



November 5, 2025

Robert H. Vela Jr.
Office of the President
Texas A&M University-Kingsville
700 University Boulevard
Kingsville, Texas 78363-8202

Sent via U.S. Mail and Electronic Mail (rvela@tamuk.edu)

Dear President Vela:

FIRE's Student Press Freedom Initiative¹ is concerned by Texas A&M University-Kingsville's directive to faculty requiring them to notify TAMUK prior to providing interviews and requiring media to route employee interviews through the university. Additionally, SPFI reminds you that TAMUK must refrain from attempting to exercise editorial control over *The South Texan*, the university's editorially independent student newspaper. As a public university bound by the First Amendment,² TAMUK's media policy and its application must respect the expressive rights of faculty and journalists.

On September 11, TAMUK Chief Marketing and Communications Officer Adriana Garza-Flores emailed faculty that "[employees] *shall* inform the Office of Marketing and Communications about such media requests prior to providing interviews."³ This stands at

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. FIRE's Student Press Freedom Initiative (SPFI) defends the free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'" (internal citation omitted).

³ Email from Adriana Garza-Flores, Chief Marketing and Communications Officer, to faculty (Sept. 11, 2025, 5:38 PM) (on file with author) (emphasis added). The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information and invite you to share it with us.

odds with TAMUK’s own Official Messaging Policy. This policy, referenced in Garza-Flores’s email, notably provides employees “*should* inform the Office of Marketing and Communications about”⁴ requests from media. Garza-Flores’ email, which was sent to *The South Texan*’s advisor, also stated “all requests for interviews or comments *shall* be routed through the Office of Marketing and Communications.”⁵

Separately, on October 20, College of Arts & Science Dean Scott Jones emailed *The South Texan* Editor-in-Chief Jacob Daniels and Managing Editor Matthew Roberts to discuss the newspaper’s most recent edition and “navigate” “student policies” with Dean of Students Kirsten Company, who oversees Student Conduct and Community Standards.⁶ At the meeting, Jones discussed the placement of two unrelated stories on the same page: one about the Student Government Association president being accused of vote tampering and another providing an update on the university’s athletic fee increase. Jones felt this placement was confusing. He told Daniels and Roberts that because *The South Texan* is funded and the editors are paid by the university, the paper should release a statement to clarify that the two stories were unrelated. After repeated requests from university officials, *The South Texan* published a staff opinion clarifying the stories were unrelated and reiterating their editorial independence on October 27.⁷

TAMUK’s actions pose a direct threat to the expressive rights of the student press and faculty. First, faculty who comment on matters of public concern while not purporting to speak on behalf of the university have the right to speak to the press. But Garza-Flores’ directive contradicts TAMUK’s official policy and reaches beyond the bounds of the First Amendment on this issue. As a threshold matter, expressing an opinion on the policies and practices of a government body—even one by whom the speaker is employed—is not inherently speech on behalf of the employer. State institutions may only regulate employee speech when made pursuant to their job duties.⁸ Government employees retain their right to speak as private citizens on issues of public concern.⁹ While an internal memo produced at the direction of the employee’s supervisor may be grounds for sanction,¹⁰ a comment made at a school board meeting that uses the employee’s title to establish credibility may not be.¹¹ TAMUK faculty’s duties, like those at virtually every other college or university, generally do not include disseminating the university’s official positions as a spokesperson for the university. Rather, faculty comments to the media are commonly understood by both the law and by members of the public to be the commentary of the individual speaking, not the official message of the university as an institution.

⁴ *University Rules and Procedures*, Litigation and Administration, Official Messaging, TEX. A&M UNIV. KINGSVILLE (Apr. 13, 2022), https://www.tamuk.edu/policy/_files/pdf/09-02-01-K1.pdf [<https://perma.cc/Z3K8-2GLJ>] (emphasis added).

⁵ *Id.* (emphasis added).

⁶ Email from Scott Jones, Dean of College of Arts & Science, to Jacob Daniels & Matthew Roberts, students (Oct. 20, 2025, 4:57 PM) (on file with author).

⁷ *To Clarify*, THE S. TEXAN (Oct. 27, 2025), <https://thesouthtexan.com/index.php/2025/10/27/to-clarify/>.

⁸ *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006).

⁹ *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968).

¹⁰ *Garcetti*, 547 U.S. at 421.

¹¹ *Pickering*, 391 U.S. at 569.

These foundational free-speech principles are reflected in TAMUK's Official Messaging Policy, which does not mandate faculty to inform the university prior to performing interviews.¹² The university is free to share its preferred method of tracking mentions of its faculty in media. However, it cannot mandate faculty to inform the university prior to speaking to the press in their role as individuals not purporting to speak on behalf of the university and commenting on matters of public concern.¹³

Faculty expressions are not the only ones affected by this directive. By requiring student journalists to direct all requests to the Office of Marketing and Communications, TAMUK has also effected a prior restraint on students journalists' expressive activity, "the most serious and the least tolerable infringement on" freedom of expression.¹⁴ Requests for interviews are themselves a form of protected expression, and this directive prevents such conversations from occurring without oversight by the university. Prior restraints are only valid in the most demanding circumstances,¹⁵ and courts impose a "heavy presumption against [their] constitutional validity" when analyzing them.¹⁶ The university has failed to articulate why such a prohibition is required and thus cannot meet this standard.¹⁷

Further, this requirement means student journalists must notify administrators of the subject matter of their reporting to speak with sources, giving TAMUK administrators pre-publication knowledge it otherwise would not have. To the extent that TAMUK administrators respond to these requests with delays or denials, this becomes not only a prior restraint on *conversations* between student journalists and their sources, but also a constructive prior restraint *on the reporting itself*. Student journalists often conduct interviews and develop stories before reaching out to institutions for comment to ensure their stories are as accurate as possible and to discover new issues worth covering. Having to inform institutional administrators about the nature of stories before requesting official comment could chill student journalists, including those who may wish to include personal perspectives from faculty, from publishing their stories at all.

It would be bad enough if TAMUK was only exerting control over *The South Texan's* ability to speak with faculty sources. But the university has also sought to influence publishing decisions which rest in the hands of its student editors. Calling student editors to a meeting to attempt to use the paper's financial ties to TAMUK as leverage to interfere with page design and content violates *The South Texan's* editorial independence. When an administrator with disciplinary authority calls a meeting with a student representative about his or her protected speech, the student is likely to infer an implicit threat of discipline. Here, both the implicit threat of discipline and loss of newspaper funding were laid bare. Such demands suggest the newspaper's actions were problematic, leading student journalists to accordingly self-censor.

¹² *University Rules and Procedures*, *supra* note 4.

¹³ *Id.* at 568.

¹⁴ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

¹⁵ *Id.*

¹⁶ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971).

¹⁷ It is hard to imagine TAMUK 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.* at 714.

It is not the university's place to decide how *The South Texan* arranges stories on its pages, nor whether its editorial board runs clarifications. The editors of a student newspaper—not university administrators—hold the right to determine the content of their publication.¹⁸ That is true even when an editorially independent student newspaper has financial ties to the university.¹⁹ It is well-established that a college or university “may not constitutionally take adverse action against a student newspaper [...] because it disapproves of the content of the paper.”²⁰ TAMUK may make recommendations to *The South Texan*, but those in authority cannot force, intimidate, or coerce editors to publish only what the university deems appropriate.²¹

The unique role of universities as “peculiarly the ‘marketplace of ideas’” cannot be squared with the burdens TAMUK has placed on student journalists’ right to seek information and faculty’s right to share it.²² We therefore request a substantive response to this letter no later than the close of business on November 19, 2025, affirming TAMUK will clarify its media policies to reflect faculty are not required to inform the university of before providing interviews, student reporters are free to speak with university faculty in their capacity as individual citizens without a requirement that university officials field interviews first, and that TAMUK will refrain from interfering with the publishing decisions of *The South Texan*.

Sincerely,



Marie McMullan
Student Press Counsel, Campus Rights Advocacy

Cc: Joe T. Henderson, Chief Ethics & Compliance Officer
R. Brooks Moore, General Counsel

¹⁸ *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 258 (1974) (“The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper [...] constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved at this time.”); see also *Bazaar v. Fortune*, 476 F.2d 570, 575 (5th Cir. 1975) (university’s interference with the publication and distribution of student magazine violated First Amendment); *Miss. Gay All. v. Goudelock*, 536 F.2d 1073, 1075 (5th Cir. 1976) (student editor of university newspaper could “accept or reject [...] materials as he saw fit”).

¹⁹ *Miss. Gay All.*, 536 F.2d at 1075.

²⁰ *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983); see also *Husain v. Springer*, 494 F.3d 108, 124 (2d Cir. 2007) (“[A]t a minimum, when a public university establishes a student media outlet and requires no initial restrictions on content, it may not censor, retaliate, or otherwise chill that outlet’s speech, or the speech of the student journalists who produce it, on the basis of content or viewpoints through that outlet”); *Rosenberg v. Rector and Visitors of the Univ. of Va.*, 515 U.S. 819, 829–830 (1995).

²¹ *Minneapolis Star & Trib. Co.*, 460 U.S. at 586–91; see also *Koala v. Khosla*, 931 F.3d 887, 904 (9th Cir. 2019).

²² *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).