



Potential Conflicts Between SB37/HB4499 and Texas State Law and UT Regents' Rules

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SB37/HB4499 Conflicts with Texas Education Code

1. Faculty Governance and Shared Decision-Making

Conflict: SB37 could undermine the *intent* of broad faculty involvement by stripping faculty of meaningful participation, even if some technical “consultation” is retained. This may contradict the Education Code's broader requirement to engage faculty meaningfully in shaping academic policy.

- **SB37 (Section 51.3522)** severely limits faculty senates in terms of faculty representation and participation. Current UT System faculty senates have **advisory-only** roles and SB37 gives final authority on academic matters—including curriculum and hiring—to **governing boards**.
- **Texas Education Code §51.352(c)** (law) states that governing boards must ensure **appropriate involvement of faculty** in institutional governance.

2. Tenure, Academic Freedom, and Due Process

Conflict: The **centralization of hiring and disciplinary decisions** in SB37 could violate procedural fairness and academic due process as outlined in §51.942, particularly if faculty peer evaluation is minimized or ignored.

- **SB37** imposes **mandatory performance evaluations**, short-term tenure restrictions, and allows **governing boards to override faculty decisions** on tenure and hiring without clear criteria.
- **Texas Education Code §51.942** mandates that tenure reviews incorporate **peer review, due process**, and protect against arbitrary or ideologically motivated termination.

3. Accreditation and Institutional Integrity

Conflict: There's a real risk that SB37's governance framework could place institutions out of alignment with accreditation bodies, putting **medical school accreditation, federal aid eligibility, and residency program standing** at risk.

- SB37 requires governing board approval for faculty positions, curriculum changes, and even postings in non-STEM fields.
- **Texas Education Code §61.0512** and others require institutions to comply with **accreditation standards**, which universally support **faculty-driven curriculum** and **shared governance** (e.g., SACSCOC, LCME).

4. Oversight vs. Operational Autonomy

Conflict: The **dual oversight structure**—governing boards and now a politically appointed state-level office—could lead to contradictory directives, undermining institutional autonomy protected by the Code.

- SB37 establishes a new **Office of Excellence in Higher Education** with investigatory authority and the power to publicize violations.
- The Texas Education Code gives **governing boards control over day-to-day operations**, but typically defers to institutions on **internal policy, curriculum, and faculty matters**.

5. Transparency Requirements vs. Operational Privacy

Conflict: Mandatory transparency under SB37 could **exceed or contradict Open Meetings exemptions**, limiting the ability of institutions to discuss sensitive academic or personnel matters confidentially.

- SB37 mandates public livestreams and pre-posting of curriculum items and faculty discussions (Section 51.3522(k-m)).
- The **Texas Open Meetings Act** and Education Code chapters allow for **closed session exemptions** for sensitive personnel and academic decisions (e.g., faculty hiring, legal matters, research IP).

Summary Table: SB37 Conflicts with Texas Education Code

Conflict Area	SB37 Provision	Conflicting Education Code Element	Key Issue
Faculty Consultation	Limits representation, board control	§51.352(c) – Faculty involvement	Weakens broad and objective consultation to leaders
Tenure and Due Process	Evaluations, board override	§51.942 – Peer review, academic due process	Undermines fairness, increases risk
Accreditation Risk	Curriculum and hiring oversight	§61.0512 – Accreditation alignment	May jeopardize compliance
Autonomy vs. Oversight	Office of Excellence powers	Institutional autonomy principles	Potential micromanagement by the state
Transparency vs. Privacy	Live-streamed faculty meetings	Govt Code Ch. 551 – Closed session exemptions	Threatens operational confidentiality

SB37/HB4499 Conflicts with UT Regents' Rules

1. Shared Decision Making and Role of Faculty Senates

SB37 minimizes the structure and authority of faculty governance bodies in a way that **contradicts both the spirit and language of Regents' Rules** that promote meaningful faculty involvement.

2. Tenure and Faculty Evaluation

SB37's restrictions on peer involvement and board micromanagement may **violate UT's established processes for tenure and due process**, potentially jeopardizing compliance with both internal policy and accreditation standards.

3. Curriculum Oversight and Academic Freedom

SB37 **overrides faculty expertise and autonomy in curriculum**, potentially stifling innovation and violating Regents' protections of academic freedom.

4. Institutional Autonomy and Delegation of Authority

SB37 bypasses existing UT governance structures, potentially **nullifying Regents' internal delegation authority** and eroding institutional self-management.

5. Transparency Requirements vs. Meeting Confidentiality

SB37's rigid transparency rules may **conflict with Regents' practices on confidentiality**, especially in faculty deliberations or executive searches.

Summary Table: SB37 Conflicts with UT Regents' Rules

SB37 Provision	Conflicting UT RR	Nature of Conflict
Limits to faculty senate role	Rule 40101 & 40103	Undermines shared governance framework
Tenure review and board authority	Rule 31101 & 31102	Erodes peer review, due process, and tenure protections
Board control over curriculum	Rule 40101	Violates faculty-led academic planning and freedom
Centralized control & external oversight	Rule 10501	Contradicts delegated authority to institutional leaders
Mandated transparency in all meetings	Rule 10401 & 20102	Infringes on confidentiality standards and hiring privacy