

**From:** [TAMUK Announcements](#)  
**To:** [Faculty](#); [Staff](#)  
**Subject:** MEMORANDUM: Texas Senate Bills 17 and 18  
**Date:** Monday, July 31, 2023 6:12:35 PM

---



TEXAS A&M UNIVERSITY  
KINGSVILLE®

## MEMORANDUM

**To:** University Community

**From:** Robert Vela  
President

James Palmer  
Provost & Senior Vice President for Academic Affairs

**Date:** July 31, 2023

Senate Bills 17 and 18 received considerable attention among faculty and staff during the legislative session. The following information is intended to provide a useful summary of the most salient components of the two bills. We expect additional guidance to be forthcoming from the System. This information is provided for your information.

### **Senate Bill 17 (SB17) - Diversity, Equity, and Inclusion (DEI)**

The 88th legislature passed Senate Bill 17 (SB 17), which prohibits the establishment or maintaining of a DEI office, division, or unit, including the hiring or assigning of an employee, or contracting with a third party, to perform the duties of a DEI office. SB17 further prohibits the preference of race, sex, color, ethnicity, or national origin to an applicant for employment, a candidate for promotion and tenure, or a participant in any function by the institution. Finally, an institution of higher learning cannot require or make mandatory trainings for diversity, equity, and inclusion. The legislation requires that the university system's Board of Regents adopt policies and procedures for disciplining employees for violating the legislation.

The legislation does not affect:

- academic course instruction;

- scholarly research;
- activities of registered student organizations;
- guest speakers and performers;
- programs to enhance academic achievement that are designed and implemented without regard to race, color, sex or ethnicity;
- data collection; or,
- student recruitment and admissions processes.

Institutions of Higher Education (IHE) will be required to submit an annual report to the legislature and the Texas Higher Education Coordinating Board (THECB). The state auditor will also perform periodic audits to make sure campuses are in compliance and have not spent state money on DEI offices. As the System examines current structures and policies and determines changes are needed, input on those changes will be solicited.

### **Senate Bill 18 (SB18) – Tenure**

SB 18 defines, for all universities and university systems across the state, what tenure is, how tenure is granted to faculty members, how tenured faculty members are reviewed, and when and how tenured faculty can be dismissed. The legislation defines tenure as “the entitlement of a faculty member of an institution of higher education to continue in the faculty member’s academic position unless dismissed by the institution for good cause, as defined in the institution’s policies/procedures.”

The legislation stated that tenure of faculty can only be granted by the Board of Regents of the university system on the recommendation of the institution’s chief executive officer and chancellor. The Board of Regents must also adopt policies and procedures that will address the granting of tenure and allow for the dismissal of a tenured faculty member with appropriate due process.

This new tenure legislation requires policies and procedures that make tenured faculty members subject to regular reviews to make sure they are performing and contributing to the areas of teaching, service, and research; this is all dependent as well on their job duties and expectations. Each tenured faculty member will be subject to comprehensive performance evaluations to be conducted no more than once a year but no less often than once every six years after the date tenure was granted to the faculty member.

TAMUS and TAMUK policies are already in place that address this requirement; nonetheless, they are being examined. Faculty feedback will be solicited on any changes.