



DIVERSITY, EQUITY, AND INCLUSION COMPLIANCE OPERATIONAL MANUAL

TEXAS A&M UNIVERSITY-KINGSVILLE

**Office of Ethics and Compliance
April 2024**

I. PURPOSE AND SCOPE

A. Purpose

The purpose of this operations manual is to outline the procedures to be followed by members of Texas A&M-Kingsville (TAMUK) to facilitate compliance with Texas Education Code 51.3525 (DEI Law), as implemented by System Policy 08.01, *Civil Rights Compliance and Protections*.

This manual is developed by the TAMUK Chief Ethics & Compliance Officer in coordination with The Texas A&M University System (A&M System) Ethics and Compliance Office (SECO) and the System Office of General Counsel (OGC). This document is property of TAMUK and may not be used for commercial purposes.

This manual serves as an appendix to System Regulation 08.01.01, Civil Rights Protections and Compliance.

B. Guidelines

The information and procedures contained in this manual provide guidance to be followed by TAMUK members and are not inclusive of all laws, rules, and regulations that govern the activities of the University, the A&M System, and its officer and employees.

C. Designation of Compliance Authority

The Chief Executive Officer (CEO) of TAMUK is responsible for ensuring annual compliance with the DEI Law, as implemented by System Policy 08.01.01. The CEO, in coordination with the OGC and SECO, shall monitor and review operations and activities to evaluate compliance and provide guidance for corrective action where necessary.

II. GOVERNANCE AND OVERSIGHT

TAMUK Role

On an annual basis, the CEO will certify that TAMUK has complied with the DEI Law through a statement of compliance to the Board of Regents (Board) and submit it to SECO.

TAMUK's Chief Ethics and Compliance Officer (CECO) serves as the party responsible for the facilitation and assurance of TAMUK's compliance. The CECO will identify those employees within TAMUK who will provide the assurance of compliance for their department/division/office. Such employees include but are not limited to the Provost, Vice-President of Student Affairs, Chief Financial Officer, Chief Human Resources Officer, Directors, Deans, Department Chairs, MARCOMM, etc.

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.

III. EDUCATION AND TRAINING

TAMUK Responsibilities

The CECO and identified members of agency/institution leadership will participate in SECO's annual DEI Law Compliance Training.

TAMUK will provide the SECO DEI Law Compliance Training to appropriate audiences at TAMUK on an annual basis.

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

IV. MONITORING

Through the CECO, members must review *all* areas and activities of TAMUK to ensure compliance with the DEI Law. At the start of each calendar year, TAMUK will engage in SECO's compliance review process which culminates in a self-report and assurance of compliance from or CEO. This process will evaluate each area for issues on non-compliance with the DEI Law as follows:

- A. Finance and Budgeting – the Chief Financial Officer, or designee, must review and address any issues of non-compliance related to:
- B. Account and budget codes as follows:
 - 1. Titles
 - 2. Locations/departments
 - 3. Sub-accounts/sub-departments
 - 4. Funding sources

The Chief Financial Officer (CFO), or designee, will perform a search within FAMIS and/or Canopy for the following terms; diversity, equity, inclusion, diverse, DEI, DEIA, accessibility, engagement, inclusivity, advocacy, bias, belongingness, marginalize, race,

religion, sex, gender, gender identity, color, ethnicity, accountability, climate, and anti-, (referred to as “key search terms”). Prior to opening any new account(s), Financial Services will review the account title(s), location(s), department(s), and funding source(s) to ensure compliance. Any items flagged as potentially non-compliant will be reviewed by the CFO and CECO.

Documentation of these efforts must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

- C. Human Resources – the Chief Human Resource Officer (CHRO), or designee, must review and address any issues of non-compliance related to:
 - 1. Current employees;
 - 2. Job profiles, business titles, and position restrictions;
 - 3. Hiring practices and materials;
 - a. Review member hiring forms/templates to include all materials within a hiring packet
 - b. Review documents used to evaluate applicants and candidates for hire such as checklists, interview questions, reference check questions, hiring matrices, candidate rubrics
 - c. Review forms and documents used for measuring employee performance such as performance evaluations, merit increase forms, promotions, faculty tenure submissions
 - d. Review job posting forms/templates to include position request forms and hiring manager procedures
 - e. Review live job postings published in Workday as well as those on external hiring websites
 - d. Performance evaluation tools, metrics, and procedures;
 - e. Training procedures and materials:
 - 1) Review all mandatory training sessions implemented by TAMUK to include those offered through TrainTraq;
 - 2) The review will include all mandatory TAMUK training provided to all stakeholders including faculty, staff, students, and third parties delivered

outside of TrainTraq and should include all departments where training is provided and/or made available;

- 3) Procedures must be implemented for vetting of new and proposed mandatory training to ensure compliance;

f. Funding accounts and account titles;

g. Third-party contracts providing services for the department

The CHRO, or designee, will conduct a scan annually in Workday using the “key search terms” and will review the University’s performance evaluation standards. In addition, the CHRO, or designee, will review all Position Review Forms for compliance prior to approval. HR will review the hiring materials prior to beginning a search, during the search process, and at the end of the search.

The CHRO, or designee, will perform an annual scan of all TrainTraq trainings. In addition, the CHRO, or designee, will review all new trainings prior to placement in TrainTraq. The CECO will also review, in coordination with the Contracts Manager, all training provided by third parties. The review of accounts will be included in the CFO’s reviewed as enumerated in #A above. Any flagged items for non-compliance will be reviewed by the CHRO and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

- D. Faculty Affairs – the Provost, or designee, must review and address any issues on non-compliance related to:

1. Faculty hiring and recruiting practices;

2. Tenure review procedures;

a. Faculty organizations supported by the university (purpose, structure, funding);

b. Grant proposals;

c. Accreditation certification;

d. The provision of academic or professional opportunities to students, visiting scholars, or existing faculty.

The Provost/Vice-President of Academic Affairs will review all faculty hiring, pre-tenure review, and post-tenure review packets, along with the annual faculty

evaluation tool, prior to approval. The Associate Vice President of Academic Affairs will ensure compliance in all tenure review and faculty hiring procedures. Research grant proposals will be reviewed by the Vice President of Research and Innovation (VPRI). For non-research grants, each Vice President is responsible for ensuring any proposals submitted from within their division are compliant. The Chief of Performance Excellence and Strategy will review accreditation documentation. The Director of the Office of International Student and Scholar Services will review visiting scholar procedures annually. Each Vice President is responsible for ensuring compliance with all professional development opportunities within their division. Any items flagged for potential non-compliance will be reviewed by the Provost and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

E. Student Affairs – the Vice President for Student Affairs and Community Relations (VPSACR), or designee, must review and address any issues of non-compliance related to:

1. Departmental events;
 - a. Staff work;
 - b. Trainings for students or staff;
 - c. Student success and outreach programs
 - d. Support available to students and student organizations, which includes compliance with the DEI Law, which mandates that funding sources made generally available to student organizations at TAMUK may not be withheld based on the content or viewpoint of the organization;

The VPSACR, or designee, will review, on an on-going basis, all departmental events and work performed by Student Affairs staff. Trainings will be reviewed by the Associate Vice President for SACR and will ensure adherence to requirements regarding content and viewpoint neutral awarding of funds to student organizations. Any items flagged for potential non-compliance will be reviewed by the VPSACR and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

F. Other Programs and Activities – Each Vice President is responsible for on-going review of all TAMUK funded and/or supported programs and activities related to conferences/seminars/travel within their division. Any flagged items of potential non-

compliance will be reviewed by the appropriated VP and CECO (or CECO/SECO/OGC for items within the CECO' division).

G. Scholarships and Financial Aid – the Senior Scholarship and Financial Aid Officer must review and address any issues of non-compliance related to:

1. Awards administered by TAMUK;
2. Awards from external entities promoted and/or facilitated by TAMUK;
3. Websites and social media pages listing awards administered, promoted, or communicated by TAMUK;
4. 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;

The Director of Student Financial Aid will review all scholarships awarded by the University for compliance. The Vice President of Enrollment Management (VPEM), or designee, will review all external awards promoted and/or facilitated by the University. The VPEM, or designee, will ensure all new website and social media content regarding these awards are compliant. Any items flagged for potential non-compliance will be reviewed by the VPEM and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

H. Athletics – the Executive Director of Athletics, or designee, must review and address any issues of non-compliance related to:

1. Programs and activities;
2. Mandatory non-athletic trainings (internal and external) for students and staff;
3. 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;
4. Co-sponsored events with outside entities.

All of the items enumerated above will be monitored for compliance by the Assistant Athletic Director, Compliance and any potential items flagged for non-compliance will be reviewed by the EDA and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

- I. Website and Social Media Information – the Chief Marketing and Communications Officer, or designee, must review and address any issues on non-compliance related to:
 - 1. Member websites and social media sites will be reviewed for content and links, this should include all webpages maintained or supported by the university and bearing university trademarks as well as all static materials and documents linked from those webpages.
 - 2. Affiliate websites and social media sites will be reviewed for content and affiliation language.

On a quarterly basis, the CMCO, or designee, will run a scan of all TAMUK and affiliate websites. On a quarterly basis, the CMCO, or designee, will run a scan of TAMUK and affiliate social media sites using the “key search terms”. Any items flagged for potential non-compliance in either quarterly scan will be reviewed by the CMCO and CECO.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

- J. Policies and Procedures – the CECO must review and address any issues of non-compliance related to:
 - 1. TAMUK rules, internal procedures, and guidelines for ensure alignment with System Policy 08.01 as related to the DEI Law;
 - 2. Ensure procedures and practices are established and documented for each area of compliance.

The Assistant Director of Compliance will monitor and review all TAMUK rules, internal procedures, and guidelines on an on-going basis. The CECO will review this DEI Compliance Operational Manual at least annually to ensure it is compliant, up-to-date, and reflects current TAMUK practices. Annually, the CECO will collect certifications of compliance from each VP as outlined in #A-I. The CECO will review each certification to ensure it is complete. The CECO may, at times, conduct a review of any of the areas about to ensure compliance with this operational manual, System policies and regulations, and state law. After completion of the review of the certifications, the CECO will submit the Statement of Assurance/Certification of Compliance with the DEI Law to SECO annually in May.

Documentation must be retained and identified in the annual report of compliance through the Compliance Review Checklist.

K. All Faculty and Staff

1. It is the responsibility of all TAMUK faculty and staff to ensure that no institutional support or resources are delivered or conditioned on the basis of race, ethnicity, color, or sex;
2. All employees are expected to comply with System Policy 08.01 and its delineated prohibitions.

V. REPORTING

TAMUK Responsibilities

The CECO will report to SECO on a quarterly basis in the Compliance Program Quarterly Report. The report will include:

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

TAMUK's CEO shall submit the TAMUK Certification of Compliance to SECO no later than the first business day of June of each year. This certification must include a report of compliance detailing the procedures followed by TAMUK as well as individual certifications from each department/division acknowledging their evaluation and maintenance of compliance for their respective areas of responsibility.

VI. INTERNAL ENFORCEMENT AND DISCIPLINE

A. Response Procedures

TAMUK will respond to reports of potential violations or inquiries related to non-compliance as follows:

1. Report of Potential DEI Law violation:
 - a. All reports of a potential violations should be directed to the Risk, Fraud, and Misconduct Hotline at:

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

- b. Any emails, calls, text messages, or communications of any kind, including articles and media reports of violations, should be forwarded to the Compliance Officer

who will report the communication *via* the Risk, Fraud, and Misconduct Hotline as indicated above.

- c. TAMUK will respond to all communications concerning the DEI Law by confirming their commitment to following the law, reminding the reporter of the process for handling the complaint, and affirming that compliance will review the alleged deficiencies. The following is a response template that can be used for this purpose:

This is to confirm the receipt of your (email, letter, phone call). Pursuant to Texas A&M University System policy, all complaints will be filed and investigated through the Office of Compliance. The System is committed to following state law, and reports of non-compliance will be reviewed and, if necessary, deficiencies corrected in accordance with state law and System policy.

All TAMUK responses must be copied to the CEO and OGC at SB17@TAMUS.edu.

For complaints reported directly to the hotline, an acknowledgment of receipt will be sent from SECO to the person filing the complaint.

2. Response to Media:

- a. Direct calls/contact from media

TAMUK employees should do the following in response to direct calls or contact from the media:

- 1) All calls/contact from any media outlet should be directed to A&M-CC MarComm, who will direct the reporter to Laylan Copelin, Vice Chancellor for Marketing and Communications.
- 2) Media calls/contacts also should be reported by MarComm to the CECO to input into the Risk, Fraud, and Misconduct Hotline at:

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

- b. Published articles

TAMUK employees should do the following in response to published articles that raise concerns for compliance:

- 1) Contact the CECO with information about the published article;

- 2) The CECO will then forward the article to MarComm and report the article via the Risk, Fraud, and Misconduct Hotline at:

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

- 3) MarCom will respond to the appropriate media outlet when necessary.

B. Discipline Process

In cases where a determination of non-compliance suggests willful violations by an employee, the matter will be referred to TAMUK to process the complaint through the applicable disciplinary or civil rights process, including those outlined in System Regulations: 08.01.01, 16.01.01, 32.01.01, 32.01.02m, or 32.02.02. There may be instances where non-compliance also implicates other violations of a community member's civil rights, which will be similarly adjudicated.

Forms

DEI Law Compliance Review Checklist – Department

DEI Law Compliance Review Checklist – CECO

DEI Law TAMUK Certification of Compliance – Department

DEI Law TAMUK Certification of Compliance – Chief Executive Officer (CEO)