



Complete and submit this form, along with any supplemental documentation, to the Office of the President by 5:00pm on the seventh day prior to the Board meeting.

Date of Board Meeting: July 16, 2024

Subject:

Recommend approval of a RESOLUTION in response to the Senate Bill 17 Compliance Reporting for FY2024 requirement issued by the Texas Higher Education Coordinating Board.

Recommendation:

Recommend approval of a RESOLUTION in response to the Senate Bill 17 Compliance Reporting for FY2024 requirement issued by the Texas Higher Education Coordinating Board.

Background and Rationale:

Texas Higher Education Coordinating Board (THECB) issued a memorandum on April 9, 2024 stating:

“Senate Bill 17 (88th, Regular Session) requires the governing board of each Texas public institution of higher education to annually certify compliance with the bill’s provisions for the preceding fiscal year to the Texas legislature and the Texas Higher Education Coordinating Board.

An institution of higher education may not spend money appropriated to the institution for FY2025 until the governing board certifies each institution’s compliance for FY 2024 to the legislature and Coordinating Board.”

THECB issued a template for this certification and this template was sent to the college’s legal counsel for review. Legal counsel drafted this RESOLUTION as a legally compliant alternative to certify compliance with SB 17.

Cost and Budgetary Support:

Associated attorney fees

Strategic Priority Alignment:

- Student Success
- Community Impact
- Resource Optimization
- Institutional Excellence

Resource Person(s):

Betty McCrohan, President
Kay Shoppa, Ed.D., Legislative Assistant to the President



Signatures:

[Handwritten Signature]
Originator

7-1-24
Date

Cabinet-Level Supervisor

Date

President's Approval:

[Handwritten Signature]
President

7-1-24
Date



Wharton County Junior College

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RESOLUTION

Whereas, the Texas Legislature enacted Section 51.3525 of the Texas Education Code, effective January 1, 2024, regarding the responsibilities of governing boards of institutions of higher education regarding diversity, equity, and inclusion initiatives; and

Whereas, the statute requires that the governing board submit to the Texas Higher Education Coordinating Board a report certifying the institution's compliance with the statute during the preceding fiscal year before spending money appropriated to the institution for the next fiscal year; now

Therefore, be it known to all present, that the Board of the Wharton County Junior College (the "Board") on the 16th day of July, 2024, upon information reported by the Wharton County Junior College (the "College") administration, reports that the 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;
- Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- Establishing or enforcing promotion policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the Wharton County Junior College's (the "College") legal counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

- Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the College's legal counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Further, that the Board, upon information reported by the College administration, reports that the College does not, except as required by federal law, 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 institution; and

Further, the Board upon information reported by the College administration, reports that the College does not, except as required by federal law, require any person, as a condition of enrolling at the College or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Section 51.3525(b)(1)(E)(ii); and

Further, the Board reports that the College has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the College who engages in conducting in violation of Section 51.3525 of the Texas Education Code; and

Further, that the Board upon information reported by the College administration, reports that no state appropriations to the College for FY2024 have been spent prior to submission of this resolution to the Texas Legislature and the Texas Higher Education Coordinating Board; and

Further, that the Board understands the State Auditor's Office will conduct a compliance audit for the College and if violations of Section 51.3525 of the Texas Education Code are found, the College must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made; and

Further, that the Board understands all complaints regarding violations by the College will be sent to the State Auditor's Office for review; and

Further, to ensure full compliance with the statute in the past fiscal year, the Board reports College has taken the following actions:

- The Board adopted policies on January 23, 2024, to ensure compliance with the statute. These policies have been updated to include the prohibition of spending state funds in violation of the statute, detailing criteria set forth in the statute; and
- The Board has received a report from the College that administrative departments, including human resources and student services, reviewed the College website and materials for programs, practices, and language in conflict with the statute and made appropriate adjustments and revisions prior to January 1, 2024. The College did not have individuals employed explicitly for Diversity, Equity, and Inclusion (DEI) positions, nor were DEI offices or activities incorporated into the College's administration or support services prior to the passage of the statute.

In certification of the foregoing, the Board hereby adopts this RESOLUTION.

EXECUTED, APPROVED, AND ADOPTED this 16th day of July, 2024.

Board Chair