

TFA Texas Faculty Association Higher Ed Legislative Report

March 31, 2023

Affiliated with TSTA/NEA

Strong Showing by Faculty in Senate Hearings

SB 18, THE TENURE BILL

Texas faculty members are making a strong showing in Senate hearings on problematic bills. Last week, several faculty members gave very good testimony on SB 16 by Hughes, generally termed the Critical Race Theory Bill. This week, The Senate Education Subcommittee on Higher Education met to consider SB 18, the bill eliminating future tenure for faculty at Texas public institutions.

Proponents of the bill included representatives of the Texas Public Policy Foundation and the Heritage Foundation, both high profile, self-styled conservative organizations. Opponents of the legislation included officers of the Texas Community College Teachers Association, the Texas Association of College Teachers, the Texas Faculty Association, the American Association of University Professors, and the national office of the Legal Defense Fund. Legal counsel from the University of Houston and Texas A&M also testified.

TPPF and the Heritage Foundation testified first, and at length, and presented several arguments against tenure, presented here so that as advocates for Texas Higher Education you can be forearmed with rebuttles to these points:

- Theories that it inhibits academic freedom for professors seeking tenure who are “walking on eggshells for seven years” out of fear of reprisal from their tenure committees.
- Replacing tenure as a general practice with contracts that are tailored to individual professors would be a more effective way to recruit and retain faculty.
- Tenure protects underperforming faculty, leading to abuses and inefficiency.
- Tenure drives up the cost of higher education.
- World renowned institutions — such as Oxford, Cambridge and M.D. Anderson — operate without tenure, demonstrating its superfluity.

After the proponents, lawyers from University of Houston and Texas A&M spoke neutrally on the bill (as required of public institutions), describing the process for taking personnel action against a tenured faculty member. Their testimony was very helpful in refuting the argument that tenure is an unassailable protection for poor performers.

The last part of the hearing included testimony from several faculty groups and individual faculty members, **INCLUDING OUR PRESIDENT, PAT HEINTZELMAN**. The testimony was generally excellent, with professors describing the rigors of tenure, the need for tenure to foster good, long-term research and teaching, and the value of tenure in recruiting scholars to Texas. Ultimately, the committee closed public testimony and left the bill pending, subject to the call of the chair. The bill will likely be voted on early next week in a full committee hearing.

We should note that the structure of the hearing on SB 18 favored the proponents of the bill. SB 18 was posted for hearing late afternoon on Tuesday, March 28, less than 48 hours before the posted hearing time of 9am on March 30. The proponents were “invited witnesses,” and were given more time for their testimony. The proponents were

first to testify, with all of the opponents made to wait to testify until after the Senate floor session on the 30th, which lasted into the early afternoon. Special thanks to President Heintzeman, who drove from Beaumont to represent TFA and stayed until the bitter end of the hearing, all in a single very long day!

OTHER HIGHER EDUCATION-SPECIFIC BILLS

SB 16, heard on March 23, was voted from committee on March 29, and reported to the Senate on March 30. It will be eligible for the Senate Calendar next week.

We expect SB 17, the DEI Bill, to be posted for hearing for April 6, though we do not have hard confirmation as of this writing.

WHAT YOU CAN DO

Review [SB 18](#) and [SB 16](#).

Watch the [SENATE EDUCATION SUBCOMMITTEE HEARING](#) in the Senate video archive.

[CONTACT MEMBERS OF THE SENATE EDUCATION COMMITTEE](#) and express your views on SB 18.

[CONTACT MEMBERS OF THE SENATE](#) and express your views on SB 16.