



Testimony Against SB 37

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Texans know and love their public institutions of higher education. For generations, names like the Longhorns, Aggies, and Red Raiders have stood for more than academic excellence. Legislation such as SB 37 proposes an assault on the academic integrity and intellectual honesty of our state's proud institutions of higher learning. The Texas Constitution of 1876 requires the Legislature to establish and provide for a "system of free public schools" and goes further to require the creation of a "University of the first class." SB 37 is an onerous and punitive attack on the legacies of higher learning that Texans have invested in for generations. Our institutions of higher education should prepare Texans for a productive and lucrative career. Legislation that directs a hunt for Galileo undermines that essential goal.

The proposed changes, while cloaked in the language of accountability and efficiency, fundamentally undermine the academic freedom and intellectual rigor essential to a thriving educational environment and innovative leadership in high-earning fields. For example, the General Education Review Committee's mandate to ensure curricula do not "endorse specific public policies, ideologies, or legislation," creates a chilling effect on intellectual curiosity, freedom, and ambition, already felt on campuses across the state after last session's SB 17. This language is vague and subjective, opening the door to ideological policing of classrooms, where faculty may self-censor and avoid even the most basic or noncontroversial topics for fear of violating the ambiguous standard. Critical thinking thrives on the exploration of diverse viewpoints and the analysis of conflicting ideas. This legislation imposes the will of state leaders on university classrooms and research, stripping academic freedom, stifling academic exploration, and reducing higher education to Governor approved narratives. Texans are independent thinkers, but SB 37 is giving the Governor, Lt. Governor, and Speaker of the House, the authority to police the boundless minds of Texans.

Under SB 37, university regents, currently appointed by the Governor with the advice and consent of the senate, would have the power to overturn campus administrative decisions and individually approve faculty job postings. This egregious micromanagement of academic institutions erodes decades-deep trust built among faculty and university administration who champion shared governance. These changes transform governing boards from strategic overseers to enforcers of the governor's will by further consolidating power over institution curricula into the hands of Governor Abbott's appointees. Institutions of higher learning are not meant to be politicized mechanisms of government control. SB 37 enables politicians to undermine educator expertise in ways that threaten the global standing of our "universities of the first class." Further, the requirements for university leadership hiring would deter the most qualified candidates from applying to avoid the public scrutiny and political interference that already plague hiring processes in Texas.¹

It is a fallacy that faculty councils or senates have "unchecked authority" in Texas universities. The

¹ Kate McGee, "Top Texas A&M officials were involved in botched recruiting of journalism professor, who will receive \$1 million settlement," *Texas Tribune*, August 3, 2023;

<https://www.texastribune.org/2023/08/03/texas-am-regents-kathleen-mcelroy/>



dismantling of faculty input on institutional governance will exacerbate the harm done by the state's micromanagement of university leadership. For example, the University of Texas at Austin, the state's flagship institution, first adopted Rule 40101 in 2004 which governs the "Faculty Role in Educational Policy Formation," and is "guided in general by the best practices of the top universities in the United States and abroad." That rule explicitly states that the "major role" of the "General Authority" of faculty is subject to the power of the Board of Regents.²

SB 37 tightens Governor Abbott's political authority over our public universities by giving individuals who report directly to his appointees the power to determine the election and leadership of the new faculty governance body. Some of the most esteemed professors in our state – whose esteem is often regarded globally – will no longer have the right to contribute to their institution's governance if they do not meet the approval of Governor Abbott appointees. By stifling faculty input and undermining the collaborative nature of higher education cultivated in Texas over the last 150 years, this top-down approach further demeans the value of our universities.

Critics of big government recognize that new regulations only work if there is a policing apparatus acting as enforcer. Under SB 37, the Office of Excellence in Higher Education, with its broad investigatory powers, would serve as the new bureaucratic oversight and enforcement body for the Governor's thought police. This office, empowered to investigate and publicize "noncompliance," could be weaponized to target faculty and programs deemed undesirable to the Governor and his appointees. The vague mandate of addressing "matters of academic discourse" leaves room for subjective interpretations and selective enforcement, further stifling academic freedom and integrity.

Under the guise of reform, SB 37 could impose a series of burdensome and punitive measures that will stifle critical thinking, undermine shared governance, and politicize higher education. These changes create an environment of fear and self-censorship, ultimately harming students and debilitating the intellectual vitality of Texas institutions.

² The University of Texas System, "Rule 40101: Faculty Role in Educational Policy Formulation," Date Last Amended, February 23, 2023; <https://www.utsystem.edu/board-of-regents/rules/40101-faculty-role-educational-policy-formulation>