




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.