

UNIVERSITY of HOUSTON SYSTEM

Office of Legal Affairs

Senate Bill 17 – Diversity, Equity, and Inclusion Conference Committee Report Summary

DEI office/unit/division defined as one established to:

1. Influence hiring or employment with respect to race, sex, color or ethnicity other than through use of color-blind and sex-neutral hiring practices in accordance with the law
2. Promote differential treatment or providing benefits based on race, sex, color, or ethnicity
3. Promote policies or procedures designed/implemented in reference to race, sex, color, or ethnicity other than those approved by the General Counsel and the Texas Higher Education Coordinating Board (CB) for the purpose of complying with the law or a court order
4. Conduct trainings programs or activities designed or implemented with respect to race, sex, color, or ethnicity other than those approved by the General Counsel and the CB for the purpose of complying with the law or a court order

The Board of Regents must ensure (except as required by federal law) that each of its institutions:

1. Does not establish or maintain a DEI office/unit/division
2. Does not hire or assign employee to perform duties of a DEI office/unit/division
3. Does not require or solicit DEI statements or provide preference based on a DEI statement
4. Does not give preference based on race, sex, color, or ethnicity to an applicant for employment, to an employee, or participant in any function of the institution
5. Does not require participation, as a condition of enrolling or performing any institutional function, in DEI training except for training approved by the General Counsel and the CB for the purpose of complying with the law or a court order (training includes programs or activities designed or implemented in reference to race, sex, color, ethnicity, gender identity, or sexual orientation)
6. Adopts policies and procedures to appropriately discipline employees (up to and including termination) for engaging in conduct in violation of the above

An institution or its employees may, for the purposes of applying for a grant or achieving accreditation, submit a statement that highlights work in support of first-generation students, low income students, or under-served student populations or certify compliance with antidiscrimination laws

The restrictions above do not apply to:

1. Academic course instruction
2. Scholarly research/creative works by students/faculty/research personnel
3. Activity of a registered or recognized student organization*
4. Guest speakers or performers on short term engagements
5. Policy, practice, program or activity to enhance student academic achievement or postgraduate outcomes that allows participation without regard to race, sex, color, or ethnicity
6. Data collection

7. Student recruitment or admissions

Prior to spending appropriated money each fiscal year, the Board must submit to legislature and CB a report certifying compliance with these requirements for the preceding fiscal year. Further, the Board or designee must testify concerning compliance with these requirements during legislative interim.

State auditor shall conduct compliance audits at least every 4 years. If the state auditor determines the expenditure of funds is contrary to these requirements, the institution has 180 days to correct, and failure to correct has a significant specified financial impact on the institution (*ex.*, no formula funding increases).

A student or employee required to participate in training in violation of this statute may bring an action against the institution for injunctive or declaratory relief.

The CB and the institutions shall conduct a biennial study regarding the impact of this legislation on application rate, acceptance rate, matriculation rate, retention rate, GPA, and graduation rate and provide the results of this study to the legislature.

Effective Date: January 1, 2024

*Federal law may impose other requirements.