Dear Legislator,

If given the choice between the House and Senate versions of SB 17 and SB 18, the Texas Conference of the American Association of University Professors (AAUP) would strongly prefer that the House versions for both are adopted. If possible, the Texas AAUP Conference would hope that no version of SB 17 or SB 18 gets passed. [1-3]

Here are some of our concerns about the Senate versions:

- **SB 18** eliminates the future granting of tenure for all faculty members.
- **SB 17** bans DEI offices, officers, programs, and practices, with some exceptions. Penalties under SB 17 include employment termination. I expand on our concerns below. I am speaking for myself as a private citizen.

**Eliminating Future Granting of Tenure.** The Senate version of **SB 18** eliminates future granting of tenure at public colleges and universities. About a year ago [4], Texas rose to have more Tier 1 and Tier 2 public doctoral universities than any other state [5]. This status is due to the tenure-track and tenured faculty graduating the PhD students and bringing the external research funding to qualify [6]. 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 [6]. 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. [7] 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. [6]

_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. [8] 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 [9].
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. [10] 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. 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.

References
[7] 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.
[8] Pat Heintzelman, Testimony on SB 17, April 6, 2023

Founded in 1915, AAUP has helped to shape American higher education by developing the standards and procedures that maintain education quality and academic freedom in this country’s colleges and universities.

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