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PROTECT YOUR RIGHT TO ACADEMIC FREEDOM

Faculty at Texas universities are facing unprecedented demands to censor their teaching, scholarship, and speech. This document lays out your right to academic freedom and equips you with strategies to protect those rights. While the law and The University of Texas System policies provide important safeguards, these protections mean little if faculty preemptively surrender to politically motivated censorship. Protecting our academic freedom requires that we stand together, resist undue interference, and demand due process at every step.

Know Your Rights

Academic Freedom in Teaching: You have the freedom to discuss all relevant matters in the classroom. This includes the right of faculty members to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which they are individually responsible. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matters which are unrelated to their subject, or to persistently introduce material which has no relation to the subject. **This doesn't mean teachers should avoid all controversial materials.** As long as the material stimulates debate and learning that is germane to the subject matter, it is protected by freedom in the classroom.

Federal or state executive orders cannot curtail academic freedom. While executive orders may guide executive branch agencies, they cannot override the First Amendment's protections for speech and academic inquiry. Courts have already made this clear. Specifically, they have determined that President Trump's executive order barring government support for expressions of "gender ideology" violates the First

Amendment's bar on regulating speech on the basis of its content.[1] Similarly, Governor Abbott's order directing Texas Agencies to recognize only two sexes–male and female–cannot override faculties' First Amendment right to academic freedom in teaching. Moreover, Texas Law HB 229 defines sex solely for the purpose of the state's collection of information. A legal requirement that "a government entity that collects vital statistics on the sex of an individual . . . shall identify each individual as either male or female" has no bearing on what happens in the classrooms of state institutions of higher education.

Consistent with these principles, the University of Texas System's Board of Regents Policies state that "Faculty members are entitled to freedom in the classroom in discussing his or her subject, but are expected not to introduce into their teaching controversial matter that has no relation to his or her subject."[2] Moreover, "Individual faculty members or the department should have discretion in the choice of materials to be used in the courses offered by the department."[3]

Academic Freedom in Research: You have the freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work.

Consistent with this principle, the University of Texas System's Board of Regents Policies state that "Faculty members are entitled to full freedom in research and in the publication of the results."[4]

Academic Freedom in Speech: You have freedom from institutional censorship or discipline when addressing matters of institutional policy or action.

You have freedom from institutional censorship or discipline when speaking or writing as a citizen. But faculty members' special position imposes special obligations. When speaking on public matters, faculty members should strive to be accurate, should exercise appropriate restraint, should show appropriate respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

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[1] *See* Rhode Island Latino Arts v. NEA, No. 25-79 WES (D.R.I. Sept. 19, 2025) (noting that, in the context of reviewing applications for federal grants, if a government agency "restricted all applications that touched on the subject of 'gender ideology,' or on the relationship between sex and gender more broadly, that would amount to a content-based restriction on . . . speech."

[2] UT Board of Regents Rule 31004, Sec. 2 (Dec. 10, 2004) (Rights and Responsibilities of Faculty Members), https://www.utsystem.edu/board-of-regents/rules/31004-rights-and-responsibilities-of-faculty-members.

[3] *Id.* at Sec. 6.1.

[4] *Id.* at Sec. 1.

Consistent with these principles, the University of Texas System's Board of Regent policies state that "Faculty members are citizens, members of learned professions, and officers of an educational institution supported by the State of Texas. When the faculty member speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but should make it plain that the faculty member is not an institutional spokesperson."[5]

Due Process: Faculty at the UT System have the right to due process. This means that the UT System must "ensure full and consistent compliance with federal and state laws and The University of Texas System Board of Regents' Rule 31008,"[6] and must treat faculty members fairly and consistently in matters related to their employment.

Dismissals: The University of Texas System's Board of Regents Policies protect you against unfair dismissals.

- The decision to dismiss a faculty member must be for adequate cause, such as professional incompetence, serious neglect of your duties, dishonesty, unprofessional conduct that adversely affects the institution, or sexual misconduct.
- **A dismissal may not violate your constitutional right to freedom of expression, and cannot be used to restrain faculty in the exercise of academic freedom. You cannot be dismissed for arbitrary reasons or in response to political pressure.**
- You must be given timely, written notice that clearly explains the reasons for your proposed dismissal.
- You cannot be dismissed without first being given a hearing where you may respond to the charges and present evidence in your defense. The only exception to this is in cases of "summary dismissal" for extremely serious misconduct, such as conduct that creates a serious safety threat to students, faculty, staff, or members of the public; creates a significant threat to national security; creates a significant adverse impact on the operation of the institution.

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[5] *Id.* at Sec. 3.

[6] UTS 198, Termination of a Faculty Member (Nov. 28, 2023), https://www.utsystem.edu/sites/policy-library/policies/uts-198-termination-of-faculty-member; UT Board of Regents Rule 31008 (Dec. 10, 2004) (Termination of a Faculty Member), https://www.utsystem.edu/board-of-regents/rules/31008-termination-of-faculty-member.

Other Matters: You have the right to initiate a grievance[7] if you believe you have been treated unfairly.

- Grievance rights apply broadly, including to any action that infringes upon your academic freedom, such as being directed to change your syllabus or when you comply with an administrator's request under duress.
- The grievance process is a multilevel process. You should first attempt to resolve your grievance informally through discussions with the appropriate administrator (such as your department chair or dean). If these informal efforts do not resolve the matter, you have the right to pursue a formal grievance. In nearly all cases, this includes the right to a hearing before your college-level grievance committee and/or university-wide grievance committee.

Protect Your Rights

Avoid Anticipatory Compliance: When confronted by a chair, dean, or other administrator's demands, it is natural to feel pressure to agree on the spot. Don't. Quick capitulation gives administrators what they want before faculty can respond collectively. Instead, slow things down. Say something like, *"I need to review the policy and consider this before making any changes."* This buys time to consult with colleagues and, if necessary, develop a collective strategy. Academic freedom is not just an individual right, but a shared foundation that protects all faculty, our students, and our democracy. Standing firm – even if only by refusing to act immediately – protects all of us.

Ask Questions: When you are called into a meeting with a chair, dean, or other administrator who is pressuring you to change your teaching, remove course material, or is threatening to take disciplinary action, do not simply accept their assertions. Asking questions forces administrators to explain themselves, slows down the rush to judgment, and makes it harder for them to act on vague political demands. Asking questions also signals that you are not going to comply blindly and that you expect administrators to justify their actions with facts and policy, not politics:

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[7] UT Board of Regents Rule 30602 (Dec. 10, 2004), https://www.utsystem.edu/board-of-regents/rules/30602-employee-grievance; https://secure4.compliancebridge.com/utexas/public/getdoc.php?file=2-2310; https://policy.uta.edu/doctract/documentportal/08D885989C3C74756C2B95B9B2B20A51; https://uta.public.doctract.com/doctract/documentportal/08DC1B7A354D935FDF3CC8B5A932479B; https://policy.utdallas.edu/utdpp1050/makepdf; https://www.utep.edu/hoop/section-5/ch-7.html; https://www.utsa.edu/hop/chapter2/2.34.html; https://uttyler.policystat.com/policy/token_access/c9a0d670-1fb7-4ed6-8130-350dd1704d05/; https://www.utpb.edu/university-offices/operating-procedures/docs/part_i.pdf; https://www.utrgv.edu/hop/policies/adm-06-111.pdf; https://www.sfasu.edu/docs/hops/02-310.pdf.

- Ask them what specific law or university policy they believe you have violated or that they are enforcing. If they cite university policy, ask if the university policy is in writing.
- Ask them why they believe the law or university policy prohibits or requires certain action, such as changing your syllabus.
- If you have been accused of violating the law or university policy, ask them why they believe you are in violation of the law or policy, including what evidence they are relying on.
- Ask what the consequences will be if you are found to have violated the law or policy they are relying on.
- Ask them what process they have followed or will follow as part of their enforcement of the law/policy or investigation into your actions. Also ask what steps come next.
- Ask them who you should reach out to if you have any questions or concerns.
- Ask them to put their responses to your questions in writing.

Create a record of what you were told. Consider recording the conversation, although you should inform administrators that you are recording the conversation. Take notes. Following the conversation, document everything that was said to the best of your recollection. If they refuse to answer any of your questions, document that as well. Email that documentation to colleagues who were also at the meeting, or email it to yourself, so that it is time-stamped, or email it to the person conducting the meeting and ask something like if you believe this summary is incorrect, please let me know.

Demand Due Process/Initiate a Grievance: If you are threatened with dismissal, insist on your right to due process, including the right to written notice and a hearing. For any matter where you are treated unfairly or your academic freedom is at risk, initiate a grievance. Every grievance that is filed forces administrators to stop, respond, and justify their actions — this both creates a written record of their actions and throws sand in the gears of efforts to curtail academic freedom. The more faculty who insist on these procedures, the harder it becomes for those in power to impose broad restrictions.

Join AAUP: The American Association of University Professors (AAUP) is a tireless advocate for the right to academic freedom and due process in this increasingly hostile environment. By becoming a member of Texas AAUP-AFT, you join a local, statewide and national movement fighting for and defending the rights of faculty, graduate students, and academic staff.

As an AAUP member, you gain access to:

- An Office of Faculty Representation to help members facing investigations, disciplinary actions, or dismissals.
- Legal representation of up to $8 million in occupational liability coverage (including coverage of $35k in criminal defense fees for activity engaged in while at work) and a legal defense fund that offers a free consultation with an employment lawyer and coverage of personal attorney's fees. Learn more here.
- Advocacy on campus and at the Texas Legislature, amplified by the 66,000 members and 40+ staff in Texas AFT, including organizers, lobbyists, policy analysts, IT, media consultants, and lawyers.

Membership is confidential and dues are on a sliding scale based on your academic income (ranging from $13 to $39 per month).

Set-Up a Confidential Departmental Chat: Create a secure, confidential group chat (e.g., Signal or another encrypted platform) with trusted colleagues in your department. This allows faculty to quickly share information about threats to academic freedom, coordinate responses, and support one another. Note: Your university emails are subject to public disclosure, so avoid using your work email to communicate with colleagues about these issues.

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