



November 10, 2025
Office of the Board of Regents
1123 TAMU
Memorial Student Center, Suite L500
Texas A&M University
College Station, Texas 77843

URGENT

Sent via Next Day Delivery and Electronic Mail (BORMTG-PublicTestimony@tamus.edu)

Dear Board of Regents:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is deeply concerned by the following proposed revisions to Texas A&M University’s policies on Civil Rights Protections and Compliance and Academic Freedom, Responsibility and Tenure:²

System Policy 08.01, Civil Rights Protections and Compliance

- Section 2.1(b) is revised to add the following: “No system academic course will teach race or gender ideology, or topics related to sexual orientation or gender identity, unless the course and the relevant course materials are approved in advance by the member CEO or designee.”

System Policy 12.01, Academic Freedom, Responsibility and Tenure

- Section 1.2 is revised to clarify that a faculty member will not teach material that is inconsistent with the approved syllabus for the course.

We urge the Board to reject these proposals, which invite—indeed, practically guarantee—unconstitutional political interference with faculty teaching and academic freedom.

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America’s university campuses. You can learn more about our mission and activities at thefire.org.

² *Agenda Items Meeting of the Board of Regents*, TEX. A&M UNIV., 106 (Nov. 13, 2025), <https://www.tamus.edu/regents/wp-content/uploads/sites/28/2025/11/Regular-Binder-November-13-2025-website.pdf> (last visited Nov. 10, 2025).

TAMU, as a public institution, may not violate faculty's First Amendment rights. The First Amendment protects faculty pedagogy from political interference, even with regard to topics or viewpoints that some might find odious.³ Free speech is the "lifeblood of academic freedom,"⁴ and is of "special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."⁵ Higher education depends on "wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, rather than through any kind of authoritative selection."⁶

To make the enterprise of higher education possible, the TAMU system, along with its peer institutions, hires faculty members who are experts in their individual fields to conduct teaching and research. These experts have spent many years pursuing knowledge in their chosen, often narrow, specialties, and nearly always have terminal degrees (such as PhDs) in their disciplines. It is this expertise that gives faculty the knowledge of what and how to teach to bring up the next generation of experts in their specific fields, whether that be the arts, the sciences, philosophy, or the classics. Indeed, a university diploma signifies nothing more than having been taught by these experts in their fields. It is the very foundation of its value.

In contrast, while university presidents and other administrators may (or may not) be experts in a single academic field, they are not and cannot be experts in *every* field taught by the university. They have no knowledge of what issues or topics are important to cover in each of dozens or hundreds of fields, let alone what materials and discussions properly belong in each class and session. And the only potential "designees" of this power that could have the ground-level expertise to make good-faith, informed decisions would be the members of the faculty themselves, rendering this change utterly pointless.

What is far more likely under this policy, however, is that TAMU university presidents or high-level administrative designees will sift through curricula and rely on their own preferences and prejudices to judge what will and will not be allowed to be taught in hundreds of classes, as they cannot possibly make informed judgments in so many areas of endeavor. This centralization of authority will also provide outside political forces, some of whom may wield considerable power over the university's finances, with only a single person whom they must pressure into warping students' education to suit their own preferences.

Political realities being what they are, this is a guarantee of endless meddling by political forces in curricular decisions, endless litigation over these unconstitutional assaults on academic freedom (with Texas taxpayers footing the bill), and endless distraction from the academic enterprise. Each time TAMU leaders deny approval for courses or materials based on political pressure, it will mark another "prior restraint" on faculty's pedagogical autonomy within the university system. Because prior restraints do not simply punish a speaker for what he or she

³ See, e.g., *Hardy v. Jefferson Cmty. Coll.*, 260 F. 3d 671, 680 (6th Cir. 2001).

⁴ *DeJohn v. Temple Univ.*, 537 F. 3d 301, 314 (3d. Cir. 2008); see also *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995) ("For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital center for the Nation's intellectual life, its college and university campuses.").

⁵ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

⁶ *Id.* at 603 (cleaned up).

says but actually prevent the expression from taking place at all, the Supreme Court has long identified them as being among “the most serious and the least tolerable infringement on” freedom of expression.⁷ Prior restraints are only valid in the most demanding circumstances⁸—the paradigmatic example is preventing the publishing of shipping schedules in time of war—and courts impose a “heavy presumption against [their] constitutional validity” when analyzing them.⁹

Academic freedom requires that faculty, not administrators, determine whether, when, and how to teach material germane to the topic of their courses. As the American Association of University Professors (AAUP) pointed out in 2013, freedom in teaching includes faculty’s right to determine how to approach their subjects “without having their decisions subject to the veto of a department chair, dean, or other administrative officer.”¹⁰ It is no surprise, then, that courts have held that faculty pedagogical choices are “protected by the First Amendment” from political meddling when the comments are “germane to the classroom subject matter.”¹¹ Only by adhering to this principle can TAMU provide the necessary breathing room to faculty members’ pedagogical choices, allowing them to follow the pursuit of knowledge wherever it may lead, even when it may be objectionable to those outside the classroom—or in it.

Sincerely,



Haley Gluhanich
Senior Program Counsel, Campus Rights Advocacy

Cc: R. Brooks Moore, General Counsel
Glenn Hegar, Chancellor

⁷ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

⁸ *Id.*

⁹ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971). It is hard to imagine TAMU could state an interest more compelling than national security, which the Supreme Court has already held could not justify a prior restraint on publishing classified information about the war in Vietnam. *Id.*

¹⁰ *Statement on the Freedom to Teach*, AM. ASSOC. OF UNIV. PROFESSORS (Nov. 7, 2013), <https://www.aaup.org/report/freedom-to-teach>.

¹¹ *See Hardy* at 683.