

April 18, 2023

Dear Colleagues in Industry,

We're reaching out to companies doing business in Texas to contact Texas Legislators this week and over the next 2-3 weeks concerning [Senate Bill 16](#) to chill academic freedom, [Senate Bill 18](#) to eliminate tenure, and [Senate Bill 17](#) to ban DEI practices at public colleges and universities. Faculty would be risking their jobs if they help students foster their critical thinking skills on anything to do with human identities, backgrounds, or beliefs, or participate in DEI programs to help students prepare for diverse workplaces. In Texas, the loss of DEI and tenure will blow a \$2B hole through the annual budgets of public colleges and universities and lead to a dismantling of undergraduate and graduate research opportunities on campus. These bills are expected to be sent to the House for consideration this week.

**Our Ask.** Ask your company's Government Relations to reach out to our Texas Legislators to explain how SB 16, SB 17 and/or SB 18 will negatively impact the preparation of undergraduate and graduate students to contribute at your company and will negatively impact the quality, prestige, and rankings of our public colleges and university. Please contact the [House Higher Education Committee](#) and their staff who handle higher ed. See [10] below for names and contact info. The committee meets on Mondays at 10am. Please contact Speaker Dade Phelan and his Policy Advisor for Higher Ed, Daniel Warner, [Daniel.Warner@House.Texas.Gov](mailto:Daniel.Warner@House.Texas.Gov). For bill updates, follow our [Bill Tracker](#), and @TexasAaup and @aaup\_utAustin on Twitter.

Here's more information about each bill including talking points about its impact, all of which can be used when reaching out to Legislators.

**Eliminating Future Granting of Tenure.** [Senate Bill 18](#) removes the possibility of tenure for faculty currently on the tenure track at Texas public colleges and universities including 400 Assistant Professors at UT Austin and 700 Assistant Professors at Texas A&M [1]. Tenure-track faculty are rigorously evaluated in teaching, research, and service over a six-year period, and the 50% that do not earn tenure in the United States are dismissed from their positions. Tenure is a necessary safeguard for academic freedom in teaching, research, and expression. Academic freedom is freedom from censorship from the institution or the government. Tenure protects professors in developing and disseminating new knowledge from all viewpoints, including conservative, moderate, liberal, and apolitical. Tenured faculty take on the long-term curriculum development, research projects, and leadership positions vital to students. Tenure is part of the national faculty job market -- more than 800 colleges and universities in the US have adopted the AAUP principles on academic freedom and tenure, including the top schools. [5] Tenured and tenure-track faculty at universities are vital for a university to graduate the PhD students and land the grants to become a Tier-1 or Tier-2 university. [1] About 50% of the faculty at UT Austin and 70% at Texas A&M are either tenured or on the tenure track, which is common for a Tier-1 Doctoral Granting University. [1] There are no other bills similar to SB 18.

*Talking points of the impact of [Senate Bill 18](#):*

- SB 18 eliminates granting of tenure after Sept. 1, 2023, at public institutions of higher ed
- Tenure is necessary safeguard for academic freedom in teaching, research, and expression
- Current tenure-track faculty will seek tenure-track and tenured positions elsewhere

- Public colleges/universities would no longer be able to recruit tenure-track/tenured faculty
- Due to the starvation of the tenure pipeline, tenured faculty members will leave.
- Texas public colleges and universities will lose quality, prestige, and rankings

**Discontinuing Diversity, Equity, and Inclusion (DEI) Efforts.** [Senate Bill 17](#) bans DEI offices, officers, programs, and practices, and penalties include termination of employees and loss of state funding. DEI is not a single, clearly defined program, but rather a broad set of policies and practices designed to foster student access and resilience, reduce discrimination, and improve institutional life. [2] Enrolling in college is a major transition for students, and DEI programs help students adjust, adapt, and thrive inside and outside the classroom while enrolled. DEI helps students better relate to people from different backgrounds their own, which will help our students when they are in a diverse work environment. SB 17 will lead to loss of accreditation in social work, law, and many other disciplines as well as endanger the mission, status, and funding for the 76 Hispanic Serving Institutions [3] and 2 Historically Black Colleges and Universities among our public colleges and universities. Moreover, DEI requirements are now built into nearly all federal grant mechanisms in STEM including Dept. of Energy Office of Science, National Science Foundation, and National Institutes of Health, which together awarded nearly \$40B in grants to higher ed in FY 2022. [4] Without DEI programs, Texas public colleges and universities would lose an estimated \$1-2B of their \$4B in annual external research expenditures from non-State sources. [4] Bills related to SB 17 include [SB 2313](#), [HB 1006](#), [HB 1046](#), [HB 3164](#), [HB 3682](#), [HB 5001](#), [HB 5127](#), and [HB 5140](#), and both the House and Senate budgets contain amendments banning DEI practices.

*Talking points of the impact of [Senate Bill 17](#) include*

- SB 17 bans DEI programs and practices at public institutions of higher ed
- DEI fosters student access and resilience, reduces discrimination, and improves campus life
- SB 17 penalties (termination of employees and loss of state funding) creates chilling effect
- We will lose money, and the opportunity to improve the world by elevating those around us
- We will lose faculty and students whose work depends upon a DEI infrastructure.
- Texas public colleges and universities will lose quality, prestige and rankings

**Restricting Academic Freedom and Critical Thinking.** [Senate Bill 16](#) says that a faculty member “may not compel or attempt to compel a student enrolled at the institution to adopt a belief that any race, sex, or ethnicity or social, political, or religious belief is inherently superior to any other race, sex, ethnicity, or belief” and has a penalty of termination for the faculty member for violating this provision, regardless of tenure status. Anyone may file a complaint against a faculty member, including students who are unsatisfied with a grade they have received on an assignment. The language “compel or attempt to compel” is vague and open to wide interpretation. The bill is a clear violation of free speech and academic freedom. Academic freedom is the freedom from censorship by the institution or government, which is adopted by more than 800 colleges and universities in the US. [5] Companion bills to SB 16 include [SB 2313](#), [HB 1006](#), [HB 1046](#), [HB 3164](#), [HB 3682](#), [HB 5001](#), and [HB 5140](#).

*Talking points of the impact of [Senate Bill 16](#) include*

- SB 16 limits academic freedom on teaching

- SB 16 creates a chilling effect on teaching, research, and expression on any subject related to race, sex, ethnicity or social, political, or religious belief due to fear of faculty losing their job
- Professors will be unable to have students think critically in courses and research on these topics who then will not be prepared to work in diverse workplaces
- We will lose faculty and students to other institutions that safeguard academic freedom,
- Texas public colleges and universities will lose quality, prestige and rankings

## References

- [1] Brian Evans, “[Tenured and Tenure-Track Faculty in the US, Texas A&M & UT Austin](#)”, Apr. 3, 2023.
- [2] Pat Heintzelman, Testimony on SB 17, April 6, 2023
- [3] Excelencia in Education, “[A Texas Briefing of 25 Years of HSIs](#)”, 2021. 74 public Hispanic Serving Institutions (HSIs) are in Texas. UT Austin and Texas A&M became HSIs after the report issued.
- [4] Brian Evans, Andrea Gore, Brian Korgel, Diana Marculescu, and Angela Valenzuela, “[How Senate Bill 17 and Banning Diversity, Equity and Inclusion \(DEI\) Jeopardizes University Research Funding: A STEM Perspective](#)“, Apr. 15, 2023.
- [5] The American Association of Colleges and Universities co-formulated [principles of academic freedom and tenure](#) with the American Association of University Professors and has [848 college and university members](#).
- [6] Karma Chavez, “[Opinion: Equity, inclusion, and access don’t divide us. They bring us together](#)”, *Austin American-Statesman*, April 16, 2023.
- [7] Kate McGee, “[How Republicans’ threats to tenure and diversity might undercut their own efforts to advance Texas’ universities](#)”, *Texas Tribune*, April 11, 2023.
- [8] Christine Julien, “[DEI: What it is and why it matters in engineering](#)“, *Dallas Morning News*, April 1, 2023.
- [9] Andrea Gore, “[UT scientist: Killing tenure would ruin the state’s research universities](#)“, *Houston Chronicle*, March 24, 2023.
- [10] Here are the staff members who handle higher ed issues for members of the House Higher Ed Committee:
- Anna Hynes [Anna.Hynes@house.texas.gov](mailto:Anna.Hynes@house.texas.gov) for Rep. Raney
  - Andrew Fuller [Andrew.Fuller@house.texas.gov](mailto:Andrew.Fuller@house.texas.gov) for Rep. Burns
  - Ashika Ganguly [Ashika.Ganguly@house.texas.gov](mailto:Ashika.Ganguly@house.texas.gov) for Rep. Bucy
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  - Brittney Madden [Brittney.Madden@house.texas.gov](mailto:Brittney.Madden@house.texas.gov) for Rep. Kuempel and Clerk for the Committee
  - Ted Raab [Ted.Raab@house.texas.gov](mailto:Ted.Raab@house.texas.gov) for Rep. Mary Gonzalez
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Best,  
Brian

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Vice President, [Texas AAUP Conference](#)

Speaking for myself as a private individual  
Not representing any group, institution, or organization