

08.01 Civil Rights Protections and Compliance

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Click to view [Revision History](#).



Policy Summary

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.

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 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.

Gender Ideology – means a concept that self-assessed gender identity should replace the biological category of sex or that biological sex has less value or legitimacy than self-assessed gender identity.

Race Ideology – means a concept that attempts to shame a particular race or ethnicity, accuse them of being oppressors in a racial hierarchy or conspiracy, ascribe to them less value as contributors to society and public discourse because of their race or ethnicity, or assign them intrinsic guilt based on the actions of their presumed ancestors or relatives in other areas of the world. This also includes course content that promotes activism on issues related to race or ethnicity, rather than academic instruction.

Policy

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, 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. 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, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights, and other state and federal civil rights compliance agencies.
- 1.3 The system promotes equal employment opportunity through its procedures, training, compliance with applicable legal requirements, and other methods authorized by federal regulations.

2. PROHIBITED ACTIONS

2.1 Prohibited Discrimination or Instruction

- a. System Employment. No individual will be subjected to discrimination in system employment on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, or any other classification protected by federal, state or local law.
- b. Other System Programs and Activities. No individual will, on the basis of any classification protected by state, federal, 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. No system academic course will advocate race or gender ideology, or topics related to sexual orientation or gender identity. Upon prior written approval of the member CEO after review of the course and relevant course materials, specific non-core curriculum upper-division or graduate courses in some disciplines may teach race or gender ideology, or topics related to sexual orientation or gender identity. Such approval may be granted in limited circumstances upon demonstration of a necessary educational purpose, unless the course and the relevant course materials are approved in advance by the member CEO.

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 ([governed by Section 2.1\(b\) of this policy](#));
 - 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 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, 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 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 A member may not spend state funds appropriated for a fiscal year until the system submits a report to the legislature and the Texas Higher Education Coordinating Board

certifying the system's compliance with Texas Education Code Section 51.3525 during the preceding state fiscal year. SECO implements monitoring processes to assess member compliance with Texas Education Code Section 51.3525 throughout the state fiscal year. The System Internal Audit Department includes DEI compliance in its systemwide risk assessment as part of the annual audit plan process. Audits are conducted as necessary based on the annual risk assessment. SECO annually provides a report to the Board of Regents (board) for the August regular meeting and the board approves 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.

- 4.4 The board designates the chancellor or designee to provide legislative testimony in accordance with Texas Education Code Section 51.3525. This section takes effect January 1, 2024.

Related Statutes, Policies, or Requirements

[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 14173](#)

[Tex. Educ. Code Sec. 51.3525](#)

[Tex. Educ. Code § 51.354](#)

[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](#)

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

Ethics and Compliance

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