



OFFICE OF GENERAL COUNSEL

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*Alan Stucky – Vice Chancellor & General Counsel*

**TO: All UNT System and Institution Administrators, Faculty, and Staff**

**FROM: Alan Stucky, Vice Chancellor & General Counsel**

**DATE: November 30, 2023**

**RE: Texas Education Code §51.3525 (SB 17, 88<sup>th</sup> Texas Legislative Session, 2023)**

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**I. INTRODUCTION**

- A. Texas Education Code §51.3525, which becomes effective January 1, 2024, prohibits public institutions of higher education from:
1. \_\_\_\_\_ ;
  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 (UNT 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 institutions in implementing the new law.
- C. The guidance provided is intended to be broad and it is not anticipated to cover every specific

- C. TEC §51.3525 does not apply to the following UNT System functions:
1. Academic course instruction;
  2. Scholarly research or creative work by an institution of or other research personnel or the dissemination of that research or work;
  3. An activity of a student organization registered with or recognized by an institution of higher education;
  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 and implemented without regard to race, sex, color, or ethnicity;
  6. Data collection; or
  7. Student recruitment and admissions.
- D. UNT System institutions are still permitted to highlight work done in support of first-generation students, low-income students and underserved student populations when applying for grants or as necessary to comply with accreditation standards.

### **III. WHAT IS PROHIBITED**

- A. TEC §51.3525 prohibits

3. 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, and inclusion statement;
  4. give preference based on race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution;
  5. require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training;
    - (a) which includes any training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and
    - (b) does not include a training, program, or activity
- general counsel and the Texas Higher Education Coordinating Board for the sole purposes of ensuring compliance with any applicable law, including but not limited to the Texas Education Code, Chapter 201, Subchapter C, Section 201.004, and the Texas Education Code, Chapter 201, Subchapter D, Section 201.007.

#### IV. CONCLUSION

- A. To comply with the requirements of TEC §51.3525, UNT System institutional employees should review the purpose, trainings, programs, and activities of each office, division, or other unit with which they are connected to ensure they are not established for the purpose of and do not conduct any of the prohibited functions of TEC §51.3525.
  1. Upon review, it may be determined that various offices, divisions, or other units, or a training, program, or activity must be eliminated or significantly restructured for compliance with the new law.
  2. In addition, all ongoing and future trainings