

## 08.01 Civil Rights Protections and Compliance



Revised [August 16, 2023](#) (MO -2023)  
Next Scheduled Review: August 16, 2028  
Click to view [Revision History](#).

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### Policy Summary

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This policy outlines the civil rights protections provided by The Texas A&M University System (system) to employees, students, applicants for employment and admission, and the public, and sets forth procedures and responsibilities for compliance with applicable laws and regulations.

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### Definitions

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Diversity, Equity, and Inclusion – means engaging in any of the following actions:

1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than through the use of equal opportunity described in section 1.1;
2. Promoting differential treatment of or providing special benefits to individuals in violation of section 2.1;
3. Promoting policies or procedures about race, color, or ethnicity, except as expressly authorized by OGC in accordance with state law; or
4. Conducting trainings, programs, or activities about race, color, ethnicity, gender identity, or sexual orientation, other than those expressly authorized by OGC in accordance with state law.

Diversity, Equity, and Inclusion Office – means a member office, division, or other unit that is established for the purpose of engaging in a diversity, equity, and inclusion function.

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### Policy

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#### 1. AUTHORITY AND SCOPE OF THE EQUAL OPPORTUNITY PROGRAM

- 1.1 The system provides equal opportunity for employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity or any other classification protected by federal, state or local law and strives to achieve full and equal employment opportunity throughout the system.
- 1.2 The System Ethics and Compliance Office (SECO), in coordination with the Office of General Counsel (OGC), is responsible for the system's compliance with civil rights laws

and regulations and affirmative action programs. This includes, but is not limited to, addressing charges or complaints filed with federal, state and local agencies, and audits or compliance reviews of policies and procedures carried out by the U.S. Department of Labor's Office of Federal Contract Compliance Programs, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights and other state and federal affirmative action and civil rights compliance agencies.

- 1.3 The system promotes equal employment opportunity through its procedures, training, compliance with applicable legal requirements and other methods such as affirmative action programs authorized by federal regulations.

## 2. PROHIBITED ACTIONS

- 2.1 No individual will, on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity or any other classification protected by federal, state or local law be excluded from participation in, or be denied the benefit of, or be subjected to discrimination under any system program or activity.

- 2.2 Except as required by federal law, a member or member employee must not:

- a. establish or maintain a diversity, equity, and inclusion office, or hire or assign an employee or contractor to perform diversity, equity, and inclusion functions; or
- b. compel, require, induce, or solicit any person to provide a statement about diversity, equity, and inclusion or give preferential treatment to any person based on the provision of a statement about diversity, equity, and inclusion.

- 2.3 Except as required by federal law, a member or member employee must not require, as a condition of enrollment at the member or performing any member function, any person to participate in a diversity, equity, and inclusion training that includes a training, program, or activity about race, color, ethnicity, gender identity, or sexual orientation, unless developed and approved by OGC in accordance with state law.

- 2.4 Retaliatory action of any kind is prohibited when taken against a complainant, respondent, witness or other person participating in a discrimination investigation, complaint, hearing or suit. Such retaliatory action is regarded as a separate and distinct cause for complaint and possible disciplinary action, including dismissal or expulsion.

- 2.5 The prohibitions in sections 2.2 and 2.3 do not apply to the following:

- a) Academic course instruction;
- b) An employee or student's scholarly research or creative work;
- c) An activity of a student organization registered with or recognized by a member;
- d) A guest speaker or performer on a short-term engagement;
- e) Policies, practices, procedures, programs, or activities to enhance student academic achievement or postgraduate outcomes without regard to race, sex, color, or ethnicity;
- f) Data collection; or
- g) Student recruitment or admissions.

## 3. RESPONSIBILITIES

- 3.1 Each member chief executive officer (CEO) is responsible for equal opportunity, affirmative action and program accessibility in accordance with federal, state and local laws and regulations and system policy.
- 3.2 SECO, in coordination with OGC, serves as the liaison between members and federal, state and local compliance agencies. SECO is also responsible for the coordination of all civil rights reporting requirements for the system and its members under applicable state and federal regulations.
- 3.3 Each member CEO must appoint an Affirmative Action Representative, a Title IX of the Education Amendments of 1972 Coordinator, a Section 504 of the Rehabilitation Act of 1973 Coordinator and other administrators who oversee the implementation of guidelines to ensure compliance with legal and regulatory provisions under this policy.

#### 4. PROCEDURES

- 4.1 The administrators appointed under Section 3.3 must inform SECO as soon as a charge or complaint of discrimination, or notice of civil rights or affirmative action audit, compliance review or other inquiry is received from a federal, state or local agency.
- 4.2 The system developed a regulation providing systemwide standards for the receipt and processing of complaints of discrimination.
- 4.3 Annually, each member must develop, maintain and update a written affirmative action plan that follows the guidelines of the U.S. Department of Labor's Office of Federal Contract Compliance Programs and the Texas Workforce Commission's Civil Rights Division. These plans are submitted to SECO for compliance review.
- 4.4 A member may not spend state funds appropriated for a fiscal year until the system submits a report to the legislature and the THECB certifying the system's compliance with TEC Section 51.3525 during the preceding state fiscal year. SECO will implement monitoring processes to assess member compliance with Texas Education Code sec. 51.3525 throughout the state fiscal year. The System Internal Audit Department will include DEI compliance in its systemwide risk assessment as part of the annual audit plan process. Audits will be conducted as necessary based on the annual risk assessment. SECO will annually provide a report to the BOR for the August regular meeting and the board will approve SECO's submission of this report on behalf of the system. This section takes effect January 1, 2024 for money appropriated for the state fiscal year beginning September 1, 2024.
- 4.5 The board designates the chancellor or designee to provide legislative testimony in accordance with Texas Education Code sec. 51.3525. This section takes effect January 1, 2024.

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### **Related Statutes, Policies, or Requirements**

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[The Equal Pay Act of 1963](#)

[Title VI of the Civil Rights Act](#)

[Title VII of the Civil Rights Act of 1964, as amended](#)

[The Age Discrimination in Employment Act of 1967](#)

[Title IX of The Education Amendments of 1972](#)

[The Rehabilitation Act of 1973, as amended](#)

[The Americans with Disabilities Act of 1990, as amended](#)

[The Genetic Information Nondiscrimination Act of 2008](#)

[Executive Order 11246, as amended](#)

[Executive Order 13672](#)

[Tex. Educ. Code sec. 51.3525 \(Effective January 1, 2024\)](#)

[Tex. Lab. Code Ch. 21, Employment Discrimination](#)

[Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended](#)

[Uniformed Services Employment and Reemployment Rights Act](#)

[System Policy 07.01, Ethics](#)

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## **Member Rule Requirements**

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A rule is not required to supplement this policy.

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## **Contact Office**

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Ethics and Compliance  
(979) 458-6203