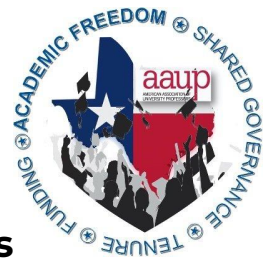




Shared Governance in Higher Education

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Concerns About SB 37/HB 4499 and Its Effect on Competitiveness of Texas Colleges

Faculty, staff, administration, and students working collectively ensures our community colleges, universities, and health institutions remain rigorous and relevant. Ultimately, the president makes the final decision. Shared governance is unique in US higher ed, making Texas institutions globally competitive.

As experts in their fields and teaching, faculty are best positioned to develop the content for their courses. **Faculty update curriculum based on feedback from students, staff, and faculty**, and advances in teaching and research, and ensure curriculum meets professional accreditation standards in business, engineering, public health, and other fields. Faculty senates bring together students, staff, faculty, and administrators to formulate recommendations on curriculum, course evaluation criteria, research policies, and faculty hiring and promotion policies. After deliberation, the president makes the final decision for the institution.

What Is SB 37/HB 4499?

SB 37 / HB 4499 is a high-priority omnibus bill filed on March 13, 2025, by the Lt. Gov. First, the bill consolidates curriculum decisions at a higher ed institution in the governing board of the community college district or university system. Courses in the core curriculum, required for Associate and Bachelors degrees, may not endorse specific public policies, ideologies, or legislation. Second, a governing board consolidates hiring and evaluation of all administrative positions at an institution, and can overturn any institutional decision. Third, a governing board authorizes a faculty senate at an institution; the president appoints half the faculty senators and all leadership positions; and only tenured faculty may serve. Faculty are excluded from grievance and faculty disciplinary processes. Fourth, the Office of Excellence in Higher Education is established to investigate matters of academic discourse at institutions of higher ed and refer findings to the Attorney General.

What are Concerns about SB 37/HB 4499?

Loss of Competitiveness in Recruiting and Retaining Faculty: Texas community colleges, universities, and health institutions compete for faculty in a national marketplace. In a 2024 AAUP survey, 28% of Texas faculty said they had interviewed elsewhere since 2022. The top issue grounding a desire to leave was the state's

political climate (48.6%) followed by anxieties about academic freedom (46.3%), salary (42.8%), diversity, equity, and inclusion issues (40.2%), reproductive/abortion access (28.0%), shared governance (27.3%), LGBTQ+ issues (26.1%), and tenure issues (25.4%). Among respondents, 56.4% mentioned having fewer applicants, and more than 45% said they knew of faculty who had refused positions offered at their campus, due to tenure policy changes and political attacks on higher education

Loss of Freedom to Learn, Teach, and Research: Micromanagement of curriculum by the governing board, and restrictions on curriculum content, run counter to free inquiry, free expression, viewpoint diversity, and open dissent critical to student learning and advancement of knowledge. Faculty are best positioned to develop course content due to their expertise in their discipline and in teaching. Censoring what faculty teach limits the ability to train students in research. Faculty lead the teams to win the competitive research grants and graduate the doctoral students to give Texas more top-tier research universities than any other state.

Loss of Shared Governance: A Faculty Senate is elected by the faculty and provides a forum for communication among faculty, administration, staff, and students. This forum helps coordinate a division of labor among the groups. Faculty Senates make recommendations to the President on how to foster the highest quality curriculum, teaching, research, and faculty; remove redundancy in the curriculum; and provide safeguards for the freedom of expression in learning, teaching, and research.

Inability to Reduce Legal Exposure: When faculty participate in grievance processes and faculty disciplinary processes, they can catch potential issues from a faculty perspective that the institution could remedy to avoid costly litigation.

Stifling Innovation: With governing boards having the authority to approve or deny curriculum changes and faculty hires, institutions will become less agile in fostering innovative programs to respond to emerging fields or societal needs.

Slow Response to Labor Market: Evaluating minors and certificates based on current enrollment figures, instead of future market needs, will result in the premature elimination of programs crucial for meeting future workforce demands.

Centralized Control Risks: The increased oversight by governing boards and the establishment of the Office of Excellence in Higher Education create a centralized command and control over 74 community colleges, 37 public four-year universities, and 15 public health institutions, making it difficult for campuses to tailor their programs and policies to their unique student populations and regional conditions.

Compliance Strain: Institutions must prioritize tasks to comply with this bill over strategic initiatives or educational development, putting a strain on resources.