

## **FREQUENTLY ASKED QUESTIONS**

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

#### **Background Information**

Senate Bill 17 was signed by Governor Abbott on June 14, 2023 and is codified in Section 51.3525 of the Texas Education Code, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives.” SB 17 prohibits institutions of higher education from having DEI offices and engaging in certain DEI functions. Texas Southern University’s (TSU) Policy Subject: SB 17 - Diversity, Equity, and Inclusion Initiatives implements this state law.

The Office of General Counsel (OGC) has created the following FAQs to provide guidance to the TSU community on the implementation of Senate Bill 17 and Policy Subject: SB 17 - Diversity, Equity, and Inclusion Initiatives. Any issues or concerns not addressed in this FAQ may be referred to the OGC or TSU’s Compliance Office.

#### **Question: What is DEI?**

**Answer:** DEI stands for diversity, equity, and inclusion. As defined in SB 17 and in TSU policy, Diversity, Equity, and Inclusion, 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 about race, color, or ethnicity, except as expressly authorized by OGC in accordance with state law; or
4. Conducting training, programs, or activities about race, color, ethnicity, gender identity, or sexual orientation, other than those expressly required to comply with various federal laws.

#### **Question: May TSU continue to operate an office that is dedicated to DEI programs and activities?**

**Answer:** No. Under SB17 and TSU Policy Subject: SB 17 - Diversity, Equity, and Inclusion Initiatives, TSU may not have an office that engages in any of the practices listed in Question #1, regardless of whether or not the office is named Diversity, Equity, and Inclusion.

#### **Question: May TSU host or support events that support diversity?**

**Answer:** Yes. Events that generally support diversity do not violate SB 17 as long as the event is open to everyone and it does not promote preferential treatment of any particular group (based on race, color, ethnicity, gender identity, or sexual orientation).

#### **Question: May TSU organize and host on campus a program that includes DEI activities?**

**Answer:** No. Outside of a few exceptions for specific events focused on student recruitment, guest speakers, faculty research, or student-led activities, SB 17 prohibits a university from conducting

programs or activities that promote or privilege members of legally protected individuals and groups, such as those of a specific race, color, ethnicity, or sexual orientation.

**Question: May TSU host multicultural events or programs such as Black History Month, Hispanic Heritage Month, and Indigenous People’s Day?**

**Answer:** Yes. As long as these events are open to all who want to participate provided it does not promote preferential treatment of any particular group. Further, such events may require mandatory attendance from students or employees and the emphasis of the event or program must be on history or culture.

**Question: When hiring faculty or other TSU employees, may TSU request applicants provide diversity attestations or otherwise give preferential consideration to applications based on a provided diversity or inclusion statement?**

**Answer:** No. Under SB 17, a university cannot solicit, require, induce, or compel an applicant to provide a DEI statement with their application. Likewise, TSU may not give preferential consideration to any applicant based on the fact that they provided a DEI statement.

**Question: May TSU consider race, national origin, or gender in making its hiring decisions?**

**Answer:** No. All hiring must be based on merit. TSU may take action to recruit a diverse candidate pool from which it will select the best qualified person for the open position.

**Question: May TSU student organizations receive funding or support from the university to attend DEI-centered conferences or activities?**

**Answer:** Yes. Student organizations are exempted from SB 17. Student organizations are able to seek funding for travel or registration to conferences or activities unaffiliated with TSU.

**Question: May TSU student organizations promote DEI?**

**Answer:** Yes. SB 17 exempts student organizations from its prohibitions. The Texas Education Code 51.9315 specifically prohibits universities from denying student organizations any benefit based on the organization’s political, ideological, or philosophical viewpoint.

**Question: May TSU use state funds to support student organizations that conduct or support DEI activities?**

**Answer:** Yes. SB 17 exempts student organizations from its prohibitions. TSU may not deny funding to a student organization, regardless of its source. State funds must be used in a neutral manner to support all student organizations.

**Question: May TSU faculty discuss race, national origin, gender identity, sexual orientation, sex, or other related-topics in class?**

**Answer:** Yes. SB 17 does not apply to academic course instruction or scholarly research, provided that the faculty member's comments are appropriate for the course subject matter and pedagogy.

**Question: May TSU employees (faculty or otherwise) conduct independent DEI work, such as a consultant or trainer?**

**Answer:** Yes. SB 17 does not limit what faculty and staff do on their personal time, outside of work, provided all other university policies, such as conflict of interest, are followed.

**Question: Does SB 17 supplant or override Title VI and VII of the Civil Rights Act or Title IX of the Education Amendments?**

**Answer:** No. Nothing in SB 17 alters TSU's existing obligations under federal law, including the anti-discrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, and the Equal Protection Clause of the 14th Amendment. TSU must continue to ensure that our programs and activities are open and available to all persons on a non-discriminatory basis.