Texas AAUP Conference Fall 2023 Meeting Minutes
9-30-23, 9:00am-1:00pm
Embassy Suites Brooks Hotel, San Antonio, TX and online via Zoom

At start: 24 participants on zoom + 23 in person
Agenda link: https://aaup-utaustin.org/2023/09/23/texas-aaup-fall-2023-meeting/

New Business

I) Review of Legislative Session Spring 2023 – Brian Evans

- Texas Senate Bills 17 and 18
- Texas AAUP visited 50 legislative offices
- Texas American Federation of Teachers (AFT) hosted a breakfast for 7 legislators and brainstormed on censorship
- Testified at hearings, trained people to testify – see Texas AAUP Legislative Advocacy for more info
  - 13 testified against SB 16 at the Senate Higher Ed Subcommittee Hearing on March 23, 2023
  - 21 gave testimony against SB 18 at the Senate Higher Ed Subcommittee Hearing on March 30, 2023
  - Over 100 testified in person against SB 18 at the House Higher Ed Committee Hearing on May 8, 2023
- 5-3-23 participated in a Freedom to Learn Rally at State Capitol. NAACP Legal Defense Fund provided bus transportation for people from Houston.

II) Panel on Tenure – SB 18
There were two versions – Senate bill passed in the Senate, but did not pass overall. The House version passed. What was ultimately implemented as law is now Texas Education Code 51.942. The law defines tenure to include a Property Interest in continued employment in the faculty member’s current academic position unless dismissed for good cause as shown through due process. For the first time in Texas, the definition of tenure is codified into state law. The law includes 10 items that would constitute good cause for dismissing a tenured faculty member. (7 items are vague or undefined). There is no mention of Academic Freedom in the law. The law also requires that tenured faculty evaluations be conducted annually and involve Peer Review, and that administrators cannot have contracts that are better than those of the tenured faculty.

- Teresa Klein
  - There is a lot of lack of info on SB 18. The Boards have to be in contact with faculty. Admins say it’s coming but some places have had no outreach.
  - Tenure is very important at the community college level for training for industry, we can’t recruit them to compete with industry = job security. We have psychologists, sociologists, etc. We have to be able to prepare our students to
transfer to universities. Tenure protects academic freedom. This wasn’t mentioned in the bill.

- Brian Evans – These changes absolutely affect STEM. Funding grants often obtained by tenure-track and tenured faculty. So universities need to invest in tenured faculty to get that funding. Research Universities to be R1 to show strong in funding across all disciplines, so need tenured and tenure-track faculty to get that. Every discipline, every institution benefits from tenure.

- Lynn Tatum
  - Working at the state level and lobbying important
  - Also important is AAUP members’ role on their campuses
  - Faculty need to be involved in setting policies
  - Faculty need to be working closely with their faculty senates
  - Faculty should wear two hats – AAUP hat/union hat and senate member to get policies passed. With the AAUP hat, we can talk to Legislators and go outside chain of command. – just make clear if you are representing AAUP or speaking as a private citizen.
  - One of the basic functions of faculty is to select other faculty. Faculty have standing to object when administrators choose the faculty. Takes eternal vigilance.
  - Faculty should be doing any kind of dismissal
  - Chair should be elected by faculty according to AGB standards. Chair must represent viewpoint of faculty they represent. AAUP doesn’t get into titles...1940 statement
  - All new knowledge is controversial – someone will oppose it. So we have to have Academic Freedom.
  - 3-4 faculty council members at Coastal Bend College - non-renewed because spoke out against administration – they didn’t have tenure protection
  - AAUP considers you to have tenured after 7 years of continued employment, no matter what the title or if institution considers you to be tenured.
  - TX is not considered to be an Academic Freedom-friendly state.
  - AAUP policy – governing boards should only go against faculty in exceptional circumstances
  - Does the term “tenure” have legal protection?
    - AAUP’s perspective – the term doesn’t matter – de facto tenure if 7+ years. Then faculty appoints them.

- Antonio Ingram (Asst. Legal Counsel for NAACP Legal Defense Fund): Property right – gives faculty a property interest. If university terminates faculty that is tenured the college has a financial liability. Definition expanded to pay for future employment. Advocated for the property interest for faculty.
  - Some schools have not been responsive about talking to faculty about tenure policies. Most people haven’t read SB 18, so we need to educate people about the bill.
  - There has been an attack on tenure across the south. Eg GA, SC (bill failed), FL – efforts to weaken tenure, ban books, curtail discussions of race/gender/sexuality.
Politics seems to come into play. Important to discuss how AF and tenure affects faculty of different backgrounds.

- NAACP Legal Defense Fund went to schools across the South asking faculty their perceptions on how they will be impacted by these changes. STEM faculty especially seem to think it won’t affect them.
- SB 18 unprecedented because puts tenure into law. Concern is in future sessions could change...future legislative sessions could be important.
- Not sure if the AAUP’s 7 years = tenure been tested in court.
- NAACP Legal Defense Fund wants to support faculty throughout TX

- Difference btw regular dismissal and summary dismissal
  - Summary dismissal is for egregious behavior (sexual harassment, sexual assault, derelict in teaching duties but is not illegal)

  TX Southern U – one faculty who got turned down for tenure, but administration went in and awarded faculty member tenure without any faculty input = no shared governance

  Texas A&M post-tenure review made by appointed Dept Head, dean, and provost.

  STEM people need to talk with legislators.

  Does the term “tenure” have legal protection?

  Has AAUP 7+ definition of tenure been tested in court?

What do you do when admin refuses to allow a senate to exist or senate disbands?
File a SACSCOC complaint, public, lobby, on-campus and legislative policies, serve on academic freedom committee to get good policies, form an AFT-AAUP/TFA chapter

When SB 18 removed tenure from campus-based governance to legislative directive (above campus-based governance), doesn’t that in itself violate AAUP principles of shared governance?
Yes. SB 18 requires community colleges to have Board determine tenure policies – if want a more faculty-friendly board of trustees have to work and get them elected.

III) Panel on Anti-DEI Bill – SB 17
26 people attending via zoom, 22 in person
Panel
Teresa Klein –
Students are helping to shape bills....important to help students understand bills
Part of discussion is how bills change. Original name of bill was changed to become about DEI. Federal grants require a DEI statement. DEI can still be taught and student groups can still exist. It’s about hiring faculty.
Many students are saying they want to move out of state after graduation due to DEI legislation. Also problems recruiting faculty. Losing grad student.
Antonio Ingram -
Put SB 17 in the context of SB 16. SB 16 was about classroom instruction. SB 17 was about policies and trainings. Both attacked same intellectual concepts. SB 16 failed. So things can be taught but can’t have trainings that pertain to things like “white privilege”. Student groups ok. Carveouts were fought for to preserve Academic Freedom. We need to remind administrations what bills actually say. Because of our advocacy we have a better legislative landscape. Sept. 1 funding for DEI blocked but bill not in effect yet.
DEI bans were initially focused on race, but in the final hours of SB 17 added in gender and sexual identity.

Polly Strong –
What SB 17 accomplishes – devastating from student point of view. All DEI offices done away with under the bill. In public, avoid talk about repackaging of DEI. Just renaming isn’t going to pass revisions processes. Important that faculty are involved in these decision making processes as part of shared governance. There are many examples of misinterpretation of the bill and overreach. Bill is fairly narrow in application but colleges tend to be conservative in how bill applied. Make sure faculty ensure their Academic Freedom is intact in TX. AAUP principles are in place but takes constant vigilance. Non-profits, students, faculty worked well together in the efforts to lobby about SB 17. We started by analyzing how legislators were defining diversity. Reconnecting dots to unify definition of diversity. Inclusion and equality was generally accepted in the legislation but not the term “equity”. We are hearing there are difficulties in recruiting grad students to Texas because students are concerned about the political climate include SB 17.

Letters of recommendation – Mexican American Studies program....faculty advised the student to study outside of Texas – For faculty teaching in the areas that will be confused....should faculty ask administrators for a written statement....any other chapters used that strategy?
Could be a function of the faculty senate.

UTSA – language – address term “viewpoint diversity”? Also in communications grad students are leaving to go to institutions in states with more DEI tolerance

My institution was just designated a HSI by the Department of Ed. I understand part of the reapplication process requires a description of ways in which the university supports this particular demographic institutionally (including celebration and promotion of diversity). Wouldn’t DEI programs serve this role? Do you all see any potential conflict here with DEI apparatuses being dismantled? Or do HSI institutions just articulate service in other ways and through other means? UT Austin – admins think can do both – 30 person committee to look into Antonio – sb 17 is state law – his is federal sb 17 there is a carveout in context of accreditation faculty applying for funding can mention institutional commitment to underserved pops drafts of bills don’t think about all implications.
UT Rio Grande Valley – large HSI – DEI rebranded as student success...seen troubles recruiting students but many students want to stay in that region so less impacted than other

For folks who are on X (formerly Twitter): please follow local chapters @aaup_utsa, @aaup_utAustin, and the conference at @TexasAaup. If there are other Texas AAUP chapters I’m missing please add them here! also follow @TexasAFT @TXFacultyAssoc

From Brian Evans — Texas has at least 76 Hispanic Serving Institutions (HSIs). You can still research DEI because of carveout for federal grants. But put into proposal for grant that one things being researched is DEI...then DEI can be done at the college. Workforce development – all demographic groups must be reached out to...can put that into federal grant proposals. Diversity statement in hiring...ask for mentoring statement is ok under SB 17.

Many faculty that don’t represent student demographics – we need to recruit faculty that match student demographics

Lynn – if can get college president and president of faculty senate to issue a statement that teaching and researching DEI is not banned under sb 17

Need faculty to ensure faculty and students re SB 17 is understood

MOUs with K-12 . . . make sure what we are doing is clearly outlined in MOUs

Antionio – civil rights act and constitution are still good law and SB 17 has to be within that context

Alamo Colleges – good diversity statements . but how does it translate to classroom and Academic Freedom?

Who will take the lead in monitoring campus impacts of SB 17? – Antonio – we’re really interested in looking at impact. We are looking at legal claims if laws are violating constitutional rights, hostile env, discriminatory application. Watching SB 17 and 18

Is there any hard data (i.e., baseline) that can be used to address the impact of DEI at Texas colleges and universities?

Hi all — thanks so much for this Zoom so members can keep up with others. I am a Professor of English at UH-Downtown, an HSI and MSI. My question is if others around the state are experiencing censorship of published anti-racism statements or other materials by administration. Our department had our anti-racist statement removed without any warning or conversation. Our Center for Critical Race Studies newsletters have also disappeared with no conversation. Is this how other administrations are handling SB17? Thank you.
Is there any hard data (i.e., baseline) that can be used to address the impact of DEI at Texas colleges and universities?

IV) **Survey of the South**
2 week duration end of August out of GA AAUP
9 demographic questions (type of college, state, tenure, etc.)
Results: 4200 responded
2/3 do not recommend their state to potential colleagues to work
1/3 said seeking academic jobs elsewhere
1/5 said have already interviewed out of state
Most seeking jobs in CA, NY, CO of those who applied out of state

Reasons – TX - #1 political climate, #2 salary...flipped for other states.
Next Academic Freedom, DEI, reproductive rights, tenure, lgbtq+ issues, shared governance, contract issues

Tenure, tenure-track, contingent faculty answered
Most at public institutions, 10% private respondents

Press Release -AAUP & TFA to summarize results

There have been cuts to salaries after inflation 20 years in a row.

Impacts of hiring – 51% noticed faculty candidates expressing concerns, know faculty candidates who refused positions on account.

1/3 respondents said they don’t plan on remaining in academic long-term.
Who is the audience we need to get the message to on the brain drain shown by the results?
    Brian – next year survey will ask political leaning of the respondents.
    Jim – press is concerned about the results. This should get attention of the legislators.
    Lynn – local legislators represent local schools/colleges – we should advocate to local legislators. May have one philosophy at the state level but another perspective at the local level. Invite local legislators to your campus to discuss.

Brian, is there a way to disaggregate survey responses based on race/ethnicity? We know these law-based pressures are especially impacting Black faculty

See “[Faculty in Red States Express Concerns over Political Interference](https://www.facultyfocus.com/2023/05/22/faculty-in-red-states-express-concerns-over-political-interference/)” for more info.

---

**Survey findings:** [Texas Tribune article](https://www.texasmonthly.com/articles/texas-tribune-article-on-the-story-sept-7-2023/) on the story (Sept. 7, 2023) -
Texas Tribunal Journal William Melhado, covering the #TXlege @williammelhado
Travis Bubenik at NPR is also interested in West Texas concerns

V) **Campus Roundup Reports**
28 present online + 26 face-to-face

**University of Dallas** (private university) – state legislation doesn’t affect them the same way as public - can’t fund policies to guide admins in faculty searches – shared governance biggest concern regarding hiring process

  Lynn – often smaller private universities will look to larger private universities

  Brian – TX-AAUP can help with getting info out – also you could invite president and provost to speak at AAUP chapter meeting.

**UT San Antonio** – new AAUP chapter formed. Administrators are determining who goes on hiring committees...faculty not involved.

  Brian – if administrators/schools have signed on to AGB etc. or Academic Freedom we can provide training – set up meetings btw AAUP chapter and administrators. When new dean comes, go meet the person 1 on 1 – build long term relationships with administrators.

Del Mar College – DEI issues

List of Texas AAUP Campus Chapters (email contacts), just putting this up again - https://aaup-texas.org/campus-chapters

**UTSA** – conducting research – 48 participants surveyed.....analyzing data has a on chilling effect of SB 17. Results show lots of anxiety. Many feel they will lose their jobs. Will be putting together a qualitative report, will share with AAUP members.

**Sam Houston U** – An AAUP chapter is forming. One purpose is to education people on what’s fact and what’s rumor regarding SB 17. Faculty Senate is eager to work with AAUP chapter. DEI officer now called “Chief Experience Officer”.

Faculty voted to include collegiality as part of tenure review. Tenured faculty raises asked by faculty to President....she shut it down and told the faculty they are lucky to have a job. Hiring more admins. Faculty Senate captured by administration. Senate doesn’t know if resolutions are carried to the administration. President said faculty don’t get to “choose their own bosses”....faculty can’t help choose dept chairs. Administrators do what they want. There is a defeated faculty. Over 50 jobs have been given with no interviews. Search committees shut down and positions given to friends.

Brian – two chapters in TX are under the radar. We don’t publicize who the officers are.

Austin Community College – Formal AFT chapter but no formal AAUP chapter but there is the affiliation. 50th birthday of Austin CC. HB 8 – new funding for community colleges, but based on outcomes based education. This is dangerous to academic freedom....if funding is based on outcomes instead of enrollment, pressures will be put to get students to get better grades....this will go from community colleges to university in future. Huge percentages of faculty (adjuncts/contingent etc) never considered for tenure. Adjuncts have no protections....promotes a culture of self-censorship. 16 week semester adjuncts get paid for prep = raise 6.25% raise. Another goal would be to raise adjunct same rate as full-time. Minnesota collective bargaining agreement adjuncts get the same rate as full time.

Agenda link (for new arrivals): https://aaup-utaustin.org/2023/09/23/texas-aaup-fall-2023-meeting/
What is the best way to deal with administrators who lie?
Lynn – try to get it documented/recorded. Did I understand you correctly.

TX is a one party recording state....record any conservations with administrators you have been called into. Always take a rep.

Do folks have luck communicating with Boards when Administration is unhelpful? Strategies there? We don’t have a history of faculty - board of trustee communication.
Lynn – wear two hats – inform board members that a train wreck is coming


Lynn – AAUP mini redbook
Brian – AAUP can help with anonymous media leaks

**TX Tech** – SB 18, SB 17 - effective relationship with the Provost...asked what role faculty will have in revisions to policies. AAUP can let the provost know in advance if a press release is coming. Faculty senate policy in place requiring senate reviews of operating procedures...senate must approve not just review. SB 17 being addressed as a hiring statement. Cut and paste parts of SB 18 into the policies.

University of Houston, Downtown – CRT taking out of Center, race statement in a journal taken out

**Shawn Fields, Lead Organizer from AAUP National sfields@aaup.org**
How to jumpstart organizing on your campus.
Importance of people power. Talk with colleagues throughout processes. Hear people’s issues, as well as what they like about their institutions. 1-on-1 convos with colleagues. Meetings, surveys, forums, town halls to hear issues faculty are facing and what they enjoy about working in academia. Talk with members and non-members to address issues and develop solutions. If you are a small organization, start with smaller issues. This helps to show people that we can collectively change things. Become an educational resource for faculty...academic freedom, tenure, shared governance, also on how to navigate institutional systems. Develop community. Have conversations about intellectual property rights, shared governance, academic freedom, hold social events. Work with community groups. Think about how to bring more people in. Have everyone bring 1 other person. Give people small tasks to get them more engaged. To get new chapter done, elect officer, get bylaws together, notify National AAUP.


TWU and TX State U have emerging chapters. Teresa will be emailing Shawn about another potential chapter.

Jeff – there are $300 grants for new chapters from TX-AAUP – could be used for a social event or whatever the chapter wants.

**Eli Melendez – TX-AFT - emelendrez@texasaft.org**
Gave presentation on the relationship between the various AFT vs. AAUP affiliations. Currently there are 66,000 statewide TX -AFT members, unaffiliated.
Eli is on the public affairs team for TX-AFT
Works with Brian and David Albert
Fights not over – SB 16, 17, 18, accreditation
Fights between AFT and AAUP are connected: Censorship, Preemption, Leveraging established relationships. Coalitions help each other. The whole is stronger than constituent parts. Strength in numbers. Personal experience more convincing than lobbyists. Use off season to build your relationships with legislators. Most important tools are legislative tricks, organizing, facts, research, data. Legislative topics….there are timeline rules and points of order.

I’d like to know what the implications of stepping outside of SACSCOC. Would this mean ineligibility for funding/resources externally?
          -Eli - That’s a question I would need to research more, but the idea seems to be to replace SACSCOC with an entity that is Texas based. I’m not even sure how it would work or be possible. This session they just wanted to open the door.

VI)  Announcements
Summer AAUP Institutes…TX – Conf will fund some people to go.

Elections: 12 officer positions open for Spring
To offer a 13th position (Grievance Consultant or similar title) – would need TX – AAUP bylaws change
Jim - Informally – could create ad hoc position temporarily and then later change bylaws to make it permanent.

Old Business
I)  Minutes from Spring 2023 TX-Conference AAUP Meeting
    Motion to Approve the Minutes from Spring 2023 TX-AAUP Conference Meeting, 2nd.
    Move to Approve. Passed unanimously.

II)  Treasurer’s Report
    Total Income $15.15
    Total Expenses - $191.08

           Total Closing Balance - $23,893.43

    Motion to Approve Treasurer’s Report. Accepted unanimously.

III)  Deepening Connection between TX-AAUP with TX-AFT
AAUP National has 45,000 members. AFT national has 1.7 million members. Part of AFL-CIO has 12 million members. Merger. But only affected collective bargaining units. So now discussion to affiliate TX-AAUP with TX-AFT. Would provide legal aid and professional liability. AAUP dues are low so resources are low, but affiliation at the state level would put more money into the higher ed portion. Multi-year process.

Teresa – we’ve been trying to create a list of higher ed lawyers but TX-AFT affiliation would be helpful for legal help

Joey Velasco – TCFS – TCFS will be same location in February, details coming.
Next meeting February 23-24, 2024.

Meeting adjourned at 1:14pm.