



Dear Department Heads.

As you are aware, the 88th Texas Legislature passed Senate Bill 17 (SB 17), “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives,” which amends Texas Education Code, Section 51.3525, effective January 1, 2024.

Generally, SB 17 prohibits Texas public institutions of higher education from: operating diversity, equity, and inclusion (DEI) offices; performing the duties of a DEI office; requiring, soliciting, or considering DEI statements; giving preference on the basis of race, sex, color, ethnicity, or national origin; and conducting DEI training. In 2023, UT System Administration issued [UTS 197 Compliance with State Law Regarding Diversity, Equity, and Inclusion in Institutions of Higher Education](#), and published [UT System SB 17 Working Guidance](#) that addresses the bill’s prohibitions, requirements, and exceptions in more detail. Correspondence will be sent to all employees related to the obligations and prohibitions in SB 17 and UTS 197.

SB 17 requires the UT System Board of Regents to certify annually Board and UT institution compliance with the statute. To provide the chancellor and executive leadership assurance that UT Tyler has complied with SB 17’s requirements, the UT Tyler Audit Office has initiated an audit. I am serving as the management point of contact for the audit and need information from your department to respond.

Please send your department’s responses to the questions below no later than close of business on XXXXXX to the following:

donald.henry@uthct.edu

Thank you for your prompt attention to this matter. Please let me know if you have any questions.

Donny Henry
Chief Compliance Officer
903-565-5688

Departmental Sub-Certification for Compliance with DEI Prohibition

General Compliance

1. Please confirm that your department is in compliance with the following:
 - No employee in your department is performing prohibited DEI duties (see End Notes).
 - Your department does not contract with third-party vendors to perform prohibited DEI duties, functions, or activities.
 - Your department does not 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 department.
 - Your department does not require, solicit, or consider DEI statements from any person or give preferential consideration to any person based on the provision of a DEI statement.
 - Your department does not conduct or require departmental trainings designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.
 - You reviewed your departmental policies, procedures, practices, trainings, programs, activities, web site, and social media to ensure SB 17 compliance.

I confirm that my department is in compliance with the above: _____
Signature/Initials

DEI Offices and Employees

2. Before SB 17, how many employees in your department were officially assigned full-time the now-prohibited duties of a DEI office? _____
 - How many were involuntarily terminated? _____
 - How many voluntarily resigned or retired? _____
 - How many assumed another open position at UT System Administration? _____
 - How many had duties revised or assumed a newly created position such that their duties are compliant with SB 17? _____
3. Before SB 17, how many employees in your department were officially assigned part-time the now-prohibited duties of a DEI office? _____
 - What were the cumulative FTEs for these duties? _____
 - How many were involuntarily terminated? _____
 - How many voluntarily resigned or retired? _____

- How many assumed another open position at UT Tyler? _____
 - How many had duties revised or assumed a newly created position such that their duties are compliant with SB 17? _____
4. How much money (salary plus benefits) was saved or reallocated to activities not prohibited by SB 17 through the personnel actions in questions 2. and 3.? _____

Contracts with Third-Party Vendors

5. Prior to January 1, 2024, did your department contract with third-party party vendors to perform DEI functions or activities? _____
- If yes, please identify the contracts and (1) confirm that they have been discontinued or (2) describe how they have been modified to comply with SB 17 (below).

Hiring and Employment Practices

6. Prior to January 1, 2024, did your department influence hiring or employment practices with respect to race, sex, color, or ethnicity? _____
- If yes, please confirm that this practice has been discontinued and describe steps taken to discontinue this practice (below).

DEI Statements

7. Prior to January 1, 2024, did your department require, solicit, or consider DEI statements from any person or give preferential consideration to any person based on the provision of a DEI statement? _____
- If yes, please confirm that this practice has been discontinued and describe steps taken to discontinue this practice (below).

Preferences and Special Benefits

8. Prior to January 1, 2024, did your department 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 department? _____
- If yes, please confirm that this practice has been discontinued and describe steps taken to discontinue this practice (below).

Programs and Activities

9. Prior to January 1, 2024, did your department have programs or activities that promoted differential treatment of or provided special benefits to individuals on the basis of race, color, ethnicity, national origin, gender identity, or sexual orientation? _____
- If yes, please confirm that this practice has been discontinued and describe steps taken to discontinue this practice (below).

DEI Training

10. Prior to January 1, 2024, did your department require your employees to participate in DEI training (trainings designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation)? _____

- If yes, please identify the trainings and (1) confirm that they have been discontinued or (2) describe how they have been modified to comply with SB 17 (below).

Web Sites and Social Media

11. Prior to January 1, 2024, did your department web site or social media accounts contain references to now-unallowable DEI activities? _____

- If yes, please identify the references and (1) confirm whether they have been removed; (2) if they have not been removed, state the reason(s) that they remain; or (3) describe how they have been modified to comply with SB 17 (below).

END NOTES

Sec. 51.3525. RESPONSIBILITY OF GOVERNING BOARDS REGARDING DIVERSITY, EQUITY, AND INCLUSION INITIATIVES. (a) In this section, "diversity, equity, and inclusion office" means 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.