

# MINUTES

**Texas Conference-AAUP Fall 2024 The Spring 2025 statewide meeting of the Texas AAUP-AFT is this morning at 9am CT. Here's the Zoom info:**

**Topic: Texas AAUP-AFT Spring Meeting**

**Time: Feb 22, 2025 09:00 AM Central Time (US and Canada)**

**Join Zoom Meeting**

**<https://us06web.zoom.us/j/84495879880?pwd=NmiZCng8sSR2bDr4IBInUV7mb4AzPv.1>**

**Meeting ID: 844 9587 9880**

**Passcode: 154093**

**Meeting**

September 28, 2024, 9:00am-1:00pm

Embassy Suites Hotel and Conference Center, San Marcos, TX and online via Zoom

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## **I. New Business**

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**9:00-9:05am** Welcome, Brian Evans, President, [aaup.texas@gmail.com](mailto:aaup.texas@gmail.com)  
60<sup>th</sup> anniversary of Texas AAUP and **50th** anniversary of Texas AFT.

**9:05-9:15am** Introductions of other union leaders

- *Texas AFT: Dir Public Affairs/Legislative Counsel, [Patty Quinzi](#), JD*
- *Texas Association of College Teachers: Seth Batiste, President*
- *Texas Faculty Association: Pat Heintzleman, President*
- *Texas State Employees Union*

Multiple unions in Texas work closely together.

Sarai King Oza, Attorney (Deats, Durts, and Owen), provides legal services for TXAFT. Martha is retiring, there is a transition in general counsel.

Jim Klein, Past President of TACT (and Texas AAUP-AFT) discussed what TACT does

Pat Heintzelman – Texas Faculty Association (TFA) President discussed what TFA does

Alejandro – TXAFT – leads education advocacy in K-12 and Higher education in the legislature

### **9:15-9:20am Approval**

- [Spring 2024 Meeting Minutes](#), Secretary, [secretary-tx-aaup@proton.me](mailto:secretary-tx-aaup@proton.me)

Motion to approve minutes, seconded. Motion passed unanimously.

- [Treasurer's Report](#), Lynn Tatum, [lynn\\_tatum@baylor.edu](mailto:lynn_tatum@baylor.edu)

Motion to accept the Treasurer's report. Seconded. Motion passed.

### **9:20-9:30am Texas AAUP-AFT advocacy for faculty**

- Tony Villanueva and Brian Evans, *Office of Faculty Representation*, [txconfaaup-facultyrepresentation@proton.me](mailto:txconfaaup-facultyrepresentation@proton.me), for faculty facing investigations, disciplinary actions, or dismissal. Coordinates with the AAUP campus chapter if there is one. Survival tips.

Panel presentation of OFR took place.

**9:30-9:50am Update on integration of Texas AAUP-AFT with Texas AFT following the Texas AAUP-AFT vote to affiliate with Texas AFT**

Brian Evans discussed the legal benefits of being a Texas AAUP-AFT member.

- [Workplace protections and services available through Texas AFT](#)
  - \$8M Professional Liability Coverage including \$35k in Legal Action Trust to respond to criminal investigations
  - Legal defense fund for employment matters. Legal costs split 1/3 Texas AAUP-AFT, 1/3 Texas AFT and 1/3 National AFT.
- [National AFT Benefits](#) include
  - Free Trauma Counseling
  - Discounts on Therapy Sessions
- Among 40 Texas AFT staff, we'll be working the closest with
  - Texas AAUP-AFT organizers, [Alvaro Chavez](#) & [Amanda Garcia](#)
  - Government Relations & Policy Analyst, [Alejandro Pena](#)  
  
Spoke discussing his role in the higher education legislative lobbying efforts
  - Labor Attorney, [Martha Owen](#), JD
  - Director of Political Organizing , [Anthony Elmo](#)  
  
Spoke about political efforts and advocacy by the TXAFT  
  
Amanda Garcia – Higher Education organizer for TXAFT – helps development of TX AAUP-AFT chapters

Alvaro Chavez – Higher Education organizer – will be working to organize and helping TX AAUP-AFT chapters

- Higher Ed Field Rep, [Kat Kupelian](#)
- Director Public Affairs & Legislative Counsel, [Patty Quinzi](#), JD

- Now that Texas AAUP-AFT is an AFT Local of Texas AFT, we'll be updating our dues model to build our legal defense fund and help cover the cost of Texas AFT staff and productivity tools

- Brian Evans went over the new dues structure now that TXAAUP is Affiliated with TXAFT

\$451/yr for academic income above \$80k (AAUP bands 7-9)

\$305/yr for academic income between \$50k-80K

\$155/yr for academic income \$50k and under

**9:50-10:00am Break**

**10:00-10:50am Panel on Political Interference, Legislative Advocacy, and Political Action**, including [results from the Faculty in the South Survey](#), higher ed priorities for the [Texas Legislature 2025](#) and [Project 2025](#), and the [Texas AFT Educator's Bill of Rights](#).

- Brian L. Evans, Texas AAUP-AFT President, Moderator
- [Anthony Elmo](#), Texas AFT Director of Political Organizing

Committee on political education works to get information out on voting registration and other politically-related information.

Work advocate for shared interests of K-12 and Higher Education

- [Christina Das](#), NAACP Legal Defense Fund Civil Rights Attorney

Question: Is it ok to encourage students in the classroom to register to vote? Answer: Yes for all eligible voters.

A QR code was given to learn more.

- Teresa Klein, Texas AAUP-AFT Vice President

**10:50-11:00am** Break

**11:00am-11:45am** Academic Freedom and Shared Governance

- 11:00-11:25am [David Rabban](#), *Academic Freedom: From Professional Norm to First Amendment Right*, Aug. 2024. Prof. Rabban is at the UT Austin Law School. He served as AAUP General Counsel 1998-2006 and Chair of its Committee on Academic Freedom and Tenure from 2006-2012. “His teaching and research focus on free speech, higher education and the law, and American legal history.” [[Ref](#)]

Professional norm for Academic Freedom established by the AAUP dating back to 1915 statement. Everyone urged to read the 1915 statement.

Academic Freedom is necessary for the function of a professor.

Peer review feature of academic freedom.

Relationship between academic freedom and free speech as citizens.

A professor cannot do his job if disciplined for expressing opinions of what goes on in the institution.

Initial 5 investigations of AAUP after 1915 involved protected speech.

Early case at Harvard separated public speech from academic freedom.

Legal cases of academic freedom began in 1950's.

Sweezy v. New Hampshire 1957 – Academic is a first amendment right...academic freedom differentiated 1<sup>st</sup> amendment free speech from academic freedom

Keyishian v. Board of Regents - Academic freedom is a special concern of the 1<sup>st</sup> amendment (cited numerous times after)

1<sup>st</sup> amendment protections apply to state a (government) action, not private action, but often private universities will invoke 1<sup>st</sup> amendment protections into its policies

1<sup>st</sup> amendment rights of professors have been addressed at numerous lower level courts, with mixed rulings.

Generally – applies to content of academic speech. Some rulings limit academic freedom to content.

Issue of voter registration discussions in the classroom not likely protected by academic freedom.

Discussion over intramural issues usually protected by academic speech.

Outside speech and political speech not necessarily academic freedom, but have free speech rights.

Rabaan Argument in book – 1915 and 1966 statements should be incorporated into 1<sup>st</sup> amendment law

Determining what is protected speech of the professor:

Employee Speech Juris Prudence – speech rights of public employees

Garcetti v Ceballos – “speech of public employees not protected when in the course of normal job duties” – BUT does not apply decision on public employee speech to faculty academic speech

Other Court of Appeals cases recognize Garcetti exception:

Eg) Meriweather v. Hartop 2021

Pickering standard – two-prong weight

1. Professor's speech rights outweighs right of institution for efficient operation.

2. Issue is of Public Concern

There is a public interest in the professor's dissemination of knowledge.

### **Questions:**

Has 5<sup>th</sup> circuit recognized academic freedom as free speech

Discussing registering students to vote in the classroom covered as public speech? No – university administration has ability to restrict faculty to job professors are hired to do

How much speech related to university governance is protected?  
Conflicting decisions by the courts.

**11:25-11:35am** Break

**11:35am-1pm** *Campus Organizing and two-minute Campus Reports*

- Campus Organizing, [Alvaro Chavez](#) & [Amanda Garcia](#) (10 minutes)
- AAUP chapter has been meeting regularly. Looking to hold election replacements because bylaws don't discuss
- Chapter growing, salary increases are of concern
- Salary concerns, dual credit issues, workplace safety, shared governance virtually non-existent
- Title VI complaints taking place over what happened surrounding protests
- Academic ranking increasing, but academic freedom and free speech protection are vague, issues surrounding Middle East conflicts at issue
- Call for launching a committee for private universities. Brian Evans agreed and said will launch.

- New chapter with 25% of all full-time faculty. Administrator interference in faculty searches are becoming common. Chapter has launched investigative committee into this. New in-house counsel has been switched with an in-house Compliance Officer.
- Currently we have 28 TX AAUP-AFT chapters in Texas
- Brian presented regional vice presidents of the TX AAUP-AFT
- SB 17 issue where faculty was asked to make unnecessary adjustments to presentation – issues surrounding SB 17 ambiguity resulting in faculty self-censoring
- Dual credit issue – faculty are being reassigned to serve dual credit
- Recently elected several chapter members to Faculty Senate – inserting term “shared governance” into language, having a positive effect
- Main issue deals with upcoming legislature
- Policy to inactivate certificates and minors
- Hoping to grow membership
- Push on collegiality policy
- Working on documents for administrators on faculty best practices
- SB 17 issues, seeking clarification
- New chapter. President of university infringing on academic freedom and shared governance
- Wage compression
- No-confidenced President but still got a 10% raise
- Trying to grow chapter
- General climate good
- Organized a meeting between K-12 and Higher Ed to bridge gap
- New provost appears to be pro-faculty. Promotes AAUP, allowed chapter AAUP to have a table at new faculty orientation. Chapter growing fast. Issues – worried about over-compliance with SB 17, faculty compensation, faculty grievance policy.
- New chapter, 31 members, new chapter committees to address issues – tackled new policy sounding like had to have permission from administration – FIRE helped - to talk to legislature...were successful in getting policy changed



- Fighting aftermath of protests, issues with free speech, DEI, and due process, concerned about legislative agenda, shared governance threats.
- 650 faculty signatures to no-confidence in President
- New chapter, triggered by on-campus demonstrations over Middle East conflict, President recently resigned, good showing at first meeting, issues – term limits for department chairs
- New chapters, 54 members, survey going to faculty to determine primary concerns of faculty
- Issues – school of Medicine – not going well
- Academic affairs 14/48 denied tenure (36% denial rate)
- Grievances – reasons for denials of tenure and promotion were unspecified

**12:50-1:00pm Closing Remarks**

**Adjourned 1:01pm**