



Restricting Intellectual Freedom in Texas Higher Education Hurts Quality Research, Scholarship and Learning

TLEEC Testimony against SB 16, submitted to the Texas Senate Subcommittee on Higher Education, March 23, 2023

Dear Chair Creighton and Members of the Subcommittee:

The Texas Legislative Education Equity Coalition (TLEEC) is a collaborative of over 30 organizations and individuals with the mission to improve the quality of public education for all children, with a focus on racial equity. We advocate at the local, state, and national levels for high-quality teaching, curriculum and instructional practices and bilingual education for emergent bilingual students, as well as fair funding and enhanced college access and success.

TLEEC opposes SB 16, because it restricts intellectual freedom in higher education institutions across Texas. This compromises the quality of possible research, scholarship and student learning opportunities at the postsecondary level.

Section 1 of the bill affirms that the purpose of higher education is to respect and educate all students across diverse backgrounds and beliefs. However, Section 2 contradicts that purpose with vague and concerning prohibitions on faculty's ability to teach and conduct research that is intellectually diverse. Section 2 (b) reads:

A faculty member of an institution of higher education may not compel or attempt to compel a student enrolled at the institution to adopt a belief that any race, sex, or ethnicity or social, political, or religious belief is inherently superior to any other race, sex, ethnicity, or belief.

TLEEC takes issue with Section 2(b) in two ways:

1. The phrase "may compel or attempt to compel" is undefined and unclear. Faculty in higher education are tasked with teaching and encouraging critical inquiry skills and ensuring students understand advanced concepts. There is a compulsion to encourage student learning, comprehension and mastery of advanced skills and concepts at the postsecondary level. This language located in a prohibition is confusing as it applies to teaching, research and learning.
2. The second portion of this subsection, "to adopt a belief that any race, sex, or ethnicity or social, political, or religious belief is inherently superior to any other race, sex, ethnicity, or belief" is likewise vague and leads to broad-based censorship of discussions and study of race, gender, sex, and ethnicity. In addition, the inclusion of social and political beliefs in the prohibition is concerning in how it could be applied to squelch open inquiry and intellectual diversity.

Under this prohibition, an instructor encouraging students to understand a social theory, framework or line of inquiry – across academic fields – could come under fire.

For instance, would educational research on racial disparities in student achievement be prohibited under the bill? Would a faculty member’s scholarly work on the impact of white settler colonialism on Native people in the Americas and social and political implications for today cause concern? Would a faculty member inviting students to attend a guest lecture on the Black Lives Matter movement and impacts on current social policy be considered prohibited?

TLEEC supports open intellectual inquiry in higher education, and this bill contains confusing and vague language with potentially sweeping implications for academic departments, centers, research and teaching initiatives. Our coalition has seen how confusing prohibitions lead to widespread censorship in K-12 schools since last year’s passage of HB 3979 (87R) and SB 3 (87, 2). We urge you to vote against SB 16, and support rigorous, high-quality teaching and learning in our state’s institutions of higher education.

For questions, please contact TLEEC either through Dr. Chloe Latham Sikes at IDRA (chloe.sikes@idra.org), or Jaime Puente at Every Texan (puente@everytexan.org).

The Texas Legislative Education Equity Coalition (TLEEC) is a collaborative of organizations and individuals with the mission to improve the quality of public education for all children, with a focus on racial equity. The coalition convenes organizations and individuals who advocate in the interest of public school students at the local, state and national levels.

TLEEC Member Organizations

ARISE Adelante	Mexican American School Boards Association (MASBA)
Austin Justice Coalition	National Association for Chicana and Chicano Studies (NACCS)
Breakthrough Central Texas	– Tejas Foco
Coalition of Texans with Disabilities (CTD)	San Antonio Hispanic Chamber of Commerce
Children at Risk	Texas American Federation of Teachers
Dr. Hector P. García G.I. Forum	Texas Association for Bilingual Education (TABE)
Easterseals Central Texas	Texas Association for Chicanos in Higher Education (TACHE)
Educators in Solidarity	Texas Association of Diversity Officers in Higher Education
Ethnic Studies Network of Texas (ESNTX)	(TADOHE)
Every Texan	Texas Association of Mexican American Chambers of
Houston Community Voices for Public Education	Commerce (TAMACC)
IDRA (Intercultural Development Research Association)	Texas Center for Education Policy, University of Texas – Austin
Measure	Texas Hispanics Organized for Political Education (HOPE)
McNeil Educational Foundation for Ecumenical Leadership	Texas League of United Latin American Citizens (LULAC)
Mexican American Civil Rights Institute (MACRI)	Texas NAACP
Mexican American Legal Defense and Educational Fund	The Arc of Texas
(MALDEF)	UnidosUS (formerly known as NCLR)