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**UTSA'S BOLD
ADVANTAGE**

Faculty Senate



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Interim Provost & Senior Vice President for Academic Affairs

November 9, 2023

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ABOUT SB 17

Binding Legislation as of
January 1, 2024



ABOUT SENATE BILL 17

INFORMATION ABOUT THE BILL AND THE TIMELINE:

- Bill was approved by the Governor in June 2023
- Law goes into effect on January 1, 2024
- SB 17 charges the governing board of an institution with determining that public institutions act in accordance with the bill
- UTSA is acting in accordance with **real-time guidance from UT-System** to determine what activities may need to be modified or discontinued



Read SB 17
Here

ABOUT SENATE BILL 17

SB 17 is limited in scope -- many campus activities can continue uninterrupted.

Exempt activities include:

1. Academic course instruction
2. Scholarly research or a creative work by an institution's students, faculty, or other research personnel or the dissemination of that research or work
3. Any activity of a student organization registered with or recognized by the university
4. A guest speaker or performer on a short-term engagement
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
7. Student recruitment or admissions

These activities are presumed to be exempt and can continue

ABOUT SENATE BILL 17

Campus programs, activities, language, and initiatives that are restricted under SB 17:

1. Offices, divisions, units, and employees established to perform DEI functions named in the bill
2. DEI training
3. The use of DEI statements
4. Providing preferential consideration to a person providing a DEI statement
5. Providing “special benefits” on the basis of race, sex, color, ethnicity or national origin
6. Giving preferential consideration to an applicant for employment, employee, or participant on the basis of race, sex, color, ethnicity or national origin

Under SB 17, these activities cannot continue and are being reviewed this fall

WILL UTSA's status as a Hispanic Serving Institution change due to SB 17?

No. Hispanic Serving Institutions (HSI) are defined in federal law (the Higher Education Opportunity Act, Title V, 2008). The complete federal definition can be found here. As SB 17 is a state law, it does not impact UTSA's HSI designation.

See the Hispanic Association of Colleges and Universities website for additional information (www.hacu.net)



No

CONTINUING GUIDANCE

The UT System's Office of General Counsel (OGC) has provided additional clarification to interpret the statute. OGC has interpreted the statute to all but limit DEI training unless all three criteria are met.

SB 17 includes three restrictions related to training:

- (1) An institution office, division, or unit cannot conduct training designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation (“DEI training”);
- (2) An institution cannot hire or assign an employee or a contractor to conduct DEI training;
- (3) An institution cannot require a person to participate in DEI training as a condition of enrolling or performing any function at the institution (“mandatory DEI training”).

The training prohibition does not apply to training designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation when it is (1) developed by an attorney; (2) approved in writing by the institution’s chief legal officer, UT System OGC, **and** the THECB; **and** (3) for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

****Under SB 17, students and employees can participate in voluntary training offered by third parties****

See FAQ (9/15/23) #4, page 3

CONTINUING GUIDANCE

The UT System's Office of General Counsel (OGC) has provided additional clarification to interpret the statute.

In email correspondence, OGC clarified that that SB 17 **does not include a blanket ban on the use terms “diversity/diverse,” “equity/equitable,” and “inclusion/inclusive.”** OGC recommends that each use of these terms is evaluated on a case-by-case basis in line with SB 17.

After January 1, 2024, UTSA is permitted to say things like “diverse and talented workforce,” but we should avoid saying things like, “preference given to racially diverse applicants.”

OGC has confirmed that any aforementioned term cannot appear in job titles. (See *FAQs dated 9/15/23, page 12*)

CONTINUING GUIDANCE

The UT System's Office of General Counsel (OGC) has provided additional clarification to interpret the statute.

Are programs or activities associated with federally- and state-recognized heritage and history days and months, such as Black History Month, Juneteenth, Pride Month, Hispanic Heritage Month, and others permitted?

Yes, SB 17's "programs or activities" do not include institutional participation in federally-and state-recognized history days and months. Such activities are designed or implemented in reference to national and state traditions and history. An institution's participation should be through a history-focused lens to further the educational mission of the institution. Any programs or activities associated with federally- and state-recognized heritage and history days or months must be open to all who want to participate. (FAQ 9/15/23, pg. 9)

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A SUMMARY OF PRELIMINARY FINDINGS

**THE ELRC AND PAIR TEAMS HAVE
REVIEWED AND EVALUATED MORE
THAN 300 INVENTORY ITEMS**



SB 17 REVIEW PROCESS

Presidential Review and Approval



Executive Leadership
Review Committee

SB 17 Advisory Group



PAIR Team

Campus-Wide Stakeholder
Working Group

Presidential Review and Approval

Will make final determinations of permissibility based on the provided recommendations.

Executive Leadership Review Committee

Will make recommendations to the President regarding permissible activities, communicate findings, and direct implementation efforts.

SB 17 Advisory Group

Will consult and provide advice on the process and serve as a consultative body on determinations.

PAIR Team

Will facilitate the collection of materials for review and use a UT System-approved rubric to make a preliminary recommendation based on the characteristics of a program, activity, or initiative.

Campus-Wide Stakeholder Working Group

Will collect, screen, and submit programs, activities, and initiatives that are subject to SB 17 on behalf of divisions, colleges, and units.

SB 17 REVIEW PROCESS

Presidential Review and Approval



Executive Leadership Review Committee



PAIR Team



Campus-Wide Stakeholder Working Group

SB 17 Advisory Group

Presidential Review and Approval
President Taylor Eighmy

Executive Leadership Review Committee
Senior Vice Presidents Heather Shipley, Veronica Salazar, and Carlos Martinez

SB 17 Advisory Group
Presidential Cabinet, Representatives from Faculty Senate, Staff Senate, and SGA

PAIR Team
Lisa Jasinski, Presidents Office (Coordinator), Angie Griffith, Academic Affairs; Norma Guerra, Academic Affairs; Mary Hernandez, Business Affairs; Jason King, Legal Affairs

Campus-Wide Stakeholder Working Group
Representatives to be identified by Vice Presidents, Vice Provosts, and Deans

OVERVIEW OF REVIEW PROCESS

UTSA's internal review process has been an iterative, consultative process consisting of gathering information, seeking additional system guidance, and making informed determinations.



Initial Unit Rating

Working Group members made a **preliminary determination** of each inventory item (e.g., item will be eliminated, item needs review, item is permissible)



PAIR Team Preliminary Determination

PAIR **reviewed and reached consensus** on each inventory item, gathering additional information or seeking System guidance as needed.

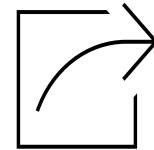
40+ Hours of Meetings



ELRC Determination

PAIR and ELRC **reviewed and discussed each item (300+)** to finalize the determinations and provide guidance on next steps for President Eighmy's review.

10+ Meetings



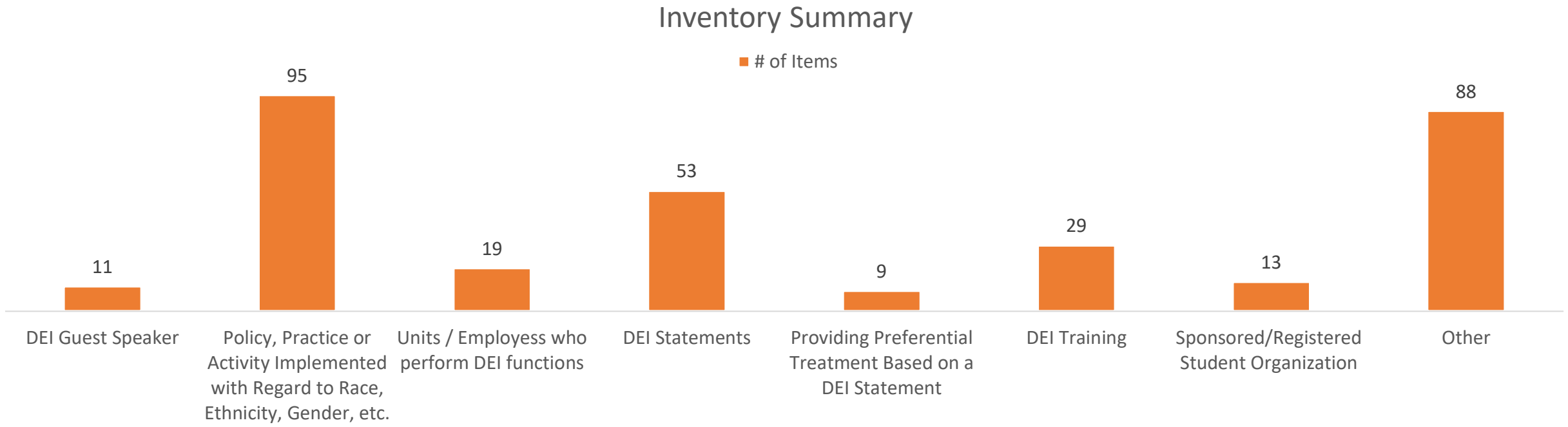
Final Determination

In the coming days, UTSA will **communicate the determinations** and next steps to Working Group members and unit heads.

Unit heads must attest that revisions have been made.

SUMMARY OF SUBMISSIONS FROM THE WORKING GROUP

317 Total Inventory Submissions



SUMMARY OF REVIEW DETERMINATIONS

Item Has Been or Will Be Eliminated by Unit (No Further Action Needed)	Item is Permitted Under SB 17 (No Changes Required)	Item Requires Modifications to Comply with SB 17	Item May Require Modifications to Comply with SB 17
29	122	48	29
Item Is Not Permitted Under SB 17	Grant-Related Activity	Mission, Vision or Values Statement Related to DEI	In Process / Other
34	17*	31	7

KEEPING THE CAMPUS INFORMED

UTSA has developed many resources to keep our faculty, staff and students informed about SB 17 and our review process.

- UTSA's **SB 17 website** includes the language of the bill, the review process, and all-campus emails
- Throughout the fall, we have provided **regular updates** to the ULC, Academic Council, Shared Governance Groups
- Additional information about determinations to be shared in **early November** review process
- Student Affairs is currently developing and implementing a **student information campaign** which includes information sessions, social media, and engaging SGA and student organizations



Click here to visit
UTSA's SB 17 website

SHARING THE RESULTS WITH UNITS

As soon as this week, UTSA will begin communicating the results of the internal review process with units.

- Units will receive **written notification** on the status of each reviewed items; the notification will affirm whether any changes or modification are required.
- Unit heads will be asked to **attest** whether required actions have been taken.
- The determination on **pending items** will be communication as we soon as receive guidance from OGC.
- In 2024, UTSA will develop resources and processes to **educate the campus community** about remaining in compliance with SB 17 and guidelines for new programs, activities, and initiatives.
- An **internal audit** is planned for 2024; this process may result in additional actions/changes.

ABOUT SB 18

Binding Legislation as of
January 1, 2024



Expanded SB 18 Committee Charge

As stated in The University of Texas at San Antonio (UTSA) Faculty Rights and Responsibilities, UTSA seeks to provide, promote, and sustain a landscape that is conducive to sharing, extending, and critically examining knowledge and values, and to furthering intellectual discourse. The success of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach the critical examination of knowledge and values in accord with appropriate standards of scholarly inquiry.

This committee is charged with reviewing UT System and UTSA policies and procedures related to a faculty member's ability to pursue research, scholarship and teaching within their respective fields of study and shared governance. The committee will recommend revisions to existing policies and procedures or propose the creation of new policies and practices, with the goal of clarifying and codifying a faculty member's ability to pursue knowledge as it relates to academic freedom and administrative actions or decisions. The group may also make a recommendation related to communicating policy or practice changes so a shared understanding exists among students, faculty, and staff.

SB 18 UPDATE

- The SB Committee consists of deans, department chairs, and faculty senators across all the Colleges, as well as two Academic Affairs facilitators.
- While the committee is still awaiting system guidance on defining summary dismissal, the group is considering what the process should look like at UTSA.
- The group has affirmed shared values that will help to define the process, which include due process for faculty, and ensuring clear criteria exists for initiating the process and substantiating an accusation. With these values in mind, the group is beginning to map out a specific process that adheres to them.

Campus Experience Task Force

Destination 3: UTSA will be an Innovative Place to Work, Learn and Discover

Campus Experience Task Force will collect data and share insights from various internal stakeholders regarding ways to promote an exceptional campus experience, including guidance for flexible work arrangements and optimized academic courses, program modality and support services for employee success.



Comprehensive Strategic Compensation Plan

- » Institution-wide **merit increases ranging from 2.50% to 3.00%**
- » This will result in an increase of up to 9.1% overall, the largest historical merit increase at UTSA over a 24-month period.
- » Increases will go into effect Jan. 1, 2024, and will be reflected on the Feb. 1, 2024 paycheck.
- » In January 2024, benefits-eligible employees will receive personalized letters outlining their total merit increase.
- » UTSA is committed to ensuring UTSA continues to be a great place to work, and supporting our faculty and staff with future compensation increases whenever the university can responsibly do so

Public Service Loan Forgiveness Program

The Public Service Loan Forgiveness (PSLF) Program allows eligible recipients the opportunity to be granted immunity for the remaining balance of their student loan after having made 120 qualifying payments, while working for a qualifying public service employer.



Learn more at:

<https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service>



UTSA Academic Affairs

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