance purposes.

5. Diversity, Equity, and Inclusion (DEI) Roles

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution has not hired or contracted for a DEI office, except as federally required.

6. DEI Statements

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that the institution does not require or solicit DEI statements from individuals as a condition of employment or participation in institutional activities.

7. Preference in Employment or Participation

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets confirmed that the institution does not give preference based on race, sex, color, ethnicity, or national origin, except as required by federal law.

8. DEI Training Requirements

Internal auditing has reviewed relevant training actions and confirmed that the institution does not require DEI training as a condition of enrollment or participation, except as allowed by the law.

9. Disciplinary Policies

Internal auditing has reviewed relevant policies and procedures and confirmed that the institution has policies to discipline employees or contractors violating the provisions of Tex. Educ. Code § 51.3525, including termination if necessary.

10. Use of State Appropriations

Internal auditing has reviewed relevant actions and confirmed that no state appropriations for FY24 were spent on DEI in violation of the TEC.

Institution Actions

In the past fiscal year, The University of Houston System and its associated universities has undertaken the following actions to ensure compliance with Tex. Educ. Code § 51.3525:

- **Review and Revision of Hiring Practices:**

Internal auditing confirmed that the UHS and its associated universities conducted a comprehensive review of all hiring practices to ensure they are in line with color-blind and sex-neutral standards and updated hiring

policies and procedures to reflect these standards and trained hiring managers accordingly.

- **Audit of Institutional Policies:**

Internal auditing has reviewed relevant actions, policies, processes and all institutional policies related to race, color, ethnicity, and other protected characteristics to ensure alignment with state and federal laws. Compliance functions and appropriate policy owners revised policies as necessary and ensured they are approved by the General Counsel.

- **Training and Awareness Programs:**

Internal Auditing confirmed that training sessions to educate staff and faculty about compliance requirements and the importance of maintaining non-discriminatory practices occurred at all universities.

- **Monitoring and Compliance Checks:**

Internal audit confirmed a monitoring system is in place to regularly check for compliance with Tex. Educ. Code § 51.3525. In addition, compliance audits will be conducted periodically, and any identified issues will be reported to the General Counsel's office promptly.

- **Stakeholder Engagement:**

Internal Auditing confirmed that executive leadership and General Counsel engaged with stakeholders, including students, faculty, and staff, to communicate the institution's commitment to compliance and gather feedback on policies and practices.

Conclusion

Internal auditing concludes, based on the evidence, that the UHS and its associated universities are in compliance with the requirements of Tex. Educ. Code § 51.3525. The University of Houston System and its associated universities have undergone extensive analysis, led by the General Counsel's Office, of policies, procedures, and associated documents to ensure a fair, equitable, and legally compliant environment for all students, staff, and faculty. Internal Auditing will continue to audit our practices and policies to ensure ongoing compliance with Tex. Educ. Code § 51.3525.

The UHS Internal Auditing Department would like to thank all those involved for their cooperation and assistance during this audit process.

Sincerely,



UHS Internal Auditing Department

Chief Audit Executive

Phillip Hurd, CIA, CCEP

Phone: (713) 743-8000

Email: audit@uh.edu

Website: <https://uhsystem.edu/internal-audit>

Director, Operational and Financial Audits

Brandee O'Neal, CIA, CFE

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Connie Applebach, CISA

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Aiden Ho

Jackie Martinez

Tony Moreno, CFE

Eric Porter, CFE



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman Fertitta
Chairman

MEMORANDUM

From: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
To: Texas Higher Education Coordinating Board
Re: **SB 17 Certification Submission for the University of Houston System and Universities of the System**
Date: August 22, 2024

On behalf of University of Houston System, University of Houston, University of Houston-Clear Lake, University of Houston-Downtown, and University of Houston-Victoria, as certified to me in writing signed by each of the system's institution's Presidents and based expressly on those written certifications, I certify as follows for each institution:

I certify, under penalty of perjury and the loss of funding to my institutions (listed below), that each institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System
University of Houston
University of Houston-Clear Lake
University of Houston-Downtown
University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the system'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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 system'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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), each institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), each institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), each institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), each institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that each institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for each institution and if violations of Tex. Educ. Code § 51.3525 are found, then that institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

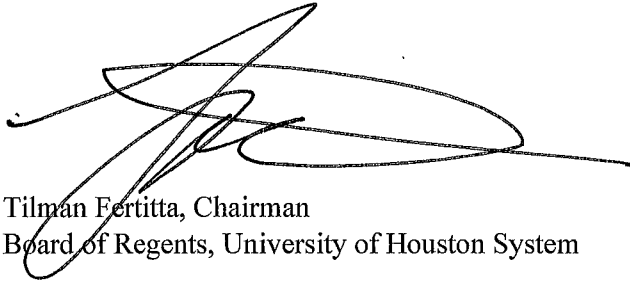
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The UH System and each institution of the system have taken comprehensive measures to ensure full compliance with the requirements and provisions set forth in SB 17. It would be impossible to describe

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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
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3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to read 'Tilman Fertitta', is written over a horizontal line. The signature is stylized and somewhat cursive.


Tilman Fertitta, Chairman
Board of Regents, University of Houston System

Date Signed: August 22, 2024

cc: Renu Khator, Ph.D., Chancellor

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Tilman Fertitta, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chairman, Board of Regents
University of Houston System

August 22, 2024
Date

Please check one:

- President
- Board Chair

Institution: University of Houston Downtown
Date Submitted: 08/23/24
Pages: 31

**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).

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- 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).

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- 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.

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- 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



Internal Auditing Department

University of Houston System Compliance with Texas Education Code § 51.3525

Report to the Audit and Compliance Committee of the UHS Board of Regents
AR2024-16

August 2024



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Executive Summary

The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Scope

This report is prepared to demonstrate that The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Certification Reviews

The following certifications and actions demonstrate our commitment to complying with these statutory requirements.

1. Hiring and Employment Practices

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that The University of Houston System and its associated universities does not have any office, division, or unit established for influencing hiring or employment practices based on race, sex, color, or ethnicity, except as required by federal law. We utilize color-blind and sex-neutral hiring processes in compliance with all applicable state and federal anti-discrimination laws.

2. Differential Treatment and Special Benefits

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote differential treatment or provide special benefits to individuals based on race, color, or ethnicity, except as required by federal law.

3. Policy Promotion and Implementation

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote policies or procedures related to race, color, or ethnicity without approval from the institution's General Counsel and the Texas Higher Education Coordinating Board, ensuring compliance with court orders and laws.

4. Training, Programs, and Activities

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not conduct trainings or activities based on race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved for legal compliance purposes.

5. Diversity, Equity, and Inclusion (DEI) Roles

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution has not hired or contracted for a DEI office, except as federally required.

6. DEI Statements

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that the institution does not require or solicit DEI statements from individuals as a condition of employment or participation in institutional activities.

7. Preference in Employment or Participation

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets confirmed that the institution does not give preference based on race, sex, color, ethnicity, or national origin, except as required by federal law.

8. DEI Training Requirements

Internal auditing has reviewed relevant training actions and confirmed that the institution does not require DEI training as a condition of enrollment or participation, except as allowed by the law.

9. Disciplinary Policies

Internal auditing has reviewed relevant policies and procedures and confirmed that the institution has policies to discipline employees or contractors violating the provisions of Tex. Educ. Code § 51.3525, including termination if necessary.

10. Use of State Appropriations

Internal auditing has reviewed relevant actions and confirmed that no state appropriations for FY24 were spent on DEI in violation of the TEC.

Institution Actions

In the past fiscal year, The University of Houston System and its associated universities has undertaken the following actions to ensure compliance with Tex. Educ. Code § 51.3525:

- **Review and Revision of Hiring Practices:**

Internal auditing confirmed that the UHS and its associated universities conducted a comprehensive review of all hiring practices to ensure they are in line with color-blind and sex-neutral standards and updated hiring

policies and procedures to reflect these standards and trained hiring managers accordingly.

- **Audit of Institutional Policies:**

Internal auditing has reviewed relevant actions, policies, processes and all institutional policies related to race, color, ethnicity, and other protected characteristics to ensure alignment with state and federal laws. Compliance functions and appropriate policy owners revised policies as necessary and ensured they are approved by the General Counsel.

- **Training and Awareness Programs:**

Internal Auditing confirmed that training sessions to educate staff and faculty about compliance requirements and the importance of maintaining non-discriminatory practices occurred at all universities.

- **Monitoring and Compliance Checks:**

Internal audit confirmed a monitoring system is in place to regularly check for compliance with Tex. Educ. Code § 51.3525. In addition, compliance audits will be conducted periodically, and any identified issues will be reported to the General Counsel's office promptly.

- **Stakeholder Engagement:**

Internal Auditing confirmed that executive leadership and General Counsel engaged with stakeholders, including students, faculty, and staff, to communicate the institution's commitment to compliance and gather feedback on policies and practices.

Conclusion

Internal auditing concludes, based on the evidence, that the UHS and its associated universities are in compliance with the requirements of Tex. Educ. Code § 51.3525. The University of Houston System and its associated universities have undergone extensive analysis, led by the General Counsel's Office, of policies, procedures, and associated documents to ensure a fair, equitable, and legally compliant environment for all students, staff, and faculty. Internal Auditing will continue to audit our practices and policies to ensure ongoing compliance with Tex. Educ. Code § 51.3525.

The UHS Internal Auditing Department would like to thank all those involved for their cooperation and assistance during this audit process.

Sincerely,



UHS Internal Auditing Department

Chief Audit Executive

Phillip Hurd, CIA, CCEP

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Jackie Martinez

Tony Moreno, CFE

Eric Porter, CFE



**University of Houston
DOWNTOWN**

Office of the President

MEMORANDUM

From: Loren J. Blanchard, Ph.D., President, University of Houston-Downtown
To: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
Re: SB 17 Certification Submission for the University of Houston-Downtown
Date: August 22, 2024

Institution Contact Name: Dona Cornell

Institution Contact Email Address: dghamilton@central.uh.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston-Downtown

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.
4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third

party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

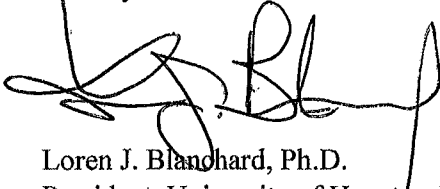
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.

3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

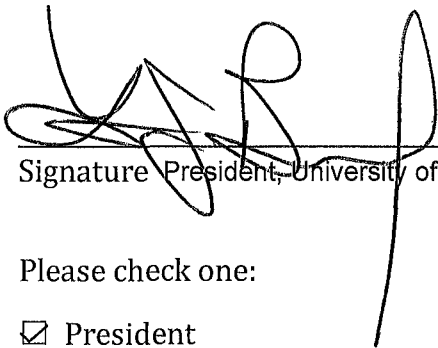
A handwritten signature in black ink, appearing to read 'Loren J. Blanchard', written over a horizontal line.

Loren J. Blanchard, Ph.D.
President, University of Houston-Downtown

Date Signed: August 22, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Loren Blanchard, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature President, University of Houston-Downtown

August 22, 2024
Date

Please check one:

- President
- Board Chair

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



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman Fertitta
Chairman

MEMORANDUM

From: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
To: Texas Higher Education Coordinating Board
Re: **SB 17 Certification Submission for the University of Houston System and Universities of the System**
Date: August 22, 2024

On behalf of University of Houston System, University of Houston, University of Houston-Clear Lake, University of Houston-Downtown, and University of Houston-Victoria, as certified to me in writing signed by each of the system's institution's Presidents and based expressly on those written certifications, I certify as follows for each institution:

I certify, under penalty of perjury and the loss of funding to my institutions (listed below), that each institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System
University of Houston
University of Houston-Clear Lake
University of Houston-Downtown
University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the system'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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 system'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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), each institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), each institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), each institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), each institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that each institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for each institution and if violations of Tex. Educ. Code § 51.3525 are found, then that institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

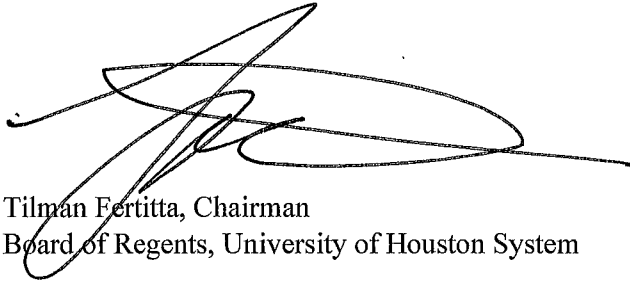
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year the University of Houston System and each institution of the system has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to be 'Tilman Fertitta', written over a horizontal line.

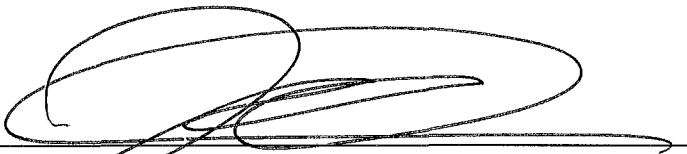
Tilman Fertitta, Chairman
Board of Regents, University of Houston System

Date Signed: August 22, 2024

cc: Renu Khator, Ph.D., Chancellor

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Tilman Fertitta, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chairman, Board of Regents
University of Houston System

August 22, 2024
Date

Please check one:

- President
- Board Chair

Institution: University of Houston Victoria
Date Submitted: 08/23/24
Pages: 31

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



MEMORANDUM

From: Robert Glenn, President, University of Houston-Victoria
To: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
Re: SB 17 Certification Submission for the University of Houston-Victoria
Date: August 22, 2024

Institution Contact Name: Dona Cornell

Institution Contact Email Address: dghamilton@central.uh.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.
4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.

4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

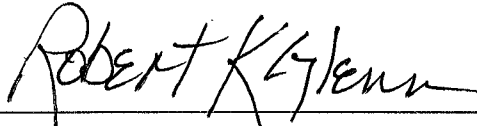
A handwritten signature in black ink that reads "Robert K. Glenn". The signature is written in a cursive style with a large initial "R" and "G".

Robert Glenn
President, University of Houston-Victoria

Date Signed: August 22, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Robert Glenn, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature President, University of Houston-Victoria

August 22, 2024

Date

Please check one:

- President
- Board Chair



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman Fertitta
Chairman

MEMORANDUM

From: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
To: Texas Higher Education Coordinating Board
Re: **SB 17 Certification Submission for the University of Houston System and Universities of the System**
Date: August 22, 2024

On behalf of University of Houston System, University of Houston, University of Houston-Clear Lake, University of Houston-Downtown, and University of Houston-Victoria, as certified to me in writing signed by each of the system's institution's Presidents and based expressly on those written certifications, I certify as follows for each institution:

I certify, under penalty of perjury and the loss of funding to my institutions (listed below), that each institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System
University of Houston
University of Houston-Clear Lake
University of Houston-Downtown
University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the system'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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 system'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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), each institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), each institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), each institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), each institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that each institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for each institution and if violations of Tex. Educ. Code § 51.3525 are found, then that institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

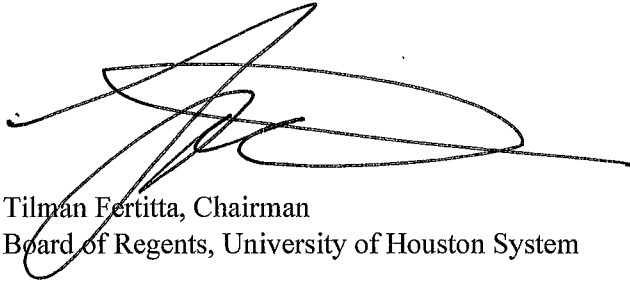
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year the University of Houston System and each institution of the system has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to read 'Tilman Fertitta', is written over a horizontal line. The signature is stylized and somewhat cursive.

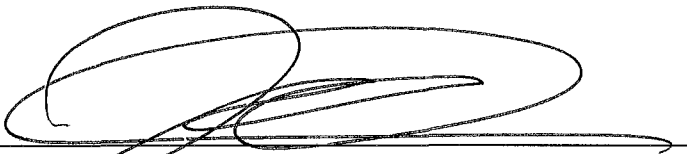
Tilman Fertitta, Chairman
Board of Regents, University of Houston System

Date Signed: August 22, 2024

cc: Renu Khator, Ph.D., Chancellor

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Tilman Fertitta, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chairman, Board of Regents
University of Houston System

August 22, 2024
Date

Please check one:

- President
- Board Chair



Internal Auditing Department

University of Houston System Compliance with Texas Education Code § 51.3525

Report to the Audit and Compliance Committee of the UHS Board of Regents
AR2024-16

August 2024



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Executive Summary

The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Scope

This report is prepared to demonstrate that The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Certification Reviews

The following certifications and actions demonstrate our commitment to complying with these statutory requirements.

1. Hiring and Employment Practices

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that The University of Houston System and its associated universities does not have any office, division, or unit established for influencing hiring or employment practices based on race, sex, color, or ethnicity, except as required by federal law. We utilize color-blind and sex-neutral hiring processes in compliance with all applicable state and federal anti-discrimination laws.

2. Differential Treatment and Special Benefits

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote differential treatment or provide special benefits to individuals based on race, color, or ethnicity, except as required by federal law.

3. Policy Promotion and Implementation

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote policies or procedures related to race, color, or ethnicity without approval from the institution's General Counsel and the Texas Higher Education Coordinating Board, ensuring compliance with court orders and laws.

4. Training, Programs, and Activities

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not conduct trainings or activities based on race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved for legal compliance purposes.

5. Diversity, Equity, and Inclusion (DEI) Roles

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution has not hired or contracted for a DEI office, except as federally required.

6. DEI Statements

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that the institution does not require or solicit DEI statements from individuals as a condition of employment or participation in institutional activities.

7. Preference in Employment or Participation

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets confirmed that the institution does not give preference based on race, sex, color, ethnicity, or national origin, except as required by federal law.

8. DEI Training Requirements

Internal auditing has reviewed relevant training actions and confirmed that the institution does not require DEI training as a condition of enrollment or participation, except as allowed by the law.

9. Disciplinary Policies

Internal auditing has reviewed relevant policies and procedures and confirmed that the institution has policies to discipline employees or contractors violating the provisions of Tex. Educ. Code § 51.3525, including termination if necessary.

10. Use of State Appropriations

Internal auditing has reviewed relevant actions and confirmed that no state appropriations for FY24 were spent on DEI in violation of the TEC.

Institution Actions

In the past fiscal year, The University of Houston System and its associated universities has undertaken the following actions to ensure compliance with Tex. Educ. Code § 51.3525:

- **Review and Revision of Hiring Practices:**

Internal auditing confirmed that the UHS and its associated universities conducted a comprehensive review of all hiring practices to ensure they are in line with color-blind and sex-neutral standards and updated hiring

policies and procedures to reflect these standards and trained hiring managers accordingly.

- **Audit of Institutional Policies:**

Internal auditing has reviewed relevant actions, policies, processes and all institutional policies related to race, color, ethnicity, and other protected characteristics to ensure alignment with state and federal laws. Compliance functions and appropriate policy owners revised policies as necessary and ensured they are approved by the General Counsel.

- **Training and Awareness Programs:**

Internal Auditing confirmed that training sessions to educate staff and faculty about compliance requirements and the importance of maintaining non-discriminatory practices occurred at all universities.

- **Monitoring and Compliance Checks:**

Internal audit confirmed a monitoring system is in place to regularly check for compliance with Tex. Educ. Code § 51.3525. In addition, compliance audits will be conducted periodically, and any identified issues will be reported to the General Counsel's office promptly.

- **Stakeholder Engagement:**

Internal Auditing confirmed that executive leadership and General Counsel engaged with stakeholders, including students, faculty, and staff, to communicate the institution's commitment to compliance and gather feedback on policies and practices.

Conclusion

Internal auditing concludes, based on the evidence, that the UHS and its associated universities are in compliance with the requirements of Tex. Educ. Code § 51.3525. The University of Houston System and its associated universities have undergone extensive analysis, led by the General Counsel's Office, of policies, procedures, and associated documents to ensure a fair, equitable, and legally compliant environment for all students, staff, and faculty. Internal Auditing will continue to audit our practices and policies to ensure ongoing compliance with Tex. Educ. Code § 51.3525.

The UHS Internal Auditing Department would like to thank all those involved for their cooperation and assistance during this audit process.

Sincerely,



UHS Internal Auditing Department

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Tony Moreno, CFE

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**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

Institution: University of Houston/University of
Houston System
Date Submitted: 08/30/24
Pages: 30

**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 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 statements protected by [Board of Regents Policy 21.12](#) (Freedom of Expression) and [Board of Regents Policy 21.03](#) (Academic Freedom).

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.

2.3. DEI Statement: Any statement, written or otherwise, made on behalf of UHS or its universities, including any division, department, or unit, that is contrary to its policies, or federal or state law, including Title VI, Title VII, Title IX, and/or [Texas Education Code Section 51.3525](#), relating to DEI.

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, shall make a DEI statement, or shall give preferential consideration based on the provision of a DEI statement.
- 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. Statements to Grantor or Accrediting Agency.
 - 4.2.1. 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.
 - 4.2.2. 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.

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

- 4.3.1. Academic course instruction;
- 4.3.2. Scholarly research or creative work by students, faculty, or other research personnel (which may include staff), or the dissemination of that research or work;
- 4.3.3. An activity of a registered student organization;
- 4.3.4. Guest speakers or performers on short-term engagements;
- 4.3.5. 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;
- 4.3.6. Data collection; or
- 4.3.7. 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: _____
Vice Chancellor for Legal Affairs and General Counsel

Chancellor

Date: _____

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



**UNIVERSITY OF HOUSTON SYSTEM
UNIVERSITY OF HOUSTON**

Renu Khator
Chancellor and President

MEMORANDUM

To: Tilman Fertitta, Chairman, University of Houston System Board of Regents

From: Renu Khator, Chancellor, University of Houston System

Date: August 22, 2024

Re: SB 17 Certification Submission for the University of Houston System

Institution Contact Name: Dona Cornell

Institution Contact Email Address: dghamilton@central.uh.edu

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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.

4. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.
5. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code§ 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code§ 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code§ 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code§ 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code§ 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code§ 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code§ 51.3525 to the State Auditor's Office for review.

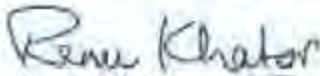
Institutional Actions to Comply with Tex. Educ. Code § 51.3525

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year my institution has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.



Renu Khator

Chancellor, University of Houston System

Date signed: August 22, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Renu Khator, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chancellor,
University of Houston System

August 22, 2024

Date

Please check one:

- Chancellor
- Board Chair



Internal Auditing Department

University of Houston System Compliance with Texas Education Code § 51.3525

Report to the Audit and Compliance Committee of the UHS Board of Regents
AR2024-16

August 2024



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Executive Summary

The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Scope

This report is prepared to demonstrate that The University of Houston System and its associated universities are following Tex. Educ. Code § 51.3525, which mandates that institutions of higher education adhere to strict guidelines regarding hiring, employment practices, and diversity initiatives.

Certification Reviews

The following certifications and actions demonstrate our commitment to complying with these statutory requirements.

1. Hiring and Employment Practices

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that The University of Houston System and its associated universities does not have any office, division, or unit established for influencing hiring or employment practices based on race, sex, color, or ethnicity, except as required by federal law. We utilize color-blind and sex-neutral hiring processes in compliance with all applicable state and federal anti-discrimination laws.

2. Differential Treatment and Special Benefits

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote differential treatment or provide special benefits to individuals based on race, color, or ethnicity, except as required by federal law.

3. Policy Promotion and Implementation

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not promote policies or procedures related to race, color, or ethnicity without approval from the institution's General Counsel and the Texas Higher Education Coordinating Board, ensuring compliance with court orders and laws.

4. Training, Programs, and Activities

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution does not conduct trainings or activities based on race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved for legal compliance purposes.

5. Diversity, Equity, and Inclusion (DEI) Roles

Internal auditing has reviewed relevant actions, policies, processes, and confirmed that the institution has not hired or contracted for a DEI office, except as federally required.

6. DEI Statements

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets and confirmed that the institution does not require or solicit DEI statements from individuals as a condition of employment or participation in institutional activities.

7. Preference in Employment or Participation

Internal auditing has reviewed relevant actions, policies, processes, and sampled hiring packets confirmed that the institution does not give preference based on race, sex, color, ethnicity, or national origin, except as required by federal law.

8. DEI Training Requirements

Internal auditing has reviewed relevant training actions and confirmed that the institution does not require DEI training as a condition of enrollment or participation, except as allowed by the law.

9. Disciplinary Policies

Internal auditing has reviewed relevant policies and procedures and confirmed that the institution has policies to discipline employees or contractors violating the provisions of Tex. Educ. Code § 51.3525, including termination if necessary.

10. Use of State Appropriations

Internal auditing has reviewed relevant actions and confirmed that no state appropriations for FY24 were spent on DEI in violation of the TEC.

Institution Actions

In the past fiscal year, The University of Houston System and its associated universities has undertaken the following actions to ensure compliance with Tex. Educ. Code § 51.3525:

- **Review and Revision of Hiring Practices:**

Internal auditing confirmed that the UHS and its associated universities conducted a comprehensive review of all hiring practices to ensure they are in line with color-blind and sex-neutral standards and updated hiring

policies and procedures to reflect these standards and trained hiring managers accordingly.

- **Audit of Institutional Policies:**

Internal auditing has reviewed relevant actions, policies, processes and all institutional policies related to race, color, ethnicity, and other protected characteristics to ensure alignment with state and federal laws. Compliance functions and appropriate policy owners revised policies as necessary and ensured they are approved by the General Counsel.

- **Training and Awareness Programs:**

Internal Auditing confirmed that training sessions to educate staff and faculty about compliance requirements and the importance of maintaining non-discriminatory practices occurred at all universities.

- **Monitoring and Compliance Checks:**

Internal audit confirmed a monitoring system is in place to regularly check for compliance with Tex. Educ. Code § 51.3525. In addition, compliance audits will be conducted periodically, and any identified issues will be reported to the General Counsel's office promptly.

- **Stakeholder Engagement:**

Internal Auditing confirmed that executive leadership and General Counsel engaged with stakeholders, including students, faculty, and staff, to communicate the institution's commitment to compliance and gather feedback on policies and practices.

Conclusion

Internal auditing concludes, based on the evidence, that the UHS and its associated universities are in compliance with the requirements of Tex. Educ. Code § 51.3525. The University of Houston System and its associated universities have undergone extensive analysis, led by the General Counsel's Office, of policies, procedures, and associated documents to ensure a fair, equitable, and legally compliant environment for all students, staff, and faculty. Internal Auditing will continue to audit our practices and policies to ensure ongoing compliance with Tex. Educ. Code § 51.3525.

The UHS Internal Auditing Department would like to thank all those involved for their cooperation and assistance during this audit process.

Sincerely,



UHS Internal Auditing Department

Chief Audit Executive

Phillip Hurd, CIA, CCEP

Phone: (713) 743-8000

Email: audit@uh.edu

Website: <https://uhsystem.edu/internal-audit>

Director, Operational and Financial Audits

Brandee O'Neal, CIA, CFE

Audit Team

Connie Applebach, CISA

Kathy Gonzalez, CCRP

Aiden Ho

Jackie Martinez

Tony Moreno, CFE

Eric Porter, CFE



UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS

Tilman Fertitta
Chairman

MEMORANDUM

From: Tilman Fertitta, Chairman of the University of Houston System Board of Regents
To: Texas Higher Education Coordinating Board
Re: **SB 17 Certification Submission for the University of Houston System and Universities of the System**
Date: August 22, 2024

On behalf of University of Houston System, University of Houston, University of Houston-Clear Lake, University of Houston-Downtown, and University of Houston-Victoria, as certified to me in writing signed by each of the system's institution's Presidents and based expressly on those written certifications, I certify as follows for each institution:

I certify, under penalty of perjury and the loss of funding to my institutions (listed below), that each institution has complied with the requirements in Tex. Educ. Code § 51.3525:

University of Houston System
University of Houston
University of Houston-Clear Lake
University of Houston-Downtown
University of Houston-Victoria

1. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
3. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the system'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.

4. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), each institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 system'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.
5. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), each institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).
6. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), each institution does not, except as required by federal law, 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.
7. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), each institution does not, except as required by federal law, 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.
8. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), each institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).
9. I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that each institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).
10. I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY25 have been spent prior to submission of this certification report for FY24 to the Legislature and the Texas Higher Education Coordinating Board.
11. I understand the State Auditor's Office will conduct a compliance audit for each institution and if violations of Tex. Educ. Code § 51.3525 are found, then that institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.
12. I understand the Coordinating Board will forward all complaints regarding an institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Institutional Actions to Comply with Tex. Educ. Code § 51.3525

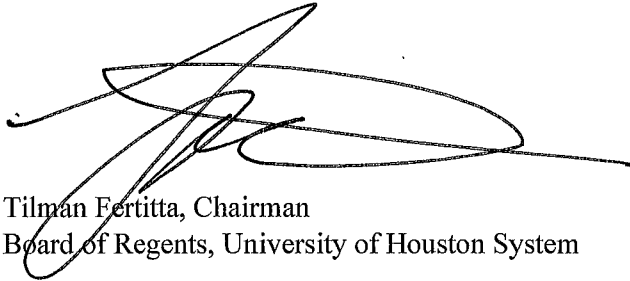
To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year the University of Houston System and each institution of the system has conducted the following actions to comply with the statute:

The UH System and each institution of the system have 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, the UHS administrative team promptly reviewed the contents to understand its implications thoroughly. We issued a legal memorandum to all of UHS institutions outlining the provisions of SB 17, created FAQs and met to discuss next steps to ensure compliance with the bill's provisions.
2. UHS developed an implementation plan to review and align its policies, operations, trainings, and programs with the requirements set forth in SB 17. We created a team to assist our institutions in reviewing their current practices and policies and provided guidance to aid them in implementing the bill's requirements.
3. UHS Internal Audit completed a SB 17 Audit Report for the UH System which has been presented to the Board of Regents.
4. The UHS Office of General Counsel provides advice and guidance on questions that continue to arise.

I certify that all information in this submission is true, accurate, and complete.

A handwritten signature in black ink, appearing to read 'Tilman Fertitta', is written over a horizontal line. The signature is stylized and somewhat cursive.

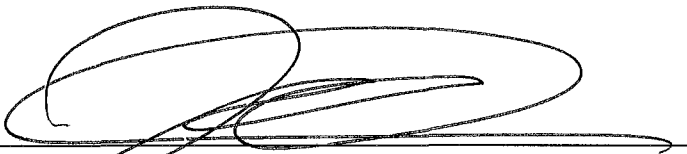
Tilman Fertitta, Chairman
Board of Regents, University of Houston System

Date Signed: August 22, 2024

cc: Renu Khator, Ph.D., Chancellor

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Tilman Fertitta, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature Chairman, Board of Regents
University of Houston System

August 22, 2024
Date

Please check one:

- President
- Board Chair

Institution: University of North Texas
Date Submitted: 08/27/24
Pages: 22

UNIVERSITY OF NORTH TEXAS

Texas Education Code § 51.3525

FY24 Certification Submission

Supporting Documentation

Institutional Contact (and form submitter):

Alan Stucky

Vice Chancellor & General Counsel

The logo for the University of North Texas System, featuring the letters "UNT" in a bold, green, sans-serif font, followed by a vertical bar and the word "SYSTEM" in a lighter, green, sans-serif font.

University of North Texas System

Office of General Counsel

1155 Union Circle #310907, Denton, TX 76203

Phone: 940.565.2717

Direct: 940.565.2468

Email: Alan.Stucky@untsystem.edu

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BOARD CHAIR

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

University of North Texas

Division/Department/Unit Name (collectively "Unit")

Board Chair

Unit Contact Name

Laura Wright

Unit Contact Email Address

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Laura H. Wright

Date Signed

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Laura Wright, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Laura H. Wright
Signature

August 15, 2024
Date

Please check one:

- President
- Board Chair

PRESIDENT

Certification Documents

Certification Submission of the Institutional CEOÃ

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University of North Texas

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Harrison Keller

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ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, **Harrison Keller**, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature

August 15, 2024
Date

Please check one:

- President
 Board Chair

Additional Documents



TO: All UNT System Administration and Institution Employees

FROM: Alan Stucky, Vice Chancellor & General Counsel

DATE: December 1, 2023

RE: Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System (UNT System) provides the following guidance to assist UNT System institutions in implementing the new law. UNT System remains committed to supporting the diverse student body, faculty, and staff in the values-based environment.
- C. The guidance provided is intended to be broad and it is not anticipated to cover every specific situation implicated by TEC §51.3525. For specific questions please reach out to UNT System Office of General Counsel.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System institutions to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. UNT System institution policies, programs, trainings, and activities may promote and advance equal opportunity, equal access, and inclusion, which is required by federal and state law. Specifically, policies, programs, and activities may encourage an awareness and understanding of different individual experiences and respect for individuals and their respective heritages, beliefs, thoughts, and ideas. They may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equality and inclusion.

- C. TEC §51.3525 does not apply to the following UNT System functions:
 - 1. Academic course instruction;
 - 2. Scholarly research or creative work by an institution of higher education'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 of higher education;
 - 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 and admissions.
- D. UNT System institutions are still permitted to highlight work done in support of first-generation students, low income students and underserved student populations when applying for grants or as necessary to comply with accreditation standards.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System institutions from establishing or maintaining an office, division, or other unit for the purpose of:
 - 1. influencing hiring or employment practices 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 federal or state antidiscrimination laws;
 - 2. promoting differential treatment of or providing special benefits to an individual based on the person's race, color, or ethnicity;
 - 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 - 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. Furthermore, the Board of Regents must certify, on an annual basis, that the UNT System institutions do not, except as required by federal law:
 - 1. have a DEI Office, or an office that provides one or more of the above listed prohibitions;
 - 2. hire or assign an employee, or contract with a third party to perform any of the above listed prohibitions;

3. compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
5. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training;
 - (a) which includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.


IV. CONCLUSION

- A. To comply with the legislative requirements of TEC §51.3525, UNT System institutional employees should review the purpose, trainings, programs, and activities of each office, division, or other unit with which they are connected to ensure they are not established for the purpose of and do not conduct any of the prohibited functions of TEC §51.3525.
 1. Upon review, it may be determined that various office, divisions, or other units, or a training, program, or activity must be eliminated or significantly restructured for compliance with the new law.
 2. In addition, all ongoing trainings, programs, and activities, as well as those created in the future, must be designed and conducted in accordance with the legislative requirements of TEC §51.3525. Any known issues or questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.



TO: All UNT System Campus Presidents, Provosts, and Deans

CC: UNT System Chancellor, Chief Strategy Officer, and Vice Chancellor for Academic Affairs

FROM: Alan Stucky, Vice Chancellor & General Counsel 

DATE: December 11, 2023

RE: DEI Committees and Councils
Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System remains committed to supporting a diverse and inclusive student body, faculty, and staff within its values-based environment, and provides the following guidance to assist UNT System campuses in implementing the new law.
- C. A number of Committees and Councils have been established by colleges or departments across the campuses with reference to diversity, equity, and inclusion. The Office of General Counsel recommends that each DEI Committee or Council charged with conducting diversity, equity, and inclusion activities be reviewed and their mission statement and/or charge and activities be revised as needed to comply with TEC §51.3525.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System campuses to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. Committees and councils can be charged with promoting and advancing an environment/culture of equal opportunity, equal access and inclusion; developing programs and activities that encourage an awareness and understanding of different individual experiences; and respecting individuals and their respective heritages, beliefs, thoughts, and ideas. Policies, practices, and

activities may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equity and inclusion.

- C. Reference may also be made to the UNT System’s EO Statement and its commitment to providing an employment and learning environment at each component – University of North Texas, UNT Health Science Center, UNT Dallas/UNT Dallas College of Law and UNT System Administration – that gives each person the opportunity to be a productive and valued employee and student. UNT System Equal Opportunity Statement:

The University of North Texas System is firmly committed to equal opportunity and does not permit -- and takes actions to prevent -- discrimination, harassment (including sexual violence) and retaliation on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, genetic information, or veteran status in its application and admission processes, educational programs and activities, facilities, and employment practices. The University of North Texas System immediately investigates complaints of discrimination and takes remedial action when appropriate. The University of North Texas System also takes actions to prevent retaliation against individuals who oppose any form of harassment or discriminatory practice, file a charge or report, or testify, assist, or participate in an investigative proceeding or hearing.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System campuses from establishing or maintaining an office, division, or other unit for the purpose of:
1. influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than using color-blind and sex-neutral hiring processes in accordance with any federal or state antidiscrimination laws;
 2. promoting differential treatment of or providing special benefits to an individual based on the person’s race, color, or ethnicity;
 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. TEC §51.3525 prohibits UNT System campuses from giving preference to any applicant for employment, employee, or a participant in any function of the university on the basis of race, sex, color, ethnicity, or national origin.

- C. UNT System campuses are also prohibited from requiring any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of such a statement.
- D. *In summary, a Committee or Council may not promote differential treatment of or provide special benefits to distinct persons or groups on the basis of race, sex, color, ethnicity, or national origin.*

IV. CONCLUSION

- A. To comply with the requirements of TEC §51.3525, UNT System campuses should review the mission statement, purpose, and activities of each DEI Committee or Council to ensure compliance with TEC §51.3525.
 - 1. Upon review, it may be determined that mission statements and activities of Committees and Councils must be eliminated or significantly revised for compliance with the new law.
 - 2. Any questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.

Diversity, Equity, and Inclusion (DEI) Frequently Asked Questions (FAQs)

The following FAQs are provided as general guidance to UNT System and its Universities for the implementation of Senate Bill 17. The information provided herein is broad and may not cover every specific question or situation that arises. For answers to specific questions not addressed below please reach out to the UNT System Office of General Counsel for guidance.

General

Q1: What is Senate Bill 17?

Senate Bill 17 (88(R) – 2023) added Section 51.3525 of the Texas Education Code, titled *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

Q2: When does Senate Bill 17 go into effect?

Senate Bill 17 took effect on January 1, 2024.

Q3: Does Senate Bill 17 alter existing obligations under federal or state Law?

No, nothing in Senate Bill 17 alters UNT System or University obligations under federal or state law, including the anti-discrimination requirements of Title VI & Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment.

Q4: What DEI activities are prohibited?

Universities may not establish or maintain an office, division, or other unit (DEI Office) for the purpose of:

1. influencing hiring or employment practices 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 University'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 University'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.

Universities are also prohibited from:

1. having a DEI Office, or an office that provides one or more of the prohibitions listed in 1 through 4 above;

2. hiring or assigning an employee or contracting with a third party to perform any of the prohibitions listed in 1 through 4 above;
3. compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. 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 University;
5. requiring as a condition of enrolling at the University or performing any University function any person to participate in diversity, equity, and inclusion training which:
 - (a) includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity developed by an attorney and approved in writing by the University'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.

Q5: What is a DEI office?

A DEI Office is an office, division, or other unit of an institution of higher education established for the purpose of engaging in any of the prohibited actions listed in Q4 above.

Q6: May a University operate an office, department, or unit that conducts DEI programs?

No. Institutions of higher education are prohibited from establishing or maintaining DEI offices, other than for the sole purpose of ensuring compliance with federal or state law.

Q7: May a University hire or assign University employees to perform the duties of a DEI office?

No.

Q8: May a University contract with a third-party to perform the duties of a DEI office?

No.

Employee Recruitment

Q9: May a University give preference based on race, sex, color, ethnicity or national origin to an applicant for employment?

No.

Q10: May a University ask an applicant for employment to provide a DEI statement?

No. A University must not compel, require, induce or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Student Recruitment and Admissions

Q11: May a University require, as a condition of enrolling at the University, a person to participate in DEI training?

No. A University must not require, as a condition of enrolling at the University, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Events

Q12: May a University host events or programs that support inclusion in a general way?

Yes. Senate Bill 17 prohibits preferential treatment of groups based on race, sex, color, or ethnicity. Events or programs that are open to everyone and do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity are permissible.

Q13: Does Senate Bill 17 prohibit a University from engaging guest speakers?

No. Guest speakers or performers engaged on a short-term basis are permissible.

Q14: Does Senate Bill 17 prohibit a University from hosting federal and state recognized heritage and history days and months?

Generally no. Senate Bill 17 does not prohibit recognition of a heritage or history day or month that emphasizes culture or history. University heritage or history day or month recognition events should focus on history and/or culture, must be open to everyone, must not provide preferential treatment of any one group over another based on race, sex, color, or ethnicity, and must not require attendance by students or employees.

Q15: Are activities by student organizations registered with or recognized by a University prohibited by Senate Bill 17?

Senate Bill 17 specifically states it does not apply to an activity of a student organization registered with or recognized by an institution of higher education.

Q16: May a University support a student organization that engages in a DEI activity?

Student fees that support student organizations may be provided, in a neutral manner, to support student organizations regardless of whether the student organizations engage in a DEI activity. However, a University may not use a student organization as a quasi-university department to conduct DEI activities.

Q17: May a University support an event or program that is focused on faculty or staff?

Yes, so long as the event or program is open to all the department's faculty or staff and does not promote preferential treatment of any particular group based on race, sex, color, or ethnicity.

Course Instruction

Q18: May an instructor discuss race, ethnicity, sex, gender, gender identity, sexual orientation, or related topics in their classroom?

Yes, but only if such discussion is specifically associated with academic course instruction. In addition, Senate Bill 17 does not apply to scholarly research or a creative work by an instructor.

Data Collection

Q19: May a University collect data, including identifying information, of an applicant or employee?

Generally yes. Senate Bill 17 does not apply to data collection. Universities are often required by federal or state law to collect certain information.

Q20: What type of information may be submitted by a University, or an employee of the University, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency?

A University or its employee may submit, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, a statement that:

1. highlights the University's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. certifies compliance with state and federal anti-discrimination laws.

Miscellaneous

Q21: May a University ask any person to provide a DEI statement?

No. A University must not compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Q22: May a University require, as a condition of performing any University function, a person to participate in DEI training?

No. A University must not require, as a condition of performing any University function, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Q23: May information about DEI be on University websites or social media pages?

Information that promotes differential treatment or provides special benefits to certain individuals or groups based on race, sex, color, or ethnicity is prohibited.

Q24: May a University feature references to identity-based professional groups on their websites?

Yes, but only if the groups do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity and are open to all individuals, and promote equal opportunity.

Q25: May a faculty or staff member 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. Senate Bill 17 does not prohibit employees from writing letters of recommendation for undergraduate or graduate students.

Exceptions

The following is the full list of exceptions to which Senate Bill 17 does not apply. Many of these are explained in greater detail in the FAQs found above:

1. Academic course instruction;
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;
3. An activity of a student organization registered with or recognized by an institution of higher education;
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.

Further Information

For further information, please see the following:

Office of General Counsel Memo – SB17 General Guidance

Office of General Counsel Memo – DEI Committees and Council Guidance

Institution: University of North Texas Dallas
Date Submitted: 08/27/24
Pages: 22

UNIVERSITY OF NORTH TEXAS AT DALLAS

Texas Education Code § 51.3525

FY24 Certification Submission
Supporting Documentation

Institutional Contact (and form submitter):

Alan Stucky
Vice Chancellor & General Counsel

UNT | SYSTEM

University of North Texas System

Office of General Counsel

1155 Union Circle #310907, Denton, TX 76203

Phone: 940.565.2717

Direct: 940.565.2468

Email: Alan.Stucky@untsystem.edu

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BOARD CHAIR

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

UNT Dallas

Division/Department/Unit Name (collectively "Unit")

Board Chair

Unit Contact Name

Laura Wright

Unit Contact Email Address

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Laura H. Wright

Date Signed

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Laura Wright, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Laura H. Wright
Signature

August 15, 2024
Date

Please check one:

- President
 Board Chair

PRESIDENT

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

~~University of North Texas~~ at Dallas

Division/Department/Unit Name (collectively "Unit")

~~President's Office~~

Unit Contact Name

~~Warren von Eschenbach~~

Unit Contact Email Address

~~warren.voneschenbach@untdallas.edu~~

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Warren von
Eschenbach

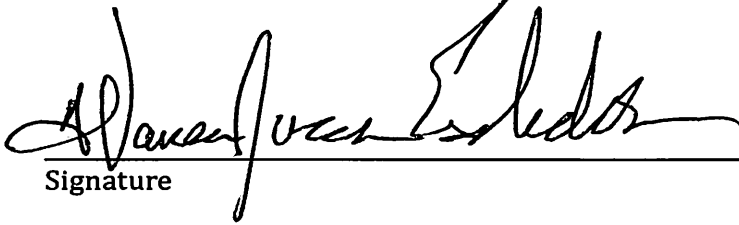
Digitally signed by Warren von
Eschenbach
Date: 2024.08.05 15:29:16 -05'00'

Date Signed

08/05/2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Warren Von Eschenbach, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.


Signature

August 15, 2024
Date

Please check one:

- President
 Board Chair

Additional Documents



TO: All UNT System Administration and Institution Employees

FROM: Alan Stucky, Vice Chancellor & General Counsel

DATE: December 1, 2023

RE: Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System (UNT System) provides the following guidance to assist UNT System institutions in implementing the new law. UNT System remains committed to supporting the diverse student body, faculty, and staff in the values-based environment.
- C. The guidance provided is intended to be broad and it is not anticipated to cover every specific situation implicated by TEC §51.3525. For specific questions please reach out to UNT System Office of General Counsel.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System institutions to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. UNT System institution policies, programs, trainings, and activities may promote and advance equal opportunity, equal access, and inclusion, which is required by federal and state law. Specifically, policies, programs, and activities may encourage an awareness and understanding of different individual experiences and respect for individuals and their respective heritages, beliefs, thoughts, and ideas. They may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equality and inclusion.

- C. TEC §51.3525 does not apply to the following UNT System functions:
 - 1. Academic course instruction;
 - 2. Scholarly research or creative work by an institution of higher education'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 of higher education;
 - 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 and admissions.
- D. UNT System institutions are still permitted to highlight work done in support of first-generation students, low income students and underserved student populations when applying for grants or as necessary to comply with accreditation standards.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System institutions from establishing or maintaining an office, division, or other unit for the purpose of:
 - 1. influencing hiring or employment practices 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 federal or state antidiscrimination laws;
 - 2. promoting differential treatment of or providing special benefits to an individual based on the person's race, color, or ethnicity;
 - 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 - 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. Furthermore, the Board of Regents must certify, on an annual basis, that the UNT System institutions do not, except as required by federal law:
 - 1. have a DEI Office, or an office that provides one or more of the above listed prohibitions;
 - 2. hire or assign an employee, or contract with a third party to perform any of the above listed prohibitions;

3. compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
5. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training;
 - (a) which includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.

IV. CONCLUSION


- A. To comply with the legislative requirements of TEC §51.3525, UNT System institutional employees should review the purpose, trainings, programs, and activities of each office, division, or other unit with which they are connected to ensure they are not established for the purpose of and do not conduct any of the prohibited functions of TEC §51.3525.
 1. Upon review, it may be determined that various office, divisions, or other units, or a training, program, or activity must be eliminated or significantly restructured for compliance with the new law.
 2. In addition, all ongoing trainings, programs, and activities, as well as those created in the future, must be designed and conducted in accordance with the legislative requirements of TEC §51.3525. Any known issues or questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.



Alan Stucky – Vice Chancellor & General Counsel

TO: All UNT System Campus Presidents, Provosts, and Deans

CC: UNT System Chancellor, Chief Strategy Officer, and Vice Chancellor for Academic Affairs

FROM: Alan Stucky, Vice Chancellor & General Counsel 

DATE: December 11, 2023

RE: DEI Committees and Councils
Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System remains committed to supporting a diverse and inclusive student body, faculty, and staff within its values-based environment, and provides the following guidance to assist UNT System campuses in implementing the new law.
- C. A number of Committees and Councils have been established by colleges or departments across the campuses with reference to diversity, equity, and inclusion. The Office of General Counsel recommends that each DEI Committee or Council charged with conducting diversity, equity, and inclusion activities be reviewed and their mission statement and/or charge and activities be revised as needed to comply with TEC §51.3525.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System campuses to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. Committees and councils can be charged with promoting and advancing an environment/culture of equal opportunity, equal access and inclusion; developing programs and activities that encourage an awareness and understanding of different individual experiences; and respecting individuals and their respective heritages, beliefs, thoughts, and ideas. Policies, practices, and

activities may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equity and inclusion.

- C. Reference may also be made to the UNT System’s EO Statement and its commitment to providing an employment and learning environment at each component – University of North Texas, UNT Health Science Center, UNT Dallas/UNT Dallas College of Law and UNT System Administration – that gives each person the opportunity to be a productive and valued employee and student. UNT System Equal Opportunity Statement:

The University of North Texas System is firmly committed to equal opportunity and does not permit -- and takes actions to prevent -- discrimination, harassment (including sexual violence) and retaliation on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, genetic information, or veteran status in its application and admission processes, educational programs and activities, facilities, and employment practices. The University of North Texas System immediately investigates complaints of discrimination and takes remedial action when appropriate. The University of North Texas System also takes actions to prevent retaliation against individuals who oppose any form of harassment or discriminatory practice, file a charge or report, or testify, assist, or participate in an investigative proceeding or hearing.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System campuses from establishing or maintaining an office, division, or other unit for the purpose of:
1. influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than using color-blind and sex-neutral hiring processes in accordance with any federal or state antidiscrimination laws;
 2. promoting differential treatment of or providing special benefits to an individual based on the person’s race, color, or ethnicity;
 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. TEC §51.3525 prohibits UNT System campuses from giving preference to any applicant for employment, employee, or a participant in any function of the university on the basis of race, sex, color, ethnicity, or national origin.

- C. UNT System campuses are also prohibited from requiring any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of such a statement.
- D. *In summary, a Committee or Council may not promote differential treatment of or provide special benefits to distinct persons or groups on the basis of race, sex, color, ethnicity, or national origin.*

IV. CONCLUSION

- A. To comply with the requirements of TEC §51.3525, UNT System campuses should review the mission statement, purpose, and activities of each DEI Committee or Council to ensure compliance with TEC §51.3525.
 - 1. Upon review, it may be determined that mission statements and activities of Committees and Councils must be eliminated or significantly revised for compliance with the new law.
 - 2. Any questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.

Diversity, Equity, and Inclusion (DEI) Frequently Asked Questions (FAQs)

The following FAQs are provided as general guidance to UNT System and its Universities for the implementation of Senate Bill 17. The information provided herein is broad and may not cover every specific question or situation that arises. For answers to specific questions not addressed below please reach out to the UNT System Office of General Counsel for guidance.

General

Q1: What is Senate Bill 17?

Senate Bill 17 (88(R) – 2023) added Section 51.3525 of the Texas Education Code, titled *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

Q2: When does Senate Bill 17 go into effect?

Senate Bill 17 took effect on January 1, 2024.

Q3: Does Senate Bill 17 alter existing obligations under federal or state Law?

No, nothing in Senate Bill 17 alters UNT System or University obligations under federal or state law, including the anti-discrimination requirements of Title VI & Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment.

Q4: What DEI activities are prohibited?

Universities may not establish or maintain an office, division, or other unit (DEI Office) for the purpose of:

1. influencing hiring or employment practices 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 University'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 University'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.

Universities are also prohibited from:

1. having a DEI Office, or an office that provides one or more of the prohibitions listed in 1 through 4 above;

2. hiring or assigning an employee or contracting with a third party to perform any of the prohibitions listed in 1 through 4 above;
3. compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. 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 University;
5. requiring as a condition of enrolling at the University or performing any University function any person to participate in diversity, equity, and inclusion training which:
 - (a) includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity developed by an attorney and approved in writing by the University'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.

Q5: What is a DEI office?

A DEI Office is an office, division, or other unit of an institution of higher education established for the purpose of engaging in any of the prohibited actions listed in Q4 above.

Q6: May a University operate an office, department, or unit that conducts DEI programs?

No. Institutions of higher education are prohibited from establishing or maintaining DEI offices, other than for the sole purpose of ensuring compliance with federal or state law.

Q7: May a University hire or assign University employees to perform the duties of a DEI office?

No.

Q8: May a University contract with a third-party to perform the duties of a DEI office?

No.

Employee Recruitment

Q9: May a University give preference based on race, sex, color, ethnicity or national origin to an applicant for employment?

No.

Q10: May a University ask an applicant for employment to provide a DEI statement?

No. A University must not compel, require, induce or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Student Recruitment and Admissions

Q11: May a University require, as a condition of enrolling at the University, a person to participate in DEI training?

No. A University must not require, as a condition of enrolling at the University, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Events

Q12: May a University host events or programs that support inclusion in a general way?

Yes. Senate Bill 17 prohibits preferential treatment of groups based on race, sex, color, or ethnicity. Events or programs that are open to everyone and do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity are permissible.

Q13: Does Senate Bill 17 prohibit a University from engaging guest speakers?

No. Guest speakers or performers engaged on a short-term basis are permissible.

Q14: Does Senate Bill 17 prohibit a University from hosting federal and state recognized heritage and history days and months?

Generally no. Senate Bill 17 does not prohibit recognition of a heritage or history day or month that emphasizes culture or history. University heritage or history day or month recognition events should focus on history and/or culture, must be open to everyone, must not provide preferential treatment of any one group over another based on race, sex, color, or ethnicity, and must not require attendance by students or employees.

Q15: Are activities by student organizations registered with or recognized by a University prohibited by Senate Bill 17?

Senate Bill 17 specifically states it does not apply to an activity of a student organization registered with or recognized by an institution of higher education.

Q16: May a University support a student organization that engages in a DEI activity?

Student fees that support student organizations may be provided, in a neutral manner, to support student organizations regardless of whether the student organizations engage in a DEI activity. However, a University may not use a student organization as a quasi-university department to conduct DEI activities.

Q17: May a University support an event or program that is focused on faculty or staff?

Yes, so long as the event or program is open to all the department's faculty or staff and does not promote preferential treatment of any particular group based on race, sex, color, or ethnicity.

Course Instruction

Q18: May an instructor discuss race, ethnicity, sex, gender, gender identity, sexual orientation, or related topics in their classroom?

Yes, but only if such discussion is specifically associated with academic course instruction. In addition, Senate Bill 17 does not apply to scholarly research or a creative work by an instructor.

Data Collection

Q19: May a University collect data, including identifying information, of an applicant or employee?

Generally yes. Senate Bill 17 does not apply to data collection. Universities are often required by federal or state law to collect certain information.

Q20: What type of information may be submitted by a University, or an employee of the University, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency?

A University or its employee may submit, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, a statement that:

1. highlights the University's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. certifies compliance with state and federal anti-discrimination laws.

Miscellaneous

Q21: May a University ask any person to provide a DEI statement?

No. A University must not compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Q22: May a University require, as a condition of performing any University function, a person to participate in DEI training?

No. A University must not require, as a condition of performing any University function, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Q23: May information about DEI be on University websites or social media pages?

Information that promotes differential treatment or provides special benefits to certain individuals or groups based on race, sex, color, or ethnicity is prohibited.

Q24: May a University feature references to identity-based professional groups on their websites?

Yes, but only if the groups do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity and are open to all individuals, and promote equal opportunity.

Q25: May a faculty or staff member 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. Senate Bill 17 does not prohibit employees from writing letters of recommendation for undergraduate or graduate students.

Exceptions

The following is the full list of exceptions to which Senate Bill 17 does not apply. Many of these are explained in greater detail in the FAQs found above:

1. Academic course instruction;
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;
3. An activity of a student organization registered with or recognized by an institution of higher education;
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.

Further Information

For further information, please see the following:

Office of General Counsel Memo – SB17 General Guidance

Office of General Counsel Memo – DEI Committees and Council Guidance

Institution: University of North Texas Health Science
Center Fort Worth
Date Submitted: 08/27/24
Pages: 22

UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER

Texas Education Code § 51.3525

FY24 Certification Submission
Supporting Documentation

Institutional Contact (and form submitter):

Alan Stucky
Vice Chancellor & General Counsel

UNT | SYSTEM

University of North Texas System

Office of General Counsel

1155 Union Circle #310907, Denton, TX 76203

Phone: 940.565.2717

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BOARD CHAIR

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

UNT HSC

Division/Department/Unit Name (collectively "Unit")

Board Chair

Unit Contact Name

Laura Wright

Unit Contact Email Address

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Laura St. Wright

Date Signed

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Laura Wright, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Laura H. Wright
Signature

August 15, 2024
Date

Please check one:

- President
 Board Chair

PRESIDENT

Certification Documents

UNT SYSTEM INSTITUTIONS

Certification Submission of the Institutional CEO

Institution Name The University of North Texas Health Science Center at Fort Worth

Institution Name The University of North Texas Health Science Center at Fort Worth

Institution Contact Name Dr. Sylvia Trent-Adams, President

Institution Contact Email Address president@unthsc.edu

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Institution has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Institution has not, except as required by federal law, hired or assigned an employee of the Institution, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Institution does not, except as required by federal law, 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Institution does not, except as required by federal law, require any person, as a condition of enrolling at the Institution or performing any Institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Institution complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Dr. Sylvia Trent-Adams

Date Signed August 12, 2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Sylvia Trent-Adams, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.



Signature

August 15, 2024

Date

Please check one:

- President
 Board Chair

Additional Documents



TO: All UNT System Administration and Institution Employees

FROM: Alan Stucky, Vice Chancellor & General Counsel

DATE: December 1, 2023

RE: Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System (UNT System) provides the following guidance to assist UNT System institutions in implementing the new law. UNT System remains committed to supporting the diverse student body, faculty, and staff in the values-based environment.
- C. The guidance provided is intended to be broad and it is not anticipated to cover every specific situation implicated by TEC §51.3525. For specific questions please reach out to UNT System Office of General Counsel.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System institutions to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. UNT System institution policies, programs, trainings, and activities may promote and advance equal opportunity, equal access, and inclusion, which is required by federal and state law. Specifically, policies, programs, and activities may encourage an awareness and understanding of different individual experiences and respect for individuals and their respective heritages, beliefs, thoughts, and ideas. They may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equality and inclusion.

- C. TEC §51.3525 does not apply to the following UNT System functions:
1. Academic course instruction;
 2. Scholarly research or creative work by an institution of higher education'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 of higher education;
 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 and admissions.
- D. UNT System institutions are still permitted to highlight work done in support of first-generation students, low income students and underserved student populations when applying for grants or as necessary to comply with accreditation standards.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System institutions from establishing or maintaining an office, division, or other unit for the purpose of:
1. influencing hiring or employment practices 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 federal or state antidiscrimination laws;
 2. promoting differential treatment of or providing special benefits to an individual based on the person's race, color, or ethnicity;
 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. Furthermore, the Board of Regents must certify, on an annual basis, that the UNT System institutions do not, except as required by federal law:
1. have a DEI Office, or an office that provides one or more of the above listed prohibitions;
 2. hire or assign an employee, or contract with a third party to perform any of the above listed prohibitions;

3. compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
5. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training;
 - (a) which includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.


IV. CONCLUSION

- A. To comply with the legislative requirements of TEC §51.3525, UNT System institutional employees should review the purpose, trainings, programs, and activities of each office, division, or other unit with which they are connected to ensure they are not established for the purpose of and do not conduct any of the prohibited functions of TEC §51.3525.
 1. Upon review, it may be determined that various office, divisions, or other units, or a training, program, or activity must be eliminated or significantly restructured for compliance with the new law.
 2. In addition, all ongoing trainings, programs, and activities, as well as those created in the future, must be designed and conducted in accordance with the legislative requirements of TEC §51.3525. Any known issues or questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.



TO: All UNT System Campus Presidents, Provosts, and Deans

CC: UNT System Chancellor, Chief Strategy Officer, and Vice Chancellor for Academic Affairs

FROM: Alan Stucky, Vice Chancellor & General Counsel 

DATE: December 11, 2023

RE: DEI Committees and Councils
Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System remains committed to supporting a diverse and inclusive student body, faculty, and staff within its values-based environment, and provides the following guidance to assist UNT System campuses in implementing the new law.
- C. A number of Committees and Councils have been established by colleges or departments across the campuses with reference to diversity, equity, and inclusion. The Office of General Counsel recommends that each DEI Committee or Council charged with conducting diversity, equity, and inclusion activities be reviewed and their mission statement and/or charge and activities be revised as needed to comply with TEC §51.3525.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System campuses to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. Committees and councils can be charged with promoting and advancing an environment/culture of equal opportunity, equal access and inclusion; developing programs and activities that encourage an awareness and understanding of different individual experiences; and respecting individuals and their respective heritages, beliefs, thoughts, and ideas. Policies, practices, and

activities may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equity and inclusion.

- C. Reference may also be made to the UNT System’s EO Statement and its commitment to providing an employment and learning environment at each component – University of North Texas, UNT Health Science Center, UNT Dallas/UNT Dallas College of Law and UNT System Administration – that gives each person the opportunity to be a productive and valued employee and student. UNT System Equal Opportunity Statement:

The University of North Texas System is firmly committed to equal opportunity and does not permit -- and takes actions to prevent -- discrimination, harassment (including sexual violence) and retaliation on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, genetic information, or veteran status in its application and admission processes, educational programs and activities, facilities, and employment practices. The University of North Texas System immediately investigates complaints of discrimination and takes remedial action when appropriate. The University of North Texas System also takes actions to prevent retaliation against individuals who oppose any form of harassment or discriminatory practice, file a charge or report, or testify, assist, or participate in an investigative proceeding or hearing.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System campuses from establishing or maintaining an office, division, or other unit for the purpose of:
1. influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than using color-blind and sex-neutral hiring processes in accordance with any federal or state antidiscrimination laws;
 2. promoting differential treatment of or providing special benefits to an individual based on the person’s race, color, or ethnicity;
 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. TEC §51.3525 prohibits UNT System campuses from giving preference to any applicant for employment, employee, or a participant in any function of the university on the basis of race, sex, color, ethnicity, or national origin.

- C. UNT System campuses are also prohibited from requiring any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of such a statement.
- D. *In summary, a Committee or Council may not promote differential treatment of or provide special benefits to distinct persons or groups on the basis of race, sex, color, ethnicity, or national origin.*

IV. CONCLUSION

- A. To comply with the requirements of TEC §51.3525, UNT System campuses should review the mission statement, purpose, and activities of each DEI Committee or Council to ensure compliance with TEC §51.3525.
 - 1. Upon review, it may be determined that mission statements and activities of Committees and Councils must be eliminated or significantly revised for compliance with the new law.
 - 2. Any questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.

Diversity, Equity, and Inclusion (DEI) Frequently Asked Questions (FAQs)

The following FAQs are provided as general guidance to UNT System and its Universities for the implementation of Senate Bill 17. The information provided herein is broad and may not cover every specific question or situation that arises. For answers to specific questions not addressed below please reach out to the UNT System Office of General Counsel for guidance.

General

Q1: What is Senate Bill 17?

Senate Bill 17 (88(R) – 2023) added Section 51.3525 of the Texas Education Code, titled *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

Q2: When does Senate Bill 17 go into effect?

Senate Bill 17 took effect on January 1, 2024.

Q3: Does Senate Bill 17 alter existing obligations under federal or state Law?

No, nothing in Senate Bill 17 alters UNT System or University obligations under federal or state law, including the anti-discrimination requirements of Title VI & Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment.

Q4: What DEI activities are prohibited?

Universities may not establish or maintain an office, division, or other unit (DEI Office) for the purpose of:

1. influencing hiring or employment practices 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 University'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 University'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.

Universities are also prohibited from:

1. having a DEI Office, or an office that provides one or more of the prohibitions listed in 1 through 4 above;

2. hiring or assigning an employee or contracting with a third party to perform any of the prohibitions listed in 1 through 4 above;
3. compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. 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 University;
5. requiring as a condition of enrolling at the University or performing any University function any person to participate in diversity, equity, and inclusion training which:
 - (a) includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity developed by an attorney and approved in writing by the University'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.

Q5: What is a DEI office?

A DEI Office is an office, division, or other unit of an institution of higher education established for the purpose of engaging in any of the prohibited actions listed in Q4 above.

Q6: May a University operate an office, department, or unit that conducts DEI programs?

No. Institutions of higher education are prohibited from establishing or maintaining DEI offices, other than for the sole purpose of ensuring compliance with federal or state law.

Q7: May a University hire or assign University employees to perform the duties of a DEI office?

No.

Q8: May a University contract with a third-party to perform the duties of a DEI office?

No.

Employee Recruitment

Q9: May a University give preference based on race, sex, color, ethnicity or national origin to an applicant for employment?

No.

Q10: May a University ask an applicant for employment to provide a DEI statement?

No. A University must not compel, require, induce or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Student Recruitment and Admissions

Q11: May a University require, as a condition of enrolling at the University, a person to participate in DEI training?

No. A University must not require, as a condition of enrolling at the University, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Events

Q12: May a University host events or programs that support inclusion in a general way?

Yes. Senate Bill 17 prohibits preferential treatment of groups based on race, sex, color, or ethnicity. Events or programs that are open to everyone and do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity are permissible.

Q13: Does Senate Bill 17 prohibit a University from engaging guest speakers?

No. Guest speakers or performers engaged on a short-term basis are permissible.

Q14: Does Senate Bill 17 prohibit a University from hosting federal and state recognized heritage and history days and months?

Generally no. Senate Bill 17 does not prohibit recognition of a heritage or history day or month that emphasizes culture or history. University heritage or history day or month recognition events should focus on history and/or culture, must be open to everyone, must not provide preferential treatment of any one group over another based on race, sex, color, or ethnicity, and must not require attendance by students or employees.

Q15: Are activities by student organizations registered with or recognized by a University prohibited by Senate Bill 17?

Senate Bill 17 specifically states it does not apply to an activity of a student organization registered with or recognized by an institution of higher education.

Q16: May a University support a student organization that engages in a DEI activity?

Student fees that support student organizations may be provided, in a neutral manner, to support student organizations regardless of whether the student organizations engage in a DEI activity. However, a University may not use a student organization as a quasi-university department to conduct DEI activities.

Q17: May a University support an event or program that is focused on faculty or staff?

Yes, so long as the event or program is open to all the department's faculty or staff and does not promote preferential treatment of any particular group based on race, sex, color, or ethnicity.

Course Instruction

Q18: May an instructor discuss race, ethnicity, sex, gender, gender identity, sexual orientation, or related topics in their classroom?

Yes, but only if such discussion is specifically associated with academic course instruction. In addition, Senate Bill 17 does not apply to scholarly research or a creative work by an instructor.

Data Collection

Q19: May a University collect data, including identifying information, of an applicant or employee?

Generally yes. Senate Bill 17 does not apply to data collection. Universities are often required by federal or state law to collect certain information.

Q20: What type of information may be submitted by a University, or an employee of the University, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency?

A University or its employee may submit, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, a statement that:

1. highlights the University's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. certifies compliance with state and federal anti-discrimination laws.

Miscellaneous

Q21: May a University ask any person to provide a DEI statement?

No. A University must not compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Q22: May a University require, as a condition of performing any University function, a person to participate in DEI training?

No. A University must not require, as a condition of performing any University function, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Q23: May information about DEI be on University websites or social media pages?

Information that promotes differential treatment or provides special benefits to certain individuals or groups based on race, sex, color, or ethnicity is prohibited.

Q24: May a University feature references to identity-based professional groups on their websites?

Yes, but only if the groups do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity and are open to all individuals, and promote equal opportunity.

Q25: May a faculty or staff member 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. Senate Bill 17 does not prohibit employees from writing letters of recommendation for undergraduate or graduate students.

Exceptions

The following is the full list of exceptions to which Senate Bill 17 does not apply. Many of these are explained in greater detail in the FAQs found above:

1. Academic course instruction;
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;
3. An activity of a student organization registered with or recognized by an institution of higher education;
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.

Further Information

For further information, please see the following:

Office of General Counsel Memo – SB17 General Guidance

Office of General Counsel Memo – DEI Committees and Council Guidance

Institution: University of North Texas System
Date Submitted: 08/27/24
Pages: 22

UNIVERSITY OF NORTH TEXAS SYSTEM

Texas Education Code § 51.3525

FY24 Certification Submission
Supporting Documentation

Institutional Contact (and form submitter):

Alan Stucky
Vice Chancellor & General Counsel

The logo for the University of North Texas System, featuring the letters "UNT" in a bold, green, sans-serif font, followed by a vertical bar and the word "SYSTEM" in a lighter, green, sans-serif font.

University of North Texas System

Office of General Counsel

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BOARD CHAIR

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

UNT System

Division/Department/Unit Name (collectively "Unit")

Board Chair

Unit Contact Name

Laura Wright

Unit Contact Email Address

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact

Laura L. Wright

Date Signed

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Laura Wright, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Laura H. Wright
Signature

August 15, 2024
Date

Please check one:

- President
 Board Chair

CHANCELLOR

Certification Documents

UNT SYSTEM INSTITUTIONS

Division/Department/Unit Certification Submission to the Institution CEO

Institution Name

UNT System

Division/Department/Unit Name (collectively "Unit")

Chancellor

Unit Contact Name

Michael Williams

Unit Contact Email Address

Michael.Williams@untsystem.edu

I understand that this Institution will lose appropriations funding for failure to comply with the requirements of Tex. Educ. Code § 51.3525.

I certify that my Unit has complied with the requirements in Tex. Educ. Code § 51.3525 as set forth below:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of influencing hiring or employment practices at the Unit 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this Unit does not, except as required by federal law, have any office, division or unit with the established purpose of 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this Unit has not, except as required by federal law, hired or assigned an employee of the Unit, or contracted with a third party, to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this Unit does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this Unit does not, except as required by federal law, 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 Unit.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this Unit does not, except as required by federal law, require any person, as a condition of enrolling at the Unit or performing any Unit function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this Unit complies with all Institution adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the Institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this Institution for FY25 have been spent by this Unit prior to submission of this certification report for FY24.

I understand the State Auditor's Office will conduct a compliance audit for this Institution and if violations of Tex. Educ. Code § 51.3525 are found, this Institution must cure the violation within 180 days or become ineligible to receive formula funding increases, Institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

I understand the Coordinating Board will forward all complaints regarding this Institution's violation of Tex. Educ. Code § 51.3525 to the State Auditor's Office for review.

Signature of the Unit Contact



Date Signed

08-14-2024

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Michael R. Williams, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Michael R. Williams
Signature

August 15, 2024
Date

Please check one:

- Chancellor
 Board Chair

Additional Documents



TO: All UNT System Administration and Institution Employees

FROM: Alan Stucky, Vice Chancellor & General Counsel

DATE: December 1, 2023

RE: Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System (UNT System) provides the following guidance to assist UNT System institutions in implementing the new law. UNT System remains committed to supporting the diverse student body, faculty, and staff in the values-based environment.
- C. The guidance provided is intended to be broad and it is not anticipated to cover every specific situation implicated by TEC §51.3525. For specific questions please reach out to UNT System Office of General Counsel.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System institutions to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. UNT System institution policies, programs, trainings, and activities may promote and advance equal opportunity, equal access, and inclusion, which is required by federal and state law. Specifically, policies, programs, and activities may encourage an awareness and understanding of different individual experiences and respect for individuals and their respective heritages, beliefs, thoughts, and ideas. They may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equality and inclusion.

- C. TEC §51.3525 does not apply to the following UNT System functions:
 - 1. Academic course instruction;
 - 2. Scholarly research or creative work by an institution of higher education'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 of higher education;
 - 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 and admissions.
- D. UNT System institutions are still permitted to highlight work done in support of first-generation students, low income students and underserved student populations when applying for grants or as necessary to comply with accreditation standards.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System institutions from establishing or maintaining an office, division, or other unit for the purpose of:
 - 1. influencing hiring or employment practices 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 federal or state antidiscrimination laws;
 - 2. promoting differential treatment of or providing special benefits to an individual based on the person's race, color, or ethnicity;
 - 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 - 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. Furthermore, the Board of Regents must certify, on an annual basis, that the UNT System institutions do not, except as required by federal law:
 - 1. have a DEI Office, or an office that provides one or more of the above listed prohibitions;
 - 2. hire or assign an employee, or contract with a third party to perform any of the above listed prohibitions;

3. compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
5. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training;
 - (a) which includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.


IV. CONCLUSION

- A. To comply with the legislative requirements of TEC §51.3525, UNT System institutional employees should review the purpose, trainings, programs, and activities of each office, division, or other unit with which they are connected to ensure they are not established for the purpose of and do not conduct any of the prohibited functions of TEC §51.3525.
 1. Upon review, it may be determined that various office, divisions, or other units, or a training, program, or activity must be eliminated or significantly restructured for compliance with the new law.
 2. In addition, all ongoing trainings, programs, and activities, as well as those created in the future, must be designed and conducted in accordance with the legislative requirements of TEC §51.3525. Any known issues or questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.



TO: All UNT System Campus Presidents, Provosts, and Deans

CC: UNT System Chancellor, Chief Strategy Officer, and Vice Chancellor for Academic Affairs

FROM: Alan Stucky, Vice Chancellor & General Counsel 

DATE: December 11, 2023

RE: DEI Committees and Councils
Texas Education Code §51.3525 (SB 17, 88th Texas Legislative Session, 2023)

I. INTRODUCTION

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
 - 1. establishing or maintaining a “diversity, equity, and inclusion (DEI) office”;
 - 2. hiring or assigning an employee to perform the duties of a DEI office;
 - 3. contracting with a third party to perform the duties of a DEI office; or
 - 4. engaging in certain activities related to DEI.
- B. The University of North Texas System remains committed to supporting a diverse and inclusive student body, faculty, and staff within its values-based environment, and provides the following guidance to assist UNT System campuses in implementing the new law.
- C. A number of Committees and Councils have been established by colleges or departments across the campuses with reference to diversity, equity, and inclusion. The Office of General Counsel recommends that each DEI Committee or Council charged with conducting diversity, equity, and inclusion activities be reviewed and their mission statement and/or charge and activities be revised as needed to comply with TEC §51.3525.

II. WHAT IS PERMITTED

- A. Nothing in TEC §51.3525 alters the requirements of UNT System campuses to comply with federal and state antidiscrimination laws, including 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 United States Constitution. All programs and activities must continue to remain open and available to every person in a nondiscriminatory manner.
- B. Committees and councils can be charged with promoting and advancing an environment/culture of equal opportunity, equal access and inclusion; developing programs and activities that encourage an awareness and understanding of different individual experiences; and respecting individuals and their respective heritages, beliefs, thoughts, and ideas. Policies, practices, and

activities may refer to the UNT System Better Together value: to foster an inclusive environment of respect, belonging, and access for all by developing awareness and understanding of different experiences, respecting diversity of people, beliefs, thoughts, and ideas, and supporting opportunities to remove barriers to equity and inclusion.

- C. Reference may also be made to the UNT System’s EO Statement and its commitment to providing an employment and learning environment at each component – University of North Texas, UNT Health Science Center, UNT Dallas/UNT Dallas College of Law and UNT System Administration – that gives each person the opportunity to be a productive and valued employee and student. UNT System Equal Opportunity Statement:

The University of North Texas System is firmly committed to equal opportunity and does not permit -- and takes actions to prevent -- discrimination, harassment (including sexual violence) and retaliation on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, genetic information, or veteran status in its application and admission processes, educational programs and activities, facilities, and employment practices. The University of North Texas System immediately investigates complaints of discrimination and takes remedial action when appropriate. The University of North Texas System also takes actions to prevent retaliation against individuals who oppose any form of harassment or discriminatory practice, file a charge or report, or testify, assist, or participate in an investigative proceeding or hearing.

III. WHAT IS PROHIBITED

- A. TEC §51.3525 prohibits UNT System campuses from establishing or maintaining an office, division, or other unit for the purpose of:
1. influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than using color-blind and sex-neutral hiring processes in accordance with any federal or state antidiscrimination laws;
 2. promoting differential treatment of or providing special benefits to an individual based on the person’s race, color, or ethnicity;
 3. promoting policies or procedures 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 purposes of ensuring compliance with any applicable court order or federal or state law; or
 4. conducting trainings, programs, or activities in reference to race, color, ethnicity, gender identity, or sexual orientation, other than policies or procedures approved in writing by the institution’s general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable court order or federal or state law.
- B. TEC §51.3525 prohibits UNT System campuses from giving preference to any applicant for employment, employee, or a participant in any function of the university on the basis of race, sex, color, ethnicity, or national origin.

- C. UNT System campuses are also prohibited from requiring any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of such a statement.
- D. *In summary, a Committee or Council may not promote differential treatment of or provide special benefits to distinct persons or groups on the basis of race, sex, color, ethnicity, or national origin.*

IV. CONCLUSION

- A. To comply with the requirements of TEC §51.3525, UNT System campuses should review the mission statement, purpose, and activities of each DEI Committee or Council to ensure compliance with TEC §51.3525.
 - 1. Upon review, it may be determined that mission statements and activities of Committees and Councils must be eliminated or significantly revised for compliance with the new law.
 - 2. Any questions about such should be brought to the immediate attention of the institution's Chief Compliance Officer and the UNT System Office of General Counsel.

Diversity, Equity, and Inclusion (DEI) Frequently Asked Questions (FAQs)

The following FAQs are provided as general guidance to UNT System and its Universities for the implementation of Senate Bill 17. The information provided herein is broad and may not cover every specific question or situation that arises. For answers to specific questions not addressed below please reach out to the UNT System Office of General Counsel for guidance.

General

Q1: What is Senate Bill 17?

Senate Bill 17 (88(R) – 2023) added Section 51.3525 of the Texas Education Code, titled *Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives*.

Q2: When does Senate Bill 17 go into effect?

Senate Bill 17 took effect on January 1, 2024.

Q3: Does Senate Bill 17 alter existing obligations under federal or state Law?

No, nothing in Senate Bill 17 alters UNT System or University obligations under federal or state law, including the anti-discrimination requirements of Title VI & Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment.

Q4: What DEI activities are prohibited?

Universities may not establish or maintain an office, division, or other unit (DEI Office) for the purpose of:

1. influencing hiring or employment practices 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 University'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 University'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.

Universities are also prohibited from:

1. having a DEI Office, or an office that provides one or more of the prohibitions listed in 1 through 4 above;

2. hiring or assigning an employee or contracting with a third party to perform any of the prohibitions listed in 1 through 4 above;
3. compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement, or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
4. 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 University;
5. requiring as a condition of enrolling at the University or performing any University function any person to participate in diversity, equity, and inclusion training which:
 - (a) includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
 - (b) does not include a training, program, or activity developed by an attorney and approved in writing by the University'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.

Q5: What is a DEI office?

A DEI Office is an office, division, or other unit of an institution of higher education established for the purpose of engaging in any of the prohibited actions listed in Q4 above.

Q6: May a University operate an office, department, or unit that conducts DEI programs?

No. Institutions of higher education are prohibited from establishing or maintaining DEI offices, other than for the sole purpose of ensuring compliance with federal or state law.

Q7: May a University hire or assign University employees to perform the duties of a DEI office?

No.

Q8: May a University contract with a third-party to perform the duties of a DEI office?

No.

Employee Recruitment

Q9: May a University give preference based on race, sex, color, ethnicity or national origin to an applicant for employment?

No.

Q10: May a University ask an applicant for employment to provide a DEI statement?

No. A University must not compel, require, induce or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Student Recruitment and Admissions

Q11: May a University require, as a condition of enrolling at the University, a person to participate in DEI training?

No. A University must not require, as a condition of enrolling at the University, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Events

Q12: May a University host events or programs that support inclusion in a general way?

Yes. Senate Bill 17 prohibits preferential treatment of groups based on race, sex, color, or ethnicity. Events or programs that are open to everyone and do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity are permissible.

Q13: Does Senate Bill 17 prohibit a University from engaging guest speakers?

No. Guest speakers or performers engaged on a short-term basis are permissible.

Q14: Does Senate Bill 17 prohibit a University from hosting federal and state recognized heritage and history days and months?

Generally no. Senate Bill 17 does not prohibit recognition of a heritage or history day or month that emphasizes culture or history. University heritage or history day or month recognition events should focus on history and/or culture, must be open to everyone, must not provide preferential treatment of any one group over another based on race, sex, color, or ethnicity, and must not require attendance by students or employees.

Q15: Are activities by student organizations registered with or recognized by a University prohibited by Senate Bill 17?

Senate Bill 17 specifically states it does not apply to an activity of a student organization registered with or recognized by an institution of higher education.

Q16: May a University support a student organization that engages in a DEI activity?

Student fees that support student organizations may be provided, in a neutral manner, to support student organizations regardless of whether the student organizations engage in a DEI activity. However, a University may not use a student organization as a quasi-university department to conduct DEI activities.

Q17: May a University support an event or program that is focused on faculty or staff?

Yes, so long as the event or program is open to all the department's faculty or staff and does not promote preferential treatment of any particular group based on race, sex, color, or ethnicity.

Course Instruction

Q18: May an instructor discuss race, ethnicity, sex, gender, gender identity, sexual orientation, or related topics in their classroom?

Yes, but only if such discussion is specifically associated with academic course instruction. In addition, Senate Bill 17 does not apply to scholarly research or a creative work by an instructor.

Data Collection

Q19: May a University collect data, including identifying information, of an applicant or employee?

Generally yes. Senate Bill 17 does not apply to data collection. Universities are often required by federal or state law to collect certain information.

Q20: What type of information may be submitted by a University, or an employee of the University, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency?

A University or its employee may submit, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, a statement that:

1. highlights the University's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. certifies compliance with state and federal anti-discrimination laws.

Miscellaneous

Q21: May a University ask any person to provide a DEI statement?

No. A University must not compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to a person based on the provision of a DEI statement.

Q22: May a University require, as a condition of performing any University function, a person to participate in DEI training?

No. A University must not require, as a condition of performing any University function, a person to participate in DEI training, including a training, program, or activity designed in reference to race, color, ethnicity, gender identity, or sexual orientation.

Q23: May information about DEI be on University websites or social media pages?

Information that promotes differential treatment or provides special benefits to certain individuals or groups based on race, sex, color, or ethnicity is prohibited.

Q24: May a University feature references to identity-based professional groups on their websites?

Yes, but only if the groups do not promote preferential treatment of any particular group based on race, sex, color, or ethnicity and are open to all individuals, and promote equal opportunity.

Q25: May a faculty or staff member 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. Senate Bill 17 does not prohibit employees from writing letters of recommendation for undergraduate or graduate students.

Exceptions

The following is the full list of exceptions to which Senate Bill 17 does not apply. Many of these are explained in greater detail in the FAQs found above:

1. Academic course instruction;
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;
3. An activity of a student organization registered with or recognized by an institution of higher education;
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.

Further Information

For further information, please see the following:

Office of General Counsel Memo – SB17 General Guidance

Office of General Counsel Memo – DEI Committees and Council Guidance

Institution: West Texas A&M University
Date Submitted: 08/23/24
Pages: 17



Member Agency/Institution: West Texas A&M University

Compliance Review Checklist ECO

Ethics & Compliance Officer: **Dr. Angela Spaulding**

Chief Executive Officer: **Dr. Walter Wendler**

FINANCE & BUDGETING	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
Budgets & Accounting Determine whether the member has complied with the elimination of account and budget codes that fund diversity, equity, and inclusion initiatives in violation of DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.				
<ul style="list-style-type: none"> Identified accounts and/or budget codes that fund DEI initiatives and taken action to ensure compliance 	Y	Todd McNeil, Associate Vice President for Finance and Controller	Confirmed via communication with the WTAMU Controller, Todd McNeill, and through the Exhibits identified, below, that WTAMU accounts and object codes were reviewed and verified so that no DEI initiatives are being funded by the University. See Exhibit 1 and 2 for examples of FAMIS and Colleague Screen Updates.	May 13, 2024
<ul style="list-style-type: none"> Eliminated accounts and/or budget codes to include titles, locations/departments, sub-accounts/sub-departments, and funding sources that violate DEI Law. 	Y	Todd McNeil, Associate Vice President for Finance and Controller	Confirmed via communication with the WTAMU Controller, Todd McNeill, and through the Exhibits identified, below, that WTAMU accounts and object codes were reviewed and verified so that no DEI initiatives are being funded by the University. See Exhibit 1 and 2 for examples of FAMIS and Colleague Screen Updates.	May 13, 2024
<ul style="list-style-type: none"> Implemented procedures for the systemic review and vetting of current and proposed accounts and budget codes to include titles, locations/departments, sub-accounts/sub-departments, and funding sources to ensure compliance. 	Y	Todd McNeil, Associate Vice President for Finance and Controller	Confirmed via communication with the WTAMU Controller, Todd McNeill, and through the Exhibit identified, below, that WTAMU will perform a systemic review of all university accounts and object codes to ensure ongoing compliance with DEI Law. See WTAMU SB17 Compliance Procedure Manual	May 13, 2024

<ul style="list-style-type: none"> Implemented a record-retention process for reporting purposes. 	Y	Todd McNeil, Associate Vice President for Finance and Controller	<p>Confirmed via communication with the WTAMU Controller, Todd McNeill, and through the Exhibit identified, below, that WTAMU has an annual record retention process for reporting purposes.</p> <p>See - Records Management Retention https://www.wtamu.edu/business-finance/risk-management/records-management-retention.html</p>	May 13, 2024
HUMAN RESOURCES	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
DEI Related Offices and Third-Party Contracts: Determine whether the member has complied with the elimination of departments, divisions, and/or offices that violate the DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.				
<ul style="list-style-type: none"> Identified offices, divisions, or other units that are responsible for diversity, equity, and inclusion initiatives and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed that the only DEI Office at WTAMU had been removed. The 2023 and 2024 Organizational Chart exhibit was provided. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification – See Exhibits R and S.	May 6, 2024
<ul style="list-style-type: none"> Identified third-party vendors performing the duties of a diversity, equity, and inclusion office and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via conversation with the AVP of Human Resources. HR reviewed third-party vendors and did not find any vendor performing the duties of a diversity, equity and inclusion office.	May 7, 2024
Personnel: Determine whether the member has complied with the restriction on hiring or assigning employees to perform the duties of diversity, equity, and inclusion.				
<ul style="list-style-type: none"> Identified active personnel with responsibilities for performing diversity, equity, and inclusion functions and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Reviewed steps taken to identify and assess the risk of noncompliance related to position titles and descriptions that contained DEI terms as per the Human Resources Checklist. Confirmed steps taken had resulted in the removal of active personnel with responsibilities for DEI. Documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification to confirm the associated offices were also removed. See exhibits XX, YY,	May 6, 2024
<ul style="list-style-type: none"> Identified unallowable personnel duties within active and inactive job descriptions and working templates for language that violates DEI Law and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Reviewed documentation showing that unallowable positions identified were reassigned and/or position titles and/or descriptions were updated to ensure SB17 compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See exhibit XX, YY, and G.	May 6, 2024

<ul style="list-style-type: none"> Identified employee funding sources that violate DEI Law and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	No employee funding sources that violate DEI law were found – confirmed via email conversation on 5.22.24 with AVP Human Resources. See exhibit email titled: SB17 Certification Question	May 7, 2024
<p>Hiring and Employment Practices and Procedures: Determine whether member hiring and employment practices and procedures have been updated to exclude requirements for DEI statements and do not provide special benefit or promote preferential treatment 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 relating to this process.</p>				
<ul style="list-style-type: none"> Reviewed hiring and employment documents and materials, to include rubrics and matrices, and identified prohibited language, requirements, practices and/or procedures took action to ensure compliance. (See DEI Law Operations Manual under IV. Monitoring, Section B, Item 2c for a comprehensive list.) 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed documentation of hiring and employment documents and materials had been changed to meet SB17 law. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See exhibit N for Faculty and Exhibit O for Staff. Also, see exhibit CCC.	May 6, 2024
<ul style="list-style-type: none"> Reviewed performance evaluation tools and metrics, documents and forms for promotions, merit increases, and equity adjustments, and all related procedures; identified prohibited language and/or requirements and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via Assistant VP Pitt and through the exhibits, below, that references to diversity, equity and inclusion have been removed from performance evaluation tools, promotions, merit increase and equity adjustments. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See exhibit MM.	May 6, 2024
<ul style="list-style-type: none"> Implemented a system of systemic evaluation and review to vet proposed positions, processes, and materials to ensure they meet compliance prior to publication. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via Assistant VP Pitt and through the exhibits, below, that an HR process was added to check for DEI verbiage when receiving a proposed posting for a position, an updated position description and any other new material in the HR office to confirm SB17 compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See: (Exhibit A for Staff and Exhibit B for Faculty) Also see the following hiring process Exhibits – AA, BB, CC, DD, EE, FF, GG, JJ, KK, LL, NN, OO, P, PP, QQ, R, RR, SS, TT, UU, WW, Y, Z)	May 7, 2024
<p>Training Sessions and Materials: Determine whether the member has complied with the elimination of required training sessions and materials that violate the DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.</p>				
<ul style="list-style-type: none"> Reviewed required training sessions for those identified as prohibited by DEI Law and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via Assistant VP Pitt and through the exhibits, below, that training through TrainTraq was reviewed and updated by the TAMUS IA Office for any DEI Law related verbiage. See DEI Audit TrainTraq Course Testing email with TAMUS IA on sampling of TrainTraq compliance. See documentation/exhibits	May 6, 2024

			on G:\wtss03 > Senate Bill 17 Certification. See RE DEI Audit – Training – TrainTraq Course Testing	
<ul style="list-style-type: none"> Reviewed all training sessions and materials for language and elements prohibited by DEI Law and took action to ensure compliance. 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via Assistant VP Pitt and through the exhibits, below, that training through TrainTraq was reviewed and updated by the TAMUS IA Office for any DEI Law related verbiage. See DEI Audit TrainTraq Course Testing email with TAMUS IA on sampling of TrainTraq compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See RE DEI Audit – Training – TrainTraq Course Testing	May 6, 2024
<ul style="list-style-type: none"> Implemented procedures to review proposed training sessions and materials for compliance prior to activation 	Y	Warren Pitt, Assistant VP Human Resources	Confirmed via Assistant VP Pitt and through the exhibits, below, that training through TrainTraq was reviewed and updated by the TAMUS IA Office for any DEI Law related verbiage. See DEI Audit TrainTraq Course Testing email with TAMUS IA on sampling of TrainTraq compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See RE DEI Audit – Training – TrainTraq Course Testing	May 6, 2024
FACULTY AFFAIRS	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
<u>Procedures, Programs and Activities</u> Determine whether the member has discontinued procedures, programs and activities, which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.				
<ul style="list-style-type: none"> Reviewed all faculty hiring and recruiting practices and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed with EVPP Terry and Assistant VP Pitt (HR) that a review of all faculty hiring and recruiting practices occurred and that compliance actions, as needed, were taken. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See exhibit N, AAA and ZZ.	May 7, 2024
<ul style="list-style-type: none"> Reviewed all procedures for tenure review, promotions, merit increases, and equity adjustments, identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed with EVPP Terry and Assistant VP Pitt (HR) that a review of procedures for tenure review, promotion, merit increases and equity adjustments had occurred for DEI compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See document Faculty Handbook	May 7, 2024
<ul style="list-style-type: none"> Reviewed all faculty organizations supported by the university to evaluate their purpose, structure, and funding. Identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Participated in Deans' Council where discussions took place between the EVPP and Deans related to reviewing all faculty organizations for SB17 compliance. Documented evidence is the revisions to the University and departmental websites. See WTAMU website: www.wtamu.edu (university wide and departmental websites are included).	May 7, 2024

<ul style="list-style-type: none"> Reviewed all grant proposals and accreditation certifications and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed with the Director of Sponsored Research Services, Steve McLean, that WT grant proposals and accreditation certifications are in SB17 compliance. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification: DEI grant report. See below for answer on accreditation certifications.	May 7, 2024
<ul style="list-style-type: none"> Reviewed all accreditation certifications and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed SB17 compliance via accreditation certification procedure. See the WTAMU SB17 Compliance Procedure manual, which states: <i>The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) may have DEI standards that vary from the State of Texas or TAMUS, in those cases WTAMU will contact TAMUS OGC for guidance.</i> WTAMU is moving toward reaffirmation of SACSCOC accreditation in 2025. If DEI noncompliance become relevant in the process, WTAMU will contact OGC for guidance. Also reviewed the WTAMU Accreditation website and found no SB17 noncompliance: https://www.wtamu.edu/about/information/accreditation.html#:~:text=Regional%20Accreditation,%2C%20masters%2C%20and%20doctorate%20degrees and University statements that support accreditation: https://www.wtamu.edu/about/information/statements.html	May 7, 2024
<ul style="list-style-type: none"> Reviewed the provisions for all academic or professional opportunities extended to students, faculty, and visiting scholars to include institutional conferences and seminars and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed compliance with SB17 provisions for academic or professional opportunities extended to student, faculty, and visiting scholars. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See Faculty Handbook, Student Handbook, and WTAMU Website (university-wide and departmental) www.wtamu.edu	May 7, 2024
<ul style="list-style-type: none"> Reviewed all forms, documents, procedures, and practices related to the functions listed in this section and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed SB17 compliance with forms, documents, procedures and practices through the newly created WTAMU SB17 Compliance Procedure Manual. Documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See WTAMU SB17 Compliance Procedure Manual.	May 7, 2024

<ul style="list-style-type: none"> Implemented procedures for the systemic evaluation and review of all functions listed in this section to include the vetting of proposed processes, practices, organizations, funding proposals, certifications and corresponding materials to ensure compliance. 	Y	Dr. Neil Terry, Executive VP and Provost	Confirmed compliance with forms, documents, procedures and practices through the newly created WTAMU SB17 Compliance Procedure Manual. See documentation/exhibits on G:\wtss03 > Senate Bill 17 Certification. See WTAMU SB17 Compliance Procedure Manual.	May 7, 2024
STUDENT AFFAIRS	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
<p>Procedures, Programs and Activities: Determine whether the member has discontinued procedures, programs and activities which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.</p>				
<ul style="list-style-type: none"> Reviewed all departmental events including institutional conferences and seminars and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Chris Thomas, VP Student Affairs	In conversation with the VP of Student Affairs, Dr. Chris Thomas, confirmed the review of student affairs departmental events. Also confirmed that the events previously listed on the WTAMU website related to such activities have been removed. See exhibit: WTAMU Student Affairs DEI Compliance Resources, including: https://www.wtamu.edu/student-support/engaged-citizenship/index.html	May 9, 2024
<ul style="list-style-type: none"> Reviewed all staff work and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Chris Thomas, VP Student Affairs	In conversation with the VP of Student Affairs, Dr. Chris Thomas, confirmed that all staff serve <u>all</u> WT students with no preference given regarding race, color, or ethnicity. The WTAMU DEI Office was closed in summer of 2023. A new office, the Office for Engaged Citizenship is focused as the campus student ombudsman. See exhibit: WTAMU Student Affairs DEI Compliance See: https://www.wtamu.edu/student-support/engaged-citizenship/index.html Also see the WTAMU Organizational charts for 2023 and 2024.	May 9, 2024
<ul style="list-style-type: none"> Reviewed all student and staff training sessions and identified those that violate DEI Law and took action to ensure compliance. 	Y	Dr. Chris Thomas, VP Student Affairs	In conversation with the VP of Student Affairs, Dr. Chris Thomas, confirmed that all student and staff training that violated DEI Law were removed. The optional Title IX DEI training (prior to SB17) was removed and eliminated. The WTAMU DEI Office was eliminated; thus, eliminating all associated DEI training.	May 9, 2024

			See: https://www.wtamu.edu/business-finance/title-ix/title-ix-training-materials.html	
			Also see the WTAMU Organizational charts for 2023 and 2024.	
<ul style="list-style-type: none"> Reviewed all student success and outreach programs and identified those that violate DEI Law and took action to ensure compliance 	Y	Dr Chris Thomas, VP Student Affairs	<p>In conversation with the VP of Student Affairs, Dr Chris Thomas, confirmed that all student success and outreach programs are open to all students.</p> <p>See exhibit: https://www.wtamu.edu/student-life/calendar/index.html</p> <p>https://www.wtamu.edu/student-life/handbook/index.html</p>	May 9, 2024
<ul style="list-style-type: none"> Implemented procedures for the systemic evaluation and review of all trainings, programs, events, and activities to ensure compliance 	Y	Dr Chris Thomas, VP Student Affairs	<p>In conversation with the VP of Student Affairs, Dr Chris Thomas, confirmed that program review and planning now incorporated SB17 compliance.</p> <p>See exhibit: WTAMU SB17 Compliance Procedure Manual</p>	May 9, 2024
SCHOLARSHIPS & FINANCIAL AID	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
Scholarships & Financial Aid Determine whether the member has discontinued the award of scholarships and financial aid that promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.				
<ul style="list-style-type: none"> Reviewed all awards administered, promoted, and/or facilitated by the member for violation of DEI Law and took action to ensure compliance. 	Y	Dana Melcher, Executive Director of Student Financial Services	<p>Confirmed via communication with Dana Melcher, Executive Director of Student Financial Services, that a review of active University scholarships occurred and that those identified to contain criteria non-compliant were resolved either through deactivation, rewriting in accordance to DEI law (exhibit A and S) or moved to a 3rd party for awarding. Also, note the exclusion of DEI wording on the WTAMU scholarship page: https://www.wtamu.edu/student-support/scholarships/index.html</p>	May 13, 2024
<ul style="list-style-type: none"> Reviewed all outlets announcing or promoting scholarships and financial aid, to include websites and social media pages, for violation of DEI Law and took action to ensure compliance. 	Y	Dana Melcher, Executive Director of Student Financial Services	<p>Confirmed via communication with Dana Melcher, Executive Director of Student Financial Services, that a review of outlets announcing or promoting scholarships and financial aid, including websites and social media pages had been reviewed and resolved as per DEI Law.</p>	May 13, 2024

			See Exhibit T for key word search. Also, note the exclusion of DEI wording on the WTAMU scholarship page: https://www.wtamu.edu/student-support/scholarships/index.html	
<ul style="list-style-type: none"> Reviewed all materials including but not limited to applications, informational documents, marketing materials, guidelines, and operating documents for violations of DEI Law and took action to ensure compliance. 	Y	Dana Melcher, Executive Director of Student Financial Services	Confirmed via communication with Dana Melcher, Executive Director of Student Financial Services, that a review of Scholarship and Financial Aid documents had been reviewed for DEI Law compliance. Also, reviewed documentation that confirms the search for DEI key words. See Exhibits B-Q.	May 13, 2024
<ul style="list-style-type: none"> Implemented procedures for the systemic review of all functions listed above to ensure compliance. 	Y	Dana Melcher, Executive Director of Student Financial Services	Confirmed establishment of office procedure – See Exhibit R, titled, <i>Systemic Review of Compliance with DEI Law 2024</i> .	May 13, 2024
ATHLETICS	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
<u>Procedures, Programs and Activities</u> Determine whether the member has discontinued procedures, programs and activities, which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.				
<ul style="list-style-type: none"> Reviewed procedures, programs, and activities for violations of DEI Law and took action to ensure compliance 	Y	Michael McBroom, WTAMU Athletics Director (terminated on May 13, 2024)	The Athletic Director, Michael McBroom confirms that athletic procedures, programs and activities have all been reviewed and resolved involving DEI Law. Athletics has procedures in the WTAMU SB17 Compliance Procedure Manual. See also: Exhibit: See Website DEI Search 050824 Exhibit: See Social Media DEI Search Exhibit: See Email Re Deleting DEI Media Files Exhibit: See WT Athletics Rules and Procedures Compliance Certification Key Term Search Exhibit: See WTAMU Athletics website: https://gobuffsgo.com/sports/2010/5/13/COMPLIANCE_MAIN.aspx	May 22, 2024

<ul style="list-style-type: none"> Reviewed required non-athletic training sessions (internal and external) for students and staff for violations of DEI Law and took action to ensure compliance. 	Y	Michael McBroom, WTAMU Athletics Director (terminated on May 13, 2024)	Athletic Director, Michael McBroom, that WTAMU Athletics does not follow NCAA DEI training recommendations based on SB17.	May 22, 2024
<ul style="list-style-type: none"> Reviewed all materials developed, produced, funded, and distributed through the department to include applications, marketing materials, guidelines, operating manuals, and any other publication provided by the department for violations of DEI Law and took action to ensure compliance. 	Y	Michael McBroom, WTAMU Athletics Director (terminated on May 13, 2024)	<p>Athletic Director, Michael McBroom, confirms that the WTAMU Athletic Department produces no materials that violate DEI Law. The following exhibits were utilized to confirm the review of compliance:</p> <p>Exhibit: See WTAMU SB17 Compliance Procedure Manual See website: https://gobuffsgo.com/ Exhibit: See Website DEI Search 050824 Exhibit: See Social Media DEI Search Exhibit: See WT Athletics Rules and Procedures Compliance Certification Key Term Search Exhibit: See WT Student Athlete Handbook</p>	May 22, 2024
<ul style="list-style-type: none"> Reviewed all co-sponsored events with outside entities for violations of DEI Law and took action to ensure compliance 	Y	Michael McBroom, WTAMU Athletics Director (terminated on May 13, 2024)	Athletic Director, Michael McBroom, confirms that the WTAMU Athletic Department does not co-sponsor events.	May 22, 2024
<ul style="list-style-type: none"> Implemented procedures for the systemic review of all functions listed above to ensure compliance 	Y	Michael McBroom, WTAMU Athletics Director (terminated on May 13, 2024)	Confirmed that Athletics has implemented procedures for SB17 review See exhibit. See WTAMU SB17 Compliance Procedure Manual	May 22, 2024
WEBSITES & SOCIAL MEDIA	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
Website and Social Media Information: Determine whether references to unallowable diversity, equity and inclusion activities on member websites and social media platforms have been identified and removed.				
<ul style="list-style-type: none"> Reviewed member websites and social media platforms for content, links, static materials, and downloadable documents for violation of DEI Law and took action to ensure compliance. 	Y	Chris Rea, Web Director	<p>Confirmed exhibit documentation (see below) that demonstrated DEI compliance that Websites and social media accounts were searched for DEI terms and that web pages and social media posts were edited or removed for DEI content.</p> <p>Exhibits: Website and Social Media Summary 050824.docx Website DEI Search 050824.xlsx</p>	May 13, 2024

			Social Media DEI Search 041224.xlsx Social Media Accounts List 050824.xlsx	
<ul style="list-style-type: none"> Reviewed affiliate websites and social media platforms for content and affiliation language in violation of DEI Law and took action to ensure compliance. 	Y	Chris Rea, Web Director	<p>Confirmed exhibit documentation (see below) that demonstrated DEI compliance that websites and social media platforms were searched for DEI terms and that web pages and social media posts were edited or removed for DEI content.</p> <p>Exhibits: Website and Social Media Summary 050824.docx Website DEI Search 050824.xlsx Social Media DEI Search 041224.xlsx Social Media Accounts List 050824.xlsx</p>	May 13, 2024
<ul style="list-style-type: none"> Implemented a systemic process of review of member websites, domains, and social media platforms to include keyword searches to identify references to DEI related terms that violate DEI Law and took action to ensure compliance. 	Y	Chris Rea, Web Director	<p>Confirmed that Information the department of Technology and Communication and Marketing implemented a search process of websites and social media accounts for DEI terms. Web pages and social media posts were edited or removed for DEI content.</p> <p>See Exhibit: Website and Social Media Summary 050824.docx</p>	May 13, 2024
<ul style="list-style-type: none"> Implemented a vetting process by which proposed information to be posted to member websites, domains, social media platforms, or any Internet or network outlet will be evaluated to ensure compliance with DEI Law. 	Y	Chris Rea, Web Director	<p>Confirmed that the department of Information Technology and Communication created a procedure, which provides a rigorous vetting process to ensure compliance with Texas DEI laws for all content posted on university websites and social media platforms.</p> <p>See Exhibit: SOP DEI Implementation 051024.docx</p>	May 13, 2024
INTERNAL CONTROLS & MONITORING	Meets Compliance? Y/N/NA	Employee Responsible (include title and location)	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
Internal Controls & Monitoring: Determine whether the member has removed prohibited diversity, equity, and inclusion related rules, developed and implemented operating procedures, and implemented internal controls according to DEI Law and A&M System Policy 08.01.				
<ul style="list-style-type: none"> Reviewed and identified member rules and operating procedures in place that are not compliant with DEI Law and took action to ensure compliance. 	Y	Richard Smith, Assistant Vice President of Risk, Compliance, and Research	<p>Confirmed process of review with Richard Smith, Assistant VP of Risk, Compliance and Research. One internal procedure was updated to remove SB17 prohibited terms.</p> <p>See Exhibit: Faculty Ombuds Officer</p>	May 15, 2024

<ul style="list-style-type: none"> Developed and implemented operating procedures to ensure continued compliance with DEI Law. 	Y	Richard Smith, Assistant Vice President of Risk, Compliance, and Research	<p>Confirmed that operating procedures were in place to ensure continued compliance with DEI Law.</p> <p>See Exhibit: WTAMU SB17 Compliance Procedure Manual Also see Exhibits: DEI Search Terms, Rules and Procedures Compliance Certification Key Term Search</p>	May 15, 2024
<ul style="list-style-type: none"> Implemented internal controls including assignment of monitoring responsibilities, procedures for training, and processes for disseminating information to stakeholders to ensure compliance with DEI Law. 	Y	Richard Smith, Assistant Vice President of Risk, Compliance, and Research	<p>In consultation with the AVP for Risk and Compliance, confirmed that he is designated as the responsible official regarding the internal controls and monitoring area of responsibility for SB17 compliance. Currently, the AVP for Risk and Compliance does not delegate any of the internal controls and monitoring tasks or responsibilities to any other individual. As such, the AVP for Risk and Compliance attends system training and implements system guidance regarding review of SB17 compliance. Furthermore, responsible officials for other SB17 compliance areas, as described in the WTAMU SB17 Compliance Manual, will participate in SB17 compliance related trainings and train their staff in accordance with the WTAMU SB17 Compliance Manual. Per the WTAMU SB17 Compliance Manual, all SB17 compliance updates, findings, recommendations, etc., are communicated directly to the WTAMU ECO and disseminated accordingly.</p>	May 15, 2024
<ul style="list-style-type: none"> Developed a compliance response and reporting process to address issues of noncompliance with DEI Law. 	Y	Richard Smith, Assistant Vice President of Risk, Compliance, and Research	<p>Confirmed that a compliance response and reporting process was created to address issues of noncompliance with DEI Law.</p> <p>See Exhibit: WTAMU SB17 Compliance Procedure Manual</p>	May 15, 2024
<ul style="list-style-type: none"> Identified procedures for disciplinary action/sanctioning for violations of DEI Law. 	Y	Richard Smith, Assistant Vice President of Risk, Compliance, and Research	<p>Confirmed that procedures for disciplinary action/sanctioning for violations of DEI Law have been created.</p> <p>See Exhibit: WTAMU SB17 Compliance Procedure Manual Also see university employee or student disciplinary process in accordance with System regulations: 08.01.01, 16.01.01, 32.01.01 - https://www.tamus.edu/legal/policy/policy-and-regulation-library/</p>	May 15, 2024

SUMMARY OF FINDINGS: (to be completed by SECO/OGC)

- Meets compliance
- Meets compliance after implementing recommendations
- Factors preventing compliance as agency/institute of higher learning has not implemented recommendations on statutory/regulatory requirements

SIGNATURES

Dr. Angela Spaulding
Compliance Officer

5.22.24
Date

Approved by: *[Signature]*
Chief Executive Officer

5.23.24
Date



Office of the President

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ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Walter V. Wendler, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Signature

August 14, 2024

Date

Please check one:

- President
- Board Chair



Office of the President

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DEI Law Certification of Compliance

CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: West Texas A&M University

Chief Executive Officer: President Walter V. Wendler

I certify, under penalty of perjury and the loss of funding to West Texas A&M University, that West Texas A&M University has complied with the requirements in Tex. Educ. Code § 51.3525:

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- 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;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this 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
- 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 this 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, 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.

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for 2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

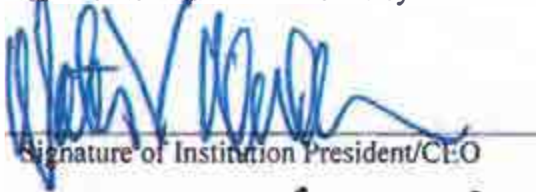
I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year West Texas A&M University has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.

- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.



Signature of Institution President/CEO

5.28.24
Date



Signature of Board Chair

8/14/24
Date

UNIVERSITIES

- Texas A&M University
- Texas A&M University at Galveston
- Texas A&M Health Science Center
- Prairie View A&M University
- Texas A&M University-Commerce
- Tarleton State University
- West Texas A&M University
- Texas A&M University-Kingsville
- Texas A&M University-Corpus Christi
- Texas A&M International University
- Texas A&M University-Texarkana
- Texas A&M University-Central Texas
- Texas A&M University-San Antonio



AGENCIES

- Texas A&M AgriLife Research
- Texas A&M Engineering Experiment Station
- Texas A&M Forest Service
- Texas A&M AgriLife Extension Service
- Texas A&M Engineering Extension Service
- Texas A&M Transportation Institute
- Texas A&M Veterinary Medical Diagnostic Laboratory
- Texas Division of Emergency Management

OTHER MEMBER INSTITUTIONS

- Texas A&M-RELLIS
- Texas A&M-Fort Worth

Board of Regents

THE TEXAS A&M UNIVERSITY SYSTEM

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, Bill Mahomes, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

William Mahomes
Signature

August 16, 2024
Date

Please check one:

- President
- Board Chair