

Analysis of SB17 and the Schaefer Amendment

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SB 17 is a priority bill for Dan Patrick, authored by Senator Creighton, that would ban diversity, equity and inclusion (DEI) offices, diversity statements, and mandatory DEI training at Texas' higher education institutions. Before leaving the Senate, the bill added language to explicitly prohibit the banning of student-run activities and activities related to student admissions.

The House Higher Education committee's version of SB 17 still bans DEI Offices and stifles institutions' ability to promote intellectual inquiry and intellectual diversity (language from the Anti-CRT bill - [SB16](#)). After public and written testimony, the author changed the bill to allow universities to comply with federal, private, or non-profit grants or contracts by having DEI programs. Universities may use the attorney general developed training or that approved institutional general counsel, and the Committee removed threats of legal action against accrediting agencies that withhold certification. DEI practices related to student recruitment and admissions were not affected, and the House Committee Substitute for SB 17 removed language about students or employees' right to pursue legal action if they are required to do a DEI training.

Despite efforts to soften SB 17, the bill still creates a chilling effect on DEI work, invokes fear on those who teach and support this work, and sends a signal to underrepresented students and faculty that colleges and universities are no longer committed to creating a welcoming, inclusive and equitable environment. Texas students deserve to be respected, well-educated, and have the opportunity to thrive socially and academically.

The [proposed amendments by Rep. Matt Schaefer](#) backtrack from the changes made by the Committee and contradicts the House Sponsor who listened to numerous hours of public comments, written testimony, and feedback from constituents across Texas. The proposed amendments substitutes a majority of the bill by including discarded components of SB 16 and SB 18. Specifically, the amendments:

- Grants overwhelming power to politically appointed governing boards by allowing boards to:
 - Restrict membership of a search committee;
 - Approve or deny the hiring of a person for vice president/provost, associate, and other senior executive positions;
 - Approve or deny courses;
 - Approve or deny postings and advertisement for tenured faculty position; and
 - Make clear "its formal position on matters of importance."
- Prohibits "ideological oaths or statements" for employees, contractors, **students, and applicants**, including views on and experience with "diversity, equity, inclusion, marginalized groups, antiracism, social justice, intersectionality, or related concepts." (Page 3, Lines 9-12)
- Reintroduces language requiring and enforcing the "use of color-blind and sex-neutral hiring processes" except for compliance with federal law.



- Requires **all higher education institutions** to adopt a mandatory pre-written statement of vague and subjective standards that are supposed to “take priority over any other value.”

The proposed amendments also threaten *harsh punishments* for employees and institutions. Employees can face unpaid leave for an entire academic year, be discharged, and/ or have their tenure revoked for engaging in activities prohibited by the Schaefer Amendments. The coordinating board could go beyond termination to implementing a career ending do not hire list for those found in violation of Mr. Schaefer’s policies. Universities violating the do not hire list face administrative penalties up to \$1 million.

Texas’s higher education institutions have a responsibility to ensure that all students, staff, and faculty have access to diverse, inclusive, and equitable environments. DEI is key to academic, social, and economic success. SB 17 weakens our higher education institutions, and the Schaefer Amendments will destroy years of progress, limit the protection of faculty and staff, stifle the recruitment, admission, and equitable treatment of diverse student populations. The Schaefer amendment also ignores the will of the Committee and its Chair who is the bill’s House sponsor.