

Sam Houston State University
A Member of The Texas State University System

PRE-32 Prohibited Initiatives—Diversity, Equity, and Inclusion

POLICY STATEMENT

Sam Houston State University complies with State of Texas prohibitions relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

1. SCOPE

1.01 This policy falls under the authority of all applicable federal, state, and Texas State University System (TSUS) laws, rules, and regulations, including, but not limited to, the following: TSUS Rules and Regulations, Chapter VII, Paragraph 5, and the Texas Education Code § 51.3525 [S.B. 17, 88th Leg., Reg. Sess. (Tx 2023)].

1.02 The prohibitions stated in this policy do not apply to the following:

- a) Academic course instruction;
- b) Scholarly research or a creative work by a student or faculty;
- c) An activity of a registered or recognized student organization;
- d) Guest speakers;
- e) Performers on a short-term engagement;
- f) Policies, practices, procedures, programs, or activities to enhance student academic achievement or postgraduate outcomes that are designed and implemented without regard to race, sex, color, or ethnicity;
- g) Data collection;
- h) Student recruitment or admissions.

2. DEFINITIONS

2.01 **Diversity, Equity, and Inclusion Office** means an office, division, or unit of an institution of higher education established for the purpose of:

- a) Influencing hiring or employment practices at the University 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;
- b) Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- c) Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by the TSUS's Office of General Counsel in accordance with a court order or state or federal law; or
- d) Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation except as expressly authorized by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

2.02 **Diversity, Equity, and Inclusion Training** includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

3. PROHIBITED ACTIVITIES

The University shall not, except as required by federal law:

- a) Establish or maintain a diversity, equity, and inclusion office;
- b) Hire or assign an employee of the University or contract with a third party to perform the duties of a diversity, equity, and inclusion office;
- c) Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, or inclusion statement;
- d) 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 University; or
- e) Require any person to participate in diversity, equity, and inclusion training as a condition of enrolling at the University or performing any University function except training developed and approved by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

4. DISCIPLINARY ACTION

Any employee or contractor who violates any of the provisions stated in this policy is subject to disciplinary action, up to and including termination. Any violation of this policy shall be subject to discipline under Finance and Operations Policy [HR-07](#). For faculty, if the discipline exceeds that provided for in Finance and Operations Policy [HR-07](#), the University may consider action as provided in in the TSUS Rules and Regulations Chapter V § 4 or the SHSU Faculty Handbook.

Reviewed by: Rhonda Beassie, AVP for People and Procurement Operations

Approved by: President's Cabinet

Date: April 9, 2024