



D.E.I.
Compliance
OPERATIONAL
MANUAL

TEXAS A&M UNIVERSITY

Division of Risk, Ethics, and Compliance
May 2024

I. PURPOSE AND SCOPE

A. Purpose

The purpose of this manual is to outline the procedures to be followed by Texas A&M University, Texas A&M Galveston, and Texas A&M Health to facilitate compliance with Texas Education Code 51.3525 (DEI Law).

B. Guidelines

The information and procedures contained in this manual provide guidance to be followed by university employees and are not inclusive of all laws, rules, and regulations that govern the activities of the University, its branch campuses, and its officers and employees.

II. DEFINITIONS

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 below:

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.

2. Promoting differential treatment of or providing special benefits to individuals in violation of the following:

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.

3. Promoting policies or procedures about race, color, or ethnicity, except as expressly authorized by the Office of General Counsel (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 an office, division, or other unit that is established for the purpose of engaging in a diversity, equity, and inclusion function.

III. GOVERNANCE AND OVERSIGHT

A. Designation of Compliance Authority

The Chief Executive Officer (CEO) of Texas A&M University is responsible for ensuring annual

compliance with the DEI Law, as implemented by System Policy 08.01, *Civil Rights Protections and Compliance*.

The Chief Compliance Officer (CCO) serves as the party responsible for the facilitation and assurance of the university's compliance.

The Division of Risk, Ethics and Compliance (DREC) monitors and reviews operations and activities to evaluate the university's compliance and provide guidance for corrective action where necessary.

Employees with oversight of compliance for their department/division/office will implement procedures and engage in the systemic review of their operations to ensure compliance with the DEI Law and attest to such on an annual basis.

B. Annual Certification

The University may not spend state funds appropriated for a state fiscal year until the Texas A&M University System (the System) submits to the Texas Legislature and the Texas Higher Education Coordinating Board (THECB) a report certifying the System's compliance with the DEI Law during the preceding state fiscal year.

On an annual basis, the CEO will certify Texas A&M University compliance with the DEI Law through a statement of compliance to the Board of Regents (Board) and submit it to the System Ethics and Compliance Office (SECO) no later than June 1 of each year. The CEO certification will include a report detailing the procedures followed by each responsible department/division/office.

SECO, in coordination with OGC shall review member compliance reports and provide a report to the Board for the August regular meeting and the Board will vet SECO's submission of this report on behalf of the System. This certification must be submitted no later than September 1 of each year *via* the THECB Institutional Certification and Compliance website.

C. Employee Responsibilities

All faculty and staff are responsible to ensure that no institutional support or resources are delivered or conditioned on the basis of race, ethnicity, color, or sex. All employees are expected to comply with System Policy 08.01, *Civil Rights Protections and Compliance*, and its delineated prohibitions.

IV. EDUCATION AND TRAINING

The Texas A&M University CCO and members of the university executive leadership with responsibilities over DEI compliance in their respective department/division/office, or their designees, will participate in the System's annual DEI Law Compliance Training.

DREC will provide the SECO DEI Law Compliance Training to appropriate stakeholders on an annual basis, and as needed.

In coordination with the System, DREC will provide guidance and updates on matters of compliance with the DEI Law to the campus community. Information and resources about the DEI Law are posted on the [DREC website](#) and may be posted on divisional webpages as it pertains to the division's specific area of compliance. Guidance and information may be updated periodically as changes occur or the need arises.

Notices and information to be disseminated on the DEI Law will run through DREC to ensure accuracy and consistency in messaging.

V. MONITORING

Through DREC, Texas A&M University will review the following areas and activities to ensure compliance with the DEI Law:

- Finance and Budgeting
- Human Resources
- Faculty Affairs
- Student Affairs
- Other Programs and Activities
- Scholarships and Financial Aid
- Athletics
- Website and Social Media Information
- Policies and Procedures

At the start of each calendar year, the university will engage in SECO's compliance review process which includes quarterly reports and culminates in a self-report and assurance of compliance from the CEO.

VI. MONITORING PROCEDURES

Monitoring procedures must be implemented and documented to ensure continued compliance with the DEI Law. Procedures must include periodic reviews and include vetting of new programs and activities specific to each responsible area.

Documentation must be retained and identified in quarterly reports to DREC and in the annual report of compliance via area specific Compliance Review Checklists provided to SECO in May of each year.

A. Finance and Budgeting

The Chief Financial Officer, or designee, reviews and addresses any issues of non-compliance related to account and budget codes.

New and proposed accounts' titles, locations/departments, sub-accounts/sub-departments and funding sources will be reviewed for specific keywords and overall intent to ensure compliance with the DEI law.

Bi-annually, Business Services staff will generate a report utilizing the System's DEI keywords list to identify any accounts, departments, sub-accounts/sub-departments or funding sources using those terms. Such report may be generated from FAMIS, Maestro, similar contract interfaced used by the university. The items identified will be reviewed for compliance with DEI law.

AggieBuy requests containing keywords from the System's DEI keyword list will be flagged for additional review by Business Services staff. Those items will be individually reviewed to ensure compliance with DEI law.

B. Human Resources

The Chief Human Resource Officer, or designee, reviews and addresses any issues of non-compliance, in collaboration with appropriate divisions, related to:

1. Job profiles, business titles, and position restrictions for current and prospective employees as well as vacant positions at TAMU, TAMUG, and TAMUH.
 - i. Currently filled and vacant positions information and related fields in *Workday* are reviewed monthly by a team of HR Professionals within the Division of Human Resources and Organizational Effectiveness (HROE) for words commonly associated with DEI initiatives and analyzed for context and intent.
 - ii. New requisitions are reviewed systematically, in collaboration with respective colleges, schools, departments or divisions, prior to posting.
 - iii. Positions with potentially unallowable duties are reviewed and updated as appropriate.
2. Hiring practices and materials;
 - i. HROE staff periodically reviews job posting forms/templates, application forms, hiring forms/templates, such as checklists, interview questions, reference check questions, hiring matrices, candidate rubrics, required statements and acknowledgments for specific keywords and overall intent to ensure compliance with the DEI law.
 - ii. HROE staff, in collaboration with respective colleges, schools, departments or divisions, also periodically reviews live job postings published in *Workday* as well as those on external hiring websites for compliance with the DEI law.
3. Performance evaluation tools, metrics, and procedures;
 - i. HROE staff periodically review forms used for measuring employee performance/promotion/increases (such as performance evaluations, merit increase forms) for compliance with the DEI law.
 - ii. Faculty Affairs staff, in collaboration with HROE, reviews faculty tenure submissions for compliance with the DEI law.
4. Training procedures and materials:
 - i. Organizational Development staff periodically reviews all mandatory training sessions implemented by the university through *TrainTraq* for specific keywords and overall intent to ensure compliance with the DEI law.
 - ii. Organizational Development staff systematically reviews all new training for DEI compliance prior to launching.
 - iii. Organizational Development staff and/or appropriate stakeholders in relevant department/division/offices review mandatory training delivered outside of *TrainTraq*, including training provided by third parties on behalf of the university.

5. Third-party contracts providing services for the department.
 - i. All third-party contracts providing HR related services or training must be vetted by HROE staff for compliance with DEI law.

Documentation of the review of employment, hiring practices, performance evaluations and required trainings, including any remediation, will be retained and identified in quarterly compliance reports to DREC.

C. Faculty Affairs

The Vice Provost for Faculty Affairs, or designee, reviews and addresses any issues of non-compliance in collaboration with HROE, related to faculty hiring and recruiting practices, tenure review procedures, faculty organizations supported by the university (purpose, structure, funding), grant proposals, accreditation certification; the provision of academic or professional opportunities to students, visiting scholars, or existing faculty.

Documentation of the review of faculty hiring and retention, including any remediation will be retained and identified in quarterly compliance reports to DREC.

D. Student Affairs

The Vice President for Student Affairs, or designee, reviews and addresses any issues of non-compliance related to existing and proposed departmental events, staff work, trainings for students or staff, student success and outreach programs.

Documentation of the review of student affairs programs and support, including any remediation will be retained and identified in quarterly compliance reports to DREC.

E. Institutional Conferences and Seminars

The Provost and the Vice President for Student Affairs, or designees, will identify responsible parties in university colleges or departments who fund and/or support conferences and seminars.

Such programs will be evaluated to identify the nature of the initiative, whether they promote and/or support differential treatment based on race, color, or ethnicity. Programs will also be evaluated to determine if the activities qualify for exception such as performed as part of an educational program, research, or by a student group, or to satisfy federal, accreditation, title IX, grant, or research requirements.

Documentation of the review of conferences and seminars, including any remediation will be retained and identified in quarterly compliance reports to DREC.

F. Scholarships and Financial Aid

The Assistant Vice President Scholarships & Financial Aid, or designee, reviews and addresses any issues of non-compliance related to awards administered by the university or external awards promoted and/or facilitated by the university.

All new and proposed awards will be systematically evaluated to identify whether their support is open to all without regard to race, sex, color, or ethnicity or national origin and whether a DEI statement is required or considered as part of the application process.

Websites social media pages listing awards administered, promoted, or communicated by the university, and materials funded, developed, and/or distributed through the department to include applications, marketing materials, informational materials, guidelines, operating manuals, and any other publication provided by the department will be reviewed for specific keywords and overall intent to ensure compliance with the DEI law prior to distribution.

Guidance for University Scholarship Administration is posted on the [Division of Scholarships and Financial Aid website](#).

A yearly review for compliance, starting at the beginning of each calendar year, will be conducted of all awards administered by Texas A&M university; all awards from external entities promoted and/or facilitated by the university; websites and social media pages listing awards administered, promoted, or communicated by the university; and materials funded, developed, and/or distributed through the department to include applications, marketing materials, informational materials, guidelines, operating manuals, and any other publication provided by the department.

Documentation of the review of awards and publications, including any remediation, will be retained, and identified in quarterly compliance reports to DREC.

G. Athletics

The Athletic Director, or designee, will review and address any issues of non-compliance related to programs and activities, mandatory non-athletic trainings (internal and external) for students and staff, all materials funded, developed, and distributed through the department to include applications, marketing materials, informational materials, guidelines, operating manuals, and any other publication provided by the department and co-sponsored events with outside entities.

Programs, including co-sponsored events, and trainings will be evaluated to identify the nature of the initiative, whether they promote and/or support differential treatment based on race, color, or ethnicity, and whether the activities qualify for exception under the DEI Law.

All materials funded, developed, and distributed through the department will be reviewed for specific keywords and overall intent to ensure compliance with the DEI law prior to distribution.

Documentation of the review of programs, trainings, and publications, including remediation, will be retained, and identified in quarterly compliance reports to DREC.

H. Website and Social Media Information

The Vice President and Chief Marketing and Communications Officer, or designee, reviews and addresses any issues of non-compliance related to: Websites, Social media sites and affiliate websites and social media sites for content and affiliation language.

Newly created content in all external- and internal-facing communications, including by not limited to websites, social media platforms, organic and paid advertising campaigns, e-newsletters, and digital signage display will be reviewed for specific keywords and overall intent to ensure compliance with the DEI law. Team leads and embedded team leads in colleges, schools, branch campus and divisions will be responsible for ensuring content in their respective areas is reviewed for compliance prior to publication.

Existing content and links on all external- and internal- facing websites, digital properties, including but not limited to independent mobile and desktop applications and calendar events, university digital signage displays, printed and digital brochures, and all advertising campaigns, both organic and paid promotions, social media platforms (since January 1, 2024) will be reviewed periodically for compliance with the DEI law.

Identified issues and required updates will be documentation via the Web Change Log. Issues or updates that need additional support (e.g. programmatic changes) and cannot be completed at the local level (e.g. global footer on website) will be addressed with the appropriate office.

To ensure continued compliance, the assigned team will conduct meetings, at the beginning and middle of each semester, to maintain awareness and address identified issues.

I. Policies and Procedures

The CCO, or designee will review and address any issues of non-compliance related to university rules, procedures, and guidelines to ensure alignment with System Policy 08.01 as related to the DEI Law.

DREC will provide SECO DEI Law training to stakeholders for each area of compliance, at least annual and will maintain information and resources on its webpage.

On a quarterly basis, DREC will review procedures and practices established in each divisional compliance areas and verify documentation of procedures and remediation of potential non-compliance with the DEI Law.

Documentation of the review of each responsible area's ongoing efforts will be retained and identified in the annual report of compliance through the Compliance Review Checklist.

The review process will culminate in the Statement of Assurance / Certification of Compliance with the DEI Law for submission to SECO annually in May.

VII. Media Response Procedures

A. Direct calls/contact from media

Employees should direct all calls/contact from any media outlet to Kelly Brown, Associate Vice President of News and Issues Management, Division of Marketing and Communications (Marcom).

Marcom should report all media call/contact via the Risk, Fraud, and Misconduct Hotline at: <https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>

B. Published media articles

Employees should report all published articles that raise concerns for compliance via the Risk, Fraud, and Misconduct Hotline at:

<https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>

Marcomm will respond to the appropriate media outlet when necessary.

VIII. REPORTING

Responsible parties with oversight of DEI compliance for their department/division/office will submit reports to DREC, on a quarterly basis. The report will include elements from the compliance review checklist.

DREC will submit quarterly reports to SECO. The report will include information about the following:

- Department/division specific progress on internal review
- Items of non-compliance
- Hotline reports of potential violation
- Items published through various media outlets

The CEO will submit the Certification of Compliance including departmental certifications to SECO no later than June 1st of each year.

IX. INTERNAL ENFORCEMENT AND DISCIPLINE

A. Report of potential DEI Law violation

All reports of a potential violation should be directed to the Risk, Fraud, and Misconduct Hotline at: <https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>

Reports received via other means, such as emails, calls, text messages or other forms of communication, including articles and media reports of violations, should be forwarded to report-sb17violation@tamu.edu. The Chief Compliance Officer or designee will then report the communication *via* the Risk, Fraud, and Misconduct Hotline as indicated above.

For all communications concerning DEI Law violations an acknowledgment of receipt will be sent from DREC to the person filing the complaint. The acknowledgement must be copied to the CEO and OGC at SB17@TAMUS.edu and include confirmation of Texas A&M's commitment to following the law, a description of the process for handling the complaint, affirmation that DREC will review the alleged deficiencies.

B. Discipline Process

In cases where a determination of noncompliance suggests willful violations by an employee, the complaint will be processed through the applicable disciplinary or civil rights process, including those outlined in System Regulations: 08.01.01, 16.01.01, 32.01.01, 32.01.02, or 32.02.02 and corresponding university standard administrative procedures.

Related Statutes, Policies and Requirements

[Texas Education Code 51.3525 \(DEI Law\)](#)

[System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[TAMU Rule 08.01.01.M1, Civil Rights Compliance](#)

[TAMU SAP 08.01.01.M1.01, Investigation, Resolution of Allegations of Discrimination, Harassment, Retaliation, and/or Complicity Against Students, Employees, and Third Parties](#)

[System Regulation 16.01.01, Ethics and Compliance Programs](#)

[System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#)
[System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#)
[System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)
[System Operational Manual for Texas DEI Law](#)

Forms

DEI Law Compliance Review Checklist – Department DEI
Law Compliance Review Checklist - ECO
DEI Law Member Certification of Compliance – Department
DEI Law Member Certification of Compliance – Chief Executive Officer

Responsible Office

Division of Risk, Ethics and Compliance
979-458-8191
orec@tamu.edu