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Separate and Unequal Again: The Disparate Impact
Texas Gag Orders May Have on Texas's Second-
Oldest Institution of Higher Learning
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Abstract

Academic freedom allows faculty at historically black colleges and universities (HBCUs) to create programs, revise classes, and provide opportunities that best serve their students. Texas passed Senate Bill 3 (S.B. 3) in 2021 to limit academic freedom and eliminate critical race theory from public education. If legislation expands S.B. 3 to higher education, it may disproportionately affect Prairie View A&M University, an HBCU, and its newly created program Broadening Global Learning Opportunities Building Academic Leaders (B-GLOBAL). B-GLOBAL is designed to provide minority students with opportunities to develop the global competencies of self-awareness, global awareness, social responsibility, and cultural knowledge they need to succeed in today's interconnected world. This article discusses the potential effects of Texas gag orders on the Prairie View A&M University faculty, students, and the successful B-GLOBAL program.

Faculty control of a university's curriculum is a central tenet of the American Association of University Professors' policies on shared governance and is a concern for most accrediting bodies. As learned experts in their fields, faculty members are uniquely qualified to direct curricula, develop instructional materials, and determine appropriate methods of instruction. Across institutions of higher education, this control is being threatened by memory laws, gag orders, and misguided political figures who are vilifying members of the academy for personal

gain. Instead of tackling today's problems, such as the need for gun reform and better access to healthcare, Texas conservatives are focused on limiting academic freedom. One area of academic freedom conservatives are targeting is how institutions may or may not integrate critical race theory (CRT) into their educational programs.

Simply put, critical race theory "asserts that racism is embedded in the legal system and government policy as opposed to individual prejudice" (Santos 2021). It is not a "divisive, Marxist ideology . . . [that] reverses the decades of gains we have made since MLK's prophetic words in 1963," as Texas conservatives believe it to be (Roberts 2021). Using the correct definition, the need to use the framework to study relationships worldwide is obvious. Scholars understand the importance of using CRT in domestic, international, and comparative contexts to understand racial and gender equity issues, xenophobia, and assaults on fundamental human rights witnessed around the world, not just in their research but also in their teaching.

The COVID-19 pandemic unearthed the worldwide epidemics of systemic racism, sexism, and colorism. It demonstrated the need to understand the underlying causes that allow these epidemics to spread. To understand and combat the global problems such as these, higher education must develop global leaders and thinkers of all races. Thus, some knowledge of CRT is necessary to help future leaders examine the role institutions and legal systems play in creating and maintaining different forms of discrimination. An understanding of elements of CRT is also essential to student success in an increasingly global marketplace. According to the National Association of Colleges and Employers (2022), career-ready graduates should possess the "awareness, attitude, knowledge, and skills required to equitably engage and include people from different local and global cultures."

This article explores what could happen if faculty lose control of their curricula in this attack on academic freedom. As its case study, it examines the experience of Prairie View A&M University and its new interdisciplinary global studies program, Broadening Global Learning Opportunities Building Academic Leaders (B-GLOBAL). The second-oldest public institution of higher learning in Texas, Prairie View A&M

University is designated as an 1890 Land Grant institution. As a historically black college and university (HBCU), the institution has a mission “to invest in programs and services that address issues and challenges affecting the diverse ethnic and socioeconomic population of Texas and the larger society including the global arena” (Prairie View A&M University, n.d.). As an outgrowth of this mission, the B-GLOBAL program was developed to teach students four global competencies needed to effectively lead, live, and thrive in today’s interconnected world: self-awareness, global awareness, cultural knowledge, and social responsibility.

To do so, its faculty often use tenets of critical race theory. However, the program’s goal is not to indoctrinate, as conservatives claim, but to provide students of color an equal opportunity to learn these competencies. If PVAMU is forced to suppress CRT and end the B-GLOBAL program," not only will today’s political battles affect Texas education for years to come, but students of color will also be disproportionately affected.

Texas Laws

While initially focused on K–12, Texas lawmakers are now targeting higher education. The Texas laws that rewrite curricula limit academic freedom and restrict the teaching of global competencies, as well as hamstringing universities and the state itself. These laws are part of the national Conflict Campaign, “a purposeful, nationally/state interconnected, and locally driven [effort] to block or restrict proactive teaching and professional development related to race, racism, bias, and many aspects of proactive diversity/equity/inclusion efforts in schools, while—for some—gaining political power and control” (Pollock et al. 2022, 7).

On December 2, 2021, Senate Bill 3 (87(2)) replaced House Bill 3379 (87(R)). S.B. 3 (as it is commonly known) reduces academic freedom on two fronts: what is taught and how it should be taught. It is more restrictive than the House version, and it eliminates the previously required teaching of the injustices Native Americans experienced, policies like the Fugitive Slave Acts, and Martin Luther King Jr.’s “I Have a

Dream” speech. Teaching of almost anything related to marginalized groups, including white women, is no longer required. In addition, educators are expected to “strive to explore . . . topic[s] from diverse and contending perspectives without giving deference to any one perspective” when teaching “a particular current event or widely debated and currently controversial issue of public policy or social affairs” (Texas Congress 2021).

Teachers and professors face enough hurdles just teaching in Texas. Explaining why the “Robstown Cotton Pickers” is an inappropriate mascot, why people are happy Juneteenth is finally a national holiday, and the meaning of the “heartbeat bill” are just a few examples. For decades, Texas educators have used their academic freedom to teach concepts, not opinions, to the best of their ability and with limited resources. To accurately teach Texas and US history, educators should use the CRT framework; however, few, if any, explicitly do so, which calls into question the need for and motivation behind S.B. 3.

Senate Bill 3 is hypocritical because educators cannot be neutral if they must force-feed students the whitewashed narrative conservatives expect them to teach. As conservatives turn their attention to higher learning, there is a real possibility that they may add more bans and further reduce academic freedom. Bans could include courses, topics, and international events that parallel ones in the history of Texas and the nation in their quest to provide students with what they deem is the appropriate version of history.

Using the logic behind S.B. 3, hypothetically, a class with a unit on apartheid in South Africa could be banned because it mirrors our history of racial violence and legally mandated segregation. After removing the legal mandates, South Africa instituted its version of affirmative action policies the same way the United States did and saw a similar backlash from whites (Larson 2019). Conflicts before, during, and after apartheid were race-based, structural, and encompassed every aspect of life in both countries. Racial inequalities remain ingrained in the legal system and institutions of both countries. Naturally, college students will see the similarities between South Africa and the United States even without professors mentioning CRT. These similarities are enough for

conservatives to be concerned about what students are exposed to and pass bills that limit professors' freedom to teach the courses critical to certain subfields, such as comparative politics or international relations.

Global Competency Education

Today events, conflicts, and problems are no longer restricted by geographic location. The world's interconnectedness requires people, whether presidents or private citizens, to have the skills and knowledge necessary to contribute to the global effort to solve problems. To thrive today and in the future, students of color need global competencies to be able to make connections between peoples, places, and ideas to effect change and propose innovative solutions to international problems (Cabrera 2012).

To do so, university programs look to Darla Deardorff's (2006) process model of developing intercultural or global competencies. Using the model, students focus on learning about themselves, learning about the world, engaging with other cultures, and then thinking about appropriate actions. To develop these global competencies, higher education institutions have responded in three distinct ways: (1) developing education study abroad programs, (2) bringing international students to campus, and (3) internationalizing both the faculty and the curriculum (Cantu 2013).

However, these traditional methods are not always options for students attending HBCUs. While studying abroad increases confidence, maturity, intercultural awareness, academic interest, and career readiness, students at HBCUs like PVAMU encounter difficulties that prevent them from participating in these opportunities (Dwyer and Peters 2004; Stebleton, Soria, and Cherney 2013). Fears of racism and little family support are significant barriers as students of color and their families often fear they will experience racism or racist attitudes as they interact with people in other countries (Blake et al. 2019).

Furthermore, African American and Latino families may not want to invest in study abroad trips due to a lack of understanding of benefits. Conditions such as access to amenities to address personal grooming needs or dietary concerns also affect their willingness to travel. Finally,

cost is a significant barrier for many students. Often students at HBCUs have second jobs to pay for college, income they may have to forgo to participate in global learning (Brux and Fry 2010).

B-GLOBAL Program and Student Benefits

Led by Nathan Mitchell, Prairie View A&M University faculty developed a program that integrated global competencies into the curriculum and academic programs to circumvent these barriers. The B-GLOBAL program's four Student Learning Outcomes (SLOs) allow students to

- identify their own cultural rules and biases and begin to question those rules or biases based on a growing global understanding (*self-awareness*);
- describe important issues faced by local and international communities and begin to connect local actions to global contexts (*global awareness*);
- demonstrate a comparative understanding of another culture's history, values, politics, communication styles, economy, or beliefs and practices (*cultural knowledge*); and
- take informed and responsible action to address ethical, social, and environmental challenges in global systems by using interdisciplinary perspectives, knowledge, and skills (social responsibility).

To help students achieve these SLOs, PVAMU faculty attend a summer institute. The institute's guest speakers and workshops allow faculty to develop new and creative ways to incorporate global competencies into syllabi, projects, readings, and the like. To create a course that introduces students to these competencies, professors often include discussions, readings, and activities on race, ethnicity, gender, religion, nationality, culture, and so on. Activities include field trips within the United States, and internships are encouraged. Faculty members have the freedom and discretion to create and alter courses that promote student development as they see fit, something they will not be able to do under S.B. 3.

Much like studying abroad, B-GLOBAL seeks to expand students' worldviews. In both, if there is discussion about any form of

discrimination, it is purposeful and tailored to the SLOs. Global competencies give students the chance to learn about different cultures, beliefs, ideas, values, norms, and political and legal systems, and to experience academic and personal growth. They do not create fear, shame, or hatred but rather stimulate curiosity to study worldwide issues using more diverse sources. The result may seem threatening to conservatives, however, because it does not fit their version of history or shows the United States in a negative light. This may put programs like B-GLOBAL at risk if lawmakers apply S.B. 3 to higher education.

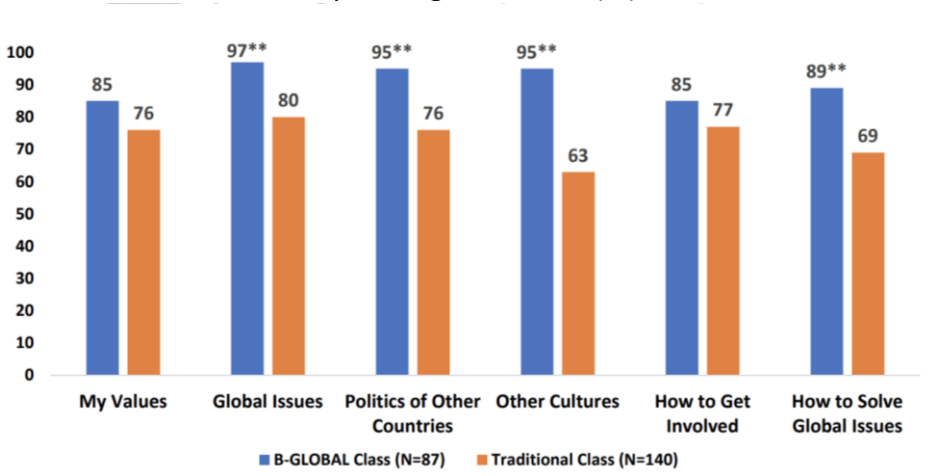
The program's success is evident in the quantitative and qualitative data. Students' reports show increased awareness, knowledge, and responsibility without having to leave the country, outcomes often furthered by dormitories based on the mode of instruction (see table 1). For example, students taking a B-GLOBAL American government course revised to include global competencies strongly agreed or agreed at higher rates than students in a traditional American government class that the course had helped them learn more about global issues, the politics of other countries, other cultures, and how to solve global problems (see figure 1).

Table 1. Strongly Agree or Agree They They Learned More About Values and Engaging in Global Issues

LEARNING GOAL	% STRONGLY AGREE OR SOMEWHAT AGREE THAT THEY LEARNED MORE ABOUT....				
	B-GLOBAL Class (N=65)	Traditional Class (N=91)	Z- Score	P	Significant
MY VALUES	85	76	1.44	0.07	
GLOBAL ISSUES	97	80	2.88	0.002	**
POLITICS OF OTHER COUNTRIES	95	76	3.12	0.001	**
OTHER CULTURES	95	63	4.57	0	**
HOW TO GET INVOLVED	85	77	1.24	0.1	
HOW TO SOLVE GLOBAL ISSUES	89	69	2.83	0.002	**

Source: Post-semester survey of Prairie View A&M students in B-GLOBAL and traditional classes.

Figure 1. Strongly Agree or Agree That They Learned More About Value and Issue Areas by Taking This Class (%)



Source: Survey of Prairie View A&M students presented at B-GLOBAL roundtable, Southern Political Science Annual Conference, San Antonio, January 12–15, 2022.

In reflections after taking the course, students commented on how the information from a B-GLOBAL Latin American and Caribbean politics course that used tenets of CRT will apply to their lives:

The information I learned for this class will forever stick with me. I knew a little about the Latin American background but I learned more about it during this course. It changed my perspective about Latin American people and their culture and religious views positively. I was happy to grasp more knowledge about Latin American people. Latin America has a vast diverse population of people [in] the world. Whenever I see or meet any Afro Latino people I will be happy to know that I know more about how they are racially identified.

—Student 1

I will apply the information from this class to my life in interaction with others. Now, if I hear people around me making misinformed comments about Latin America, I plan to share what I know. I suspect that, like me before this class, they were never taught the

whole truth about Latin America and the role Europe and the U.S. played in making things the way they are. Politely and kindly educating others can help end misconceptions about Latin America and Latinx people.

—Student 2

The information I have learned in this class will definitely be useful in my everyday life. . . . When learning about the history of other countries there are things we can choose to apply to our society or vice versa. . . . I . . . believe it is important to know information about not just where you live but other countries as well, to be as well rounded as possible and this class was a great start.

—Student 3

I think this class has made me think from a more intersectional lens regarding policy issues. Specifically, when it comes to foreign intervention, and the problems that occur in this region because of things like dependency, neo-colonialism, and imperialism. I think this will be useful to . . . carry on with my life because I plan to create or influence policies, so this background information on how different policies may affect Latin American regions and indigenous people there is very important.

—Student 4

The data show that PVAMU students did benefit from and enjoy the program. Professors also report enjoying the courses and the freedom to alter them to best fit their discipline. However, if Senate Bill 3 is applied to higher education, many phrases in the qualitative data could trigger conservatives, leading them to seek to remove global competencies from political science classes.

Effects of Potential Texas Laws

Conservatives' mission to spread misinformation and use propaganda for political gains poses unique threats to faculty and students at PVAMU

and to B-GLOBAL. First and foremost, the frightening reality is the state's gag orders and memory laws could be applied to PVAMU and B-GLOBAL tomorrow if conservatives so chose, as S.B. 3 does not limit its application to the study of the United States or Texas. Despite its benefits to minority students, any professor, class, or program that encourages students to look beyond the sugar-coated facts in Texas textbooks is a threat to conservatives. The use of CRT is portrayed as indoctrination, not as providing resource-strapped HBCU students with a framework they can use to solve problems domestically and globally.

The second threat is the effect on PVAMU faculty who want to teach courses with the B-GLOBAL designation. S.B. 3 requires civics training to ensure that K-12 schools comply, and it increases government oversight. Similar restrictions may appear in legislation created to further limit the academic freedom of those in higher education. For example, the initial summit that PVAMU faculty attend to learn about global competency includes guest speakers, professors, and discussions encouraging faculty to think beyond the Eurocentric American and Texas government textbooks that public schools often adopt. The gag orders may extend to faculty members who want to become more effective teachers and better prepare students of color to enter the workforce.

The third threat to faculty's academic freedom and the B-GLOBAL program is potential financial liability. In Idaho, H.B. 488 sought to allow citizens to sue the institution and individual employees that violate its anti-CRT laws. The school would not only have to pay costs and the complainant's legal fees, but it would also have reduced state funding by 10 percent until they were in "compliance" with the state's anti-CRT policies. While it did not pass in the 2022 session, similar bills are in the works. HBCUs often have fewer resources than predominately white institutions. Thus, lawsuits against PVAMU would be devastating for students, faculty, and the economies of surrounding communities. If Texas were to learn from Idaho's mistakes and pass a similar bill, this would deter faculty from creating certain classes and projects no matter how much they benefit students.

The fourth threat is the impact on PVAMU students after graduation. Section 5 of S.B. 3 stipulates that educators "may not require, make part

of a course, or award a grade or course credit, including extra credit” for activities that include social or public policy advocacy (Texas Congress 2021). Banning the incorporation of these activities will further hinder the building of global competencies and future educational and career options for students of color. These activities give students hands-on experience, build connections, and teach marketable skills. Without the activities students are passionate about—like public policy, politics, and causes that affect their communities—students may not want to participate in the B-GLOBAL program and would miss the opportunities it provides.

The consequences of denying PVAMU students opportunities to learn global competencies outweigh the unsubstantiated threat CRT poses to Texas. By banning or reducing the B-GLOBAL program, conservatives will deny PVAMU students equal opportunity to develop global competencies simply because of the state university they attend. Professors will be denied the freedom to revise courses to meet the needs of minority, first-generation, and nontraditional students.

The rich history of PVAMU makes the university appealing to students and faculty, much like students and faculty find the University of Texas appealing, and the state should not punish them for choosing it. It is doubtful that the Texas legislature will allocate money for PVAMU students and faculty to travel abroad. Even if it did, no amount of money could eliminate the systemic and other factors that uniquely prevent African American and Latino students from traveling to gain global competencies.

Conclusion

In response to the conservative mantra “that America is a color-blind, equitable society where hard work explains who succeeds,” Kimberlé Crenshaw once asked, “What can be more indoctrinating than that?” (Omoka 2021). The sad truth is that by curtailing academic freedom and indoctrinating students with their version of history and perceptions of reality, conservatives are destroying the future of Texas. Given their state’s sizable minority and immigrant populations, physical location, and diverse economy, global competencies are something all Texans

should have. However, since Senate Bill 3 eliminates the teaching of civil rights court cases even if they do not involve African Americans, like *Mendez v. Westminster* (1947), it will be no surprise when they follow other states and further whitewash the curriculum. Texas conservatives may try to adopt more radical policies like those proposed by policy makers in other states, such as Florida's 2022 S.B. 148 and H.B. 7, which includes skin color, national origin, race, and sex under the guise of individual freedom; Alabama's H.B. 312, which adds the topic of religion and applies to higher education; and Alaska's H.B. 228(32(2)), which also adds national origin to the list of divisive topics.

At institutions like PVAMU, Texas gag orders and memory laws will have impacts quite the opposite of the goals conservatives claim to seek. Hardworking HBCU students will be denied equal access to the classes, opportunities, activities, experiences, and faculty expertise that can help them succeed. The potential for disparate harm to PVAMU and other HBCUs and threats to successful programs are exemplary reminders of why we must protect academic freedom.

The B-GLOBAL program is innovative, and innovation requires that faculty have the freedom to use creativity, expertise, experiences, and CRT to tailor their courses for their students. Gag orders, memory laws, and tenure threats will limit innovation as PVAMU professors worry how state laws will compromise their universities, programs, and careers. While legislation has not been passed directly targeting higher education in Texas, this will happen sooner rather than later. The evolution of the Conflict Campaign and Lieutenant Governor Dan Patrick's promises to reduce academic freedom show that no Texas school or institution of higher learning, even its second-oldest, is safe.

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