



Legal updates regarding diversity initiatives at higher educational institutions

September 29, 2023

In the past few months, we have seen changes in state and federal law that affect UT Southwestern. We appreciate your patience while our administration worked closely with Legal Affairs, Government Affairs, the UT System, and others to analyze and understand these complex issues. After much work and thoughtful consideration, we are now able to provide some clarity and discuss in more detail the changes UT Southwestern will be making to be compliant with the new laws.

As many are likely aware, the Texas Legislature passed and the Governor signed Senate Bill 17 (SB 17), which prohibits all public institutions of higher education, including UT Southwestern, from having diversity, equity, and inclusion offices, as that term is defined in the statute. A prohibited "DEI Office" includes an office established for the purpose of implementing hiring or employment practices related to race, ethnicity, and sex. SB 17 also prohibits requiring applicants, students, trainees, or employees to provide DEI statements or undergo DEI training. There are multiple exceptions. For example, an office for student admissions and recruitment that also supports academic instruction and improved educational outcomes for students and postgraduate trainees is not a prohibited DEI Office. Other exceptions include scholarly research and creative works, registered student organizations, guest speakers or programs, data collection, and certain activities related to grant applications and accreditation.

Although SB 17 does contain exceptions that permit UTSW to continue many activities without adjustment, changes will be required in some offices, jobs, activities, and programs to ensure compliance with the new state statute. Shawna Nesbitt, M.D., is no longer Vice President and Chief Diversity, Equity, and Inclusion Officer, but rather Vice President and Chief Institutional Opportunity Officer, and her office name was adjusted to reflect the change in scope and efforts. Consistent with SB 17, this function will focus on identifying pathways to support excellence in students, staff, and faculty through collaboration with departments and programs that advance our institutional mission. Similarly, the Office of Institutional Equity & Access is now the Office of Access & Title IX and is responsible for fostering an environment that is inclusive, respectful, and free from discrimination and harassment. This applies to all members of our campus community here to work, learn, or train.

It is important to note that DEI Offices in individual departments are no longer permitted under SB 17. We have communicated with individual faculty and staff who have DEI responsibilities that are impacted. Some responsibilities will be adjusted, and some will

have to be eliminated. All changes must be completed before Jan. 1, 2024, when SB 17 goes into effect.

It is also important to note that UT Southwestern continues to value all of our employees, faculty, students, and trainees as individuals and remains steadfast in our commitment to educate, discover, and heal to improve health equity. The changes we are making support the underlying values of our institution and continue the spirit of inclusiveness and engagement that we strive to maintain on our campus and across all our sites of service.

The second legal change impacting UT Southwestern is the result of the recent U.S. Supreme Court rulings holding affirmative action policies that use race or ethnicity in admissions decisions are unconstitutional. Of UT Southwestern's four schools, only the Medical School and Graduate School previously used race/ethnicity as one of many factors in a holistic review of applicants, in the manner permitted under the law as it existed prior to the Supreme Court's decisions. The admissions policies of these schools will no longer include race/ethnicity as a factor in evaluating applicants. The changes to these policies have been discussed with our admissions teams and will be implemented before the next admissions cycle. For the Medical School, that is immediately. In close consultation with Legal Affairs and the newly renamed Office of Institutional Opportunity, the leadership of the Graduate School, its student affairs Deans, and its admissions committees are evaluating the best way to continue to ensure UT Southwestern attracts an applicant pool of highly qualified candidates from all different backgrounds. Race-neutral efforts to encourage applicants of underrepresented backgrounds to apply to UT Southwestern will continue, and we anticipate these changes will support our ability to recruit a talented and diverse student body in each of our schools.

We thank you for assisting in complying with these new laws. As you are making the needed adjustments and questions arise, you may reach out to Dr. Nesbitt and our Vice President for Legal Affairs, Erin Sine, J.D., for guidance.

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