

By: Hughes, et al.

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to the purpose of public institutions of higher education and a prohibition on compelling students enrolled at those institutions to adopt certain beliefs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 3, Education Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. HIGHER EDUCATION PURPOSE

Sec. 50.001. HIGHER EDUCATION PURPOSE. A public institution of higher education must be committed to creating an environment of:

(1) intellectual inquiry and academic freedom so that all students are equipped for participation in the workforce and the betterment of society; and

(2) intellectual diversity so that all students are respected and educated regardless of race, sex, or ethnicity or social, political, or religious background or belief.

SECTION 2. Section 51.942, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) For purposes of Subsection (c)(5), good cause for taking disciplinary action against a faculty member, including revoking the tenure of the faculty member, includes the faculty member's violation of Section 51.982.

SECTION 3. Subchapter 2, Chapter 51, Education Code, is

1 amended by adding Section 51.982 to read as follows:

2 Sec. 51.982. PROHIBITION ON COMPELLING CERTAIN
3 BELIEFS. (a) In this section:

4 (1) "Coordinating board" means the Texas Higher
5 Education Coordinating Board.

6 (2) "Institution of higher education" and "university
7 system" have the meanings assigned by Section 61.003.

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

13 (c) If an institution of higher education determines that a
14 faculty member of the institution has violated this section, the
15 institution shall discharge the faculty member.

16 (d) The coordinating board by rule shall develop a procedure
17 for an institution of higher education to receive and review
18 complaints regarding a violation of this section by a faculty
19 member of the institution. The procedure must:

20 (1) take into consideration due process rights under
21 the United States Constitution and the Texas Constitution; and

22 (2) include a procedure by which the complainant or
23 the faculty member who is the subject of the complaint may appeal
24 the institution's determination regarding whether the faculty
25 member violated this section to:

26 (A) the chancellor or other executive officer of
27 the institution's system, if the institution is a component of a

1 university system; or

2 (B) the president or other executive officer of
3 the institution, if the institution is not a component of a
4 university system.

5 (e) Each institution of higher education shall implement
6 the procedure developed under Subsection (d).

7 (f) Not later than December 1 of each year, each institution
8 of higher education shall submit to the legislature and the
9 coordinating board a report on the complaints received by the
10 institution under the procedure implemented under Subsection (e)
11 during the preceding academic year.

12 SECTION 4. Section 51.982(c), Education Code, as added by
13 this Act, applies only to a person who enters into or renews an
14 employment contract as a faculty member at a public institution of
15 higher education on or after the effective date of this Act.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.