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November 11, 2025

VIA EMAIL TO BORMTG-PublicTestimony@tamus.edu
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Board of Regents
care of Ms. Vickie Spillers
Executive Director, Board of Regents
The Texas A&M University System
P.O. Box 15812
College Station, TX 77841-5013

RE: Public Comment on November 13, 2025, Agenda Item No. 4.2

Dear Members of the Texas A&M University System Board of Regents:

I write on behalf of the Texas Conference of the American Association of University Professors ("AAUP"), affiliated with the Texas American Federation of Teachers ("Texas AFT"), which are both labor organizations that represent and advocate for the rights of faculty and staff at institutions of higher learning. AAUP represents approximately 2,400 members on 95 campuses, including at Texas A&M University System institutions.

AAUP is gravely concerned about Agenda Item No. 4.2 in the upcoming Board of Regents meeting scheduled for November 13, 2025. The item pertains to an envisioned change to System Policy 08.01, titled "Civil Rights Protections and Compliance," and to System Policy 12.01, titled "Academic Freedom, Responsibility and Tenure."

Regarding Policy 08.01, the proposed changes will ban faculty teaching "race ideology," "gender ideology" or "topics related to sexual orientation or gender identity," in the absence of administrative preapproval. As to Policy 12.01, the changes appear to remove faculty discretion about "controversial" topics that may be taught and outright bans teaching of material that is "inconsistent" with the approved syllabus of the course.

The proposed changes appear to be fully unmoored from any legal foundation and, worse, violate constitutional principles of academic freedom. AAUP's review of current state and federal law failed to reveal any statutory source of authority allowing, much less requiring, the Texas A&M University System to place certain content or viewpoint pertaining to race, gender, sexual orientation, gender identity or "controversial" topics outside the boundaries of what can be taught in a public higher-education classroom. While some of the subject areas, or specific viewpoints within those areas, have become disfavored in certain circles, popular standing should not be the metric for determining what should be taught in public Texas universities and colleges.

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Crucially, the proposed policy changes run into direct and irreconcilable conflict with the First Amendment to the U.S. Constitution, which protects even disfavored and "controversial" topics in public discourse, including in higher education. As recently as 2023, the U.S. Court of Appeals to the Fifth Circuit has made it clear that a university faculty member has standing to sue members of an institution's board of regents for punishing the faculty member's disfavored speech. *Jackson v. Wright*, 82 F.4th 362 (5th Cir. 2023).

Additionally, the proposed changes to these policies fail to adequately inform faculty members, students, parents and other members of the public of what exactly the System intends to censor. While definitions for "race ideology" and "gender ideology" are included, no such definitions are provided for other material that the System will now prohibit, including "topics related to sexual orientation or gender identity," "relevant course materials," "controversial matter," and "material that is inconsistent with the approved syllabus." Given these omissions, the proposed revisions fail to inform anyone of what is safe versus what is not to be uttered. As such, the policies are likely to be subject to accidental misinterpretation or outright abuse.

Due to the above concerns, AAUP and Texas AFT strongly and respectfully encourage the Board of Regents to reject these policy revisions.

Respectfully,

Manuel Quinto-Pozos
Texas AFT General Counsel and Counsel to the Texas Conference of AAUP