
Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractors, DAA(LEGAL) for employees, and FA(LEGAL) for students.

Diversity, Equity, and Inclusion Office

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution does not, except as required by federal law:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of an institution of higher education established for the purpose of:

1. 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;
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, other than policies or procedures approved in writing by the institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

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4. 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 institution's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Education Code 51.3525(a)-(b)(1)

Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying

with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the institution's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

This section may not be construed to 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 or the dissemination of that research or work;
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; or
7. Student recruitment or admissions.

Education Code 51.3525(c)-(d)

An institution of higher education may not spend money appropriated to the institution for a state fiscal year

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until the governing board of the institution submits to the legislature and the Coordinat- ing Board a report certifying the board's compliance with this sec- tion during the preceding state fiscal year. *Education Code 51.3525(e)*

In the interim between each regular session of the legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the standing legislative com- mittees with primary jurisdiction over higher education at a public hearing of the committee regarding the board's compliance with this section. *Education Code 51.3525(f)*

The state auditor shall periodically conduct a compliance audit of each institution of higher education to determine whether the insti- tution has spent state money in violation of Education Code 51.3525. The state auditor shall adopt a schedule by which the

state auditor will conduct compliance audits. The schedule must ensure that each institution of higher education is audited at least once every four years.

If the state auditor determines pursuant to a compliance audit that an institution of higher education has spent state money in violation of this section, the institution:

1. Must cure the violation not later than the 180th day after the date on which the determination is made; and
2. If the institution fails to cure the violation during the period described by item 1, is 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.

Education Code 51.3525(g)-(h)