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AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS



Our Asks for SB 37

Our Ask	Justification
<p>REMOVE the limitation on “promoting” or “advocating” “idea that any race, sex, or ethnicity or any religious belief is inherently superior to any other race, sex, or ethnicity or any other religious belief.”</p> <p>(House CSSB 37, Section 1, Page 2, Lines 11-13)</p>	<ul style="list-style-type: none"> • Standard curriculum review procedures are acceptable, but the language on prohibiting “advocating or promoting” certain viewpoints is problematic. • “Advocate” and “promote” are vague – simply teaching an idea or bringing an idea up for discussion could be considered “promotion.” • This proposed limitation also conflicts with required history courses – we cannot teach slavery without addressing race-based discrimination, we cannot teach women’s suffrage without explaining sex-based denial of rights. • Historical facts have shown us that discrimination is wrong and requires us to acknowledge these practices were wrong, but this law would prevent us from drawing those obvious moral conclusions. • American history is one of the many ways that SB 37 would affect our ability to teach accurately and encourage independent thoughts, while also infringing on faculty’s First Amendment rights.
<p>ADD “or expression” after “association” in the following section:</p> <p>(House CSSB 37, Section 2.02, Page 12, Line 6)</p>	<ul style="list-style-type: none"> • This amendment prohibits retaliation against faculty and protects their free speech rights. • No one should be disciplined, fired, harassed, or otherwise punished solely for participating in faculty senate activities, debating policy, or expressing concerns about leadership. • This includes drafting resolutions, participating in faculty senate proceedings, voting on no-confidence measures, and discussing public faculty matters. • It also affirms faculty can publicly discuss faculty senate matters. • Without protection, our universities lose essential faculty input on decisions critical to keeping our

	academic programs and the very operations of the university going.
<p>ADD clarifying language that allows the governing board to overturn any hiring decision for the position of vice president or dean to ensure compliance with Texas tenure policy.</p> <p>(House CSSB 37, Section 2.01, Page 8, Lines 3-11)</p>	<ul style="list-style-type: none"> • We need clear safeguards to ensure the process of overturning a decision is in compliance with Educ. Code Section 51.942 and 51.943. • Governing boards should be required to provide reasons for rejecting administrators' hiring decisions to deter politically motivated vetoes of hiring decisions.
<p>ADD language to outline clear grievance processes to ensure faculty due process.</p> <p>(House CSSB 37, Section 2.04, Page 14, Lines 16-21)</p>	<ul style="list-style-type: none"> • Public employers are guaranteed the following due process requirements, each of which is justified by court decisions. <ul style="list-style-type: none"> 1. Advance notice of any allegations against the employee 2. A hearing prior to taking any action against the employee at which the employee can present his response 3. An impartial decision-maker to hear the matter and render a decision 4. The right at the hearing to representation by counsel 5. The further right at the hearing of the employee to confront his accusers 6. The right at the hearing to cross-examine witnesses 7. The right to a written decision • It is standard across university and community college systems for grievances to be reviewed by an objective faculty committee. • In cases of termination, it is especially important for faculty review committees to be involved to ensure their due process rights.
<p>AMEND the requirement to have one of the two governing board executive committee members serve as the chair, to instead allow the chair to be elected from the committee membership.</p> <p>(House CSSB 37, Section 2.03, Page 14, Lines 8-9)</p>	<ul style="list-style-type: none"> • This does not seek to remove governing board members from the executive search committee. Instead, we propose that the committee chair be elected by members, from the committee membership.

	<ul style="list-style-type: none"> • The duties of an executive search committee chair include, but are not limited to: <ul style="list-style-type: none"> ○ Convening each committee meeting ○ Convening stakeholder meetings ○ Review and lead the creation of the position description and advertisements ○ Handling committee paperwork ○ Leading recruitment efforts ○ Leading negotiations ○ And so forth. • Governing board members already have tremendous responsibilities to fulfill, and chairing executive search committees impose more significant workload onto the board members. <ul style="list-style-type: none"> ○ Faculty members perform this duty as part of their job, while governing board members are unpaid. Committee chairs should have a significant amount of time to dedicate towards an executive search, and governing board members may not have administrative capacity to do so.
<p>REPLACE the process for selecting representatives on the General Curriculum Advisory Committee with:</p> <p>“The board shall select a number of representatives determined by the board from those nominated and ensure proportional representation between two-year, four-year, and professional or graduate institutions.” in the following section:</p> <p>(House CSSB 37, Section 1.05, Page 6, Lines 3-5)</p>	<ul style="list-style-type: none"> • This change will ensure proportional representation on the General Curriculum Advisory Committee. • The current language does not acknowledge the role of professional or graduate institutions within systems. • An example is MD Anderson within the UT System. It is a large institution, with a large faculty senate membership, and similar institutions should be ensured representation in the Advisory Committee.
<p>ADD clarifying language to the provision on removing a faculty senate member:</p> <p>Insert “with the consent of a majority of the faculty counsel or senate” after “chief executive officer” on line 21.</p>	<ul style="list-style-type: none"> • As written, the bill allows a provost or president to remove faculty council or senate members without any input from the faculty who elected them. • This opens the door to retaliation against faculty who speak up or raise uncomfortable questions about

(House CSSB 37, Section , Page 10, Lines 14-21)	<p>institutional policies—undermining the very purpose of faculty governance.</p> <ul style="list-style-type: none"> • This amendment preserves administrative oversight while adding an essential check and balance by requiring majority consent from the faculty council or senate before removal can occur. • This change protects faculty governance at dozens of universities and community colleges across our state, ensuring that faculty representatives can advocate for their colleagues without fear of administrative retaliation for unpopular but legitimate positions.
<p>AMEND the effective date of SECTION 4.01(b) from “September 1, 2025” to “January 1, 2026.” The effective date of the Act should also be amended to “This Act takes effect January 1, 2026.”</p> <p>(House CSSB 37, Section 4.01,Page 23, Line 16) (House CSSB 37, Section 4.02, Page 24, Line 3)</p>	<ul style="list-style-type: none"> • Most, if not all, colleges and universities have finalized their elections process for their faculty senates or councils for the 25-26 school year. • Extending the effective date allows institutions to thoroughly review and restructure faculty governance bodies and adequately comply with the Act’s provisions. • Further, faculty do not work over the summer and will not be available to work with institutions to properly restructure before September 1, 2025.

SIGNED BY:

- Texas American Federation of Teachers (AFT)
- Texas Conference of the American Association of University Professors (AAUP)
- Texas Appleseed
- Every Texan
- Texas Freedom Network
- Texas State Employees Union (TSEU)
- Texas Faculty Association (TFA)
- Texas American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
- Texas American Civil Liberties Union (ACLU)
- Black and Brown Dialogues on Policy