

BILL ANALYSIS

Senate Research Center

S.B. 1069
By: Middleton
Education K-16
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent incidents at Texas universities have highlighted concerns regarding religious discrimination and the balance between free speech and a safe learning environment. For example, in March 2024, Texas Tech University placed a professor on paid leave following allegations of antisemitic comments on social media. The university emphasized its commitment to a harassment-free environment, including protection against antisemitic harassment. Similarly, The University of Texas at Austin faced challenges when a student accused a professor of antisemitic remarks during a Senate hearing on antisemitism. These events have underscored the need for clear procedures to address religious discrimination within public institutions of higher education.

Bill Summary:

- Investigation Protocol:
 - Mandates that the president of a public institution of higher education investigate any allegations that a professor or instructor has discriminated against a student based on religion.
- Mandatory Termination:
 - Requires the termination of employment for any professor or instructor found to have engaged in religious discrimination against a student.
- Due Process Assurance:
 - Ensures that accused faculty members receive appropriate due process during investigations, adhering to the institution's established standards and procedures for discrimination complaints.
- Departmental Conservatorship:
 - Places the department of a terminated faculty member under the conservatorship of the institution's president for a minimum of 90 days to address and mitigate any ongoing risks of religious discrimination.

As proposed, S.B. 1069 amends current law relating to the procedure for resolving allegations of religious discrimination against a student at a public institution of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Sections 51.985 and 51.986, as follows:

Sec. 51.985. PROCEDURE FOR ALLEGATION OF RELIGIOUS DISCRIMINATION AGAINST STUDENT. (a) Defines "institution of higher education."

(b) Requires the president of an institution of higher education (institution) to investigate an allegation submitted to the institution that a professor or instructor at the institution discriminated against a student on the basis of religion.

(c) Requires an institution, if the president of the institution (president) determines that a professor or instructor at the institution discriminated against a student on the basis of religion, to terminate the professor's or instructor's employment.

(d) Requires the president, in investigating an allegation under this section, to ensure that the professor or instructor is afforded appropriate due process. Requires the president to use the standards and procedures prescribed by institution policies to address other complaints of discrimination by a professor or instructor at the institution to the extent practicable.

Sec. 51.986. CONSERVATORSHIP OF DEPARTMENT. (a) Requires the department under which the terminated professor or instructor was employed, if the employment of a professor or instructor is terminated under Section 51.985, to be placed under the conservatorship of the office of the president.

(b) Requires that the department be placed under conservatorship for a time period of not less than 90 days, until the president determines that there are no continuing risks of religious discrimination against any student.

(c) Authorizes the president to investigate further risks of religious discrimination against any student, require the adoption of certain policies by the department to prevent further religious discrimination against any student, and take any action necessary to prevent and remove any risk of further discrimination against any student.

SECTION 2. Provides that Sections 51.985 and 51.986, Education Code, as added by this Act, apply only to an allegation of religious discrimination submitted to a public institution of higher education on or after the effective date of this Act, regardless of whether the conduct or act that is subject of the allegation occurred or was committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2025.