



**Senate Higher Education Subcommittee  
Interim Report**

January 2025

January 6, 2025

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
P.O. Box 12068  
Austin, Texas 78711

Dear Lieutenant Governor Patrick,

The Senate Higher Education Subcommittee is pleased to present our interim report to the 89th Texas Legislature, addressing the latest interim charges and providing recommendations.

The report reviews several topics, including, the balance between campus free speech and combatting antisemitism on college campuses, the role “shared governance” plays in curriculum development, and monitoring of past legislation related to postsecondary education.

We appreciate your leadership and trust that the insights and recommendations in this report will assist in the critical discussions and decisions in the coming legislative session.

Respectfully submitted,



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Senator Brandon Creighton, Chair



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Senator Mayes Middleton, Vice Chair



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Senator Phil King

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Senator Drew Springer

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Senator Royce West

## Acknowledgements

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Please direct any questions to:

**Senator Brandon Creighton, Chair**

Senate Education Committee

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## Introduction

On April 11, 2024, Lieutenant Governor Dan Patrick issued the following interim charges to the Senate Higher Education Subcommittee:

1. **Higher Education - “Faculty Senates”:** Review and analyze the structures and governance in higher education, focusing on the role of “faculty senates,” and like groups, in representing faculty interests to higher education institution administrations. Make recommendations to establish guidelines for the role and representation of faculty by “faculty senates,” and like groups, at higher education institutions in Texas.
2. **Innovation and Technology in Higher Education:** Investigate the opportunities and challenges of emerging technology on teaching and learning, focusing on artificial intelligence (AI), online education, and digital resources. Examine aspects of intellectual property as they relate to the development of AI programs and platforms by institutions of higher education and explore the ethical issues institutions of higher education should contemplate when developing AI programs and platforms. Make recommendations to responsibly and ethically utilize emerging technology to enhance learning in higher education.
3. **Monitor the Ban on Discriminatory DEI Policies:** Examine the implementation of Senate Bill 17, 88th Legislature, which bans discriminatory “DEI” initiatives at institutions of public higher education. Review and report on the progress each institution has made in aligning university policies and procedures with the provisions of Senate Bill 17, ensuring Texas college campuses foster equal opportunity and reward individual merit and achievement.
4. **Faculty Tenure Revisions:** Monitor the implementation of Senate Bill 18, 88th Legislature, relating to the tenure and employment of faculty members at certain public institutions of higher education. Review and report on each institution’s progress toward policies and procedures aligned with the provisions set forth in Senate Bill 18.

5. **Combating Antisemitism on Texas College Campuses:** Review campus policies to prevent antisemitism. Study the oversight Texas institutions of higher education have over the formation and operations of student organizations, including access to campus facilities and use of campus property. Make recommendations to prevent antisemitism on college campuses, while protecting First Amendment rights.
6. **Public Junior College State Finance Program:** Monitor the implementation of the new community college funding model as recommended by the Texas Commission on Community College Finance. Report on whether the rulemaking process is being successfully completed to focus on student outcomes and enhancing the role of public junior colleges in workforce training and preparation.
7. **Campus Free Speech:** Examine the procedures of Texas public institutions of higher education designed to protect the First Amendment free speech rights of faculty, staff, and students. Monitor and report on compliance with Senate Bill 18, 86th Legislature, and make recommendations for any needed reforms.

## **Charges 1 and 2 - Combating Antisemitism on Texas College Campuses and Campus Free Speech**

Review campus policies to prevent antisemitism. Study the oversight Texas institutions of higher education have over the formation and operations of student organizations, including access to campus facilities and use of campus property. Make recommendations to prevent antisemitism on college campuses, while protecting First Amendment rights.

Examine the procedures of Texas public institutions of higher education designed to protect the First Amendment free speech rights of faculty, staff, and students. Monitor and report on compliance with Senate Bill 18, 86th Legislature, and make recommendations for any needed reforms.

### **Testimony**

The Senate Subcommittee on Higher Education heard joint testimony regarding these two charges on May 14, 2024. The hearing included the following invited witnesses:

- Levi Fox, Student, University of Texas at Austin
- Courtney Toretto, Director of Policy, Anti-Defamation League
- Dr. Steven T. Collis, Director of Bech-Loughlin First Amendment Center, UT Austin School of Law
- Freeman Martin, Colonel, Texas Department of Public Safety

### **Finding & Analysis**

Following the unspeakable horrors inflicted on the Jewish community in Israel on October 7th, 2023, college campuses across the country— particularly in Texas— have seen an uptick in antisemitism. The Anti-Defamation League (ADL) has been tracking this unprecedented spike— with 73% of surveyed Jewish college students having experienced or witnessed antisemitism in some form during the 2023-2024 school year alone. For context— in prior surveys— 70% of Jewish college students reported some form of antisemitism throughout their entire college career.<sup>1</sup> According to the Hillel Foundation incident tracking website, there were 306 reported incidents of antisemitism on college campuses in the month following the October 7th Hamas terrorist attack on Israel— a 700% increase compared to the same time period in 2022.<sup>2</sup> This includes 129 college campuses reportedly impacted by antisemitic acts, when Hillel previously never recorded more than 40. According to Colonel Freeman Martin, who previously served as Deputy Director of Homeland Security Operations at the Texas Department of Public Safety (DPS), DPS and its federal partners have seen similar, startling trends in public safety and homeland security threats, though he did not provide specific statistics.

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<sup>1</sup> <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023>

<sup>2</sup> <https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/>



Following the October 7th Hamas terrorist attack on Israel, protests broke out across college campuses in Texas and across the nation– with participants demanding that universities divest from Israel. These protests reached their breaking point just before the May Subcommittee on Higher Education hearing. The hearing clearly conveyed the fear and uncertainty Jewish students felt on campus during the protests, outlined startling statistics on the increase of antisemitic activity on college campuses following the October 7th terrorist attack on Israel, and helped Texas legislators identify ways to draw the line between free speech and breeches of safety on college campuses.

Levi Fox, a Jewish student attending the University of Texas (UT) at Austin, recounted his experiences, such as fellow students telling him to “go back to Germany”. Levi also testified about the antisemitic slogans being chanted across campus, some even calling for the death of Jews. Chants such as “from the river to the sea, Palestine will be free” and “globalize the intifada” were heard reverberating across university campuses during these disruptive protests. According to Courtney Toretto, Director of Policy at the Anti-Defamation League (ADL) of Central Texas, these chants– although catchy– are not innocuous. They both have historically antisemitic ties that can be chilling for Jewish college students to hear. According to Ms. Toretto, “From the river to the sea, Palestine will be free”, or sometimes “Palestine will be Arab”, is a cry for Israel not to exist. The chant is calling for a Palestinian state that extends from the Jordan River to the Mediterranean Sea– essentially erasing the entire state of Israel. Conversely, “globalize the intifada” is in reference to a historically violent Palestinian uprising in Israel, which included indiscriminate violence, acts of terrorism, and resulted in the death of thousands of Jews. Ms. Toretto emphasized the need for speech on college campuses that leads to dialogue and compromise, not speech that invokes fear and uncertainty for the Jewish student community. Levi said he witnessed a large number of Jewish students feeling less safe on campus since the start of the protests. For example, according to Levi, many of his Jewish student peers stopped wearing Jewish symbols on their clothing, backpacks or other belongings for fear of discrimination or harm.

Dr. Steven Collis, Director of the Bech-Loughlin First Amendment Center at UT Austin School of Law, provided context based on his expertise on how and why free speech law was developed. Dr. Collis focused on two underlying values that developed after humanity’s long and painful experience of suppressing speech: 1) robust free speech results in the better discovery of the truth and 2) robust free speech allows for a flourishing society and reduces conflict.

According to Dr. Collis, there are several things that are not considered “free speech”– including physical harm to body or property, vandalism, blocking roads or access to buildings or barricading oneself into a building. He also noted that some speech can be forbidden by the government– including true threats that raise a reasonable fear of imminent bodily harm or speech intended to cause panic. Universities can respond accordingly to these imminent threats and can take steps to prevent speech that will cause imminent panic, as well. Reasonable time, place and manner restrictions can be employed on any public fora– including university campuses. When implementing their own

reasonable restrictions, universities should be focused on things like noise restrictions, allowing universities to continue to function, and monitoring the number of participants for safety reasons.

Chairman Creighton pointed out that during campus protests across the nation, participants occupied academic buildings, blocked Jewish students' access to certain establishments and replaced the American flag with the Palestinian flag. When asked by the Chairman, Dr. Collis clarified that once such university policies have been violated by protest participants, then the protest is no longer considered peaceful and campus officials may then arrest and/or escort individuals off campus. Furthermore, removing participants of a protest who violate a campus's reasonable restrictions policies is not a violation of the protestors' First Amendment rights.

According to Colonel Martin, there were a total of 134 arrests on the UT campus over the course of several days— with 61 of those individuals having no affiliation with the institution. Colonel Martin said officers found a stockpile of strategically-placed rocks and bricks that they immediately removed. Law enforcement also encountered pepper spray, knives and one handgun on those arrested. During the public testimony portion of the hearing, countless student protestors spoke about their experiences— some even recounting their arrests.

In the months following the protests, several institutions across the nation took action to prevent future disruptions on their campus or campuses.

In July 2024, Columbia University's Department of Public Safety released color-coded campus access levels that will be used as standardized vocabulary to communicate the operating status of the college campus.<sup>3</sup> The shorthand utilizes green, yellow, orange and red designations to flag the varying degrees of campus access. Green indicates the most lenient degree— meaning campus is open to everyone. Red indicates the most stringent degree— meaning campus is limited to those who live there or are essential to operations.

In August 2024, the President of University of California (UC), Michael V. Drake, responded to the disruptive protests that took place on UC campuses the previous spring. President Drake directed leadership of the ten UC campuses to implement rules that ban protests involving encampments or blocking of pathways, and to enforce policies against masks that shield protestors' identities. At the time, President Drake sent a letter to the UC community asserting that the right to exercise free speech through protesting remains fundamental to the mission of UC, but “some of the activities... over the past year” needed to be addressed.<sup>4</sup> In partnership with public institutions, Texas legislators have a responsibility to take similar action for the sake of campus safety.

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<sup>3</sup> <https://www.columbiaspectator.com/opinion/2024/08/07/campus-status-color-coding-puts-future-closures-on-a-hair-trigger/>

<sup>4</sup> <https://www.latimes.com/california/story/2024-08-19/zero-tolerance-at-uc-campuses-in-new-order-banning-encampments-masking-blocking-paths>

## **Recommendations**

1. Ensure governing boards at Texas public institutions of higher education are equipped with the tools they need to create policies banning intimidation tactics and to amend their reasonable time, place, and manner restrictions according to each unique campus's needs and infrastructures.

### **Charge 3 - Monitor the Ban on Discriminatory DEI Policies**

Examine the implementation of Senate Bill 17, 88th Legislature, which bans discriminatory “DEI” initiatives at institutions of public higher education. Review and report on the progress each institution has made in aligning university policies and procedures with the provisions of Senate Bill 17, ensuring Texas college campuses foster equal opportunity and reward individual merit and achievement.

#### **Testimony**

The Senate Education Committee heard testimony regarding this charge on May 14, 2024. The hearing included invited testimony from the following individuals:

- J.B. Milliken, Chancellor, University of Texas System
- Daniel Sharphorn, General Counsel, University of Texas System
- John Sharp, Chancellor, Texas A&M University System
- Ray Bonilla, General Counsel, Texas A&M University System
- Dr. Ted Mitchell, Chancellor, Texas Tech University System
- Eric Bentley, General Counsel, Texas Tech University System
- Dr. Renu Khator, Chancellor, University of Houston System
- Dona Cornell, General Counsel, University of Houston System
- Dr. Brian McCall, Chancellor, Texas State University System
- Nelly Herrera, General Counsel, Texas State University System
- Michael R. Williams, Chancellor, University of North Texas System
- Alan Stucky, General Counsel, University of North Texas System
- Dr. Carine Feyten, Chancellor, Texas Woman's University System
- Katherine Antwi, General Counsel, Texas Woman's University System

#### **Findings & Analysis**

Following the political unrest in the summer of 2020, a small group of extremists sought to seize the opportunity to transform public institutions– with the goal of reshaping Texas universities into institutions focused on social justice and equality of outcome. This was the start of Diversity, Equity, and Inclusion (DEI) bureaucracies growing out of control– merit being replaced with equity, diversity statements being forced upon prospective faculty, and exclusive resources being offered only to particular student demographics. With the passage of Senate Bill 17 (SB 17) during the 88th Regular Legislature, these practices have been prohibited on public university campuses. The intention of this landmark piece of legislation was to shift the culture on campuses of Texas public universities. SB 17 aspired to foster institutions that encourage true diversity– of values, ideas, and cultures– through the promotion of merit-based practices.

As required by Texas Education Code subsection 51.3525(f), university system leadership testified before the Senate Subcommittee on Higher Education, on May 14, 2024, regarding each system’s

compliance with statute. Prior to the hearing, Chairman Creighton sent a letter to each of the seven public university systems in Texas—University of Texas System, Texas A&M University System, Texas Tech University System, University of Houston System, Texas State University System, University of North Texas System and Texas Woman’s University System— requesting representatives from each be available during the hearing to address the following questions regarding implementation of SB 17:

- How has your institution ensured that there are no DEI offices or officers on campus, or no individual or organization performing the duties of a DEI office or officer?
- How has your institution worked to ensure that DEI training is not required for students, staff, and faculty?
- How has your institution acted to comply with the provision which prohibits providing preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment?
- How has your institution worked to ensure diversity statements cannot be considered for hiring or promotion?
- SB 17 requires regular audits by the State Auditor’s Office. How has your institution been preparing for this oversight action?

The Subcommittee invited the Chancellor of each university system to the May hearing to provide brief remarks outlining what steps had been taken up to that point to comply with SB 17. The general counsel from each university system was also invited to the hearing to assist his or her Chancellor in answering questions from members of the subcommittee. Chairman Creighton also sent a letter requesting responses to each of the above questions to all public community colleges in Texas, the Texas State Technical College System and Texas Southern University— though there was no request for these institutions to testify at the hearing.

A common sentiment made by university systems was that compliance procedures were executed long before SB 17’s passage in mid-2023. Furthermore, some institutions continued to make serious changes to their campus culture, in compliance with SB 17, not long before the May 2024 hearing. In April 2024, the University of Texas at Austin (UT Austin) and the University of Texas at Dallas (UT Dallas) announced the firing of about 80 total employees who used to work in DEI programs at the two institutions combined.<sup>5</sup> At the start of 2024, when SB 17 went into effect, chief legal officers from the state’s university systems collaborated on “frequently asked questions” (FAQ) documents that were made available to the public. These FAQ documents were intended to provide guidance to each system’s faculty, staff and students on the implementation of SB 17 in their respective colleges, departments or offices. According to testimony provided by Chancellor J.B. Millken, of the University of Texas System, this collaborative effort aided in the development of best practices, common interpretation, and uniform compliance across all Texas university systems. During her remarks, Chancellor Renu Khator, of the University of Houston System, said the FAQ documents also explain

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<sup>5</sup> <https://www.texastribune.org/2024/04/19/texas-colleges-dei-ban/>  
<https://www.dallasnews.com/news/education/2024/04/09/ut-dallas-lays-off-staff-closes-office-to-comply-with-dei-ban/>

exemptions allowed for research and academic programs and student organization activities. An excerpt from University of Houston's FAQ document<sup>6</sup> can be found in Figure 1.

### **1. What is DEI?**

**A:** DEI stands for diversity, equity, and inclusion. Diversity, Equity, and Inclusion, as defined by SB 17 and System Administrative Memorandum 01.D.18 means engaging in any of the following actions:

1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity, other than through the use of equal opportunity;
2. Promoting differential treatment of or providing special benefits to individuals;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by OGC in accordance with state law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than those expressly authorized by OGC in accordance with state law.

### **Events/Programs That Involve Belonging, Cultural Education, and Support for Certain Affinity Groups**

SB 17 prohibits(i) giving preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any function of the institution; (ii) hiring or assigning an employee or contracting with a third party to perform the duties of a DEI office; and (iii) requiring any person performing any institution function to participate in DEI training.

### **2. May a university host university/college/department-wide events or programs that support diversity in a general way?**

**A:** Yes, events or programs that support diversity in a general way are not affected by SB 17 as long as they do not promote preferential treatment of any particular group and are open to everyone. Examples include, but are not limited to, events or programs with themes of promoting a welcoming climate, ensuring curricular alignment, and cultural competency.

### **3. May a university host multicultural events or programs, such as those that recognize Hispanic Heritage Month, Black History Month, Asian American Pacific Islander Month, Women's History Month, and Indigenous People's Day?**

**A:** Yes, as long as these events or programs are open to everyone who wants to participate. The Division of Student Affairs as well as registered (also called recognized) student organizations would be appropriate hosts of such events or programs, but they must not show preference for any one group over another. The emphasis should generally focus on history and culture. Attendance at such events cannot be mandatory for students or employees. If a student organization that is registered with or recognized by the university wants to host a multicultural event or

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<sup>6</sup> <https://uh.edu/dsa/resources/sb-17-faqs/>

**Figure 1.** *All Texas public university systems collaborated to publish similar “Frequently Asked Question” documents for students, faculty, and staff to reference.*

Beyond that, each university system Chancellor outlined the unique and innovative steps he or she, alongside the Board of Regents, General Counsel, and other leadership took to implement SB 17 at all member institutions. Below is a brief overview of each Chancellor’s remarks, as well as key questions asked by members of the subcommittee.

### University of Texas System

According to Chancellor Milliken, the University of Texas (UT) System Board of Regents adopted a new regents rule regarding implementation, compliance, and reporting required by SB 17 in August 2023. That November, a new UT System policy— binding on all member institutions— was voted on unanimously by the Board. This policy imposed a comprehensive set of requirements for institutions to meet the January 1 effective date— such as the elimination of all DEI offices, the cessation of all DEI duties, the prohibition of any DEI statements, the banning of preferences on the basis of race, sex, color, ethnicity, or national origin, and the prohibition of any and all DEI training as a condition of employment or enrollment.

According to Chancellor Milliken, the UT System Vice Chancellor for Academic Affairs and the Vice Chancellor for General Counsel were tasked with creating a template for each member institution to report compliance to the System in a common format. Based on the responses received up to that point, Chancellor Milliken estimated that over \$25 million would be saved or reallocated for other university objectives. According to the Chancellor, 21 DEI offices were closed— with the elimination of 311 full and part-time positions that performed DEI duties. 681 DEI-related contracts, programs, and training were prohibited.

Chancellor Milliken emphasized the need for oversight of continued compliance. For that reason, it became the Internal Auditor’s responsibility to provide audit chiefs of the member institutions a comprehensive set of guidelines for auditing all aspects of the institution affected by the law and newly-adopted policies. Each institution was also ordered to conduct internal audits for compliance, beginning in the spring of 2024.

The Chancellor reiterated UT System’s shared goal with the Legislature— focusing on expanding access, increasing affordability, and launching strong careers aligned with in-demand jobs and good earning opportunities for students.

### Texas A&M University System

Chancellor John Sharp, of Texas A&M University (A&M) System, detailed the System’s swift response in complying with SB 17. According to Chancellor Sharp, the system required member institutions to begin submitting data for all programs, offices, trainings, organizations, and websites that supported DEI efforts as soon as SB 17 was signed into law. Member institutions were directed to comply with

the law by September 2023— four months prior to the January 2024 implementation date. According to the Chancellor, the A&M System did not have a large DEI footprint to begin with. Chancellor Sharp said that, among the eleven member institutions, nine had DEI offices— with Texas A&M Kingsville and Texas A&M International having previously shuttered theirs. The nine DEI offices employed 27 full-time staff in total. Across the A&M System, there were a total of 114 DEI-related positions, but according to Chancellor Sharp, most were part-time employees or student workers. Chancellor Sharp informed the subcommittee that all the full-time DEI positions were eliminated by October 2023, and the remaining positions were eliminated before SB 17’s effective date. Eight of the full-time employees who occupied those positions departed the system, while the remaining 19 were reassigned within the institution.

A unique approach the A&M System took was the culmination of an operation manual for complying with the law. The manual includes procedures and contacts for any possible infractions so the A&M System and its board are able to investigate and address concerns that may surface in the future. The A&M System requested to be the first system to be audited by the state so that they are able to correct any oversight, as well as help create a model for other systems.

When asked by Senator West whether DEI programs accomplished their objectives related to increasing the success rates of minority students, Chancellor Sharp said it would be difficult to determine. However, he said the A&M System intends to reallocate the funds toward recruitment of students in smaller, minority-serving school districts that have historically been under-represented at larger institutions like UT and A&M. According to the Chancellor, this will prove to be a more effective means of reaching minority or nontraditional students.

#### Texas Tech University System

Chancellor Ted Mitchell, of the Texas Tech University (TTU) System, gave a high-level overview of the measures the System has taken to comply with SB 17. According to the Chancellor, TTU System’s General Counsel issued a memorandum to all component institutions the week before SB 17 was signed into law— discussing what steps would be taken towards compliance. The TTU System created a task force, composed of general counsel, the Office of Equal Opportunity and the Office of Governmental Relations, to develop a review and implementation process that would align all existing policies, operations, training and programs at the system- and campus-level with the requirements set forth by SB 17. As an extra measure of certainty, Chancellor Mitchell said TTU System’s Department of Auditing Services conducted a systemwide audit as a follow-up to the task force’s work.

Chancellor Mitchell took the time to assure committee members that 1) the System will not be dividing its students up into silos based on any singular demographic and has full intention of complying with the spirit of the law, and 2) the component institutions will always welcome and support any student who becomes a member of the TTU System family. According to the Chancellor, the persistence of student organizations allows students a mechanism by which they can pursue common interests and discuss shared life experiences.



### University of Houston System

When reviewing SB 17 compliance within the University of Houston (UH) System, Chancellor Khator highlighted the findings in four categories: policy, programs, personnel and resources. A review group— established by Chancellor Khator and composed of the General Counsel, Chief Compliance Officer and Vice Chancellor of Student Affairs— was chartered with evaluating each of these categories.

At the policy level, the review group found that changes were minor and primarily involved clarifying intent and scope, as well as updating definitions. A new system-wide policy was created in August 2023 to address the inadequacies of SB 17 compliance on all four of UH System campuses. The System hosted multiple in-person informational sessions for faculty and staff at each UH campus to allow for better understanding of implementation.

The programmatic category was broken down into three subcategories: training, faculty and staff recruitment, and student services. All DEI-related training was eliminated, and training modules were all reviewed and revised as necessary. Throughout the auditing process, Chancellor Khator said the review group found student support programs that may have been well-intentioned but had exclusionary practices. Some of these programs were modified and maintained, while others were eliminated altogether. Finally, under this category, the review group ensured Equal Opportunity Act training and hiring processes were standardized across all campuses and consistent with federal and state law.

The third category was personnel. According to Chancellor Khator, unlike other university systems, UH System did not have a systemwide DEI officer. All four UH universities did not have DEI officers. There were DEI leaders at a few UH campuses— each of which were eliminated or had resigned by the Spring of 2023. The University of Houston had a DEI office and a LGBTQ+ Resource Center. Both were dissolved and an Office of Student Advocacy and Community was created in their place. Fifteen DEI-related positions were identified by the review group, and all were eliminated and recreated to serve all students. There were a limited number of positions where job descriptions included less than half of an employee's time dedicated to DEI work that were revised and determined by the review group to be compliant with the law.

Finally, under the financial resources category, the review group identified approximately \$750,000 in funding devoted to DEI-related services system-wide. According to Chancellor Khator, the money was reallocated to provide additional support services for all students— particularly with the goal of increasing graduation rates.

Chancellor Khator reiterated UH System's continued efforts to monitor SB 17 implementation across its network of institutions. According to the Chancellor, the UH System remains committed to

supporting all students on their educational journey and conducting research that is meaningful to the state.

### Texas State University System

Texas State University System (TSUS) is the third largest university system in the state.<sup>7</sup> Chancellor McCall informed the subcommittee that, for the majority of his tenure, there were no DEI offices within the System. According to the Chancellor, TSUS is a \$1.6 billion organization that spent less than \$3 million annually on DEI programming when it did come to fruition within the System. According to the Chancellor, of the 15,000 employees, 20 total employees directly worked in DEI-related positions.

Yet, according to Chancellor McCall, TSUS is one of the most organically-diverse communities. He went on to provide statistics to support this statement. With the 27% increase in student headcount since 2010, minority student headcount increased by 103%. More specifically, Chancellor McCall said African American student headcount increased by 50%, and Hispanic student headcount increased by 130% within the same time period. Even since the passage and implementation of SB 17, TSUS saw an increase in all of these categories during the 2023-2024 school year. The Chancellor said it is not just student diversity that has increased since 2010, but minority faculty has also increased by 127%.

Even so, the Chancellor and the TSUS took the necessary steps to comply with SB 17. According to Chancellor McCall, in March 2023, he ordered institutional presidents to eliminate diversity statements and to modify any campus processes not consistent with state and federal law. Following the passage of SB 17, TSUS adopted a comprehensive, multi-tiered strategy to achieve legal compliance. This strategy required job postings and student/employee training to be reviewed and approved by high-level administrators to ensure there were no prohibited functions. The System also created an online portal where members of the public report violations that may not have been detected through the audit process. This strategy also put systems in place to ensure ongoing compliance.

Finally, Chancellor McCall said the TSUS Board of Regents is actively engaged in discussions and will continue to receive regular updates on compliance.

### University of North Texas System

According to Chancellor Michael Williams, one of his highest priorities since becoming Chancellor of the University of North Texas (UNT) System has been to develop a new culture within the System that puts students and their families first. The UNT System educates 47,000 students, with member institutions designated as minority- and hispanic-serving. UNT Health Science Center delivers healthcare to underserved populations throughout Texas, and UNT Dallas enrolls 85% minority students and 75% first generation students.

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<sup>7</sup> <https://www.tsus.edu/about-tsus.html#:~:text=TSUS%20is%20the%20third%2Dlargest,in%20the%20Fall%202023%20semester.>

In terms of compliance measures, Chancellor Williams informed the subcommittee that, after session ended, the UNT System began reviewing policies and practices to ensure member institutions were in compliance by January 1, 2024. According to the Chancellor, a thorough review of functions was undertaken to identify and eliminate any office or unit that would meet the definition of a DEI function.

As stated by the Chancellor, UNT System's flagship campus was the only member institution that housed a DEI-like office— known as the Division of Inclusion, Diversity, Equity, and Access— which was eliminated in October 2023. Beyond that, Chancellor Williams informed the subcommittee that over 200 training programs were reviewed among the System and its campuses. Any training that referenced DEI was removed and no longer available for participation to students and faculty. Chancellor Williams ensured the subcommittee that the UNT System is a values-based system that conducts merit-based hiring practices. Therefore, no modifications to practices or procedures was necessary. However, job postings and descriptions were revised to meet compliance with SB 17 in response to a March 2023 directive by the Chancellor, prohibiting any job posting from requesting or requiring DEI statements in any hiring decision.

Chancellor Williams said the UNT System is deeply committed to students and their families, who in turn change communities by meeting the workforce needs of Texas.

#### Texas Woman's University System

Chancellor Carine Feyten began by reminding the subcommittee that Texas Woman's University (TWU) System served a diverse student body effectively without the need for a DEI office. According to the Chancellor, TWU is tied for number one as the most diverse institution in Texas and tied for fourth as the most diverse institution in the nation. Chancellor Feyten was clear in saying that diversity— not just of race, but of experience, thoughts and viewpoints— is essential to what makes TWU “a vibrant place for free exchange of ideas”.

Despite the TWU System's lack of an official DEI office, Chancellor Feyten told the subcommittee that there was room for improvement, and TWU System took steps to ensure full compliance with SB 17. TWU System began by closing its Center for Diversity and Inclusion Outreach that was housed within the Division of Student Life. According to Dr. Feyten, this center was mostly funded by student fees. Those funds were redirected to the Center for First Generation Students. Dr. Feyten informed the subcommittee that TWU System came to this decision, because half of the incoming students for the upcoming school year are first generation, and retention rates for first generation students is lower than average. Dr. Feyten said the Center for First Generation Students is focused on serving students based on need regardless of their demographic— serving a diverse student body in a race- and gender-neutral way. Additionally, Dr. Feyten informed the subcommittee that TWU System conducted a thorough review of all programming and found few areas that needed improvement.

When asked by the Chairman whether the System had a process in place to monitor continued compliance, Chancellor Feyten assented. According to the Chancellor, TWU System’s Office of Compliance and Office of General Counsel were charged with overseeing the ongoing auditing process. She said the compliance process was less about systematic changes made and more about managing the TWU System community’s interpretations of the law.

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Throughout SB 17’s legislative journey, the concern about accreditation surfaced frequently during discussion in committee or on the Texas House and Senate floors. Senator Middleton touched on this during the May interim hearing—specifically asking Chancellors whether the Southern Association of Colleges and Schools (SACS), the primary accrediting body in Texas, has created any impediments following the implementation of SB 17. Chancellor Milliken expressed that SACS is traditionally less aggressive on these issues compared to other accrediting bodies. Furthermore, he said it would not be in the best interest of an accreditor to push back, as he believes it is their responsibility to provide accreditation requirements that reflect the laws of the states that it serves, namely Texas.

In July 2023 the Liaison Committee on Medical Education (LCME)—a medical school accreditor—responded to an inquiry by the Congressional House Committee on Education and the Workforce, requesting clarity on what its “diversity standards” actually mean. According to LCME’s response, their diversity requirements are not as rigid as institutions assumed. In the letter, LCME said “nothing... mandates which categories of diversity a medical school must use to satisfy this element.”<sup>8</sup> This clarity was paramount in paving the way for other states to pass similar legislation to Texas’s SB 17— the strongest DEI ban in the nation— without fear of placing institutions at a crossroads between accreditation and complying with the law.

During her remarks, Chancellor Feyten made the point that celebrating diversity is warranted, but manufacturing diversity by elevating one group of people at the expense of another is not the way to achieve it. Ultimately, diversity— in every sense of the word— should not be the responsibility of a singular office to achieve, but that of the campus culture to foster.

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<sup>8</sup> <https://donoharmmedicine.org/wp-content/uploads/2023/07/Ltr-LCME-Response-May-18-2023.pdf>

## **Recommendations**

1. Continue to monitor the implementation of SB 17 (88R) and the ongoing compliance efforts undertaken by Texas public institutions of higher education and their governing boards.

## **Charge 4 - Public Junior College State Finance Program**

Monitor the implementation of the new community college funding model as recommended by the Texas Commission on Community College Finance. Report on whether the rulemaking process is being successfully completed to focus on student outcomes and enhancing the role of public junior colleges in workforce training and preparation.

### **Testimony**

The Senate Education Committee heard testimony regarding this charge on September 24, 2024. The hearing included invited testimony from the following individuals:

- Sarah Keyton, Interim Commissioner, Texas Higher Education Coordinating Board
- Dr. Brenda Kays, Board Chair, Texas Association of Community Colleges
- Dr. Justin Lonon, Chancellor, Dallas College
- Justin Yancy, President, Texas Business Leadership Council

### **Finding & Analysis**

According to Justin Yancy, President of Texas Business Leadership Council, it is estimated that 72% of U.S. jobs will require a postsecondary credential by 2031. Yet, less than one in four students earn a certificate, associate or bachelor's degree by the age of 24. Clearly, Texas has a responsibility to significantly increase credential attainment.

Enter: community colleges. Texas community colleges play an integral part in the state's postsecondary landscape. According to Dr. Brenda Kays, Board Chair of the Texas Association of Community Colleges (TACC), community colleges award 93-percent of all career and technical education credentials— supporting key industries such as healthcare, information technology and advanced manufacturing. Texas community colleges lay the foundation of core curriculum for secondary students through dual enrollment programs, partner with local industry to provide upskilling and reskilling opportunities for employees, and graduate students from various walks of life with credentials that will advance their career opportunities. For this reason, legislators saw the need to reward community colleges for the invaluable work they do. Following an entire interim dedicated to studying and developing best practices through the work of the Texas Commission on Community College Finance, the 88th Texas Legislature passed House Bill 8 (HB 8)— leading the nation with its new, dynamic community college funding formula.

According to Sarah Keyton, who previously served as Interim Commissioner of the Texas Higher Education Coordinating Board (THECB), prior to the passage of HB 8, community college funding was primarily based on inputs, such as student contact hours—which made up about 78% of the funding formula. The system rewarded enrollment without prioritizing completion or student success. Following the passage of HB 8, a significant portion of state funding for community colleges is now

performance-based— with incentives for particular outcomes. The most significant update in the new model is the way in which state dollars are directed via ‘base tier’ and ‘performance tier’ funding— which are detailed below.

## **New Formula**

### *Base Tier*

The new model ensures community colleges across Texas can access foundational levels of funding for instruction and operations— a provision particularly important for small and rural colleges. Prior to the passage of HB 8, the majority of foundational funding was generated by tuition and local property taxes. Community college boards would set tuition rates and adopt property tax rates to maintain maintenance and operations and address debt service. There was a wide variation in the property tax rates community colleges would adopt— ranging from less than two cents to greater than 39 cents per \$100 of taxable value— as well as the taxable property values. These two things combined resulted in dramatic differences in the funding colleges could generate on their own, as well as significant increases in property tax collections over time.

HB 8 created a methodology to determine the base level of Instruction and Operations (I&O) funding needed to meet a college’s essential operating needs. In the new model, I&O funding is calculated based on a community college’s contact hours, basic allotment rate and weighted full-time student equivalents. This calculated number is then compared to the sum of the estimated amount of money a college can raise with a \$0.05 maintenance and operations (M&O) property tax rate and an estimate of available tuition & fee revenue— referred to as the ‘local share’. State funding is provided to make up the difference between a college’s I&O and local share calculations.

### *Performance Tier*

An outcomes based formula was created through HB 8. This is the methodology through which community colleges receive 95% of state funding based on the following metrics:

- Completion of 15 semester credit hours (SCH) in dual credit or dual enrollment courses;
- Transfer to a Texas public university after completion of 15 SCH;
- Award of a credential of value, which can include bachelor’s degrees, associate degrees, certificates or other credentials.

Outcomes are weighted for students with particular characteristics that generally require additional resources to educate such as economically disadvantaged, academically disadvantaged, or adult learner (defined as 25 years of age or older).

## **Forecasting**

According to Interim Commissioner Keyton, THECB developed a temporary forecasting model over the interim to calculate and project performance tier funding based off of six years of historical data. Interim Commissioner Keyton said there are a couple things to note when considering this data: 1) several of the six years include patterns of disruptions colleges faced in enrollment and completion

due to the effects of the COVID-19 pandemic; and 2) due to timing in data availability, outcomes for Fiscal Years (FY) 24 and 25 were estimated. THECB established ‘guardrails’ that limit year-to-year changes to forecasted outcomes to no more than a 10% increase or 5% decrease in funding for colleges. Once THECB receives it from institutions, the forecasted outcomes will be replaced with actual data and the formula will be re-run in order for colleges to receive funding that aligns with what outcomes they actually delivered.

### **Supplemental Funding**

At the time of the September hearing, community colleges had already begun increasing their performance outcomes. According to Interim Commissioner Keyton at the time, a projected \$39.4 million in supplemental funding will be needed in order to fully fund the performance outcomes for FY 25 based on growth trends at the time.

### **Programs**

In addition to the new formula, HB 8 also included the creation of new programs– as well as the bolstering of existing programs– centered around student success. Below is an overview of several of those programs.

#### *Financial Aid for Swift Transfer (FAST)*

Financial Aid for Swift Transfer, or ‘FAST’, is a program dedicated to increasing high school student access to dual credit courses. FAST utilizes Foundation School Program funding to allow public community colleges to offer dual credit courses at no cost to economically disadvantaged students. According to Interim Commissioner Keyton, this opportunity increases access to college-level courses for this demographic of students, which significantly reduces the time and cost it would typically require for them to obtain a college degree. Additionally, FAST allows institutions to receive funding equal to the adopted tuition rate for these courses. At the time of the September hearing, Interim Commissioner Keyton said \$79.6 million in funding had been disbursed to institutions participating in the program– signifying an investment in both community colleges and the students they serve. Dr. Kays testified that the program contributed to an overall record headcount for the Fall 2024 semester at Kilgore College, with an anticipated record-breaking enrollment year.

#### *Opportunity High School Diploma Program*

According to Interim Commissioner Keyton, over 3 million adult Texans lack a high school diploma, which is a significant barrier to postsecondary education and career advancement. The Opportunity High School Diploma (OHSD) Program is designed to meet students where they are in their educational path. Through OHSD, students enrolled in career and technical education programs at public community colleges are able to concurrently earn their high school diploma. The program is designed with learning objectives in five key areas: quantitative reasoning, civics, scientific reasoning, communication skills and workplace success skills. Students can earn credit for prior learning where they can demonstrate they have the knowledge and skills in these areas. Upon completion of the



program, students earn a high school diploma conferred by their community college— equivalent to a diploma from any public school in Texas.

THECB partnered with five colleges to assist in crafting instructional outcomes and performance expectations for the program: Alamo Colleges, Austin Community College, Dallas College, El Paso Community College, and San Jacinto College. THECB also sought advice from several business consortiums in order to ensure the program aligns with the needs and expectations of Texas employers.

### Course Sharing

Course sharing is a cross-institutional model that allows students enrolled at one community college to take online courses they would not otherwise have access to at another institution. The goal of this initiative is to reduce costs for students and improve operational efficiency at Texas institutions. Students have access to additional courses that help them stay on track and/or finish their degree on time, while institutions have the opportunity to save money, improve operations and increase enrollment. Thanks to funding from the Legislature, institutions can participate at no cost and retain the tuition generated— which is of particular importance to rural and small colleges. According to Interim Commissioner Keyton, the THECB expect a total of 25 participating institutions by the Spring 2025 semester.

### Texas Reskilling and Upskilling through Education

The Texas Reskilling and Upskilling through Education (TRUE) Program was developed in partnership with industry and Texas community colleges. The TRUE program supports short-term pathways to certifications in high-demand fields like healthcare, advanced manufacturing, welding and others. According to Interim Commissioner Keyton, since the program's establishment during the 87th Legislature, 233 active credential programs across 48 community colleges have been created. Interim Commissioner Keyton emphasized that over 1,000 students in FY 2022 and FY 2023 cohorts received financial support thanks to the TRUE program. Further, 68% of those students completed their credentials and 70% are now employed. Thanks to the passage of HB 8, community colleges have additional incentive to partake in programs like TRUE, that are focused on building a stronger, more resilient Texas workforce.

### **Impacts of HB 8**

According to Dr. Kays, HB 8 gave Kilgore College the flexibility to expand short-term credential offerings that help students acquire skills that lead directly to high-paying jobs in high-demand industries. This provides students a direct pipeline to employment following graduation. Dr. Kays emphasized that Kilgore College strengthened its relationship with local employers in order to ensure students are equipped with skills essential to the field they are entering. This demonstrates that, through the new funding model created in HB 8, schools are able to respond quickly to changing industry demand while maintaining a predictable financial foundation.

According to Dr. Justin Lonon, Chancellor of Dallas College, dual credit students at his institution earned approximately 2,747 awards during the 2023-2024 academic year. This represents a 9% increase year over year. For the Fall 2023 semester, FAST-eligible students represented 26.68% of total enrollment. For the Spring 2024 semester, FAST-eligible students represented 25.65% of total enrollment.

#### Dallas Transfer Collaborative

Following the passage of HB 8, higher education leaders and advocates in the Dallas region felt it was the right opportunity for regional action to improve transfer student success. According to Dr. Lonon, it is not a lack of interest that keeps students from transferring from a community college to a four-year institution but the complexities of the transfer process itself. A major barrier to successful transfer is loss of credit. Understanding this reality, Dallas College partnered with Texas A&M University-Commerce, Texas Woman's University, and University of North Texas at Dallas in the summer of 2024 on the Dallas Transfer Collaborative. According to Dr. Lonon, the goal of the Collaborative is to improve outcomes for transfer students by collectively simplifying their transfer pathways.

The first phase launched in the Fall 2024 semester and included two components designed to address the issue of transfer credit loss:

- **Meta Majors** are targeted associate degrees that map to several high-demand bachelor's programs. Business, Health Sciences, and Education are the three Meta Majors offered in the Fall 2024 semester.
- **Transfer Central** is a centralized transfer website that contains resources and information for transfer to any of the three four-year partners, as well as other institutions. Embedded within this website is the "Credit Applicability Evaluator", which provides real-time credit-to-degree information that enables students to see how any given credit might transfer into a degree at participating institutions.

Dr. Lonon emphasized during his testimony that Dallas College recognizes the impact of strong partnerships on student success and, ultimately, the Texas economy.

#### Workforce Partnership Initiative

According to Justin Yancy, President of Texas Business Leadership Council, Texas business leaders are struggling to hire enough workers with the right skills to fill the 800,000 open positions in the state. The Texas Workforce Partnership Initiative (WPI) was established to address this skills gap and maximize the new HB 8 funding model. Texas WPI is led by the Business Roundtable and supported by the Business-Higher Education Forum in close partnership with the Texas Business Leadership Council, Texas Association of Community Colleges, and Educate Texas. The goals of the initiative are to:

1. Identify strategies for developing and scaling credentials of value aligned with HB 8 and business needs;

2. Create meaningful career pathways to a career by fostering employer commitments to work-based learning tied to credentials of value;
3. Accelerate access to competitive, diverse, ready-to-work learners with in-demand skills

Yancy said that, since its inception, Texas WPI has made significant strides toward the aforementioned goals. Texas WPI has worked to develop 33 credentials of value, launch two pilots supporting work-based learning, and engaged over 100 stakeholders, including community colleges and employers.

Yancy provided several examples of successes community colleges have achieved through the work of Texas WPI convenings. El Paso Community College identified the most needed credentials for their region based on direct employer input along with analysis of labor market data. From there, Texas WPI facilitated an industry subject matter expert workshop in order to identify the knowledge, skills, and abilities the college used to create the curriculum for a new data analytics credential. Alamo Colleges District has created two new mechanisms of connectivity and communication with employers. The first is an industry account executive role, the point-of-contact employers can engage with who is specific to their sector. The second is a chancellor advisory council, to whom C-Suite business leaders can provide direct feedback to college leaders.

According to Yancy, the next phase of Texas WPI will be to expand to other regions of the state over the next two years. It is thanks to the additional funding provided by HB 8 that colleges are able to commit to new strategies and process improvements.

### *Student Success*

According to the Texas Higher Education Coordinating Board, the average unmet financial need for students attending Texas community colleges during the 2022-2023 academic year was over \$11,500. During the September hearing, several former and current community college students testified about the impact HB 8 will have or would have had on their postsecondary journey and the performance funding their success represents for their college.

Elias Ramirez, a former student at College of the Mainland, qualified as an economically and academically disadvantaged student. With the successful completion of his associate degree and transfer to a public four-year institution, he represents \$10,500 in performance funding under HB 8. Elias said he believes community colleges can now reinvest this funding in additional resources to assist students in their financial needs that inhibit them from completing their credentials on time.

Myles Lopez-Cepero, a current student at Austin Community College (ACC), shared about the impact HB 8 is already having on him and his peers. According to Myles, HB 8 has enabled ACC to invest in several affordability initiatives such as the Affordability Scholarship. Myles said that, during the Spring 2024 semester, he was unable to afford housing and dropped out of college— assuming he would never come back. The Affordability Scholarship provided the financial flexibility he needed to save for a deposit and secure a new living space.

Isabel Torres, a former student at ACC, is a single parent who balances responsibilities to her daughter, work and school. Torres said that, as an adult learner and an individual considered to be economically- and academically-disadvantaged, her successful completion of an associate's degree in a high-demand field and transfer to a public four-year university represents \$16,000 in performance funding under HB 8.

Senator Springer said the testimony these students provided brought joy to the conclusion of his time serving in the Senate. According to Senator Springer, stories like those provided by Elias, Myles and Isabel are the reason why legislators run for office— a desire to make a difference.

## **Recommendations**

1. Consider expanding the transfer outcome under the performance tier to include transfers to Texas private four-year colleges and universities.
2. Continue to monitor the implementation of HB 8 (89R) and fully fund outcomes in the existing framework.

## **Charge 5 - Innovation and Technology in Higher Education**

Investigate the opportunities and challenges of emerging technology on teaching and learning, focusing on artificial intelligence (AI), online education, and digital resources. Examine aspects of intellectual property as they relate to the development of AI programs and platforms by institutions of higher education and explore the ethical issues institutions of higher education should contemplate when developing AI programs and platforms. Make recommendations to responsibly and ethically utilize emerging technology to enhance learning in higher education.

### **Testimony**

The Senate Education Committee heard testimony regarding this charge on September 24, 2022. The hearing included invited testimony from the following individuals:

- Dr. Michelle Singh, Assistant Commissioner of Digital Learning, Texas Higher Education Coordinating Board
- Dr. Taylor Eighmy, President, University of Texas at San Antonio

### **Findings & Analysis**

Technology is on the cusp of transforming higher education and industry as we know it. Texas is about to face both extraordinary challenges and opportunities through the emergence of Artificial Intelligence (AI) and other technological advancements.

Dr. Michelle Singh serves as Assistant Commissioner for Digital Learning at the Texas Higher Education Coordinating Board, where she has taken the lead on positioning Texas to be at the forefront of educational innovation in the era of digital learning. Dr. Taylor Eighmy serves as President of the University of Texas at San Antonio, where a new College of Artificial Intelligence, Computing, Cyber and Data Science is launching in January 2026. These efforts are all rooted in preparing Texas institutions to be agile as educational innovation continues to progress to the next frontier.

According to Dr. Singh, in April 2023, a landscape analysis of AI activities across Texas institutions was conducted by the Texas Higher Education Coordinating Board (THECB). The analysis found a 56% response rate from 70 Texas institutions— from two-year to health-related institutions— that provided insights into AI adoption and readiness. According to the survey, 80% of Texas institutions either have AI policies in place or are in the process of developing them. The survey found that these policies primarily focus on teaching and learning. Guidelines on AI use in courses are the most common— with a strong emphasis on the ethical and responsible use of AI, including considerations for academic integrity.

Through the survey, Texas institutions expressed a strong desire for collaboration across the state, with 83% of institutions open to sharing resources. In response, the Coordinating Board established

the “Adapting to Innovation” initiative. This initiative seeks to provide technological resources, programs, and services to postsecondary institutions— focused on priorities centered around campus community engagement, small scale implementations and ethical/responsible use of AI.

Furthermore, according to Dr. Singh, THECB’s Learning Technology Advisory Committee established an AI subcommittee in the fall of 2022 that brought together experts from across the state to guide efforts on this front. THECB continues to collaborate with industry, government, and academic partners across the nation— working to minimize redundancies, build upon collective knowledge, and focus resources on addressing critical gaps. A robust suite of resources is being developed to support Texas institutions— including an “Adapting to Innovation Playbook”, to provide practical guidance on implementing AI strategies across campuses.

Dr. Singh and her team at THECB have worked to elevate the capabilities and knowledge already fostered within the Texas higher education community— centralizing resources, services and programs. They have engaged in an “AI Facilitated Learning Network”— created by Austin Community College, Alamo Colleges District, San Jacinto College, University of Texas, and University of North Texas. The network offers cohort-based engagement for educators. They have provided access to an “AI Essentials Course”, which is available to up to 500 faculty members, and have assisted in the development of an AI for Higher Education Educators course, which is designed by educators for educators.

UTSA’s College of Artificial Intelligence, Computing, Cyber, and Data Science is the convergence of existing departments and programs, involving 6,000 faculty, staff, and students. Dr. Eighmy believes this new college is deeply tied to fostering an ecosystem in the region focused on cyber- and national security, as well as a deep commitment to workforce and economic development.

According to Dr. Eighmy, UTSA currently has close relationships with employers across the industry— such as Dell, IBM, Microsoft, and Meta— and remains responsive to what those partners indicate is important for degree programs and credentialing. There are several common skills these employers have indicated they care about: AI competency, critical thinking, coding, complex problem solving, data privacy, AI ethics, AI legal, and the evolution of AI. Dr. Singh included digital collaboration (how to work in a digital space together) and AI interaction (how to leverage and find utility in AI infrastructure) as two additional emerging skills employers have expressed interest in students learning.

The efforts to capitalize on the evolution of technology in postsecondary education does not end here. Though UTSA currently offers professional credentialing programs in the AI space for students, faculty, and staff, these programs will soon be available to the greater San Antonio community. According to Dr. Singh, the THECB will continue to expand analyses and specialized workgroups surrounding AI. Texas is not just adapting to the future of education, but defining it and paving the way for a new era of digital learning.

## **Recommendations**

1. Require all Texas public institutions of higher education to adopt policies related to academic integrity and ethical use of artificial intelligence.
2. Continue to fund partnerships between institutions and regional employers—such as through the Texas Reskilling and Upskilling through Education program—to ensure degree and training programs keep up with ever-evolving fields in technology and innovation.



## **Charge 6 - Core Curriculum Course Accessibility**

Core Curriculum Course Accessibility: Review student access to core curriculum courses at Texas institutions of higher education. Examine the availability of these courses both online and in-person, as well as any issues that would prevent or reduce in-person access. Make recommendations for any needed reforms to ensure that all students have equal in-person access to core courses.

### **Testimony**

The Senate Education Committee heard testimony regarding this charge on September 24, 2024. The hearing included invited testimony from the following individuals:

- Rachel Davis Mersey, Interim Executive Vice President and Provost, University of Texas at Austin
- Alan Sams, Provost and Executive Vice President, Texas A&M University

### **Findings & Analysis**

Both of Texas's flagship institutions— the University of Texas at Austin (UT) and Texas A&M University (A&M)— have faced record growth in undergraduate enrollment over the past several years. Yet, the two institutions have had contrasting responses to this growth— as detailed by their respective provosts.

According to Rachel Davis Mersey, Interim Executive Vice President and Provost, student demand for admission at UT is at an all-time high, with 73,000 applications received in 2023. However, their undergraduate enrollment growth has been measured— with a 7.5% increase over the past five years. This growth strategy has been feasible with the aggressive emphasis UT placed on four-year graduation rates a decade ago. Since then, UT's four-year graduation has grown to 78.4%— the highest rate ever. This increase in graduation rates creates greater access for enrollment.

Despite a thriving undergraduate population, UT maintains a strong focus on student success by intentionally making it easier for students to access core curriculum courses in a variety of ways— such as expanding the number of course offerings that satisfy core course requirements. Additionally, UT charges a flat tuition rate during the fall and spring semesters. Students can take anywhere from 12 to 18 semester credit hours, and it will cost them the same amount.

UT also offers a variation in course delivery methods. Of the 1,454 core curriculum courses, 90% are offered in-person, 6.9% are hybrid, and 3.1% are exclusively online. Dr. Mersey maintained that many of the largest classes offered online have been offered for over a decade. These courses enable more interaction and engagement for students than would be possible for large, in-person classes. According to Dr. Mersey, UT tends to receive more demand for online courses than the university is

willing to offer. That is why UT has added course offerings over the summer at a reduced price of \$500 per course.

With the growth in Texas high school population increasing by 6.3% over the past five years, the demand for automatic admission has grown by 11.3%. According to Dr. Mersey, course access and enrollment management decisions are closely tied at UT. Therefore, in order for the university to continue to maintain course accessibility, UT made the decision to lower the threshold for automatic admission from the top six-percent to the top five-percent of high school seniors.

Alternatively, A&M continues to accept high school seniors in the top 10% of their class without restriction, according to Alan Sams, Provost and Executive Vice President. A&M's student body has grown more than 30% over the past ten years— more than double the average of all other Texas public universities. Dr. Sams maintains that this growth is largely absorbed through economies of scale. Campus administration has addressed growth challenges in a variety of ways— adding faculty workloads, hiring faculty, adjusting course schedules, increasing section sizes, increased classroom size, expanding to additional teaching sites in different parts of the state, and adding online courses.

According to Dr. Sams, the norm at A&M is to offer in-person core courses. The standard policy is that, if a course is offered online, there must be an in-person option available for students— particularly for required core curriculum courses. However, there is one exception to this standard rule. Economics 202 is the only core curriculum course offered exclusively online. Dr. Sams said this course is extremely large, with over 2,000 students enrolled in any particular semester, and 18 different sections spanning from 150 to 250 students in each section. Instead of coordinating all the instructors of the course, its different sections, and creating inconsistency in the delivery methods, university administration decided to offer the course exclusively online. The course costs the same as it would if it were in-person since— as stated by Dr. Sams— students are paying for the same educational experience of contact time with peers, delivery of information, and interaction with faculty. According to Dr. Sams, the honors section is maintained face-to-face as it is technically considered a separate course.

Throughout every accommodation, Dr. Sams says A&M has continued to prioritize the student experience—focusing on quality, accessibility, affordability, and student success. According to Dr. Sams, an internal committee recently made a draft recommendation to pause undergraduate enrollment on main campus for the next five years in order to plan appropriate future growth needs. However, this proposed pause will not impact A&M's ability to accept the top 10% of high school seniors or prevent A&M from remaining the largest university in Texas.

## **Recommendations**

1. Encourage Texas public institutions of higher education to adopt measured growth strategies that balance increasing demand with continued in-person course accessibility and student success metrics. For times when in-person core course availability is not an option, develop state guidelines for the delivery of large-scale online courses, ensuring consistency in learning outcomes, student engagement and accessibility of such courses.
2. Encourage Texas public institutions of higher education to adopt flat tuition rates that allow students to take on a broad range of semester credit hours without additional costs, thereby incentivizing full-time enrollment and timely graduation.
3. Require Texas public institutions of higher education to report annually on student metrics, including graduation rates, retention rates and time to degree, as it relates to enrollment growth that year. Require periodic reviews by the Legislature of automatic admission thresholds to ensure they align with state workforce goals and institutional resource availability.

## **Charge 7 and 8 - Higher Education “Faculty Senates” and Stopping DEI to Strengthen the Texas Workforce**

Review and analyze the structures and governance in higher education, focusing on the role of “faculty senates,” and like groups, in representing faculty interests to higher education institution administrations. Make recommendations to establish guidelines for the role and representation of faculty by “faculty senates,” and like groups, at higher education institutions in Texas.

Examine programs and certificates at higher education institutions that maintain discriminatory diversity, equity, and inclusion (DEI) policies. Expose how these programs and their curriculum are damaging and not aligned with state workforce demands. Make recommendations for any needed reforms to ensure universities are appropriately educating students to meet workforce needs.

### **Testimony**

The Senate Education Committee heard testimony regarding this charge on November 11, 2024. The hearing included invited testimony from the following individuals:

- General Mark A. Welsh III, President, Texas A&M University
- Jay Hartzell, President, University of Texas at Austin
- Holley Love, Faculty Senate President, University of Houston
- Nick Down, Associate Director of External Affairs, American Council of Trustees and Alumni
- Sherry Sylvester, Distinguished Senior Fellow, Texas Public Policy Foundation
- Deborah L. Conway, MD, Professor of Obstetrics and Gynecology, Vice Dean for Undergraduate Medical Education, UT Health Science Center at San Antonio
- Laura Morgan, MSN, RN, Senior Director of Programs – Eliminating DEI in Medicine, Do No Harm
- Phillip Jenevein, Policy Strategist, Do No Harm

### **Findings & Analysis**

Following compliance reporting from Texas’ seven university systems on Senate Bill 17 (SB 17), several legislators received reports from constituents and stakeholders across the state detailing curriculum and course content related to Diversity, Equity, and Inclusion (DEI) throughout Texas public institutions. Though this does not explicitly violate the letter of the law, it contradicts its spirit and does not reflect the expectations of Texas tuition-payers and taxpayers. According to Sherry Sylvester, Distinguished Senior Fellow at Texas Public Policy Foundation, ensuring compliance with SB 17 is not enough to change the culture of Texas college campuses– which continue to revolve around identity politics, gender and race theory, and a bedrock belief that America is built and maintained on systemic racism, oppression, and privilege.

Though DEI-related course content at institutions can easily infiltrate into industry– as told by Laura Morgan, a former registered nurse who left the healthcare industry due to required DEI training at the facility in which she worked– countless employers nationwide have expressed their disinterest in such indoctrinating propaganda. Tractor Supply, John Deere, Harley Davidson, Ford Motor Company and most recently Walmart have all disbanded their required DEI programming for employees–which clearly indicates a culture shift in our society. Meritocracy, skills-based learning and civic education are chiefly valued over virtue-signaling and indoctrination by employers across the nation. According to Sylvester, Texas taxpayers make billion dollar investments in Texas public universities every year to prepare students to launch productive and prosperous lives, and participate in Texas's thriving global economy. Therefore, according to Sylvester, it is critical that Texas legislators look critically at what is being taught in university classrooms.

According to Sylvester, the Texas Education Code (TEC) lists 42 core course requirements and charges university governing boards and the Texas Higher Education Coordinating Board (THECB) with ensuring adherence to these course requirements. Sylvester said “faculty” or “shared governance” are not mentioned in Texas code as it relates to curriculum. Though, based on accounts by leaders and faculty from several Texas institutions, faculty tend to have the greatest influence on curriculum development at their respective university.

The purpose of the convergence of these two charges is to shed light on university governance structures and the impact it ultimately has on curriculum, course content, and the overall campus culture.

According to General Mark A. Welsh III, President of Texas A&M University (A&M), roughly 100 members of the university’s 4,300 faculty serve on the faculty senate. The faculty senate at Texas A&M plays a particularly crucial role in the curriculum development process. General Welsh emphasized that the faculty senate represents collective expertise that ensures any new program or program adjustments reflect university standards, contain appropriate levels of academic content and rigor, and do not create duplication across the institution.

Dr. Holley Love, Faculty Senate President at the University of Houston (UH), said there are about 140 members of faculty who serve on UH’s faculty senate. Senators are elected by their colleges and serve three year terms on committees that advise on specific university related matters such as graduate and undergraduate curricula, policies, research, community and government relations, budget and facilities, and faculty affairs. For the undergraduate committee and the graduate professional studies committee, faculty are required to have taught in their program area for two out of the last three years, with substantive interactions with their respective administration. Research and scholarship committee members need to have regular and substantive ongoing lines of funded research. According to Dr. Love, prospective members must demonstrate these requirements through the application process– on paper and in an interview. Members of the UH faculty senate

generally serve three year terms and terms are staggered— meaning about a third of the faculty is elected each year. According to Dr. Love, the UH faculty senate was reorganized into its current structure in 2011, when they received funding through an endowment. Any unspent funds from that endowment are returned annually.

Dr. Love believes the UH faculty senate exists to facilitate the interaction between major stakeholders of the institution. The faculty senate at UH plays a major role in devising academic policies, establishing performance standards, and protecting academic freedom. They also provide input on the formulation of budget priorities including compensation policies and selection and review of administrators at all levels. The UH faculty senate holds primary responsibility for recommendations about appointments, retention, annual performance review, post-tenure review, curriculum matters, and degree programs.

Similarly, General Welsh said curriculum development begins with faculty. According to General Welsh, the standard review process begins with approval from the university's undergraduate curriculum committee, followed by relevant faculty senate committees, the full faculty senate, the provost, and ultimately the president. From there, the recommendation is passed along to the Texas A&M University System, the Texas A&M University Board of Regents, and subsequently the Texas Higher Education Coordinating Board and accrediting agencies for final approval.

At the University of Texas at Austin (UT), President Jay Hartzell said proposed curriculum is initiated and reviewed by the college curriculum committee and simultaneously vetted by the dean's office to ensure alignment with the college's goals and availability of resources needed to support the program. From there, the office of curriculum management begins an administrative review to consider budget compliance and alignment with state and university policies. Next, UT's faculty council, through the undergraduate curriculum committee (known as C3), reviews the proposed curriculum or its changes. Finally, the faculty council makes recommendations to the provost, who has final authority to approve or deny curriculum before subsequent submission to the THECB.

At UH, Dr. Love said curriculum proposals are initiated commonly at the program level— typically through a group of faculty coordinating in a particular academic major, minor or certificate. From there, proposals receive department-level approval and college-level approval, followed by the university-level undergraduate committee who ultimately submits it to the Provost. According to Dr. Love, some proposals— depending on their nature— go to the THECB and some go to the University of Houston System Board of Regents. All in all, Dr. Love said this process can take about two years, with the recognition that there are emergency situations that will require a more immediate response.

According to Dr. Deborah Conway, Vice Dean for Undergraduate Medical Education and Professor of Obstetrics & Gynecology at the University of Texas Health Science Center San Antonio (UTHSC-SA), the medical doctor (MD) curriculum at the Long School of Medicine is overseen by a curriculum committee comprised of faculty, students, and support staff and informed by current

medical practice and medical education standards. The curriculum committee is separate from the faculty senate at the university level. The committee sets graduation requirements for the MD degree, establishes the types and sequence of courses, regularly reviews course evaluations, and ensures curriculum results in the achievement of established student learning outcomes— such as passage of national licensure exams. Dr. Conway said the committee tailors courses to respond to developments in medicine and industry best practices.

Similarly, President Hartzell said another typical layer of curriculum review at UT includes career management and corporate relations teams, as well as members of UT’s advisory councils and boards. President Hartzell said these are a vital link between UT campus and industry. According to President Hartzell, by fostering engagement and keeping pace with workforce trends and needs, UT is constantly gathering feedback on students’ performance and success post-graduation from industry partners. From there, that feedback is shared with academic departments.

At A&M, General Welsh said prospective curriculum is informed by continual input from enterprise expertise, individual colleges and departments within the institutions, external advisory boards, market surveys, and national, state and regional employment data. Every possible resource is exhausted. According to General Welsh, any proposal for a new major or certificate at A&M must include specific industry data to substantiate workforce demand as part of the justification for the program prior to the proposal beginning the approval process.

General Welsh said he would like to work with the faculty senate to determine thresholds for new minors and certificates and determine a recurring schedule for their review. General Welsh said he believes that, at A&M, many minors were created when there was a demand signal that indicated market support for them. And, even after market interest waned, those minors and certificates remained on the books. Consequently, this led A&M’s provost to consider a list of minor and certificate programs that were underperforming— which he defined as any program under a certain enrollment threshold. There were about 70 total minors and certificates, out of the 300 at A&M, that fell under that category.

Subsequently, during its November 7, 2024 quarterly meeting, the Texas A&M System Board of Regents passed a resolution directing General Welsh to eliminate 52 of the 70 underperforming minors and certificates. The Board also directed presidents of member institutions to conduct a review process of their minors and certificates to identify those that are low-producing and may require elimination.<sup>9</sup>

Nick Downs, Associate Director of External Affairs at American Council of Trustees and Alumni (ACTA), said his organization is a national nonprofit organization that believes university regents are appointed to be effective and engaged stewards of the institutions, and therefore the public, they serve. ACTA has more than 29 years of dedicated experience in programming academic freedom,

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<sup>9</sup> <https://thebatt.com/center/board-of-regents-to-vote-on-mandating-minor-certificate-eliminations/>

academic excellence, and accountability at four-year institutions across the nation. ACTA also offers resources, guidance, and best practices for public university governing boards to assist them in fulfilling their fiduciary and oversight duties to their institution and taxpayers of the state. According to Downs, ACTA believes regents should never view or treat their position as honorary. Therefore, Downs said, ACTA believes it is the regents who should spearhead the effort in addressing bureaucracies on college campuses.

Downs provided an example of an institution he recommends Texas follow the example of: University of North Carolina (UNC) Chapel Hill. UNC Chapel Hill's Board of Trustees is actively trying to change its campus culture by fostering a community dedicated to diversity of all kinds—particularly intellectual and viewpoint diversity. According to Downs, in 2022, the Board adopted the Chicago Principles on Freedom of Expression and a policy of institutional neutrality modeled after the University of Chicago's 1967 Kalven Report. The University of Texas System Board of Regents adopted a similar institutional neutrality statement in August 2024, as well as the Chicago Principles in 2022.<sup>10</sup>

Downs said, broadly speaking, the purpose of a university is to discover, debate, and share knowledge. In 2023, the UNC Chapel Hill Board approved a resolution accelerating the establishment of the School of Civic Life and Leadership (SCiLL). This is a new academic unit whose mission is to promote civic engagement and discourse, boasting “heterodox” faculty and visiting scholars. The school offers a Civic Life and Leadership Minor and various courses on topics including scientific knowledge, classical philosophy, political psychology, and microeconomics. According to Downs, SCiLL's ultimate mission is to expose students to diverse points of view, equipping them with the core competencies necessary to be good citizens. This contrasts DEI courses and programs— which only seek to indoctrinate students.

According to Downs, DEI courses and programs are too often force-fed to stakeholders of an institution, which is antithetical to the mission of a university—where students should be taught *how* to think, not *what* to think. Therefore, Texas institutions—led by their governing boards—should consider adopting the Chicago Principles on Freedom of Expression and the Kalven Report on institutional neutrality, in addition to reappropriating resources away from programs and initiatives that solely focus on DEI. According to Downs— within the shared governance structure— it should be the regents who are ultimately charged with ensuring that their schools are following the spirit and letter of Texas law.

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<sup>10</sup> <https://www.texastribune.org/2024/08/23/ut-system-free-speech-policy/>



## **Recommendations**

1. Add language in statute to address authority of governing boards at Texas public institutions of higher education and that clarifies the role of faculty senates. Address matters of academic discourse at institutions of higher education by equipping governing boards at Texas public institutions of higher education with tools to charge their member schools with following Texas law in letter and spirit.
2. Encourage governing boards at Texas public institutions of higher education to adopt the Chicago Principles on Freedom of Expression and the Kalven Report on institutional neutrality in order to foster a campus culture dedicated to viewpoint diversity.
3. Review general education requirements at Texas public institutions of higher education and determine feasible ways to align such requirements with employer and workforce demand for traditional knowledge and skills.