



BRIEF OVERVIEW OF SENATE BILL 17

A bill relating to diversity, equity and inclusion initiatives
at public institutions of higher education

I. What is a DEI office?

Answer: SB 17 defines a DEI office as any office, division, or unit of an institution of higher education established 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;
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 TSUS Office of General Counsel (OGC) and the Texas Higher Education Coordinating Board (THECB) for the sole purpose of ensuring compliance with a 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 those trainings, programs, or activities developed by TSUS's OGC and approved by the THECB for the sole purpose of ensuring compliance with a court order or state or federal law.

II. What does SB 17 PROHIBIT?

Answer:

SB 17 prohibits institutions of higher education from:

1. Establishing or maintaining a **DEI office**;
2. Hiring or assigning an employee or contracting with a third party to **perform duties of a DEI office**;
3. Compelling **diversity statements** or giving preferential consideration to anyone based on a diversity 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 institution**; or
5. **Requiring** anyone who seeks to enroll at the institution or perform any institution function to undergo **DEI training** which includes a training, program or activity designed or implemented in referenced to **race, color, ethnicity, gender identity, or sexual orientation**.

III. Are there any exceptions to the restrictions of SB 17? In other words, when do the restrictions of SB 17 NOT apply?

Answer: The restrictions of SB 17 do not apply to:

1. **Academic course instruction**;
2. **Scholarly research** or a creative work by students, faculty, or other research personnel, or the dissemination of that research or work;
3. Registered or recognized **student organizations**;
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 or implemented without regard to race, sex, color, or ethnicity;
6. **Data collection**;
7. **Student recruitment or admissions**; or
8. **Trainings, programs or activities developed by an attorney** and approved by the GC and THECB for the sole purpose of ensuring compliance with a court order or state/federal law.

IV. What does SB 17 say about GRANTS?

Answer: SB 17 permits an institution of higher education applying for a grant to submit to a grantor a statement that:

1. Highlights the institution's work in supporting:

- **First-generation college students;**
- **Low-income students;** or
- **Underserved student populations;**

OR

2. Certifies **compliance with state and federal laws.**

V. What does SB 17 say about ACCREDITING AGENCIES?

Answer: SB 17 permits an institution of higher education to submit to the accrediting agency a statement that:

1. Highlights the institution's work in supporting:
 - **First-generation college students**;
 - **Low-income students**; or
 - **Underserved student populations**;

OR

2. Certifies **compliance with state and federal laws**.

VI. Does SB 17 discuss disciplinary action for violations of SB 17 provisions?

Answer: Yes. SB 17 requires institutions of higher education to adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in prohibited conduct.

VII. Describe the certification requirement created by SB 17.

Answer: Beginning with fiscal year 2024-2025, the new law requires that the governing body of the institution of higher education annually certify the institution's compliance with the provisions of SB 17 during the prior fiscal year. The certification must occur before the institution may spend state appropriated funds for the current fiscal year.



For specific questions and detailed legal guidance regarding implementation of SB 17, please contact the campus counsel assigned to your institution, college, or university.

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