

SB 37: A Bigger Picture (04/30/2025)

Higher Education Institutions (HEIs) in the United States compete intensively for students, applicants, faculty, research funds and capital investment grants in a dynamic global market. In the same ways that free-market capitalism has powered the extraordinary success of other parts of our economy, unparalleled freedom of HEIs to develop, assess and market new ideas and products has and continues to position our nation as undisputed world leader in higher education. Texas HEIs are vital constituents of this global leadership.

There are more than 25,000 officially recognized universities in the world, with about 4,000 in the US. The Center for World University Rankings' (CWUR) 2024 list of the top 2,000 shows 329 in US, including 22 in Texas. Importantly, highlighted in the table below, the average rank (i.e., the sum of individual rankings divided by the number of institutions) for Texas HEIs (650) is substantially higher than the average for all other HEIs in the US (806). That is, Texas universities today comprise a leading element of our nation's academic position in the world.

Institution Name	World Rank
University of Texas at Austin	35
University of Texas Southwestern Medical Center	63
Texas A&M University, College Station	76
University of Texas MD Anderson Cancer Center	110
Rice University	181
University of Texas Health Science Center at Houston	255
University of Houston	261
Southern Methodist University	357
Texas Tech University	449
University of Texas at Dallas	452
University of Texas Health Science Center at San Antonio	482
Baylor University	518
University of Texas at Arlington	635
University of Texas at San Antonio	689
University of Texas Medical Branch	701
University of North Texas	712
University of Texas at El Paso	1017
University of Texas Rio Grande Valley	1190
Texas State University	1283
Texas Christian University	1455
Texas Tech University Health Sciences Center	1650
Trinity University	1754
Average of 22 Texas universities	650
Average of 307 other US universities	806

Source: <https://cwur.org/2024.php>

Passage of SB37 will handcuff the ability of our HEIs to compete with other universities in the US, let alone with those elsewhere. This prospect is suggested by data from a study of four dimensions of autonomy (read: freedom in the US) – organizational, financial, staffing, and academic - among six tuition-free HEIs in Europe, a continent where many countries have in recent years relaxed government control to better compete with the US. Those in the table below that have been more successful (Finland, Denmark, and Austria) have acHEIved much higher ranks in the CWUR list than others.

Country (# of HEIs)	Dimension of Autonomy (rank among 40 HEIs)*						Average World Rank
	Organ.	Finan.	Staffing	Academic	Total	Average	
Finland (10)	3	24	8	2	37	9	374
Denmark (7)	6	12	13	14	45	11	298
Austria (16)	9	22	16	10	57	14	215
France (73)	24	28	31	33	116	29	612
Sweden (20)	22	23	3	17	65	16	982
Norway (13)	10	33	21	11	75	19	1140

Source: Pruvot, E., Estermann, T., Popkhadze, N. University Autonomy in Europe IV: The Scorecard 2023. March

At the limit, where HEIs have almost no decision-making freedom, where governments exercise complete control and focus almost entirely on workforce considerations, as in recent and still-communist countries, the average CWUR rank of HEIs is quite low

Country (# of HEIs)	Average World Rank
China (324)	1021
USSR/Russian Federation (46)	1248

Texas, a state that values and promotes free-market competition, free-enterprise initiative and limited government intrusion underpinning its HEIs, should not now decide to emulate the education policies of communist China and formerly communist Russia, or move in a direction opposite to that of (effectively) socialist countries of Europe trying to better compete with us.

Unless we prefer a return to the McCarthy era, we should hold close to the sentiment expressed by the US Supreme Court at that time:

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any straitjacket upon the intellectual leaders in our colleges and universities would imperil the future of our nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made... Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die. [Sweezy v. New Hampshire, 354 U.S. 234 (1957)]

* Definitions of Autonomy

Organizational Autonomy <ul style="list-style-type: none"> Selection criteria and procedures for the executive head Dismissal of the executive head Term of office of the executive head Selection of external members in governing bodies Capacity to decide on academic structures Capacity to create legal entities 	Financial Autonomy <ul style="list-style-type: none"> Length and type of public funding Capacity to keep surplus Capacity to borrow money Ability to own buildings Ability to charge tuition fees 	Academic Autonomy <ul style="list-style-type: none"> Capacity to decide on overall student numbers Ability to select students Ability to introduce programs Ability to terminate programs Ability to choose the language of instruction Capacity to select QA mechanisms and providers Ability to design content of degree programs 	Staffing Autonomy <ul style="list-style-type: none"> Ability to decide on recruitment procedures, salaries, dismissals, and promotions (senior academic/senior administrative staff)
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