

AN ACT

relating to the governance of public institutions of higher education, including review of curriculum and certain degree and certificate programs, a faculty council or senate, training for members of the governing board, and the establishment, powers, and duties of the Texas Higher Education Coordinating Board Office of the Ombudsman.

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

ARTICLE 1. CURRICULUM AND ACADEMIC PROGRAMS

SECTION 1.01. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.315 to read as follows:

Sec. 51.315. GENERAL EDUCATION CURRICULUM REVIEW. (a) In this section:

(1) "General education curriculum" means a core curriculum, as that term is defined by Section 61.821, and any other curriculum or competency all undergraduate students of an institution of higher education are required to complete before receiving an undergraduate degree.

(2) "Governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) At least once every five years, the governing board of each institution of higher education shall conduct a comprehensive review of the general education curriculum established by the institution. In reviewing an institution's general education curriculum, the governing board shall ensure courses in the curriculum:

(1) are foundational and fundamental to a sound postsecondary education;

(2) are necessary to prepare students for civic and professional life;

(3) equip students for participation in the workforce and in the betterment of society; and

(4) ensure a breadth of knowledge in compliance with applicable accreditation standards.

(c) In reviewing the general education curriculum of an institution of higher education under Subsection (b), the governing board of the institution shall consider the potential costs the curriculum may impose on students, including for additional tuition, fees, and time a student must spend to complete an undergraduate degree program at the institution.

(d) Each institution of higher education shall annually submit to the governing board of the institution an update regarding any changes to the general education curriculum offered at the institution. The governing board may reserve the right to overturn any decision made by the institution regarding any changes to the general education curriculum offered at the institution.

(e) The governing board of an institution of higher education may appoint a committee to assist the governing board in carrying out its duties under this section, including by making recommendations to the governing board. Members of the committee may include:

(1) faculty employed full time by the institution;

(2) institution administrators;

(3) community leaders;

(4) industry representatives; and

(5) other individuals selected by the governing board.

(f) Not later than January 1 of each year a review is conducted under this section, the governing board of each institution of higher education shall certify the governing board's compliance with this section to the Texas Higher Education Coordinating Board and each standing legislative committee and

subcommittee with primary jurisdiction over higher education.

SECTION 1.02. Section 51.354, Education Code, is amended to read as follows:

Sec. 51.354. INSTITUTIONAL AUTHORITY AND RESPONSIBILITY.

(a) The final decision-making authority on matters regarding an institution of higher education's degree programs and curricula belongs to the institution. The institution shall make the decisions on those matters under the direction of the institution's governing board.

(b) In addition to specific responsibilities imposed by this code or other law, each institution of higher education has the general responsibility to serve the public and, within the institution's role and mission, to:

- (1) transmit culture through general education;
- (2) extend knowledge;
- (3) teach and train students for professions;
- (4) provide for scientific, engineering, medical, and other academic research;
- (5) protect intellectual exploration and academic freedom;
- (6) strive for intellectual excellence;
- (7) provide educational opportunity for all who can benefit from postsecondary education and training; and
- (8) provide continuing education opportunities.

SECTION 1.03. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.989 to read as follows:

Sec. 51.989. REVIEW OF MINOR DEGREE AND CERTIFICATE PROGRAMS. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) The president or chief executive officer of an institution of higher education shall adopt and implement a process for reviewing minor degree and certificate programs offered by the institution to identify programs with low enrollment that may require consolidation or elimination.

(c) The criteria for review under Subsection (b) must require that minor degree and certificate programs have specific industry data to substantiate workforce demand to avoid consideration for consolidation or elimination.

(d) A minor degree or certificate program that has operated less than five years at the time the president or chief executive officer of an institution of higher education conducts the review under this section is exempt from that review.

(e) The governing board of an institution of higher education shall approve or deny any decision made by the president or chief executive officer of the institution to consolidate or eliminate a minor degree or certificate program as a result of the review conducted under this section.

(f) The president or chief executive officer of an institution of higher education shall conduct a review under this section once every five years.

SECTION 1.04. Section 61.052, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A governing board may exclude from the comprehensive list of courses submitted under Subsection (a) courses that were not taught as an organized class or provided through individual instruction for the preceding two academic years.

SECTION 1.05. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0522 to read as follows:

Sec. 61.0522. GENERAL EDUCATION CURRICULUM ADVISORY COMMITTEE. (a) In this section:

- (1) "Advisory committee" means the general education curriculum advisory committee established under this section.
- (2) "General education curriculum" has the meaning

assigned by Section 51.315.

(b) The board shall establish an advisory committee to review the general education curriculum requirements of institutions of higher education.

(c) The board shall call for nominations from presidents or chief executive officers, chancellors, and chief academic officers at all institutions of higher education for representatives to serve on the advisory committee. The board shall select a number of representatives determined by the board from those nominated with nominees drawn equally from two-year and four-year institutions.

(d) The advisory committee shall consider methods for determining general education curriculum component courses and for condensing the number of general education curriculum courses required at institutions of higher education.

(e) Not later than November 1, 2026, the advisory committee shall produce a report regarding the advisory committee's findings and recommendations under this section and provide the report to the board.

(f) Not later than December 31, 2026, the board shall review the advisory committee's report and submit to the legislature the board's recommendations for legislative or other action necessary to implement the findings of the report.

(g) The advisory committee is abolished and this section expires September 1, 2027.

SECTION 1.06. Not later than January 1, 2027, the governing board of each public institution of higher education shall:

(1) complete the governing board's initial review in accordance with Section 51.315, Education Code, as added by this Act; and

(2) certify compliance with Section 51.315, Education Code, as added by this Act, as required by Subsection (f) of that section.

ARTICLE 2. INSTITUTIONAL GOVERNANCE

SECTION 2.01. Section 51.352, Education Code, is amended by amending Subsection (d) and adding Subsections (g) and (h) to read as follows:

(d) In addition to powers and duties specifically granted by this code or other law, each governing board shall:

(1) establish, for each institution under its control and management, goals consistent with the role and mission of the institution;

(2) appoint the chancellor or other chief executive officer of the system, if the board governs a university system;

(3) appoint the president or other chief executive officer of each institution under the board's control and management and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals;

(4) approve or deny the hiring of an individual for the position of provost or deputy, associate, or assistant provost by each institution under the board's control and management;

(5) collaborate with institutions under its control and management to set campus admission standards consistent with the role and mission of the institution and considering the admission standards of similar institutions nationwide having a similar role and mission, as determined by the coordinating board;
and

(6) [~~5~~] ensure that its formal position on matters of importance to the institutions under its governance is made clear to the coordinating board when such matters are under consideration by the coordinating board.

(g) The governing board of an institution of higher education may overturn any hiring decision for the position of vice

president or dean made by the administration of a campus under the board's control and management. Action by the governing board under this subsection shall be implemented by the institution through appropriate action with respect to the relevant hiring decision at issue, including rescission of an employment offer, termination of employment, or termination of an employment agreement.

(h) The governing board of each institution of higher education shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report regarding decisions made by the governing board for the applicable academic year on any hiring of administration in which the board approved or denied the hiring decision or took action under Subsection (g).

SECTION 2.02. Subchapter G, Chapter 51, Education Code, is amended by adding Sections 51.3522, 51.3523, and 51.3541 to read as follows:

Sec. 51.3522. FACULTY COUNCIL OR SENATE. (a) In this section, "faculty council or senate" means a representative faculty organization.

(b) Only the governing board of an institution of higher education may establish a faculty council or senate at the institution. Before establishing the faculty council or senate, the governing board must adopt a policy governing the selection of the faculty council's or senate's members that:

(1) ensures adequate representation of each college and school of the institution;

(2) requires the members to be faculty members; and

(3) except as otherwise provided by the governing board, limits the number of members to not more than 60 with at least two representatives from each college or school, including:

(A) one member appointed by the president or chief executive officer of the institution; and

(B) the remaining members elected by a vote of the faculty of the member's respective college or school.

(c) A faculty council or senate is advisory only and may not be delegated the final decision-making authority on any matter. A faculty council or senate shall represent the entire faculty of the institution of higher education and advise the institution administration and any system administration regarding matters related to the general welfare of the institution. A faculty council or senate may not issue any statement or publish a report using the institution's official seal, trademark, or resources funded by the institution on any matter not directly related to the council's or senate's duties to advise the institution administration.

(d) Service on the faculty council or senate is an additional duty of the faculty member's employment. Members of the faculty council or senate are not entitled to compensation or reimbursement of expenses for their role as members of the faculty council or senate unless the expense is on behalf of and approved by the institution of higher education.

(e) A member of the faculty council or senate appointed by the president or chief executive officer of the institution of higher education in accordance with Subsection (b) (3) (A) may serve up to six consecutive one-year terms and then may only be reappointed after the second anniversary of the last day of the member's most recent term. A member of the faculty council or senate elected by a vote of the faculty of the member's respective college or school serves a two-year term, staggered in a manner that allows approximately one-half of the elected members to be elected each year, and may only be reelected after the second anniversary of the last day of the member's most recent term.

(f) A faculty member serving on the faculty council or senate may be immediately removed from the council or senate for failing to conduct the member's responsibilities within the council's or senate's parameters, failing to attend council or senate meetings, or engaging in other similar misconduct. A member of a faculty council or senate may be removed on recommendation of the institution's provost and approval by the institution's president or chief executive officer.

(g) The president or chief executive officer of the institution of higher education shall appoint a presiding officer, associate presiding officer, and secretary from the members of the faculty council or senate.

(h) The presiding officer appointed under Subsection (g) shall preside over meetings of the faculty council or senate and represent the council or senate in official communications with the institution administration and any system administration.

(i) Chapter 2110, Government Code, does not apply to a faculty council or senate.

(j) The faculty council or senate shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with procedures prescribed by the president or chief executive officer of the institution of higher education.

(k) The faculty council or senate shall broadcast over the Internet live video and audio, as applicable, of each open meeting of the council or senate if more than 50 percent of the members of the council or senate are in attendance.

(l) The faculty council or senate shall adopt rules for establishing a quorum.

(m) The following shall be made available to the public on the institution of higher education's Internet website not later than the seventh day before a meeting of the faculty council or senate:

(1) an agenda for the meeting with sufficient detail to indicate the items that are to be discussed or that will be subject to a vote; and

(2) any curriculum proposals reviewed by the council or senate that will be discussed or voted on at the meeting.

(n) The names of the members in attendance must be recorded at a meeting in which the faculty council or senate conducts business related to:

(1) a vote of no confidence regarding an institution or system administrator; or

(2) policies related to curriculum and academic standards.

(o) This section may not be construed to limit a faculty member of an institution of higher education from exercising the faculty member's right to freedom of association protected by the United States Constitution or Texas Constitution.

Sec. 51.3523. SHARED GOVERNANCE. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) Institutions of higher education in this state shall be governed by a principle of shared governance, which refers to a structured decision-making process in which the governing board of the institution exercises ultimate authority and responsibility for institutional oversight, financial stewardship, and policy implementation, while allowing for appropriate consultation with faculty, administrators, and other stakeholders on matters related to academic policy and institutional operations. The principle of shared governance may not be construed to diminish the authority of the governing board to make final decisions in the best interest of the institution, students, and taxpayers.

(c) Administrators at institutions of higher education must

make decisions in a manner that promotes efficiency, accountability, and responsiveness to state priorities, workforce needs, and the institution's institutional mission. Faculty and staff may provide recommendations on academic matters, but that input is only advisory in nature, ensuring that governing boards and institutional leadership retain clear and ultimate decision-making authority. Shared governance structures may not be used to obstruct, delay, or undermine necessary institutional reforms or serve as a mechanism for advancing ideological or political agendas.

Sec. 51.3541. RESPONSIBILITY OF PRESIDENT OR CHIEF EXECUTIVE OFFICER. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) The president or chief executive officer of an institution of higher education shall conduct annual evaluations for individuals who hold the positions of vice president, provost, dean, or a similar leadership position that oversees curriculum or student affairs for the institution and report to the institution's governing board regarding any decision to remove an individual from a position described by this subsection.

SECTION 2.03. Section 51.913, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) In [As used in] this section:

(1) "Executive[, the term "executive] search committee" means [shall mean] a committee formed by an act of a board of regents of an institution of higher education, which has as its primary purpose the evaluation and assessment of candidates and nominees for the position of president or chief executive officer of a system administration, institution of higher education, or other agency of higher education [as defined in Section 61.003 of this code].

(2) "Institution of higher education" and "other agency of higher education" have the meanings assigned by Section 61.003.

(c) The membership of an executive search committee for a president or chief executive officer of an institution of higher education must include at least two members of the institution's governing board with at least one of those members serving as the chair.

SECTION 2.04. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9431 to read as follows:

Sec. 51.9431. GRIEVANCE, HIRING, AND DISCIPLINE DECISION-MAKING AUTHORITY. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(b) Only the president or chief executive officer or provost of an institution of higher education, university system administration, or the president's or chief executive officer's, provost's, or administration's designee may be involved in decision-making regarding review of a faculty grievance, including under Section 51.960, or the faculty discipline process.

(c) A faculty member of an institution of higher education who does not serve in an administrative leadership position may not have final decision-making authority on the hiring of an individual for any faculty or administrative leadership position at the institution.

ARTICLE 3. COORDINATION AND OVERSIGHT OF INSTITUTIONS OF HIGHER EDUCATION

SECTION 3.01. Section 61.031, Education Code, is reenacted and amended to read as follows:

Sec. 61.031. OFFICE OF OMBUDSMAN [PUBLIC INFORMATION AND

COMPLAINTS]. (a) In this section:

(1) "Office" means the Texas Higher Education Coordinating Board Office of the Ombudsman established under this section.

(2) "Ombudsman" means the individual serving as ombudsman for the office.

(b) The board shall establish the Texas Higher Education Coordinating Board Office of the Ombudsman to serve as an intermediary between the legislature and the public and institutions of higher education, including by answering questions from the legislature and the public regarding the obligations of an institution of higher education to students, faculty, employees, and the public. The office shall perform the functions described by this section and coordinate the board's compliance monitoring functions under Section 61.035. The ombudsman shall serve as the director of compliance and monitoring.

(b-1) The governor, with the advice and consent of the senate, shall appoint a person to serve as ombudsman. The ombudsman serves at the pleasure of the governor.

(c) The office shall receive and, if necessary, investigate complaints submitted in accordance with Subsection (d) regarding an institution of higher education's failure to comply with:

- (1) Section 51.315;
- (2) Section 51.3522;
- (3) Section 51.3525;
- (4) Section 51.3541;
- (5) Section 51.9431; and
- (6) Section 61.0522.

(d) A student or faculty or staff member at an institution of higher education who has reason to believe an institution of higher education has failed to comply with a provision listed under Subsection (c) may submit a written complaint to the office that:

- (1) provides the individual's name and contact information;
- (2) states the specific statute the individual believes has been violated; and
- (3) includes specific facts supporting the allegation, including:
 - (A) relevant dates;
 - (B) identifying information regarding the individuals involved; and
 - (C) any supporting evidence in the individual's possession.

(d-1) An individual is not eligible to file a complaint under Subsection (d) if the individual has filed with another state agency, a federal agency, or a court, as applicable, one of the following against the institution of higher education that is the subject of the complaint:

- (1) a lawsuit that makes the same or similar allegations or arises out of the same factual situation; or
- (2) an administrative complaint that makes the same or similar allegations or arises out of the same factual situation.

(d-2) The office shall dismiss any complaint that the office determines was filed in violation of Subsection (d-1).

(d-3) An individual who knowingly submits a false complaint under Subsection (d) shall be held responsible for any costs incurred by the office in conducting an investigation resulting from the false complaint. The office may refuse to investigate a future complaint filed by an individual who is found to have knowingly filed a false complaint.

(e) The office [board] shall maintain a file on each written complaint filed with the board. The file must include:

- (1) the name of the individual [person] who filed the

complaint;

- (2) the date the complaint is received by the board;
- (3) the subject matter of the complaint;
- (4) the name of each individual [~~person~~] contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the office [~~board~~] closed the file without taking action other than to investigate the complaint.

(f) [~~(b)~~] The office [~~board~~] shall provide to the individual [~~person~~] filing the complaint and to each individual alleged to be involved in the failure to comply [~~person who is a subject of the complaint~~] a copy of the office's [~~board's~~] policies and procedures relating to complaint investigation and resolution.

(g) The office shall notify the governing board of the institution of higher education that is the subject of a complaint of noncompliance that meets the requirements under Subsection (d) not later than the fifth day after the date the office receives the complaint. The governing board of the institution shall respond to the complaint not later than the 175th day after the date the governing board receives the notice unless the office has granted an extension for good cause.

(h) In investigating a complaint of noncompliance regarding an institution of higher education received under this section, the office may request information from the institution. The governing board of the institution shall respond in writing to the office's written request for information not later than the 30th day after the date the institution receives the request. This subsection may not be construed to require an institution to provide privileged information to the office.

(i) Based on findings related to an investigation under this section, the office shall submit to the governing board of the institution of higher education that is the subject of an investigation under this section a report on the investigation that includes the office's final determination regarding the investigation and recommendations based on the conclusions of the investigation.

(j) [~~(e)~~] The office [~~board~~], at least quarterly until final disposition of the complaint, shall notify the individual [~~person~~] filing the complaint and each individual alleged to be involved in the failure to comply [~~person who is a subject of the complaint~~] of the status of the investigation unless the notice would jeopardize an undercover investigation.

(k) If, not later than the 180th day after the date the office submits the report under Subsection (i) to the governing board of an institution of higher education that is the subject of an investigation under this section, the office determines the governing board has not resolved any noncompliance issues identified in the report, the office shall submit to the ombudsman and state auditor a report on the noncompliance that includes the office's recommendations.

(l) On receipt of a report under Subsection (k), the ombudsman may recommend to the legislature that the institution of higher education not be allowed to spend money appropriated to the institution for a state fiscal year until the institution's governing board certifies compliance and the state auditor confirms the institution's compliance.

(m) [~~(d)~~] Notwithstanding any other provision of law, information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the office [~~board~~] for the purpose of providing assistance with access to postsecondary education is

confidential and excepted from disclosure under Chapter 552, Government Code, and may only be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The office [~~board~~] may withhold information prohibited from being disclosed under this subsection without requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

(n) The office may:

(1) issue a civil investigative demand in the same manner as the procedures prescribed by Subchapter B, Chapter 140B, Civil Practice and Remedies Code, for civil investigative demands issued by the attorney general or a local prosecuting attorney under that subchapter; and

(2) require cooperation from an institution of higher education in an investigation under this section if the office determines a complaint of noncompliance with a provision listed under Subsection (c) is credible.

(o) The office shall annually submit a report to the governor, the lieutenant governor, the state auditor, and the chair of each standing legislative committee with jurisdiction over higher education regarding:

(1) the number of complaints of noncompliance with a provision listed under Subsection (c) received by the office;

(2) the number of investigations conducted and substantiated by the office; and

(3) a summary of the results of investigations described by Subdivision (2).

SECTION 3.02. Section 61.0512(c), Education Code, is amended to read as follows:

(c) The board shall review each degree or certificate program offered by an institution of higher education at the time the institution requests to implement a new program to ensure that the program:

(1) meets a national need or is needed by the state and the local community, and does not unnecessarily duplicate programs offered by other institutions of higher education or private or independent institutions of higher education;

(2) has adequate financing from legislative appropriation, funds allocated by the board, or funds from other sources;

(3) has necessary faculty and other resources to ensure student success; and

(4) meets academic standards specified by law or prescribed by board rule, including rules adopted by the board for purposes of this section, or workforce standards established by the Texas Workforce Investment Council.

SECTION 3.03. Section 61.084, Education Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d) The content of the instruction at the training program shall focus on the official role and duties of the members of governing boards and shall provide training in the areas of budgeting, policy development, ethics, and governance. Topics covered by the training program must include:

(1) auditing procedures and recent audits of institutions of higher education;

(2) the enabling legislation that creates institutions of higher education;

(3) the role of the governing board at institutions of higher education and the relationship between the governing board and an institution's administration, faculty and staff, and students, including limitations on the authority of the governing board;

- (4) the mission statements of institutions of higher education;
- (5) disciplinary and investigative authority of the governing board;
- (6) the requirements of the open meetings law, Chapter 551, Government Code, and the open records law, Chapter 552, Government Code;
- (7) the requirements of conflict of interest laws and other laws relating to public officials;
- (8) any applicable ethics policies adopted by institutions of higher education or the Texas Ethics Commission;
- (9) the requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any other federal or state law relating to the privacy of student information; ~~and~~
- (10) an overview of the legislature, the General Appropriations Act, and the state budget as those topics relate to the responsibilities of the governing board;
- (11) an emphasis on the commitment the members of the governing board are making to:
- (A) the institutions of higher education under the board's control and management and, if applicable, the university system;
- (B) this state; and
- (C) taxpayers of this state; and
- (12) any other topic relating to higher education the board considers important.
- (i) On completion of a training program under this section, a member of a governing board shall provide a sworn statement affirming the member's understanding of the member's duties and responsibilities.

ARTICLE 4. APPLICABILITY; EFFECTIVE DATE

SECTION 4.01. (a) Except as provided by Subsection (b) of this section, this Act applies beginning January 1, 2026.

(b) A faculty council or senate established at a public institution of higher education before the effective date of this Act is abolished on September 1, 2025, unless:

(1) the faculty council or senate was established in the manner prescribed by Section 51.3522, Education Code, as added by this Act; or

(2) the faculty council's or senate's continuation is ratified by the institution's governing board before that date based on a finding by the governing board that the faculty council or senate meets the requirements of any policy adopted by the governing board under that section.

(c) A faculty council or senate authorized but not yet established at a public institution of higher education before the effective date of this Act may be established only in the manner prescribed by Section 51.3522, Education Code, as added by this Act.

SECTION 4.02. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 37 passed the Senate on April 16, 2025, by the following vote: Yeas 20, Nays 11;

May 28, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

I hereby certify that S.B. No. 37 passed the House, with amendments, on May 25, 2025, by the following vote: Yeas 85, Nays 56, one present not voting; May 29, 2025, House granted request of the Senate for appointment of Conference Committee; May 31, 2025, House adopted Conference Committee Report by the following vote: Yeas 83, Nays 47, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor