

April 29, 2023

Dear Legislator,

The Texas AAUP Conference has concerns about the following bills in the Texas Legislature:

- [SB 18](#) eliminates the future granting of tenure for all faculty members.
- [SB 17](#) bans DEI offices, officers, programs, and practices, with some exceptions.
- [SB 16](#) restricts academic freedom and critical thinking, inside and outside the classroom, on topics related to race, sex, or ethnicity or social, political, or religious belief.

Penalties under SB 16 or 17 include employment termination. I expand on our concerns below. House and Senate budgets also ban DEI programs. I am speaking for myself as a private citizen.

Eliminating Future Granting of Tenure. [SB 18](#) eliminates future granting of tenure at public colleges and universities. About a year ago [1], Texas rose to have more Tier 1 and Tier 2 *public* doctoral universities than any other state [2]. This status is due to the tenure-track and tenured faculty graduating the PhD students and bringing the external research funding to qualify [3]. Tenure-track professors are rigorously evaluated in teaching, research, and service over a six-year period by internal and external experts, and the 50% that do not earn tenure are dismissed. Tenure is a vital protection for professors in developing and disseminating knowledge from all viewpoints, including conservative, moderate, liberal, and apolitical. Tenure allows the full freedom to foster critical thinking and intellectual exploration by students. Tenured professors take on long-term curriculum development, research projects, and leadership positions vital to students. [SB 18](#) prevents the hiring of tenured professors and removes the possibility of tenure for those on the tenure track, including 400 at UT Austin and 700 at Texas A&M [3]. Tenure is part of the national faculty job market -- more than 800 US colleges and universities have adopted the AAUP principles on academic freedom and tenure, including the top schools. [4] About 50% of the faculty at UT Austin and 70% at Texas A&M are either tenured or on the tenure track, as is common for Tier-1 Universities. [3] There is no other bill similar to SB 18.

Talking points of the impact of [SB 18](#) include

- SB 18 bans granting of tenure and hiring of tenured professors starting Jan. 1, 2024.
- Tenure is necessary safeguard for academic freedom in teaching, research, and expression.
- Current tenure-track faculty will seek tenure-track and tenured positions elsewhere.
- Due to the starvation of new tenured positions, tenured faculty members will leave.
- Loss of tenure-track/tenured faculty who bring external grants and graduate PhD students for universities to achieve Tier 1 and Tier 2 status and high graduate program rankings.
- Texas public colleges and universities will lose quality, prestige, and rankings.

Discontinuing DEI Efforts. [SB 17](#) bans DEI offices, officers, programs, and practices, with some exceptions, and penalties include termination for the employee and loss of state funding for the institution. 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. [5] Attending college is a major transition for students, and DEI programs help students adapt, and thrive inside and outside the classroom. DEI helps students better relate to people from different backgrounds, which will help students when they are in a diverse work environment. SB 17 will lead to loss of accreditation in social work, law, and other disciplines as well as endanger the mission, status, and funding for 76 public Hispanic Serving Institutions [6] and 2 public Historically Black 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 awarded nearly \$40B in competitive grants to higher ed in FY 2022. [7] 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. [7] This loss of funding would mean a loss of a future workforce of 10,000-20,000 advanced degree STEM students enrolled each year. Bills related to SB 17 include [SB 2313](#), [HB 1006](#), [HB 1046](#), [HB 3164](#), [HB 3682](#), [HB 5001](#), [HB 5127](#), and [HB 5140](#), and the House and Senate budgets contain amendments banning DEI practices.

Talking points of the impact of [SB 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) create a chilling effect.
- Loss of \$1-2B in competitive federal grants means a loss of a 10,000-20,000 advanced degree STEM students enrolled per year that would have gone into the workforce.
- Loss of professors 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. [SB 16](#) says a professor “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 penalties include employment termination. The phrase “may not compel or attempt to compel” is open to wide interpretation. At any time, a student can claim a grade on an assignment or in a course is due to a violation of this bill. The fear of losing their job will muzzle professors in discussing these concepts. The bill is a clear violation of free speech and academic freedom. Academic freedom, as adopted by 800+ colleges and universities [4], is freedom from censorship by the institution or government. [HB 1607](#) and SB 16 are similar.

Talking points of the impact of [SB 16](#) include

- Muzzles professors in discussing any concept related to race, sex, or ethnicity or social, political, or religious belief, inside or outside the classroom, for fear of losing their job.
- Denying students opportunities for critical thinking about their histories and social contexts will impede their ability to solve social problems and contribute in diverse workplaces.
- Texas 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] "[Governor Abbott Congratulates Texas Universities on Earning Prestigious National Research Rankings](#)", Feb. 16, 2022.
- [2] "[List of research universities in the United States](#)", accessed April 3, 2023
- [3] Brian Evans, "[Tenured and Tenure-Track Faculty in the US, Texas A&M & UT Austin](#)", Apr. 3, 2023.
- [4] The American Association of Colleges and Universities co-formulated [principles of academic freedom and tenure](#) with American Association of University Professors and has [848 college/university members](#).
- [5] Pat Heintzelman, Testimony on SB 17, April 6, 2023
- [6] 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.
- [7] Brian Evans, Andrea Gore, Brian Korgel, Diana Marculescu, and Angela Valenzuela, "[How Senate Bill 17 and Banning DEI Jeopardizes University Research Funding: A STEM Perspective](#)", Apr. 15, 2023.

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