

August 18, 2026

University of Houston System
Board of Regents Office
128 Ezekiel Cullen Building
4302 University Drive
Houston, TX 77204-6001

Dear University of Houston Board of Regents:

We, the undersigned members of the University of Houston Law Center faculty, speaking as private individuals on a matter of public interest, write to voice our serious concern about the proposed amendments to the Faculty Council Bylaws. The process used to develop these amendments lacked sufficient transparency and deliberation. The substance of the amendments is also concerning: The most consequential changes are not required by SB 37, and they would significantly diminish the Faculty Council's ability to carry out its duty to provide independent faculty advice to University leadership. For the reasons we explain below, we respectfully ask the Board of Regents to defer consideration of the proposed Faculty Council Bylaws.

Lack of Process

As law faculty, we teach our students the value of process in decisionmaking and governance. Any large organization—whether a for-profit corporation, a city government, or a nonprofit—needs robust input from its stakeholders in order for executive decisionmakers to act effectively. The same is true for a university. The proposed bylaws amendments, however, were generated in secret without input from the Faculty Council. As a result, the Faculty Council and the broader UH faculty it represents have not been able to weigh in on these significant, structural changes. The lack of any input, as far as we can ascertain, from the existing Faculty Council, and the lack of transparency surrounding this restructuring of the Faculty Council, is a sufficient reason to defer action on the proposed bylaws. We therefore urge the Board of Regents to defer action for now so that faculty can first consider and provide informed advice about the potential consequences of these changes *before* the Board of Regents acts.

Substantive Concerns

The lack of input from the Faculty Council is especially concerning because these amendments are not just minor or technical changes. Among other things, the proposed bylaws: require administrative approval of the agendas and activities of the Faculty Council and its standing committees; give four senior administrators voting roles on the Faculty Council's Executive Committee and make one of them its co-chair; give administrators a role in appointing committee leadership, replacing the current practice of committees electing their own chairs; and eliminate the Faculty Affairs Committee's express responsibility to review and advise on policies concerning faculty employment conditions and workload. Taken together, these changes would dramatically alter how the faculty's views and expert opinions are identified, considered, and communicated through the Faculty Council. And those dramatic changes have the potential to significantly undermine the Faculty Council's ability to provide informed advice to UH leadership.

Crucially, the most consequential of the proposed Bylaws amendments are not required by Texas law. Last summer, the Board of Regents approved the current Faculty Council Bylaws as part of UH's implementation of SB37. SB37 has not changed since then. Although some of the proposed amendments may help conform the Bylaws to the statute, the major changes described above are not required by SB37.

In fact, the major changes are in some tension with SB37 itself. SB37 recognizes and affirms the importance of an independent faculty voice to advise university leadership. The statute [requires](#) that “[i]nstitutions of higher education in this state shall be governed by a principle of shared governance,” including “appropriate

consultation with faculty” regarding “matters related to academic policy and institutional operations.” The Faculty Council is the vehicle for that process of “consultation” and “shared governance.” Under SB37, a Faculty Council has the duty to “represent the entire faculty of the institution . . . and advise the institution administration and any system administration regarding matters related to the general welfare of the institution.” SB37 thus assigns the Faculty Council a role distinct and independent from the administration: representing faculty and providing advice *to* UH administration. The proposed Bylaws amendments would instead place the Faculty Council under administrative control, which would substantially undermine the Faculty Council’s ability “to represent the entire faculty” and provide faculty advice to the administration.

Preserving the Faculty Council’s ability to offer independent advice is not only consistent with the explicit requirements of SB37, it is also good governance. High-quality university decisionmaking depends on decisionmakers receiving the candid and considered views of the expert faculty who teach students, make path-breaking discoveries, and serve the broader Cougar community. The longstanding practice of shared governance at American universities over the last century is a key reason why our universities lead the world in research output and educational quality. But that function is weakened if the recipients of the Faculty Council’s advice—namely, administrative officers at the University—determine in advance what subjects the Faculty Council and its committees may place on their agendas or what activities they may undertake. As the Faculty Council website observes, “[s]uccessful shared governance requires active partnerships at all levels, from setting priorities to formulating policy.” If the Faculty Council is to carry out its duty under SB37 to advise the administration and the Board of Regents about “the general welfare of the institution,” the Faculty Council must retain the ability to represent the considered views of faculty.

SB37 did make the Faculty Council advisory. But emphasizing the Faculty Council’s advisory role is not the same as placing the Faculty Council’s formulation of its advice under administrative control. SB37 leaves University administrators and the Board of Regents free to accept, reject, or modify Faculty Council recommendations. Nothing about that advisory status requires the recipients of the advice to determine in advance the subjects on which the Council may deliberate or the activities its committees may undertake.

We recognize the Board of Regents’ ultimate authority over University governance. But meaningful, independent faculty advice does not diminish that authority; it gives the Board of Regents and University administrators additional information as they exercise their authority. The proposed Bylaws amendments would imperil this “traditional and time-honored” way of managing the university’s affairs. *See* Tex. Educ. Code [§ 51.352](#). Given the sweeping changes in the amendments, they merit fulsome debate and consideration before proceeding. Because that deliberation has not occurred, the Board of Regents should not act on these amendments at this time.

We therefore respectfully ask the Board of Regents to defer consideration of the proposed Faculty Council Bylaws. Significant changes to the University’s faculty-governance structure should be adopted only after the Faculty Council has had an opportunity to perform the advisory function that SB37 itself assigns to that body. Additionally, Faculty Council members should be given sufficient time to consult with the faculty they represent, to deliberate on the proposed bylaws changes, and then to provide recommendations to University administrators and the Board of Regents.

Sincerely,

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