

**TEXAS SOUTHERN UNIVERSITY
BOARD OF REGENTS AGENDA**

COMMITTEE: Audit & Compliance

ITEM: Request Approval of the Annual Senate Bill 17 (Texas Education Code § 51.3525) Compliance Certification and Updated Diversity, Equity, and Inclusion Initiatives University Policy.

DATE PREVIOUSLY SUBMITTED: N/A

SUMMARY:

SB 17, passed by the 88th Texas Legislature and effective January 1, 2024, amended Texas Education Code §51.3525 to establish requirements related to diversity, equity, and inclusion at public institutions of higher education. TSU implemented these requirements through MAPP 01.04.01.

Under § 51.3525, the Board of Regents is required to annually certify the University's compliance with SB 17 for the preceding state fiscal year. Following the University's annual compliance review and confirmation of institutional compliance, the certification is presented to the Board for approval.

The University has adopted TSU MAPP 01.04.01, which implements SB 17 (codified at §51.3525 of the Texas Education Code) concerning diversity, equity, and inclusion. This MAPP applies to all offices, divisions, and units (academic and administrative) within TSU, and includes all mandatory SB 17 provisions. MAPP 01.04.01, and the requirements of SB 17, were originally presented to the Board at its regular meeting on June 13, 2024.

Accordingly, the **SB 17 Annual Compliance Certification is presented to the Board of Regents for consideration and approval.** Upon approval, the required certification will be submitted to the Texas Legislature and the Texas Higher Education Coordinating Board in accordance with Texas Education Code §51.3525.

APPLICABLE FEDERAL OR STATE STATUTE(S) AND/OR REGULATION(S):

Texas Education Code §51.3525(e)

FISCAL IMPACT: No Fiscal Impact

SUPPORTING DOCUMENTATION:

- Annual Executive Compliance Certification
- Annual Human Resource Compliance Acknowledgment
- General Counsel Review Memorandum
- HR Procurement Training
- Senate Bill 17 Training Review Memorandum
- Senate Bill 17 Electronic Signature Acknowledgement and Consent Form
- Senate Bill 17 Annual Presidential Compliance Memorandum
- Senate Bill 17 Executive Summary
- MAPP Policy 01.04.01

RELATED BOARD BYLAW, POLICY AND/OR MAPP:

MAPP Policy: 01.04.01-Diversity, Equity, and Inclusion Initiatives

ACTION REQUESTED: The Administration recommends approval of Annual Senate Bill 17 (Texas Education Code § 51.3525) Compliance Certification and Updated Diversity, Equity, and Inclusion Initiatives University Policy.

**TEXAS SOUTHERN UNIVERSITY
BOARD OF REGENTS AGENDA**

ASCEND 2030 UNIVERSITY STRATEGIC INITIATIVES ALIGNMENT:

- 1.1 Align academic programming with industry demand
- 1.2 Drive student success and outcomes
- 1.3 Grow total enrollment
- 1.4 Expand career readiness and career advancement opportunities

Legal Certification: Based on available information to date, this agenda item and its implementation will not be in violation of any applicable federal, state, or local law or regulation.

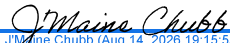


GENERAL COUNSEL

08/14/2026

DATE

Fiscal Certification: This fiscal note, shown above, details the true and actual positive or negative fiscal effect that implementation of this agenda item will have and the detailed reasons for such effect.



J'Maine Chubb (Aug 14, 2026 19:15:55 EDT)

CHIEF FINANCIAL OFFICER

08/14/2026

DATE



James Crawford (Aug 14, 2026 19:46:16 CDT)

PRESIDENT

08/14/2026

DATE

Executive Summary

Senate Bill 17 Compliance

Texas Southern University has completed its annual review of institutional compliance with Senate Bill 17, codified primarily at Texas Education Code § 51.3525. The review evaluated University policies, organizational structures, employment and hiring practices, mandatory training, student programs and services, and other institutional operations.

Based upon the information reviewed, the Office of General Counsel concluded that Texas Southern University is substantially compliant with SB 17 and identified no material violations during the review period.

The University's compliance framework includes controls designed to ensure that:

- the University does not maintain offices or functions prohibited by SB 17;
- employment decisions are based on lawful, merit-based and job-related criteria;
- prohibited diversity statements are not required or considered in employment decisions;
- mandatory training remains consistent with SB 17 and applicable federal and state law;
- student programs and services operate within applicable statutory exceptions and other legal requirements; and
- University policies and public communications remain consistent with SB 17.

The University has also established an annual compliance process that includes Human Resources and Procurement training, Human Resources compliance acknowledgments, internal compliance certifications from University leadership and College Deans, legal review by the Office of General Counsel, and preparation of the required annual certification documentation. Importantly, TSU's SB 17 compliance framework recognizes that the University must continue to satisfy applicable federal civil-rights and nondiscrimination requirements, including Title VI, Title IX, the ADA, Section 504, and other federal obligations expressly preserved under the statutory framework.

Based upon the University's annual review and supporting compliance documentation, TSU has implemented institutional controls reasonably designed to comply with SB 17. The Office of General Counsel has identified no material violations and has concluded that the University is substantially compliant with Texas Education Code § 51.3525, providing support for the University's annual compliance certification.

SB17 Requirements for Human Resources and Procurement

TSU Compliance Partner

Melissa Flores, J.D.; PH.D.

Melissa.Flores@tsu.edu; 801-557-1657 (cell)



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Introduction

This training covers Texas Senate Bill 17 (SB 17) and its implications for Human Resources (HR) and procurement practices.

Agenda:

Aims of SB17

Human Resources Requirements

Procurement Requirements

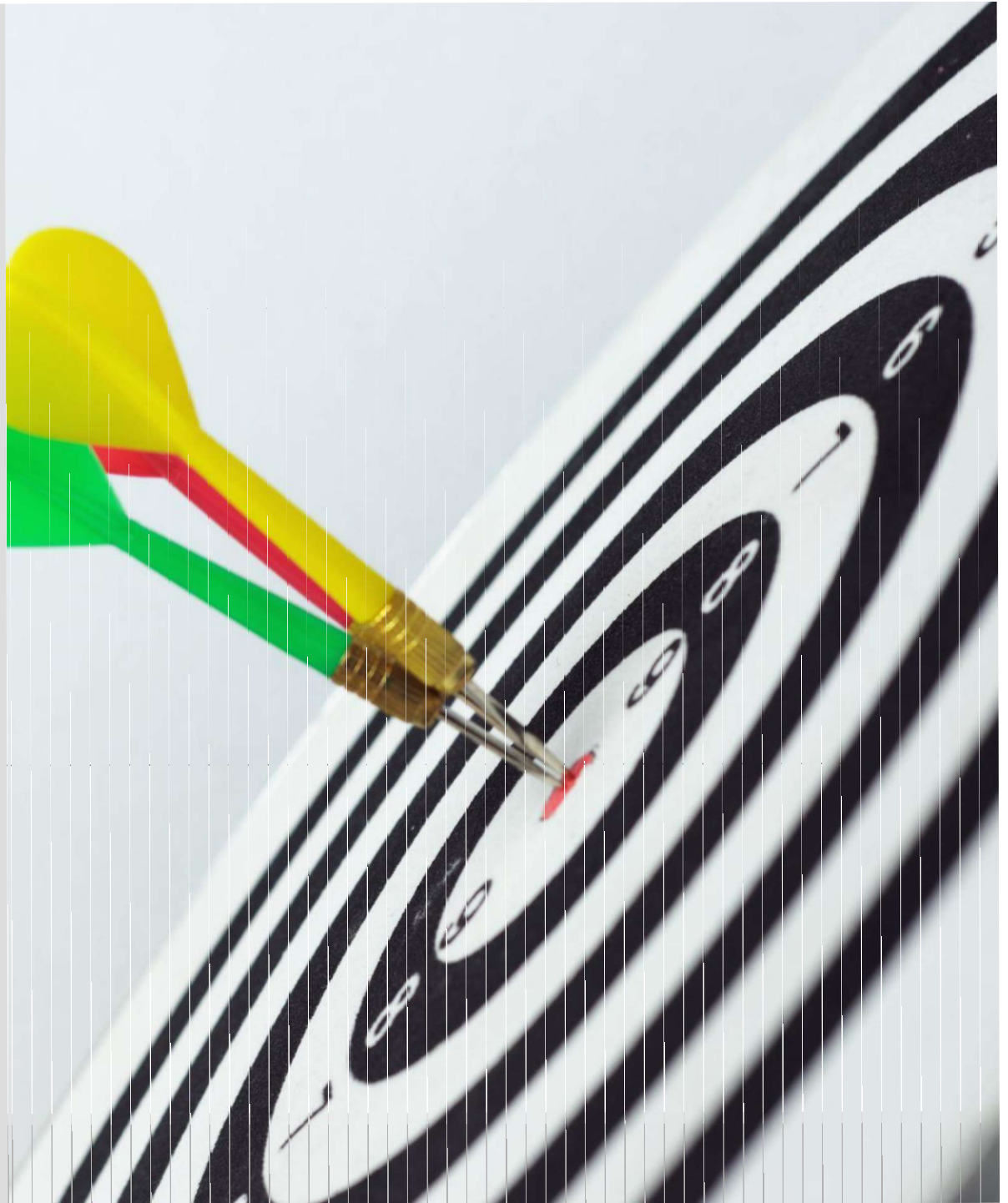
Processes



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The Aim of SB17



Overview of Texas Senate Bill 17 (SB17)

Introduces specific requirements and prohibitions related to Diversity, Equity, and Inclusion (DEI) programs within state agencies and institutions of higher education.

The bill **prohibits all state-funded colleges and universities from establishing or maintaining diversity, equity and inclusion offices**, and bans the **hiring or assignment of an employee to perform the duties of a DEI office**.

It also prohibits institutions from **soliciting DEI statements from job candidates**, or **giving preference to any applicants** “on the basis of race, sex, color, ethnicity or national origin.”

Any **mandatory diversity training** “implemented in reference to race, color, ethnicity, gender identity, or sexual orientation” is also banned. (Private right of action granted if forced to attend such training)

It also imposes certain requirements and restrictions on **procurement** to ensure that procurement activities align with state policies and reflect the values and priorities of the state of Texas.

SB 17 does not impact student-led organizations at public universities



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Key Provisions to know about

1. **Prohibition on DEI Offices and Programs:** SB17 prohibits the establishment, funding, or continuation of offices, divisions, or positions primarily engaged in DEI programs or initiatives. This includes any activities or programs designed to promote racial, gender, or sexual orientation diversity, equity, or inclusion within the workforce.
2. **Restrictions on Hiring Practices:** The law restricts state agencies and institutions of higher education from considering race, gender, or sexual orientation in hiring practices. This means that all hiring, promotion, and retention decisions must be **based solely on merit and qualifications**.

Key Provisions Continued

3. **Elimination of Mandatory DEI Training:** SB17 prohibits mandatory DEI training for employees, including training that addresses unconscious bias, privilege, or systemic inequality. HR departments must ensure that any training provided to employees does not violate these prohibitions.
4. **Impact on Affirmative Action Policies:** Affirmative action policies that favor one group over another based on race, gender, or sexual orientation are effectively nullified under SB17. HR must review and revise any such policies to ensure they align with the new legal requirements.
5. **Reporting and Compliance:** The law mandates specific reporting requirements for state agencies and institutions of higher education. HR departments are responsible for maintaining records that demonstrate compliance with SB17 and for submitting required reports to the appropriate state authorities.

EXEMPTIONS

Article VI, Clause 2—known as the “**supremacy clause**,” that states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

So, Texas cannot outlaw federal affirmative action programs, including completing Affirmative Action Plans (AAPs).

The law exempts such trainings, programs, or activities that are for the sole purpose of ensuring compliance with...federal law.”

The new Texas law also expressly exempts collecting information from employees or applicants “to record any necessary demographic information.” (Federal contractors must solicit sex, race/ethnicity, disability status, and veteran status (according to the four enumerated VEVRAA veteran categories, often referred to as “protected veterans”).

An institution of higher education and its employees are not limited or prohibited from highlighting the institution’s work in supporting first-generation college students, low-income students, or underserved student populations “for purposes of applying for a grant or complying with the terms of an accreditation by an accrediting agency.”



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Similarly, the law does not apply to:

- (1) “**academic course instruction**”
- (2) “**scholarly research** or a **creative work** by an institution of higher education’s students, faculty, or other research personnel”
- (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**”
- (7) “**student recruitment or admissions**”



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HR COMPLIANCE



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HR Responsibilities Under SB17

1. **Policy Review and Revision:** HR departments must conduct a thorough review of all existing DEI policies, programs, and training materials. Any elements that do not comply with SB17 must be revised or discontinued.
2. **Employee Communication and Training:** It is essential to communicate the changes brought about by SB17 to all employees. HR should provide clear guidance on what is now permissible under the law and offer training on the new requirements to ensure understanding and compliance.
3. **Hiring and Promotion Practices:** HR must revise hiring and promotion practices to ensure they are strictly merit-based. Any processes that previously considered race, gender, or sexual orientation must be restructured to comply with SB17.

HR Responsibilities Under SB17

4. **Monitoring and Reporting:** HR should establish procedures for monitoring compliance with SB17. This includes maintaining accurate records of hiring practices, training sessions, and any DEI-related activities to ensure they align with the law. Regular reports should be prepared for submission to state authorities as required.
5. **Transitions for employees affected by SB17:** HR must assist employees who have had their job eliminated due to the prohibitions of SB17, including providing letters of reference and recommendation.

Reporting to Texas Higher Education Coordinating Board

Annual reporting is required by
September 1 each year.

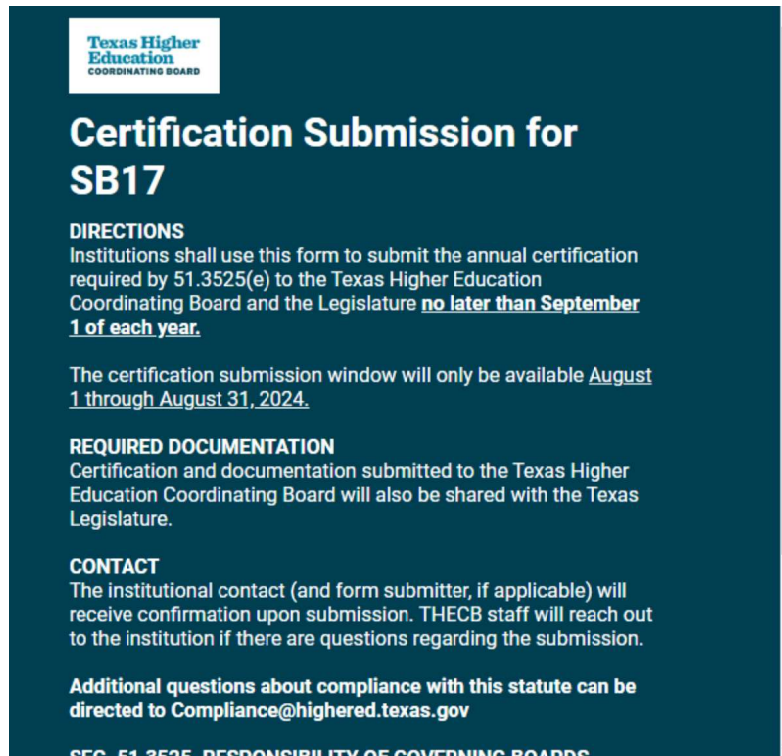
One individual for each institution is designated as the “Institution Contact” and will be responsible for certifying SB17 compliance via the form.

No state money can be expended until this certification is completed.

Reporting to Texas Higher Education Coordinating Board Continued

Annual reporting form can be found at:

<https://app.smartsheet.com/b/form/f15e884f68fa43bf90dfd9653c97f91>.



Texas Higher Education Coordinating Board

Certification Submission for SB17

DIRECTIONS
Institutions shall use this form to submit the annual certification required by 51.3525(e) to the Texas Higher Education Coordinating Board and the Legislature **no later than September 1 of each year**.

The certification submission window will only be available **August 1 through August 31, 2024**.

REQUIRED DOCUMENTATION
Certification and documentation submitted to the Texas Higher Education Coordinating Board will also be shared with the Texas Legislature.

CONTACT
The institutional contact (and form submitter, if applicable) will receive confirmation upon submission. THECB staff will reach out to the institution if there are questions regarding the submission.

Additional questions about compliance with this statute can be directed to Compliance@higher.ed.texas.gov

SEC. 51.3525. RESPONSIBILITY OF GOVERNING BOARDS

Institution Contact Name *

Institution Contact Email Address *

I certify, under penalty of perjury and the loss of funding to my institution (listed below), that my institution has complied with the requirements in Tex. Educ. Code § 51.3525: (insert institutional name below) *

- ☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of 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.
- ☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity.
- ☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this



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Employee Training

- **DEI Training Limitations:** SB 17 restricts **mandatory** DEI training that suggests any individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously. Training programs must be reviewed to ensure they comply with these restrictions.
- **Optional DEI Initiatives:** While mandatory DEI programs are limited, optional programs that focus on fostering a respectful workplace culture- without violating the guidelines of SB 17- can still be implemented.
- **Regular Compliance Reviews:** HR departments should regularly review training materials to ensure they are in compliance with SB 17. Any non-compliant materials should be revised or removed.



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Takeaways

SB17 represents a significant shift in how DEI initiatives are managed within state agencies and institutions of higher education in Texas.

HR departments play a crucial role in ensuring compliance with this law. By understanding and implementing the necessary changes, HR can help the organization navigate the new legal landscape while continuing to promote a fair and equitable workplace.

PROCUREMENT



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Key Objectives of SB 17:

1. **Promote Transparency:** Ensure procurement processes are transparent, competitive, and open to public scrutiny.
2. **Support Texas Values:** Align procurement decisions with Texas's values, including protecting religious freedoms and promoting economic growth.
3. **Enhance Accountability:** Establish clear guidelines and accountability mechanisms for vendors and contractors engaged in public procurement.



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Procurement Requirements of SB 17:

1. **Certification of Compliance:** Vendors must certify that their practices and policies comply with the provisions of SB 17. Certification includes adherence to non-discrimination policies.
2. **Procurement Process Adjustments:** Procurement officers must review and adjust procurement processes to ensure they align with SB 17 requirements. This includes revising RFP (Request for Proposal) language, bid evaluation criteria, and contract terms.
3. **Vendor Eligibility:** Vendors that do not comply with SB 17 requirements may be deemed ineligible for contracts with state agencies and local governments. Regular monitoring and assessment of vendor compliance will be necessary throughout the contract period.



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Procurement Requirements of SB 17:

4. **Documentation and Record-Keeping:** All procurement-related documentation must be thoroughly maintained, including records of vendor certifications, bid evaluations, and contract awards. Documentation must be made available for audits and public review as required.
5. **Training and Awareness:** State agencies and local governments are required to provide training to procurement officers and staff to ensure they understand SB 17 requirements. Ongoing education and updates on any amendments or changes to SB 17 will be necessary to maintain compliance.

Procurement Impact of SB 17:



Vendor Selection Criteria:

Additional criteria related to SB 17 compliance will be integrated into the vendor selection process. Procurement teams must evaluate not only the financial and technical aspects of a bid but also the vendor's adherence to SB 17 requirements.



Bid Evaluation: The evaluation process may become more complex as procurement officers will need to assess compliance with SB 17 alongside traditional factors like cost, quality, and delivery timelines. Non-compliant bids must be excluded from consideration.



Contract Management:

Contracts must include clauses that ensure ongoing compliance with SB 17 throughout the duration of the agreement. Mechanisms for reporting and addressing non-compliance must be clearly outlined in the contract.



Risk Management: Agencies must implement risk management strategies to mitigate potential legal or financial risks associated with SB 17 non-compliance. This includes conducting regular audits and vendor performance reviews.



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Outside Vendors/Contractors

While SB 17 suggests vendors/contractors may not have DEI offices or require any DEI training of their employees- this prohibition applies only when hiring an outside group to run or support DEI activities on behalf of the university.

- SB 17 does not allow a university to hire contractors to conduct DEI programs or activities on behalf of the university to avoid the new prohibitions. However, SB 17 does not apply to the internal operations or programs of our contractors.



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Steps to Ensure Compliance

1. **Review and Update Procurement Policies:** Ensure all procurement policies and procedures are updated to reflect SB 17 requirements.
2. **Conduct Training Sessions:** Regularly train procurement officers and relevant staff on SB 17 requirements and their implications for procurement activities.
3. **Implement Monitoring Systems:** Develop and implement systems to monitor vendor compliance with SB 17, including periodic reviews and audits.
4. **Engage with Vendors:** Communicate SB 17 requirements to potential vendors early in the procurement process to ensure they understand and can comply with the law.
5. **Document Everything:** Keep detailed records of all procurement activities, especially those related to SB 17 compliance, to protect against potential challenges or audits.



Final Word

Compliance with SB 17 is essential for all public institutions and entities in Texas.

By adhering to the guidelines in hiring practices, employee training, and procurement processes, organizations can ensure they are in line with state law while maintaining a fair and transparent operational environment.

Thank you for attending!



Training created by Melissa Flores, Chief Legal Officer – HEC Partners, 2020. Used with permission.



Senate Bill 17 Annual Human Resources Compliance Acknowledgement

The 88th Texas State Legislature passed, and Governor Greg Abbott signed into law, Senate Bill 17, “Responsibility of Governing Boards Regarding Diversity, Equity, and Inclusion Initiatives,” which amends Texas Education Code 51.5325 effective January 1, 2024.

Texas Southern University (“TSU”) is committed to compliance with applicable federal and state laws, including Title VI of the Civil Rights Act of 1964 (“Title VI”), Title VII of the Civil Rights Act of 1964 (“Title VII”), Title IX of the Education Amendments Act of 1972 (“Title IX”), and Texas Education Code Section 51.3525, as applicable to Diversity, Equity, and Inclusion initiatives. TSU Policy Subject: SB 17 - Diversity, Equity, and Inclusion Initiatives serves to implement SB 17 at the University.

SB 17 **prohibits** institutions of higher education from having DEI offices and engaging in certain DEI functions. Prohibited DEI (Diversity, Equity, and Inclusion) activities include:

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 in accordance with any applicable state and federal anti-discrimination 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, except as expressly authorized by OGC and in accordance with federal or state law.
4. Conducting training, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than those expressly authorized by OGC in accordance with federal or state law.
5. Compelling, requiring, inducing or soliciting a person to provide a DEI Statement, or making a DEI Statement on behalf of TSU or its affiliates, including any division, department, or unit. SB-17 further prohibits special benefits and preferential consideration, meaning a term, condition, opportunity, or privilege that is unavailable or substantially better than what is available or provided to others or treating one person more favorably than another, in any respect, because of their inclusion or provision of a DEI statement in materials they provide to the institution.
6. Make mandatory any training, program or activity that includes content designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation (*i.e.*, required as a condition before a person can enroll at the university, be employed by the university, or perform any university function).

As an employee of the TSU Human Resources Department, I acknowledge my responsibility to:

1. Uphold and implement the policy language outlining that an employee or contractor of TSU who violates this policy is subject to disciplinary action, up to and including termination of employment or contract, as applicable.
2. Provide a recommendation for any employee in good standing whose position with TSU is eliminated under the prohibitions under the law.



It is important to remember that nothing in SB 17 alters TSU's existing obligations under federal and state law, including the anti-discrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, and the Equal Protection Clause of the 14th Amendment, which includes providing training on such federal anti-discrimination laws.

We must continue to ensure that our programs and activities are open and available to all persons on a non-discriminatory basis. We recognize that implementation will be a continuing and evolving process.

As part of TSU's continued commitment to compliance with the law, Human Resources has reviewed pieces of training geared towards employees, supervisor, new employee orientation both in the form of live training and online modules to ensure that the training does not contain prohibited DEI content or contains content that is required by federal law/falls within one of SB 17's statutory exceptions. As a member of TSU's Human Resources Department, I understand my obligations to ensure compliance with SB 17 as it pertains to my official job duties.

I, the undersigned, attest that I understand my responsibilities as they pertain to SB 17 and through my signature below, I acknowledge that I will comply with related TSU policy (SUBJECT: SB 17 - Diversity, Equity, and Inclusion Initiatives) as well as with Texas Education Code 51.3525 (DEI Law) and the related rules, regulations, policies, and procedures defined therein.

Printed Name

Title

Signature

Date



TEXAS SOUTHERN UNIVERSITY
SB 17 EMPLOYEE TRAINING COMPLIANCE CERTIFICATION
Texas Education Code § 51.3525
2026 Compliance Cycle

Training Titles:

Mandatory Training for Employees
Active Shooter: Run, Hide, Fight
General Ethics in the Workplace
Artificial Intelligence Training
Protecting Youth: Abuse & Neglect Prevention
Basic FERPA I , Student Specific FERPA, Advanced FERPA
Texas Cybersecurity Awareness
Customer Service Overview
Title IX and Sexual Harassment Prevention
Discrimination: Avoiding Discriminatory Practices Workplace
Bullying: Awareness & Prevention
Fraud Awareness, Detection and Prevention

Sponsoring Department: Human Resources Training Provider/Presenter: Vector Solutions
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Date of Review: July 31, 2026	Version/Date of Materials Reviewed: 2026 Version
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CERTIFICATION

The Office of General Counsel/Compliance Office has reviewed the above-referenced training and associated materials for compliance with Texas Senate Bill 17 and Texas Education Code §51.3525, as applicable to employee training at Texas Southern University.

The review included, as applicable, the training presentation, accompanying materials, videos, assessments, and other materials incorporated into or required as part of the training.

BASIS FOR CERTIFICATION

Based upon this review, the Office of General Counsel/Compliance Office has determined that the training:

1. does not establish, maintain, or perform the functions of a diversity, equity, and inclusion office prohibited by Texas Education Code § 51.3525;
2. does not require or encourage the University to engage in an employment practice or preference prohibited by Texas Education Code § 51.3525;
3. does not require, solicit, or use a diversity, equity, and inclusion statement or other statement prohibited by Texas Education Code § 51.3525 as a condition of employment or other employment-related decision;
4. does not require employees to participate in training prohibited by Texas Education Code § 51.3525;
5. does not require participants to adopt, affirm, endorse, or demonstrate agreement with a particular viewpoint concerning race, color, ethnicity, sex, gender identity, or sexual orientation as a condition of employment or participation in the training;
6. does not direct University employees to make employment-related decisions on the basis of criteria prohibited by Texas Education Code § 51.3525; and
7. does not otherwise direct or require University employees to engage in conduct prohibited by Texas Education Code § 51.3525.

Where the training addresses discrimination, harassment, equal employment opportunity, or another subject governed by state or federal law, the training appropriately communicates employees' legal and institutional responsibilities without requiring participants to endorse or affirm a particular ideological viewpoint.

LEGALLY REQUIRED TRAINING

The Office of General Counsel/Compliance Office has further determined that some pieces of training outlined above is required or reasonably necessary to comply with applicable state or federal law or a court order and therefore falls within the applicable provisions of Texas Education Code § 51.3525 governing legally required training.

Legal authority supporting the training, if applicable:

Federal authority	Training that may be justified
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Title VI of the Civil Rights Act of 1964	Race, color, and national-origin discrimination and harassment; institutional nondiscrimination obligations; complaint/reporting responsibilities
Title VII of the Civil Rights Act of 1964	Employment discrimination and harassment based on race, color, religion, sex, and national origin; supervisor/HR responsibilities; retaliation
Title IX of the Education Amendments of 1972	Sex discrimination, sexual harassment, pregnancy/parenting protections, retaliation, reporting and institutional response obligations
Section 504 of the Rehabilitation Act of 1973	Disability nondiscrimination, accommodations, accessibility, and equal access
Title II of the Americans with Disabilities Act	Disability nondiscrimination, reasonable modifications, effective communication, program access, and digital accessibility
Pregnant Workers Fairness Act (PWFA)	HR/supervisor training regarding reasonable accommodations for known limitations related to pregnancy, childbirth, and related medical conditions
Pregnancy Discrimination Act / Title VII	Pregnancy, childbirth, and related-condition discrimination in employment
Age Discrimination in Employment Act (ADEA)	Age discrimination in employment
Equal Pay Act	Sex-based compensation discrimination
Genetic Information Nondiscrimination Act (GINA)	Genetic-information discrimination and restrictions on acquisition/disclosure of genetic information
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Employment and reemployment rights based on military service
First and Fourteenth Amendments	Training concerning constitutional obligations of a public university, including viewpoint discrimination and equal protection

CONDITIONS AND SCOPE OF CERTIFICATION



This Certification applies only to the training materials identified above and reviewed by the Office of General Counsel/Compliance Office.

The training must be delivered substantially in the form reviewed and approved. A presenter, facilitator, department, contractor, or other person administering the training may not materially alter the approved content, add required exercises or activities, or otherwise modify the training in a manner that could implicate Texas Education Code § 51.3525 without additional review by the Office of General Counsel/Compliance Office. Minor administrative, formatting, scheduling, or non-substantive changes do not require recertification.

Any material change to the substance, learning objectives, required participant activities, facilitator instructions, or incorporated materials that may affect compliance with Texas Education Code § 51.3525 must be submitted to the Office of General Counsel/Compliance Office for review before implementation.

This Certification is limited to compliance with Texas Senate Bill 17 and Texas Education Code § 51.3525 as applicable to the training reviewed. It does not constitute certification of compliance with laws or requirements outside the scope of this review.

CERTIFICATION AND APPROVAL

Based upon the foregoing review, the Office of General Counsel/Compliance Office certifies that the training materials identified above have been reviewed for compliance with Texas Senate Bill 17 and Texas Education Code § 51.3525 and are APPROVED FOR USE.

This Certification should be maintained with the final approved training materials as part of the University's compliance records.

Certified by:

/s/Melissa Flores, J.D., Ph.D.

TSU Compliance Partner

08/03/26

Name

Title

Date



Texas Southern University
Senate Bill 17 (Texas Education Code § 51.3525)
Annual Executive Compliance Certification
Reporting Year 2026

Texas Southern University is required to annually certify compliance with Texas Education Code § 51.3525 (Senate Bill 17). This Executive Compliance Certification is intended to provide the President and the Office of General Counsel with written assurance that each executive officer has exercised reasonable oversight of the programs, operations, employment practices, and activities within their area of responsibility and has disclosed any actual or potential compliance issues.

Executive Responsibilities

As the executive responsible for the division or college identified above, I acknowledge my responsibility to exercise reasonable oversight over the activities within my area of responsibility and to promote compliance with Texas Education Code § 51.3525.

I understand that this responsibility includes making reasonable efforts to ensure that my division or college does not knowingly:

- establish, maintain, or operate an office or unit prohibited by Senate Bill 17;
- sponsor, administer, or fund programs or activities prohibited by Senate Bill 17;
- require prohibited diversity statements as a condition of employment, promotion, tenure, admission, or participation;
- provide prohibited employment preferences or advantages based on race, color, ethnicity, sex, or national origin except as expressly authorized by law;
- implement new initiatives, programs, or practices that may implicate Senate Bill 17 without appropriate review;
- maintain policies or practices inconsistent with applicable law.

I further acknowledge my responsibility to promptly consult the Office of General Counsel whenever questions arise regarding the application of Senate Bill 17, and understand that I have a continuing obligation to promptly notify the Office of General Counsel if I become aware of information that materially affects the accuracy of this certification before the University's annual certification is submitted.

I understand that the President of Texas Southern University may rely upon this certification in making the University's annual certification required by Texas Education Code § 51.3525 and the Office of General Counsel may rely upon this certification in preparing its legal compliance memorandum.

Executive Certification

By signing this document, I make the following certifications.

That I have exercised reasonable diligence in reviewing the matters addressed in this certification and that the statements made herein are true and correct to the best of my knowledge after reasonable inquiry.

I have reviewed, or caused to be reviewed, the offices, departments, centers, committees, programs, and initiatives under my supervision for compliance with Senate Bill 17.



To the best of my knowledge, hiring, recruitment, promotion, tenure, evaluation, and employment practices within my area of responsibility comply with Senate Bill 17.

To the best of my knowledge, all programs, events, initiatives, trainings, conferences, scholarships, mentoring programs, leadership initiatives, employee resource groups, cultural programs, and similar activities within my area of responsibility have been reviewed for compliance with Senate Bill 17.

I have reviewed, or caused to be reviewed, applicable policies, procedures, guidance documents, forms, websites, and public-facing materials under my authority for consistency with Senate Bill 17.

Any new initiative, office, program, or activity implemented during the reporting period that may implicate Senate Bill 17 has been disclosed to the Office of General Counsel for review.

I have disclosed all known actual or potential Senate Bill 17 compliance concerns within my area of responsibility to the Office of General Counsel.

My division or college has not established or maintained a prohibited Diversity, Equity, and Inclusion office.

My division or college has not sponsored or administered a program prohibited by Senate Bill 17.

My division or college has not required prohibited diversity statements in employment or academic personnel decisions.

My division or college has not implemented prohibited hiring preferences.

My division or college has complied with all guidance issued by the Office of General Counsel regarding Senate Bill 17.

I understand that this certification is an official University compliance record and is intended to support Texas Southern University's annual certification of compliance with Texas Education Code § 51.3525.

Printed Name

Title

Signature

Date

MEMORANDUM

TO: President James W. Crawford, III

FROM: Melissa Flores, J.D., Ph.D.

DATE: August 3, 2026

RE: Senate Bill 17 Annual Presidential Compliance Memorandum

Reporting Period: September 1, 2025 – August 31, 2026

Executive Summary

This memorandum summarizes the University's compliance with Texas Education Code § 51.3525 (Senate Bill 17) and provides the legal basis for recommending whether the President can execute the University's annual statutory certification.

Statutory Background

Senate Bill 17 (88th Texas Legislature, Regular Session, 2023), codified primarily at Texas Education Code § 51.3525, establishes restrictions on the creation, operation, and support of certain diversity, equity, and inclusion (DEI) offices, programs, and employment practices at Texas public institutions of higher education. The legislation reflects the Texas Legislature's policy determination that institutions may not establish or maintain offices or engage in activities that promote or require differential treatment or preferential consideration based on race, color, ethnicity, sex, or national origin, except as otherwise authorized by law. At the same time, the statute expressly preserves numerous academic, constitutional, and federally required activities that remain permissible.

Texas Education Code § 51.3525

Section 51.3525 prohibits public institutions of higher education from establishing or maintaining a DEI office; employing or assigning personnel to perform duties that are prohibited by the statute; requiring or soliciting diversity statements in connection with employment decisions; providing preferential treatment in employment based on protected characteristics except where required by law; and sponsoring or compelling participation in programs or activities that violate the statutory restrictions. The statute also requires each governing board to adopt policies and procedures reasonably designed to ensure institutional compliance.

Annual Certification Requirement

Section 51.3525 requires the governing board of each public institution of higher education submit an annual certification of compliance affirming that the institution has adopted policies consistent

with the statute and has complied with its requirements during the applicable reporting period. The certification is submitted to the Texas Legislature, with a copy provided to the Texas Higher Education Coordinating Board, and serves as the institution's official representation that it has undertaken reasonable measures to comply with the law.

Institutional Compliance Obligations

To support the annual certification, the University must exercise reasonable institutional oversight to ensure continuing compliance with Senate Bill 17. As part of that process, Texas Southern University conducts an annual compliance review that includes, as applicable:

- reviewing policies and procedures governing hiring, recruitment, onboarding, training, procurement, committee appointments, scholarships, and other operational areas;
- evaluating University-sponsored programs, initiatives, offices, and activities that may implicate Senate Bill 17;
- reviewing employment practices to confirm that prohibited diversity statements and prohibited employment preferences are not utilized;
- obtaining compliance certifications from executive leadership and administrative divisions;
- reviewing newly implemented programs and initiatives for legal compliance; and
- documenting corrective actions, where appropriate, before the President executes the University's annual certification.

This review is intended to provide a reasonable factual basis for the University's annual certification and to identify and address potential compliance issues before certification is submitted.

Statutory Exceptions

Senate Bill 17 does not prohibit every activity involving diversity, culture, or protected characteristics. The statute expressly preserves a number of institutional functions and activities, including those that are required or protected by other legal authorities. Examples include:

- academic course instruction and classroom teaching;
- scholarly research and creative works;
- student organizations and their expressive activities;
- guest speakers and programs protected by the First Amendment;
- compliance with federal law, including Title VI, Title IX, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Clery Act, and other applicable federal requirements;
- activities required by accreditation standards, grants, contracts, or other legal obligations; and
- other activities expressly authorized by Texas Education Code § 51.3525.

Accordingly, the University's annual compliance review includes an evaluation of programs and activities that may implicate Senate Bill 17 to determine whether they are prohibited by the statute or fall within one or more applicable statutory or constitutional exceptions.



TEXAS SOUTHERN UNIVERSITY

Certification Support

In performing this year's review, we have collected and engaged in the following:

1. Providing SB17 Human Resources and Procurement training.
2. Collection of the Annual Human Resources Compliance Acknowledgment.
3. Collection of the Internal SB17 Compliance Certifications from all Division/Department Leadership and College Deans.
4. Review University mandatory Human Resources training for SB17 compliance.
4. Preparation of the 2026 Electronic Signature Acknowledgment and Consent Form for submission to the Texas Higher Education Coordinating Board (THECB).
5. Drafting of the Office of General Counsel SB 17 Review Memorandum.

GENERAL COUNSEL REVIEW MEMORANDUM

To: President James W. Crawford, III
From: Office of General Counsel
Date: July 31, 2026
Subject: Annual Legal Review of Institutional Compliance with Senate Bill 17

I. Purpose

This memorandum documents the Office of General Counsel's annual legal review of Texas Southern University's compliance with Senate Bill 17 ("SB 17"), codified primarily at Texas Education Code § 51.3525, together with other applicable federal and state legal requirements governing equal employment opportunity, nondiscrimination, and institutional operations.

The purpose of this review is to evaluate whether the University's current policies, organizational structure, employment practices, programs, and administrative operations comply with the requirements of SB 17 and to identify any legal risks or recommendations for continued compliance.

This memorandum is intended to support the University's annual compliance certification and shall be maintained as part of the University's legal compliance records.

II. Scope of Review

The Office of General Counsel reviewed information reasonably available at the time of this review, including, as applicable:

1. University organizational structure
2. Institutional policies and regulations
3. Employment policies and hiring procedures
4. Faculty and staff recruitment materials
5. Human Resources procedures
6. Mandatory employee training programs
7. Student employee hiring practices
8. University websites and public communications
9. Contracts and grant requirements, where applicable
10. Compliance reports provided by University departments
11. Information provided by Human Resources, Academic Affairs, Student Services, Procurement, Compliance, and all academic schools.

The review was conducted for the purpose of assessing legal compliance and should not be interpreted as an operational or financial audit.

III. Legal Authorities Reviewed

The review considered the requirements of, including but not limited to:

Texas Education Code § 51.3525 (SB 17)
Texas Education Code § 51.9315

Texas Government Code provisions applicable to public institutions of higher education
 Title VI of the Civil Rights Act of 1964
 Title VII of the Civil Rights Act of 1964
 Title IX of the Education Amendments of 1972
 Americans with Disabilities Act
 Section 504 of the Rehabilitation Act
 Equal Protection Clause of the Fourteenth Amendment
 Applicable Executive Orders
 Applicable opinions of the Texas Attorney General
 Other applicable federal and state nondiscrimination laws.

IV. Areas Reviewed and Findings

ORGANIZATIONAL STRUCTURE	
Is any office/department operating as a Diversity, Equity, and Inclusion (DEI) office or engaged in DEI functions or does any other University organizational units perform prohibited SB 17 functions?	No information was identified indicating the existence of an institutional office that performs functions prohibited by Texas Education Code § 51.3525.
EMPLOYMENT PRACTICES	
Reviews included faculty recruitment, staff recruitment, hiring procedures, interview practices, search committee guidance, employment advertisements, position descriptions, and selection criteria.	The University's employment policies and procedures generally require hiring decisions to be based upon lawful, merit-based, job-related qualifications consistent with applicable federal and state law. No evidence was identified that University hiring procedures require unlawful preferences prohibited by SB 17.
EMPLOYMENT DECISIONS	
Review considered whether employment decisions are based upon lawful, job-related, merit-based criteria and whether prohibited preferences based upon race, color, ethnicity, or sex are avoided except where required by law.	The University's employment practices generally require hiring decisions to be based upon lawful, merit-based, job-related qualifications consistent with applicable federal and state law. No evidence was identified that University hiring practices require unlawful preferences prohibited by SB 17.

DIVERSITY STATEMENTS	
Review included whether applicants are required to submit diversity statements, diversity statements are requested as part of hiring, and whether diversity statements are evaluated during employment decisions.	No information was identified indicating that applicants are required to submit diversity statements as a condition of employment or that such statements are evaluated as part of employment decisions.
MANDATORY TRAINING	
Review included whether mandatory employee training complies with SB 17 is legally required, relates to federal compliance obligations, and avoids prohibited DEI training requirements.	Mandatory employee training reviewed by this Office appears directed toward compliance with applicable federal and state law, including civil rights, nondiscrimination, Title IX, ethics, cybersecurity, public information, and other legally required subjects.
STUDENT PROGRAMS	
Review considered whether student services, programs, and activities operate within statutory exceptions, including Title IX compliance, disability accommodations, veteran services, international student services, first-generation student support, academic advising and federally required compliance programs.	Student support services reviewed appear to fall within statutory exceptions recognized by SB 17 or are otherwise required by federal or state law.
POLICIES AND PROCEDURES	
The Office reviewed institutional policies addressing equal employment opportunity. Nondiscrimination, recruitment, hiring, employee conduct, training, complaints, discipline, and/or compliance reporting.	Current institutional policies reviewed appear generally consistent with SB 17. No material policy conflicts were identified during this review.
PUBLIC COMMUNICATIONS	
Review included institutional websites and publicly available materials to determine consistency with current legal requirements.	Current institutional public communications reviewed appear generally consistent with SB 17.

VI. Recommendations—Maintained under Attorney/Client Privilege

VII. Limitations

This memorandum reflects the legal review conducted using information reasonably available to the Office of General Counsel as of the date of this memorandum.

The review does not constitute:

- an operational audit,
- a financial audit,
- an internal audit, or
- a certification of factual accuracy of information supplied by individual departments.

VIII. Conclusion

Based upon the information reviewed and subject to the limitations described above, the Office of General Counsel concludes that it is our opinion that Texas Southern University is substantially compliant with the requirements of Texas Education Code § 51.3525 (SB 17) and that no material violations were identified during this legal review.

This conclusion is based upon information reasonably available to the Office of General Counsel as of the date of this memorandum. Should material facts change or additional information become available, this opinion may require modification.

The Office of General Counsel recommends that the President rely upon this memorandum, together with information provided by University administration, in determining whether to execute the University's annual SB 17 compliance certification.

Reviewed and Approved:

/s/ Charlie Nhan
Charlie Nhan, General Counsel

July 31, 2026
Date

ELECTRONIC SIGNATURE ACKNOWLEDGEMENT AND CONSENT FORM

I, _____, agree and understand that by signing the Electronic Signature Acknowledgment and Consent Form, that all electronic signatures are the legal equivalent of my manual/handwritten signature and I consent to be legally bound to this agreement. I further agree my signature on this document is as valid as if I signed the document in writing. This is to be used in conjunction with the use of the electronic signature for the submission of the SB17 Annual Certification required by 51.3525(e) that I elected to have signed electronically. Under penalty of perjury, I herewith affirm that my electronic signature was signed by myself with full knowledge and consent and am legally bound to these terms and conditions.

Signature

Date

Please check one:

- ☐ President
- ☐ Board Chair