

## UHD Faculty Senate

Minutes recorded by: Nathan Neale  
Regular Scheduled Senate Meeting November 17, 2020 2:30 – 4:00 PM  
Online through Zoom

Senate: Ronald Beebe, Edmund Cueva, Michael Duncan, Godwin Agboka, Franklin Allaire, Amy Baird, Nina Barbieri, Maria Bhattacharjee, Alexander Bielakowski, Kasi Bundoc, Dexter Cahoy, Prakash Deo, Lucas Fedell, Krista Gehring, Aaron Gillette, Shohreh Hashemi, Rachael Hudspeth, Tahereh Jafari, Timothy Klein, Michael Lemke, Cynthia Lloyd, Lucas Logan, Nathan Neale, Jean Nganou, Chu Nguyen, Anand Pore, Angelica Roncacio, Rupak Rauniar, M. Nell Sullivan, Candace TenBrink, Pat Williams, Julie Wilson,

Senators Absent: Isaac Elking, Jeffrey Martz, Arpita Shroff

**Guests:** Eric Link, Provost/VPAA; Michelle Moosally, AVP Programming and Curriculum, Jerry Johnson, AVP Sponsored Programs, Sandra Dahlberg, Faculty Ombuds, Meritza Tamez, Interim Assistant Vice President for Student Affairs and Dean of Students, Irene Chen, Professor, Kevin Buckler, Professor and Chair of FAC, Hossein Shahrokhi, Associate Vice President, Information Technology, Patricia Ensor, Executive Director, W.I.D., Sheryl Sellers, Dateline, Darlene Hodge, FS Admin, Marina Grau.

**Call to order:** The Senate was called to order at 2:30 PM by Senate President Ronald Beebe

### Minutes

A motion to approve the November 3, 2020 minutes was made by Dr. Bielakowski and was seconded by Dr. Pore.

### Reports

Pat Ensor, Executive Director shared a presentation about the “Big Deal” that involves multiple Texas Universities negotiating together with Elsevier Publishing via a coalition. This involves an MOU that binds all involved. These are both public and private institutions. They are seeking to lower the \$300,000 a year that UHD pays to access journals. This will also focus on increasing access to the journals faculty utilize and improve faculty ownership of intellectual work. The California State University system and M.I.T. both attempted to negotiate but were not successful. Elsevier is the largest publisher of its kind with 3.4BB in revenues, and profit margins of 37.2%. While UHD’s contract ends 12/31/2020, our access to published articles will not be impacted. For those that are published after this date and that faculty may need access to, they have set funds aside to purchase individual articles. Interlibrary loans are also available. Other publishers have already approached the coalition to negotiate. The presentation slides will be sent out via the minutes from this meeting.

Dr. Beebe reported on the request from November 3<sup>rd</sup> that FSEC approach the Provost in the next FSEC meeting about course releases for the chairs of the three shared governance committees. FSEC discussed this with Provost Link. This was not a “hard sell”. His response was that if we sent him a resolution, he would sign off on it. Dr. Beebe invited senators to be involved in wiring the resolution.

Dr. Beebe stated that the upcoming senate meeting is in conflict with Dr. Tillis’ town hall address as part of the UHD President search. We may need to move or cancel the senate meeting.

Q – A senator asked if we should make a motion to move the next meeting.

A – Dr. Beebe said that he is open to this.

Dr. Beebe asked for a motion to write a resolution to provide course releases to the three chairs of the shared governance committees.

Dr. Barbieri, motioned for this resolution and Dr. Cueva seconded the motion.

Dr. Beebe encouraged discussion as there was concern about co-chairs during the last senate meeting.

Dr. Cueva mentioned that using the releases with co-chairs will difficult. Therefore, we should specific that this is for chairs, not co-chairs.

A senator stated that if there are co-chairs, each can use it one semester. However, using multiple course releases may receive some resistance.

Dr. Beebe shared the concern about using co-chairs.

Two senators said that they agreed.

Dr. Cueva stated that this would cause being a chair to become more attractive.

A senator suggested that the resolution state that there is one course release per semester, per committee.

Dr. Beebe agreed that it would be a release in the fall and one in the spring.

A senator asked if there were previous resolutions we could use as a template.

A senator stated there are many available but the most difficult part is coming up with the “whereas” statements.

A senator argued that we do not need to use “whereas” and “therefore” in this resolution.

Dr. Beebe did not know if we needed to use the typical format with “whereas” and “be it resolved”.

A senator suggested that we “strike a blow for the plain English movement” and be direct.

A senator said that this should be easy as Provost Link is aware of and supports this.

Dr. Beebe suggested the following: The faculty senate resolves that the share governance committees each be granted one course release for each long semester.

A senator suggested that we simply take the statement from the minutes.

Senators suggested that Drs Neale and Beebe develop this resolution as it is straight forward.

The motion passed 25-0-0

Dr. Beebe continued the discussion on program assessment from the last senate meeting. FSEC discussed this with Provost Link last Friday.

Dr. Cueva shared that Provost Link would like an initiative that would include a self-study and external reviewers. The state of Texas suggests 10 years, some are every 5 years and he would like UHD to conduct reviews every 7 years on a rolling basis. Dr. Cueva asked Provost Link about the motivation. Provost Link said that this would be a good time and that it would not be in place until 2022 or so with about 5-10 programs going through the self-study at a time. This policy would bring us in line with other universities. FSEC thought that we would like to share this with the senate. Dr. Beebe is on the ad hoc committee.

Dr. Beebe said that the goal was to have faculty engagement. He said that there are already concerns with assessment and volunteers to complete assessment. It is not clear how much faculty would be involved. We just focused on reducing faculty workload and service. While Dr. Beebe is not against the idea, he is worried that this may not be the best time to proceed as we face a pandemic. Still, he wanted to share this with faculty.

Q – Would this be a rolling process, where all programs complete it every seven years, but not all are due at the same time?

A – Yes, this was the idea and they would ask for 4-5 volunteers to begin?

Dr. Beebe suggested that we consider how this matches accreditation cycles as many are five years. He wants to ensure that faculty senate should be clear and articulate to ensure that

A senator argued that this should be led by faculty within given programs as assessment is often controlled by others. This creates resentment and does not have sufficient support structures.

Dr. Cueva stated that these reviews are extremely expensive as we will need to bring so many people to campus each year. These will take a lot of time. Also, we will need an office or individual to ensure that we “close the loop”. If we are going to do this and do it well, we need to focus on ensuring that our current assessment programs work well before moving onto this new program.

A senator stated that we already do program assessment but do not do it well. We should dedicate more resources to our existing programs?

Q – Dr. Neale asked how many programs did not have secondary accreditation that is similar to AACSB in business.

A – A senator stated that most do not.

Dr. Beebe thought that it was about 44 do not.

Q – A senator asked how this differs from the program assessment.

A – Dr. Beebe stated that many focus on different learning outcomes each year. A program assessment would look at the entire program at once. It would include student success, assessment and other more extensive components.

Dr. Beebe explained that there is a concern that some faculty are losing overloads due to moving teaching online. He is concerned that these faculty are still responsible for performing the work required but are no longer being compensated. This is an issue as we are likely going to be 80/20 this spring. We are still responsible for engaging students, providing materials, etc. There is often more work to do when teaching online. Has anyone heard about this concern?

As senator said that faculty did not choose to go online during the pandemic as it was a directive. There should not be a pay discrepancy. Just because they are online, there should not be a change in compensation.

Q – Can you clarify where this is coming from? We are compensated by section. How would this change by modality, given our contracts?

A – I am not sure how. It seems that this may be due to how some courses are structured. Some have other requirements outside of the class itself. I do not know the exact specific?

Q – Dr. Neale asked if this could have something to do with combining labs.

A – Dr. Beebe said that it may be. It could be related to supplemental instruction.

A senator said that we needed more information and clarity to know what problem we are being asked to address.

Dr. Beebe said that he thinks it has to do with core courses that have supplemental instruction attached. Now, they are completing the supplemental online.

Q – What core courses besides labs have these?

A – A senator said that there are some freshmen biology courses, where instructors receive a stipend. These are three credit hour courses but they meet for more than three, possibly four hours. This is in addition to labs.

A senator stated that this is probably not the issue. We need more information about the issue.

Q – Dr. Neale asked if the biology example is impacted by taking courses online.

A – A senator said that this semester they did it the same way but that next semester they are taking this extra time away. This is because instructors find that it is not working. They have not heard about any issues with the courses.

Dr. Beebe asked if making this change means that the course would be a three credit course without any additional time.

A senator said yes. The reason this was original change had to do with freshmen struggling and that they offered the extra time with instructors to improve learning. This is not working online.

Dr. Cueva asked if this went through UCC.

A senator said that the course did not change. It is only the extra supplemental time.

Dr. Beebe asked if instructors would be expected to offer the supplemental instruction.

A senator said that they would not be expected to without compensation.

Dr. Cueva asked how many faculty this would impact.

A senator said that about 10 sections with about 7 instructors.

Q – Does apply to chemistry and other sciences?

A – This was a specific issue related to specific courses and barriers. This does apply to Chemistry too. We started it as a trial run. It was successful and so they have been using it for a few years. This only applies to majors. Professors already had full loads and that instructors will continue to teach full loads. They will not receive the stipend.

Dr. Beebe stated that he was only bringing up the concern as it came across his desk. He wants to be transparent with any issue that affects faculty.

Dr. Beebe followed up on the senate priorities and that there are some groups that do not have many signed up to contribute. He encouraged senators to sign up. We did not have anyone sign up for a small group to work on the resolution to support ESL students. We forwarded this to the provost last year. His office asked for clarification. We could use 2-3 senators to work with the General Education committee.

Drs. Allaire and Rauniar volunteered and serve on the General Education Committee.

Dr. Beebe wanted us to act on this as the provost's office seems to support this resolution.

Dr. Cueva suggested that these groups should reach out to those in administration that have already completed some work in a given direction or to those that are knowledgeable. For

instance, the anti-racism and teaching load groups may want to reach out to Dr. Johnson and the graduate school group may want to reach out to Dr. Moosally due to their previous work. Dr. Beebe argued that these committees or groups do not need to only consist of senators. Please reach out to others that may be interested. Our constitution does not state that our groups only consist of senators. We want to be transparent and involve others.

Dr. Beebe has been in contact about the Ombuds policy and should be involved in updating policy.

Dr. Cueva asked for volunteers to help Dr. TenBrink. He suggested that David Bradley should be involved.

A senator agreed.

Dr. Beebe said that Mary Torres should be involved too.

Dr. Johnson said that the Ombuds committee is being worked on within FAC with Dr. Dahlberg's input. He said that the DEI alliance work may be good to involve with this committee.

Dr. Beebe stressed the importance of involving the timeline and aligning it with other senate election timelines. He said that the senate anti-racism committee is focused on accountability.

Q – Will the new stent wellness building have garage space? If so, this may help alleviate COB parking constraints.

A – Provost Link said that there will only be a small lot adjacent to it.

Dr. Beebe asked for the groups to meet over the next couple weeks and put together action plans. This may include a list of issues, suggestions, strategies, etc. Then, by the end of the semester, we may know where we want to begin working at the beginning of spring.

Dr. Beebe reiterated the fact that there is a scheduling conflict with our next senate meeting. We need to decide if we should meet during this time, cancel or postpone.

A senator said that we should meet once more before semester end.

Dr. Beebe stated that the meeting would not need to be a full 1.5 hours if we meet before the open forum.

A motion was made and seconded to move the meeting to the off Tuesday December 8. The motion passed.

Dr. Beebe reminded everyone that if they voted to move the meeting that they should strive to attend so that we have a quorum.

Dr. Beebe asked if there were other issues to bring forward.

As there were none, he asked for a motion to adjourn.

A motion to adjourn was made by Dr. Bielakowski, and was seconded by Dr. Sullivan. The meeting ended at 4:00 PM.

Staff Council  
Meeting  
12/02/2020



# COVID-19 Information

- ▶ Currently level Orange
  - ▶ Anticipating level Yellow upon return in January
  - ▶ <https://www.uhd.edu/administration/emergency-management/coronavirus/threat-level-matrix/Pages/default.aspx>

# Staff Response Matrix

- ▶ RED
  - ▶ Essential Personnel, as well as those necessary to fulfill mission critical needs will continue to work on campus
  - ▶ Most other staff will continue to work remotely
  - ▶ Campus can be access may be limited to specific Entrances
  - ▶ Staff reporting to campus must abide by all health and safety precautions –including social distancing
- ▶ Orange
  - ▶ Only staff needed to fully operationalize “Step 2 – Orange” on campus as needed; all other employees work remotely (if possible)
  - ▶ Campus can be access may be limited to specific Entrances
  - ▶ Staff reporting to campus must abide by all health and safety precautions –including social distancing



# Staff Response Matrix

- ▶ Orange
  - ▶ Only staff needed to fully operationalize “Step 2 – Orange” on campus as needed; all other employees work remotely (if possible)
  - ▶ Campus access may be limited to specific Entrances
  - ▶ Staff reporting to campus must abide by all health and safety precautions –including social distancing
- ▶ Yellow
  - ▶ Only staff who, through discussions with their supervisors, were determined necessary to fully operationalize “Step 3 – Yellow” of their units activities will report on campus as needed; all other employees work remotely (if possible)
  - ▶ Staff reporting to campus must abide by all health and safety precautions –including social distancing

# COVID-19 SUPPLIES FOR YOUR OFFICE

- Disinfecting Spray Bottles
- Hand sanitizer, 16.9oz
- Hand sanitizer, 1oz
- ▶ We are asking faculty/staff to keep their hand sanitizing bottles because departments will soon be given gallon bottles to refill these within the department.
- ▶ Office Managers/DBA's/BA's please contact Stefany Records if you need to restock any of the items listed above. [recordss@uhd.edu](mailto:recordss@uhd.edu)

# State of Texas Phases

- ▶ Below is the link to the State of Texas COVID-19 information page and is not a clear cut as the UHD COVID-19 information page
- ▶ The executive orders of the Governor explain, to an extent, what their phases are
- ▶ <https://www.dshs.texas.gov/coronavirus/opentexas.aspx>

# UHD COVID-19 WEBPAGE

- ▶ It is highly recommended that the UHD community visits this webpage often as things are everchanging
- ▶ UHD Administration is constantly monitoring the current COVID-19 situation and continues to keep the safety of staff/faculty and students the top priority
- ▶ <https://www.uhd.edu/administration/emergency-management/coronavirus/threat-level-matrix/Pages/default.aspx>
- ▶ <https://www.uhd.edu/administration/emergency-management/coronavirus/Pages/default.aspx>

- New door entry procedures – new electronic access to campus
  - New staff ID scanned
  - Download the TouchNet OneCard app
    - ◆ [https://play.google.com/store/apps/details?id=com.touchnet.onecard.touchnetonecard&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.touchnet.onecard.touchnetonecard&hl=en_US&gl=US) -- Android
    - ◆ <https://apps.apple.com/us/app/touchnet-onecard/id1261995833> -- iPhone

# Parking Fee Status

The parking fee schedule by permit type. Permits reduced by 50% spring semester; expiration date 5/31/2021.

Permit Types	Spring Semester - %50 Reduction (5 mos.)	Monthly Deductions	Annual Amount
Reserved F/S – Academic Bldg. & Shea St. Bldg. Garages	\$150	\$60	\$720
Reserved F/S – Commerce St. Lot & Naylor St. Lot	\$125	\$50	\$600
Garage Unreserved/General	\$75	\$30	\$360
Surface Lots/General	\$62.50	\$25	\$300
Disabled Parking	\$75	\$30	\$360
Adjuncts/Part-Time/Temporary Employees	\$50/sem.	N/A	\$50/sem.

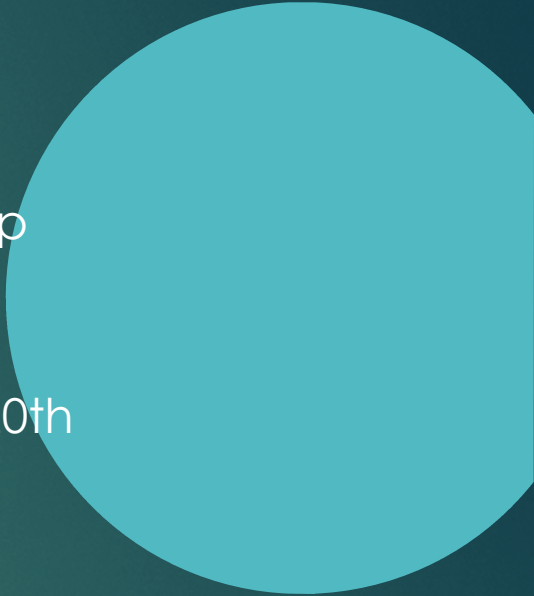
# Staff Council Events

- ▶ Announce Date for Staff Awards
- ▶ Lead by Sam Bible and Monica Valencia
  - ▶ Virtually June 17th
  - ▶ 2020 and 2021 service awards
- ▶ Chili Cook-Off Information
- ▶ Led by Shyra McMurray and Yesenia Sanchez

# Committee Chairs

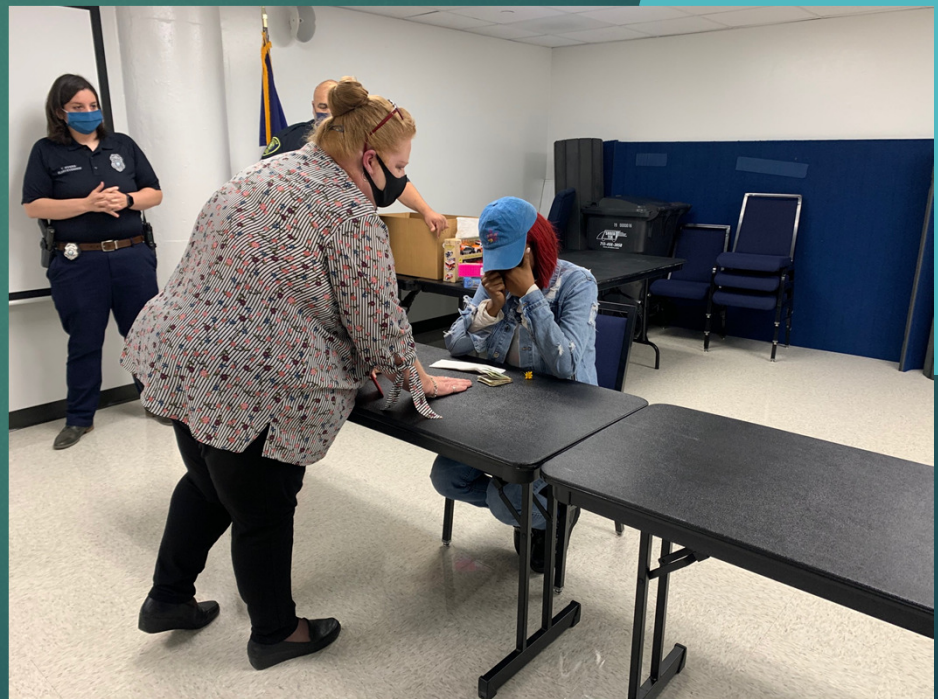
<b>Committee</b>	<b>Chairs/Co-Chairs</b>
<b>Events Committee</b>	Debora Evans, Manager of Shipping, Receiving and Mailroom, University Business Services Cleopatra Frazier, Program Coordinator, Sciences & Technology
<b>Communications Committee</b>	Donnie Kesterson, Sr. Talent Development Specialist, Employment Services & Operations Vivian Smith, Administrative Assistant II, Social Work
<b>Staff Affairs Committee</b>	Trinity Delafance, Police Lieutenant, Police Debra Shouldice, Parking Assistant, University Business Services
<b>Chili Cook-Off</b>	Shyra McMurray, Benefits & Compensation Administrator, Employment Services & Operations Yesenia Sanchez, Library Manager
<b>Staff Awards Committee</b>	Sam Bible, Coordinator, Events, Conference & Event Services Monica Valencia, Coordinator, Events, Conference & Event Services



- 
- Holiday Giving Campaign in partnership with the UHDPD Thanksgiving
    - December –Deadline December 20th

# UHDPD Holiday Giving Campaign 2020





# UHDPD Holiday Giving Campaign 2020

## Thank You UHDPD



## Spread Some Cheer

- ▶ Images like this are why we have continued this tradition. The world need more of this giving without expecting anything in return.
- ▶ Donations for December will be taken until the 20<sup>th</sup>
- ▶ UHDPD is accepting cash
- ▶ Zelle 832 384 6002

Meeting follow  
up questions

In 2021 will UHD still allow staff to receive reimbursement for a class they are taking?

- ▶ Staff will be able to participate in CRP and Staff Reimbursement for 2021 (spring and fall)
- ▶ Remember to submit both CRP and Tuition Reimbursement prior to the beginning of the semester to be eligible

Do student workers get paid if they can't come in because of COVID?

- ▶ All employees, including student workers, can apply for COVID Emergency Paid Sick Leave. ESO receives reports of all who have been exposed or received a positive diagnosis and we reach out to them about leave benefits.

# How will performance evaluations be evaluated if you have been telecommuting for nine months?

- ▶ Staff will be evaluated as customarily whether they are/have been working on campus or remotely. As last year, evaluations will consist of job-based competencies. Goals that were set in the 2019 Staff Evaluation Process for 2020 will prepopulate on the evaluation form. However, staff should not be penalized for incomplete trainings, goals, and tasks that were delayed or interrupted due to issues or circumstances related to COVID-19. Staff having questions specific to their situation, should contact their manager directly for clarification



# Does staff council have representation on decisions made about staff evaluations by ESO?

1. ? ESO has worked with Staff Council throughout the years regarding performance evaluations dating back to UHD's purchase of Halogen (My TalentSpace) in 2006. ESO collaborated closely with Staff Council representatives that were part of focus groups and pilot groups when appraisal forms, scoring system, competencies, etc., were developed. Once the UHD Staff Evaluation Process was established and the appraisal policy was revised in 2007, ESO continued to follow policy.
  - ▶
  - ▶ Staff Council is always consulted when a policy goes under review. In the case of PS 02.B.06, Staff Performance Evaluation Policy, it has been revised six times since 2007. Each time, Staff Council has been able to provide comments and feedback on the policy and the evaluation process itself. This year, the process will not have major changes. Performance evaluation groups, forms, competencies, weights, rating scales, and step push forwards will be the same as last year. In order to improve the flow of the evaluation form and to provide clarity on the goals section, the following four changes for 2020 will be announced next week during performance evaluation training.
    - ▶
    - a. "Manager Comments & Signs-Off" step has been removed for all processes. Processes will now end with the employee signing off. If the employee agrees with the evaluation, the process ends, and the evaluation is complete. If the employee does not agree, ESO will follow up with both employee and supervisor.
      - ▶
    - a. The form will now have the word "accomplishments" as part of the general comment's instructions/description. We will instruct both employee and manager to include any accomplishments under the general comments section.
      - ▶
    - a. The form will also better distinguish the sections between 2020 and 2021 goals.
      - ▶
    - a. For this year's evaluation process, ESO is recommending that all performance evaluation meetings between employee and manager be done virtually via zoom.

**Resolution on Course Releases for Shared Governance Chairs**

Whereas shared governance serves a critical role in the life of the university; and,

Whereas leadership of shared governance committees provides the critical guidance to policy review and development;

Therefore, be it resolved that the Faculty Senate requests that the chairs of the Academic Policy Committee, Faculty Affairs Committee, and the University Curriculum Committee each receive one course release during each long semester during their time of service in this role.

Title 3—

Executive Order 13950 of September 22, 2020

The President

Combating Race and Sex Stereotyping

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 *et seq.*, and in order to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating, it is hereby ordered as follows:

**Section 1. Purpose.** From the battlefield of Gettysburg to the bus boycott in Montgomery and the Selma-to-Montgomery marches, heroic Americans have valiantly risked their lives to ensure that their children would grow up in a Nation living out its creed, expressed in the Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal.” It was this belief in the inherent equality of every individual that inspired the Founding generation to risk their lives, their fortunes, and their sacred honor to establish a new Nation, unique among the countries of the world. President Abraham Lincoln understood that this belief is “the electric cord” that “links the hearts of patriotic and liberty-loving” people, no matter their race or country of origin. It is the belief that inspired the heroic black soldiers of the 54th Massachusetts Infantry Regiment to defend that same Union at great cost in the Civil War. And it is what inspired Dr. Martin Luther King, Jr., to dream that his children would one day “not be judged by the color of their skin but by the content of their character.”

Thanks to the courage and sacrifice of our forebears, America has made significant progress toward realization of our national creed, particularly in the 57 years since Dr. King shared his dream with the country.

Today, however, many people are pushing a different vision of America that is grounded in hierarchies based on collective social and political identities rather than in the inherent and equal dignity of every person as an individual. This ideology is rooted in the pernicious and false belief that America is an irredeemably racist and sexist country; that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans.

This destructive ideology is grounded in misrepresentations of our country’s history and its role in the world. Although presented as new and revolutionary, they resurrect the discredited notions of the nineteenth century’s apologists for slavery who, like President Lincoln’s rival Stephen A. Douglas, maintained that our government “was made on the white basis” “by white men, for the benefit of white men.” Our Founding documents rejected these racialized views of America, which were soundly defeated on the blood-stained battlefields of the Civil War. Yet they are now being repackaged and sold as cutting-edge insights. They are designed to divide us and to prevent us from uniting as one people in pursuit of one common destiny for our great country.

Unfortunately, this malign ideology is now migrating from the fringes of American society and threatens to infect core institutions of our country. Instructors and materials teaching that men and members of certain races, as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, even in

components of the Federal Government and among Federal contractors. For example, the Department of the Treasury recently held a seminar that promoted arguments that “virtually all White people, regardless of how ‘woke’ they are, contribute to racism,” and that instructed small group leaders to encourage employees to avoid “narratives” that Americans should “be more color-blind” or “let people’s skills and personalities be what differentiates them.”

Training materials from Argonne National Laboratories, a Federal entity, stated that racism “is interwoven into every fabric of America” and described statements like “color blindness” and the “meritocracy” as “actions of bias.”

Materials from Sandia National Laboratories, also a Federal entity, for non-minority males stated that an emphasis on “rationality over emotionality” was a characteristic of “white male[s],” and asked those present to “acknowledge” their “privilege” to each other.

A Smithsonian Institution museum graphic recently claimed that concepts like “[o]bjective, rational linear thinking,” “[h]ard work” being “the key to success,” the “nuclear family,” and belief in a single god are not values that unite Americans of all races but are instead “aspects and assumptions of whiteness.” The museum also stated that “[f]acing your whiteness is hard and can result in feelings of guilt, sadness, confusion, defensiveness, or fear.”

All of this is contrary to the fundamental premises underpinning our Republic: that all individuals are created equal and should be allowed an equal opportunity under the law to pursue happiness and prosper based on individual merit.

Executive departments and agencies (agencies), our Uniformed Services, Federal contractors, and Federal grant recipients should, of course, continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial. The Federal Government is, and must always be, committed to the fair and equal treatment of all individuals before the law.

But training like that discussed above perpetuates racial stereotypes and division and can use subtle coercive pressure to ensure conformity of viewpoint. Such ideas may be fashionable in the academy, but they have no place in programs and activities supported by Federal taxpayer dollars. Research also suggests that blame-focused diversity training reinforces biases and decreases opportunities for minorities.

Our Federal civil service system is based on merit principles. These principles, codified at 5 U.S.C. 2301, call for all employees to “receive fair and equitable treatment in all aspects of personnel management without regard to” race or sex “and with proper regard for their . . . constitutional rights.” Instructing Federal employees that treating individuals on the basis of individual merit is racist or sexist directly undermines our Merit System Principles and impairs the efficiency of the Federal service. Similarly, our Uniformed Services should not teach our heroic men and women in uniform the lie that the country for which they are willing to die is fundamentally racist. Such teachings could directly threaten the cohesion and effectiveness of our Uniformed Services.

Such activities also promote division and inefficiency when carried out by Federal contractors. The Federal Government has long prohibited Federal contractors from engaging in race or sex discrimination and required contractors to take affirmative action to ensure that such discrimination does not occur. The participation of contractors’ employees in training that promotes race or sex stereotyping or scapegoating similarly undermines efficiency in Federal contracting. Such requirements promote divisiveness in the workplace and distract from the pursuit of excellence and collaborative achievements in public administration.

Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.

**Sec. 2. Definitions.** For the purposes of this order, the phrase:

(a) “Divisive concepts” means the concepts that (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual’s moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term “divisive concepts” also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

(b) “Race or sex stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(c) “Race or sex scapegoating” means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

(d) “Senior political appointee” means an individual appointed by the President, or a non-career member of the Senior Executive Service (or agency-equivalent system).

**Sec. 3. Requirements for the United States Uniformed Services.** The United States Uniformed Services, including the United States Armed Forces, shall not teach, instruct, or train any member of the United States Uniformed Services, whether serving on active duty, serving on reserve duty, attending a military service academy, or attending courses conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the divisive concepts set forth in section 2(a) of this order. No member of the United States Uniformed Services shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to these concepts.

**Sec. 4. Requirements for Government Contractors.** (a) Except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as amended, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

“During the performance of this contract, the contractor agrees as follows:

1. The contractor shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt

to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex, and the term "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

2. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.

4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(b) The Department of Labor is directed, through the Office of Federal Contract Compliance Programs (OFCCP), to establish a hotline and investigate complaints received under both this order as well as Executive Order 11246 alleging that a Federal contractor is utilizing such training programs in violation of the contractor's obligations under those orders. The Department shall take appropriate enforcement action and provide remedial relief, as appropriate.

(c) Within 30 days of the date of this order, the Director of OFCCP shall publish in the *Federal Register* a request for information seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshops, or similar programming provided to employees. The request for information should request copies of any training, workshop, or similar programming having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.

**Sec. 5. Requirements for Federal Grants.** The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts that

(a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. Within 60 days of the date of this order, the heads of agencies shall each submit a report to the Director of the Office of Management and Budget (OMB) that lists all grant programs so identified.

**Sec. 6. *Requirements for Agencies.*** (a) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the Federal workplace. Agencies should continue all training that will foster a workplace that is respectful of all employees. Accordingly:

(i) The head of each agency shall use his or her authority under 5 U.S.C. 301, 302, and 4103 to ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training, workshops, forums, or similar programming (for purposes of this section, "training") to agency employees do not teach, advocate, act upon, or promote in any training to agency employees any of the divisive concepts listed in section 2(a) of this order. Agencies may consult with the Office of Personnel Management (OPM), pursuant to 5 U.S.C. 4116, in carrying out this provision; and

(ii) Agency diversity and inclusion efforts shall, first and foremost, encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law.

(b) The Director of OPM shall propose regulations providing that agency officials with supervisory authority over a supervisor or an employee with responsibility for promoting diversity and inclusion, if such supervisor or employee either authorizes or approves training that promotes the divisive concepts set forth in section 2(a) of this order, shall take appropriate steps to pursue a performance-based adverse action proceeding against such supervisor or employee under chapter 43 or 75 of title 5, United States Code.

(c) Each agency head shall:

(i) issue an order incorporating the requirements of this order into agency operations, including by making compliance with this order a provision in all agency contracts for diversity training;

(ii) request that the agency inspector general thoroughly review and assess by the end of the calendar year, and not less than annually thereafter, agency compliance with the requirements of this order in the form of a report submitted to OMB; and

(iii) assign at least one senior political appointee responsibility for ensuring compliance with the requirements of this order.

**Sec. 7. *OMB and OPM Review of Agency Training.*** (a) Consistent with OPM's authority under 5 U.S.C. 4115–4118, all training programs for agency employees relating to diversity or inclusion shall, before being used, be reviewed by OPM for compliance with the requirements of section 6 of this order.

(b) If a contractor provides a training for agency employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts set forth in section 2(a) of this order, and such action is in violation of the applicable contract, the agency that contracted for such training shall evaluate whether to pursue debarment of that contractor, consistent with

applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.

(c) Within 90 days of the date of this order, each agency shall report to OMB all spending in Fiscal Year 2020 on Federal employee training programs relating to diversity or inclusion, whether conducted internally or by contractors. Such report shall, in addition to providing aggregate totals, delineate awards to each individual contractor.

(d) The Directors of OMB and OPM may jointly issue guidance and directives pertaining to agency obligations under, and ensuring compliance with, this order.

**Sec. 8. Title VII Guidance.** The Attorney General should continue to assess the extent to which workplace training that teaches the divisive concepts set forth in section 2(a) of this order may contribute to a hostile work environment and give rise to potential liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* If appropriate, the Attorney General and the Equal Employment Opportunity Commission shall issue publicly available guidance to assist employers in better promoting diversity and inclusive workplaces consistent with Title VII.

**Sec. 9. Effective Date.** This order is effective immediately, except that the requirements of section 4 of this order shall apply to contracts entered into 60 days after the date of this order.

**Sec. 10. General Provisions.** (a) This order does not prevent agencies, the United States Uniformed Services, or contractors from promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this order.

(b) Nothing in this order shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in section 2(a) of this order in an objective manner and without endorsement.

(c) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

(d) Nothing in this order shall be construed to impair or otherwise affect:

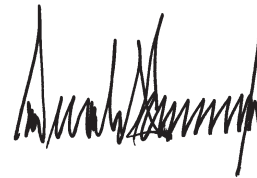
(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.



(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Donald Trump", written in a cursive script.

THE WHITE HOUSE,  
*September 22, 2020.*

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