

Conducted by System Ethics and Compliance
Office (SECO) via Webex

April 4, 2024 (2:00 to 4:00 PM)

Facilitated by Rick Olshak and Dora Lisa Zavala

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### Joint A&M System Civil Rights Meeting

April 4, 2024

## <u>Purpose</u>

- Bring together EO Officers, Title IX Coordinators, ADA Coordinators,
   504 Officers, and SECO and OGC staff
- 2. Welcome to the table other campus officials whose responsibilities overlap substantively with civil rights
- 3. Welcome other campus administrators who have oversight of related areas, are overseeing resources, and/or are stakeholders in our civil rights compliance process
- 4. Update you on the progress of new laws, new regulations, and a new model of civil rights compliance for the A&M System

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Meeting Agenda

1. Update on the implementation of the new DEI law
2. Update on new state laws related to pregnancy/parenting
3. Update of federal Title IX regulations
4. Update on the status of regulations related to A&M System Policy 08.01 and implementation timeline
5. Introduction of Civil Rights Process Map for A&M System
6. Upcoming Training
7. Question and Answer Period

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# Update on the implementation of the new DEI law (SB17) 2024 ONLY: System Internal Audit in final stages of Member DEI Audit Review SIAD data collection is complete, now in the testing phase Audit Report to Board of Regents in May

April 4, 2024

## **Update on the implementation of the new DEI law (SB 17)**

2024 and every fiscal year thereafter:

- Operations Manual sent to CEOs from General Counsel (ECOs copied)
- ECOs will engage in the DEI Compliance Review Process annually as outlined in the Ops Manual
- Member CEOs will certify compliance to SECO on the first business day in June each year
- SECO will evaluate member certifications and compliance reports
- SECO will certify System-wide compliance to BOR at the August meeting each year

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## Update on new state laws related to pregnancy/parenting

**SB 412**; allows pregnant and parenting students to take a leave of absence and return in good standing without being required to reapply for admission - students are entitled to leave for as long as medically necessary for pregnancy, childbirth, and related conditions—but not for parenting

**SB 459**; provides early registration for students who are parents of children under the age of 18.

**HB 1361**; requires on-campus student-parent liaisons to report to the state each year the number of student parents and their basic demographic data

April 4, 2024

## Update on new state laws related to pregnancy/parenting

**THECB: Survey 1**: Members must provide Parenting Student Liaison to THECB by the end of the day **today (April 4)** 

**THECB: Survey 2**: Parenting student data report must be submitted to THECB by **May 1** 

Once the final federal Title IX regulations have been published, we will seek to amend 08.01.02 and our supporting materials for pregnant and parenting students

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Joint A&M System Civil Rights Meeting

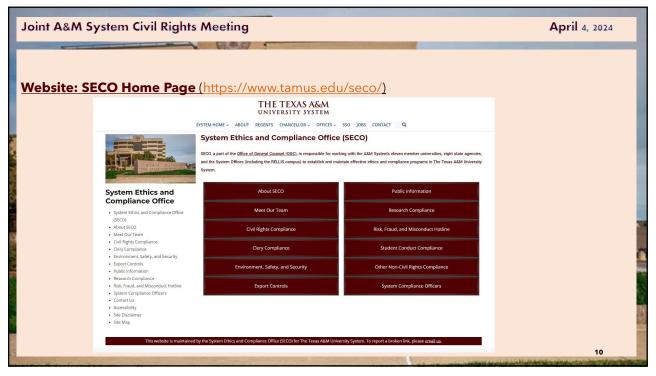
April 4, 2024

## **Update on federal Title IX regulations**

- o Final regulations to OMB (OIRA) on 02/02/2024
- o Anticipated publication of the regulations in early June
- $\circ$  Likely implementation date is on or around 08/01/2024
- Regulations will <u>not</u> include final rules on transgender participation in athletics

# Update on the status of regulations related to A&M System Policy 08.01 Past "08" series included 08.01.01 (Civil Rights Compliance) and 08.01.02 (ADA Accommodations) Future "08" series includes 08.01.01 (Civil Rights Compliance), 08.01.02 (Civil Rights Accommodations), and 08.01.03 (Civil Rights Complaint Resolution Process); currently all in various stages of a draft version In addition to writing regulations, we are currently modifying our website for the new regulations, developing resources for member compliance, developing online operational manuals for each regulation (with forms, letters, and templates), and creating methods for anyone involved in civil rights to communicate

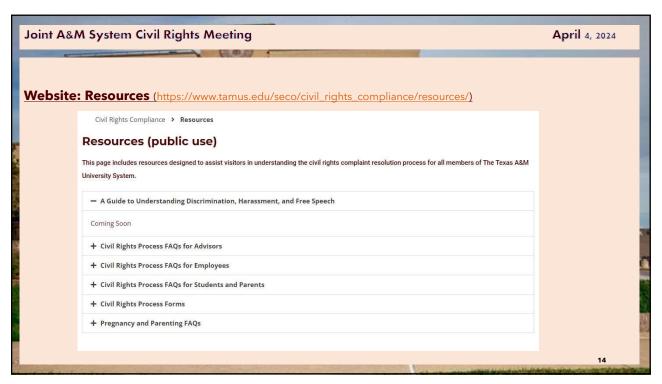
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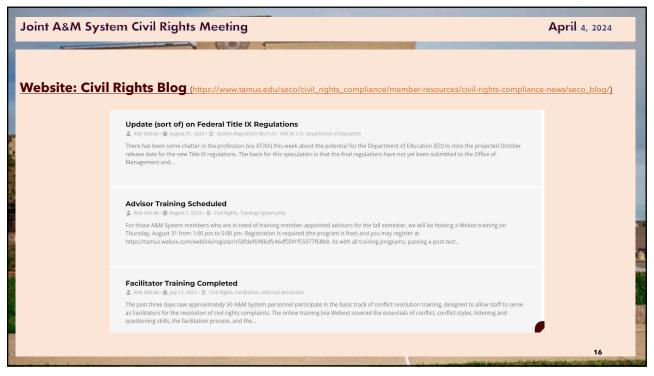


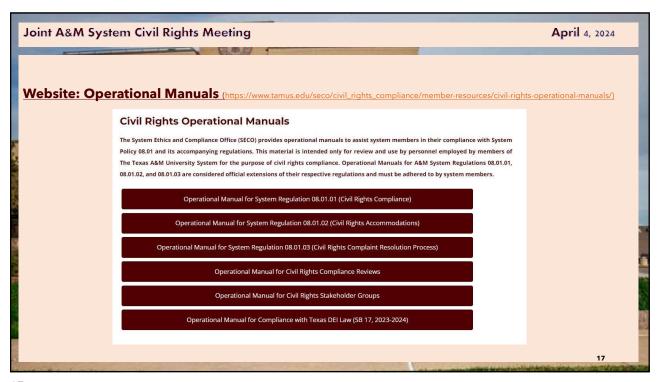


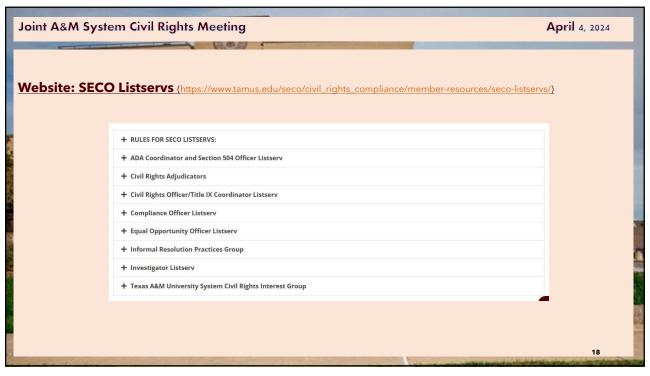












April 4, 2024

# Update on the status of regulations related to A&M System Policy 08.01

- Two advisory committees to Dora Lisa and Rick as we draft regs
  - o One with all TIXCs (includes COs and EOs), Student Affairs/Conduct Reps (3)
  - o One with OGC (LDR, SA) and SECO personnel
- o 08.01.01 6<sup>th</sup> draft being developed to committees by April 12
- $\circ$  08.01.02 2<sup>nd</sup> draft being finalized to OGC review by April 8
  - o 08.01.02 will again be reviewed once federal regulations are published
- o 08.01.03 1st draft being developed to committees by April 19
- o Operational Manuals for each regulation will be developed as we go

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Joint A&M System Civil Rights Meeting

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## **Update on the status of regulations related to A&M System Policy 08.01**

- o Tentative Timetable (subject to change):
  - o April 29 May 3: Complete review of current drafts; seek approval for 08.01.02
  - May 6 May 10: Send new drafts of 08.01.01 and 08.01.03 to advisory committees (last working drafts
  - o May 13 May 20: Advisory Committee Review Period
  - o May 21 May 31: Drafts finalized; await federal regulations
  - o Once federal regulations are published, SECO will take one week to amend all 3 regulations
  - All 3 regulations will then be submitted to OGC for a one-week review period as SECO develops final templates of member rules for each regulation

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April 4, 2024

## Update on the status of regulations related to A&M System Policy 08.01

- o Tentative Timetable (subject to change):
  - o OGC feedback to SECO is then incorporated and all three regulations will be submitted to the General Counsel and Chancellor, awaiting approval to share with system members
  - o Once approval has been received, SECO sends all three regulations to system members for a one-week review and commentary period
  - o System members send feedback to SECO and SECO issues final drafts of all three regulations to the General Counsel and Chancellor for review and approval
  - o Once approved (with an implementation date now established) members will begin the development of member rules

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## **Update on the status of regulations related to A&M System Policy 08.01**

- o Tentative Timetable (subject to change):
  - o Process for Member Rule approval will be as follows:
    - o Draft Member Rule submitted to Sydnee Hald (<a href="mailto:shald@tamus.edu">shald@tamus.edu</a>) in OGC (Policy Office)
    - o Hald forwards the Member Rule submission to SECO for review by Zavala and Olshak
    - o SECO forwards the Member Rule submission to OGC for review by a designated attorney(s)
    - o OGC returns the Member Rule submission to SECO for final edits
    - o SECO returns the Member Rule submission to Hald
    - $\circ$  Hald communicates the final approved rule back to member

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April 4, 2024

## Update on the status of regulations related to A&M System Policy 08.01

- Tentative Timetable (subject to change):
  - o Current member rules for A&M System Policy 08.01 and its two existing regulations, as well as all current operational procedures will be considered out of date and will default back to the appropriate new system regulation on the date of federal implementation
  - By the date of federal implementation all operational manuals will be completed (first version)
    and all basic resources needed by members will be posted; over the next year all operational
    manuals will have materials and resources added as needs are identified
  - August and the first half of September will be focused on tweaks to manuals and resources,
     with members focused on forming stakeholder groups and creating member rules for each
     regulation

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### Joint A&M System Civil Rights Meeting

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## **Update on the status of regulations related to A&M System Policy 08.01**

- o Tentative Timetable (subject to change):
  - o From September 16 through November 15, Dora Lisa and Rick will be physically visiting with each member (universities, agencies, and System Offices and RELLIS) to conduct a review of the regulatory implementation process; meetings will include:
    - Civil Rights Officer
    - Primary Stakeholder Group
    - CEO and/or Cabinet Members (requested, not required)
    - Specific Stakeholders (as identified by Civil Rights Officer)
    - Specific Stakeholders (as identified by SECO)
  - o After each visit, SECO will produce a report to the members' CEO and Civil Rights Officer, analyzing the member's implementation process through a SWOT analysis

April 4, 2024

# Update on the status of regulations related to A&M System Policy 08.01

- Tentative Timetable (subject to change):
  - o In the Spring and Summer of 2025, new training for civil rights will be implemented in the form of a civil rights academy (both in-person and online)
  - o Beginning in the Fall of 2025, SECO will implement civil rights compliance reviews of every system member, on a rotating schedule that will be announced this summer
  - SECO compliance reviews for each member's civil rights compliance will be conducted under System Regulation 16.01.01; a confidential final report will be provided to each member's CEO, Civil Rights Officer (and supervisor), as well as to OGC, System Internal Audit, and SECO
  - o The compliance review process is currently under development between SECO and System Internal Audit

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### Joint A&M System Civil Rights Meeting

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## **Update on the status of regulations related to A&M System Policy 08.01**

- o What could <u>possibly</u> go wrong with this timeline? ☺
  - o If there is a change in the date of federal publication of the regulations, we will adapt the timeline accordingly; if the implementation date is later than August, there is a possibility that the regulations could again be reviewed beginning in January 2025 under the next Congress
  - o Once the federal regulations are published, it is expected that Texas (and other states) will sue the federal government, and seek to have the regulations struck down (unlikely) or delayed; if a federal court was to grant a delay, we would be in a holding environment in which we would remain in limbo under the current regulations insofar as they are not in compliance with the new regulations



Joint A&M System Civil Rights Meeting April 4, 2024 **Introduction of Civil Rights Process Map** SECO civil rights roles: o case and process consultants developer of resources o provider of training writers of regulations o insurers of compliance with federal law, state law, system regulation, and best practice in a "soft" manner ("herders of cats")

April 4, 2024

## **Introduction of Civil Rights Process Map**

However, we are:

- o a <u>compliance</u> office
- with no means of daily formal compliance enforcement authority (other than issuance of compliance reviews)

This led to a discussion within SECO and with OGC to determine how to best ensure compliance at three levels: individual employee, system member, and system offices; worked with System Internal Audit to develop a collaborative approach; this has the support of our General Counsel

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Joint A&M System Civil Rights Meeting

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## **Introduction of Civil Rights Process Map**

At the <u>Individual Employee</u> level:

- The forthcoming regulations propose providing individual accountability by making it a violation of our civil rights regulations to knowingly fail to comply with System Regulations 08.01.01, 08.01.02, and 08.01.03
- Can be seen as (examples):
  - Civil rights personnel failing to follow the process in any of the three regulations
  - Any employees engaging in harassment or discrimination
  - Any employees failing to provide accommodations that have been determined to be reasonable and prudent

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Introduction of Civil Rights Process Map

At the System Member level:

Disparate application of civil rights

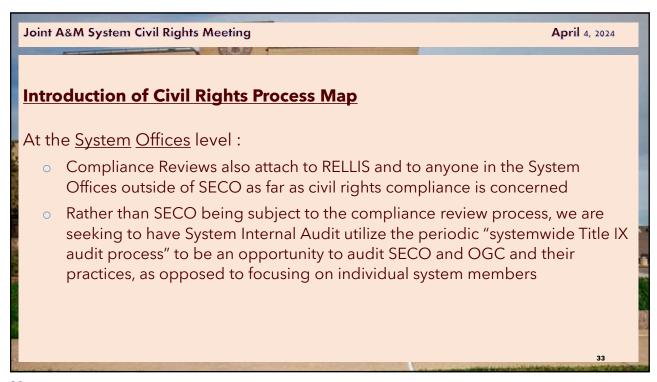
Little communication/coordination across areas of compliance

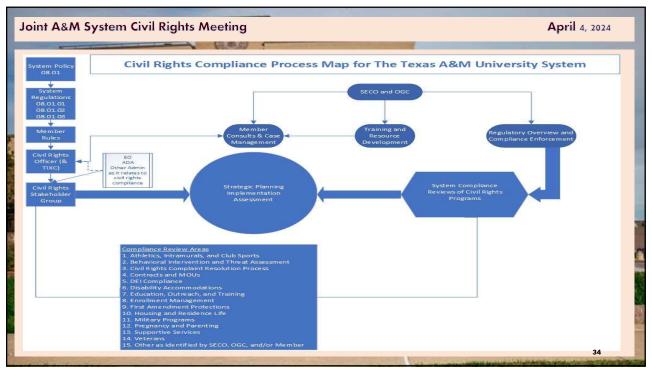
No single point of accountability

This will be addressed in numerous ways...

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# Introduction of Civil Rights Process Map At the System Member level: A Civil Rights Stakeholders Group will be established by each member to bring together all who have any responsibility for civil rights compliance This group will be headed by a single Civil Rights Officer at each member, who will have the responsibility for utilizing the stakeholder group to engage in ongoing assessment and strategic planning processes The Civil Rights Officer (who will also serve as the member's Title IX Coordinator) will also have the responsibility for reviewing any concerns raised with respect to compliance in any civil rights area (informal process)





April 4, 2024

## **Upcoming Training**

## <u>Civil Rights Officers (CR/TIX, EO, ADA, 504, others as needed)</u>

**Thursday, April 18** (2:30-4:30 pm, Webex) <u>Civil Rights Update Meeting #1</u> (Overview of Policy, Process Map, and each of the three civil rights regulations in terms of outline and major expected changes)

**Thursday, May 2** (2:30-4:30 pm, Webex) <u>Civil Rights Update Meeting #2</u> (Overview of system regulations with civil rights implications)

**Thursday, May 16** (2:30-4:30 pm, Webex) <u>Civil Rights Update Meeting #3</u> (Overview of member rules templates for regulations under System Policy 08.01)

**Thursday, May 30** (2:30-4:30 pm, Webex) <u>Civil Rights Update Meeting #4</u> (Supportive Measures and Emergency Measures)

**Friday, June 14** (1:30-3:30 pm, Webex) <u>Civil Rights Update Meeting #5</u> (Overview of federal Title IX regulations, update on system regulations)

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### Joint A&M System Civil Rights Meeting

April 4, 2024

## **Upcoming Training**

## Civil Rights Officers (CRO/TIX, EO, ADA, 504, others as needed)

Friday, June 28 (2:30-4:30 pm, Webex) Civil Rights Update Meeting #6 (System civil rights training requirements)

Friday, July 12 (1:30-3:30 pm, Webex) Civil Rights Update Meeting #7 (Stakeholder Groups and Compliance Reviews)

Friday, July 26 (1:30-3:30 pm, Webex) <u>Civil Rights Update Meeting #8</u> (Review of civil rights web-based resources)

### Registration for all of the above webinars is already open (at this link)

Tuesday, July 30 & Wednesday, July 31 (all day @ Health Science Center in College Station) - <u>Civil Rights Personnel Training</u>; In-person training for all civil rights officers and deputies; this will be a two-day deep dive into all three of the civil rights system regulations and their accompanying operational manuals (All CRO/TIXCs must attend in person) - <u>Registration information will be sent out to all CRO/TIXC, EO, ADA, and 504 contacts by Aubrey Craft by the end of April</u>

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Upcoming Training

Investigators (and CRO/TIX)

Tuesday, June 25 (1:30-4:30 pm, Webex) - Investigator Training on New Civil Rights Regulations; Online training designed to provide all system investigators with an update on the new civil rights regulations and any implications this may have for the investigations process; this session will include a review of the universal civil rights investigation report template and a review of the online resources provided for investigators

Registration Link: https://tamus.webex.com/weblink/register/r59/61/f189173b2db4c6c61825478e9b

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# Upcoming Training Designated Administrators (and CRO/TIX) Thursday, July 11 (all day @ Health Science Center in College Station) - Designated Administrator Training; Inperson training for all designated administrators who will review cases and issue decisions in response to all cases involving all allegations of discrimination that involve disparate treatment and/or disparate impact); there will be another session of this training offered later in the summer, but the date has not yet been determined Registration information will be sent out to all CRO/TIXC, EO, ADA, and 504 contacts by Aubrey Craft by the end of April

April 4, 2024

## **Upcoming Training**

## **ADA Training**

**Friday, July 19** (1:30-4:30 pm, Webex) - <u>Americans with Disabilities Act (ADA) Training</u>; Online training for all personnel who will be involved in the provision of accommodations and support to those with disabilities and our obligations under the ADA

Registration Link: https://tamus.webex.com/weblink/register/r7dc9896823d45c40df8f3467d3499ad2

## Accommodations Training (08.01.02)

**Friday, July 26** (9:30-11:30 am, Webex) - <u>Accommodations Training Under System Regulation 08.01.02;</u> Online training for those who will have responsibilities for providing accommodations under System Regulation 08.01.02

Registration Link: https://tamus.webex.com/weblink/register/r4be694d9c2e6a5371d6743b13ee2bf63

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### Joint A&M System Civil Rights Meeting

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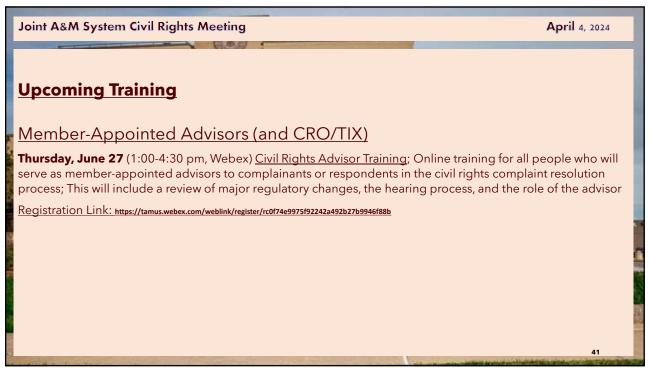
# **Upcoming Training**

## Hearing Officers, Panels, Panel Advisors, Appellate Officers (and CRO/TIX)

**Tuesday, July 16, Wednesday, July 17, & Thursday, July 18** (all day @ Health Science Center in College Station) - <u>Civil Rights Hearing Training</u>; In-person training for all people who will be involved in the administration of live hearings for civil rights cases involving allegations of Sexual Assault, Domestic Violence, Physical Assault (when on the basis of protected class), Dating Violence, Stalking (when on the basis of a protected class), and Harassment (when based on a protected class); This includes panel members, those conduct pre-hearing conferences, process advisors to a hearing panel, single hearing officers, and appellate officers

Note: Members who do not employ full-time hearing officers are <u>strongly encouraged</u> to utilize student conduct officials to serve in the capacity of process advisors when hearing panels are utilized; these people must attend this training program to be eligible to serve as a process advisor

Registration information will be sent out to all CRO/TIXC, EO, ADA, and 504 contacts by Aubrey Craft by the end of April



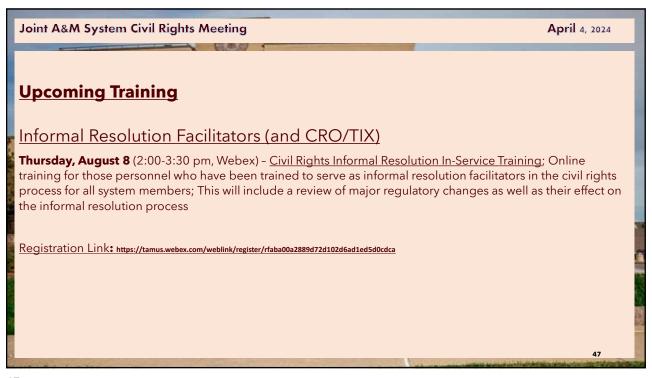
# Upcoming Training Special Webinar for All Civil Rights Personnel Friday, August 2 (9:00-12:00 pm, Webex) - The Intersection of the Civil Rights Complaint Resolution Process and Free/Protected Speech; special topical webinar that is open to any member civil rights personnel who have completed any of the SECO civil rights training programs in June or July 2024 Registration for this program is already open; https://tamus.webex.com/weblink/register/r9adb34684b45ef9b3bd19d2e32f8bf34



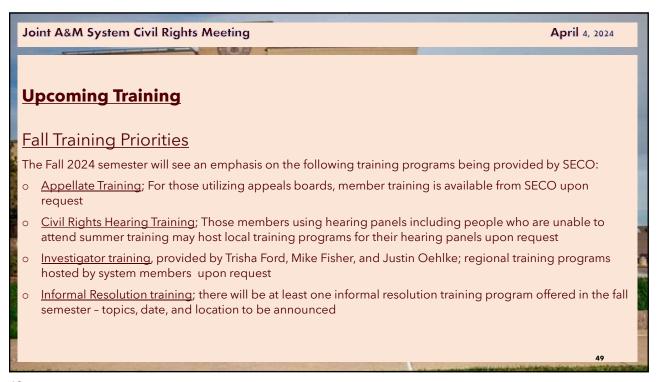
# Upcoming Training Campus Ombuds (and CRO/TIX) Wednesday, August 7 (9:00-10:30 am, Webex) - Campus Ombuds Responsibilities in Civil Rights Cases; Online training designed to educate campus ombuds on the intersection between employee responsibilities under the civil rights process and the role of the ombuds; All ombuds at all member campuses and agencies who seek to serve as confidential reporters must complete this training Registration Link: https://tamus.webex.com/weblink/register/r254818f47b7352a1a03f4e9feeac079b

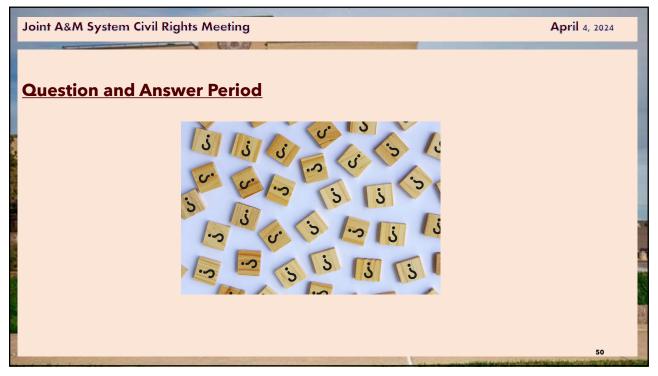


# Upcoming Training Case Managers and Intake Personnel (and CRO/TIX) Thursday, August 8 (9:00-10:30 am, Webex) - Civil Rights Training for Case Managers and Intake Personnel; Online training designed to review the civil rights process for those people who conduct intake meetings for complainants and respondents, as well as for those who serve as case managers in the civil rights complaint resolution process Registration Link: https://tamus.webex.com/weblink/register/r840eb6e45b8ebda06639eda51e56850f



# Upcoming Training "Ask Us Anything" Webinar Friday, August 9 (2:00-4:00 pm, Webex) - Civil Rights "As Us Anything" Webinar; No matter what your role in the civil rights process, on August 9th we will host two hours of questions and answers on the new civil rights regulations, changes in federal and state law, member rules, operational procedures, or anything else that is related to civil rights compliance. Stop in just to get a question answered or stay for the whole two hours. Please note that this session will not be recorded for re-posting. Registration Link: https://tamus.webex.com/weblink/register/r2f9b7621308e08a859aabb3fb290707d





# This slide deck... • Will be available immediately after this meeting at https://www.tamus.edu/seco/civil\_rights\_compliance/member-resources/civil-rights-compliance-news/...under the Stakeholder Groups menu • Thank you for your attendance and participation today!