

TFA Texas Faculty Association Higher Ed Legislative Report

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SB 17, SB 18 Heard in House Committee

The House Higher Education Committee met Monday, May 8, to hear, among other bills, SB 18 and SB 17. The higher education community made an excellent showing, with strong testimony from faculty and students on both bills.

SB 18

SB 18, the tenure bill, was laid out by Chairman Kuempel. As we expected, a House version of the bill was substituted for the engrossed Senate bill. The House version preserves tenure and includes a number of elements related to post-tenure review and the general rights of professors. Though many of the provisions were drawn from existing institution policies, taken together they still resulted in a bill with significant issues in terms of the general rights of faculty, the mechanics of the reviews, and the outside influence of the Legislature on specific processes that should be institutional decisions.

Seventy-seven witnesses testified against the bill, with no testimony either neutral or in support. The testimony was generally very high quality and varied, and served as a great education on the facts of tenure and the political fictions surrounding it. As one witness semi-jokingly observed, faculty members don't agree on anything, and yet SB 18 had created unanimity for a whole room full of professors.

Though the hearing went unprecedentedly well, we still think the overall strategy on this bill is to move it forward with the intent of codifying language that preserves tenure and with which the institutions can live to put the political issue of tenure to bed. That said, we think the unprecedented unanimity of witnesses on the bill may have given the committee pause.

SB 17

SB 17, the DEI bill, was last on the agenda. Its hearing went until about 3:30AM, with more than 100 witnesses. The first panels of witnesses included invited testimony from institutions, who are legally required to testify neutrally, or "on" bills, rather than as advocates or opponents. Institutions included Texas A&M, University of Texas, University of Houston, Texas State, North Texas State, Texas Tech, and Texas Woman's University. In general, the institutions did a poor job of both explaining and defending their DEI programs. In particular, Texas A&M spoke about finding instances of "loyalty oaths" among their departments in hiring practices but did not clearly describe whether they had encountered the demand for statements of belief or simply questions regarding diversity in the hiring process.

Invited testimony also included the Texas Public Policy Foundation and a philosophy professor from the University of Texas, both of whom supported the bill. The balance of the testimony, however, was in opposition to the bill, with an energetic mix of faculty and students describing and defending DEI programs.

Like SB 18, we believe SB 17 is part of a strategy to pass a bill that is far less destructive than the originally filed version, but nonetheless restricts DEI programs and functions. In this case, the bill would still eliminate DEI offices

themselves, with the dislocation of many staff members and programs even if the institutions try to preserve basic diversity and inclusion functions.

What You Can Do

As of this writing, SB 17 and SB 18 are pending in the House Higher Education Committee. Given the strong showing by faculty and others against both bills, members should contact the members of the House Higher Education Committee to reinforce the results of the hearing, and insist that the preponderance of opinion expressed, including the unanimous showing against SB 18, be respected with a vote against the measures. A full list of members of the committee with contact information may be viewed here:

<https://house.texas.gov/committees/committee/?committee=C290>

As always, be sure to clarify that you are advocating as a private citizen, and do not represent your institution.

We are now in the end phase of the 88th Legislative Session and will soon reach significant deadlines. The legislative process will also accelerate, so expect calls to action on these bills not just weekly, but at any time in the next two weeks. Your continued advocacy is crucial to affecting the legislation we have been working on for the last five months. Keep up the effort!