



Office of General Counsel

THE TEXAS A&M UNIVERSITY SYSTEM

November 12, 2025

Marie McMullan
Student Press Counsel, Campus Rights Advocacy
Foundation for Individual Rights and Expression
510 Walnut St., Ste. 900
Philadelphia, Pennsylvania 19106

Dear Ms. McMullan,

The Texas A&M University System is in receipt of your letter dated November 5, 2025. In that letter you raise concerns that Texas A&M University-Kingsville (TAMUK) is requiring faculty to route *all* media requests through the university's Office of Marketing and Communications and that it is attempting to exercise editorial control over *The South Texan*. To be clear, TAMUK has not placed or attempted to place any constitutionally impermissible restraint on either the faculty's ability to speak with any media outlet or on any media outlet's ability to exercise editorial control over what is published.

Regarding the September 11, 2025 email to TAMUK faculty, Texas A&M University System Regulation 09.02.01 requires that System members' *official* messaging, including media interviews, must be approved in accordance with the applicable member's rules or procedures.¹ In this instance, the applicable member rule, TAMUK Rule 09.02.01.K1, provides that TAMUK's Office of Marketing and Communications serves as the official liaison with all news media and coordinates the university's official responses and comments related to university matters.² The email was consistent with both the System regulation and TAMUK's Official Messaging rule.³

As your letter correctly observes, TAMUK's Official Messaging rule does not mandate that faculty inform the university prior to speaking to the press as private citizens on matters of public

¹ Policy and Regulation Library, Litigation and Administration, *Official Messaging*, TEX. A&M UNIV. SYS. (Oct. 7, 2021), <https://policies.tamus.edu/09-02-01.pdf>.

² University Rules and Procedures, Litigation and Administration, *Official Messaging*, TEX. A&M UNIV., KINGSVILLE (Jul. 1, 2024), https://www.tamuk.edu/policy/_files/pdf/09-02-01-K1.pdf.

³ To clarify, your letter attributes to Adriana Garza-Flores, TAMUK's Chief Marketing and Communications Officer, the quote that employees "shall inform the Office of Marketing and Communications about such media requests prior to providing interviews" and claims that it stands at odds with TAMUK's Official Messaging rule. However, that language comes verbatim from section 1.2 of TAMUK's Official Messaging rule concerning speaking to media on matters of research and expertise, not official statements covered by section 1.1. According to section 1.1, "All media requests for an official university response or position *must* come from the university president or the Office of Marketing and Communications." *Id.* (emphasis added). Thus, a directive that all media requests for an official university response or position shall be routed through the Office of Marketing and Communications is in line with TAMUK's rule.

concern.⁴ The email was unrelated to any activity of *The South Texan* and addressed speech that your letter acknowledges does not enjoy First Amendment protection.⁵ Specifically, the email served to remind TAMUK faculty of their obligation as public employees to route all media requests for an official university response or position through the Office of Marketing and Communication.⁶ It did not purport to extend TAMUK's rule beyond its constitutionally-sound bounds. Additionally, the ability of *The South Texan* to obtain a copy of that email from a faculty member stands in direct conflict with claims that the university is restraining conversations between students and their sources or exerting control over the newspaper's ability to speak with faculty sources.⁷

Regarding the October 21, 2025 meeting, Dean Jones' purpose for wanting to meet was to apprise the students of concerns that had been brought to his attention about the placement of two unrelated stories on the front page of the October 13, 2025 print edition of *The South Texan*. The email requesting to meet was sent after he spoke with the newspaper's faculty advisor, Nicole Morris, who informed Dean Jones that there was no issue with meeting with the students to discuss the matter. While there was a recommendation that the newspaper issue a statement addressing the concerns that were the impetus for Dean Jones' meeting request, neither Dean Jones nor Dean Compary objected to the content of either story, requested a retraction, asserted or otherwise implied that the newspaper was obligated to publish a clarification because it receives university funding, alleged any violation of student policies, or made any further requests for a clarification following the meeting on October 21.

TAMUK has not attempted to interfere with the editorial independence of *The South Texan* as evidenced by there having been no adverse university action against the newspaper or any associated student following the decision not to publish a clarification.⁸ The students at *The South*

⁴ But see *Pickering v. Bd. of Ed.*, 391 U.S. 563, 568 (1968) (acknowledging that a balance must be struck between the interests of a public employee, as a private citizen, commenting on a matter of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees).

⁵ *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) ("We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.").

⁶ *Id.* at 421-22 ("Restricting speech that owes its existence to a public employee's professional responsibilities does not infringe any liberties the employee might have enjoyed as a private citizen. It simply reflects the exercise of employer control over what the employer itself has commissioned or created."); see also note 3, *supra*.

⁷ Since the email at issue was sent, the newspaper has published multiple articles by different students that include media interviews with various sources, including faculty, that did not require approval from the Office of Marketing and Communications. See, e.g., Dakota Martinez, *Athletic fee raised: Increase to take effect for fall 2026 students*, THE S. TEXAN (Oct. 15, 2025), <https://thesouthtexan.com/index.php/2025/10/15/athletic-fee-raised/> (including a statement from Orlando Salinas, head softball coach); Jacob Daniels, *The numbers are in for fall 2025: Enrollment stays level*, THE S. TEXAN (Oct. 13, 2025), <https://thesouthtexan.com/index.php/2025/10/15/the-numbers-are-in-for-fall-2025/> (including a statement from Dr. Rosalind V. Alderman, Vice President for Enrollment Management); Matthew Roberts, *SGA president accused of vote tampering: Davis denies all claims*, THE S. TEXAN (Oct. 13, 2025), <https://thesouthtexan.com/index.php/2025/10/13/sga-president-accused-of-vote-tampering/> (including a statement from Dean Compary); Sean Charles, *D.E.I. rollback hits TAMUK: Bill effects [sic] A&M System*, THE S. TEXAN (Sep. 30, 2025), <https://thesouthtexan.com/index.php/2025/09/30/d-e-i-rollback-hits-tamuk/> (including statements from Dr. Amit Verma, Professor of Electrical Engineering, and an unnamed faculty member).

⁸ Your letter states, "...*The South Texan* published a staff opinion clarifying the two stories were unrelated and reiterating their editorial independence on October 27." While that staff opinion did go to great lengths to clarify the newspaper's editorial independence, which contradicts the claim that students are being led to self-censor, it made

Texan were informed that their editorial choice had created confusion among at least some of the newspaper's readership by conflating two unrelated stories, but it was left to their sole discretion whether to clarify.

As evidence that TAMUK has not made any threat, implicitly or explicitly, that could lead someone to infer it intends to take disciplinary action against or withhold funding from the newspaper, neither *The South Texan* nor any associated student has been subject to any adverse university action for obtaining an email sent only to TAMUK faculty; conducting media interviews without seeking approval from the Office of Marketing and Communications; not retracting or otherwise updating either of the stories that were the subject of the meeting with Deans Jones and Compary, both of which were published a month ago;⁹ or choosing to not discuss with or even inform Professor Morris of the decision to engage your organization. Moreover, there has been no interference with the continued publication of *The South Texan* whether in print or online. Any implication noticed by the students at *The South Texan* that TAMUK is infringing on their free expression is illusory.

TAMUK has not sought to exercise editorial control over *The South Texan*, including whether it runs clarifications, or force, intimidate, or coerce the newspaper to publish only what the university deems appropriate. The words of Dean Jones in his email accurately reflect TAMUK's position on *The South Texan*—it is a valuable part of the campus community. Accordingly, the centennial staff of *The South Texan* enjoy the same protections enjoyed by those who have preceded them since the newspaper's founding in 1925.

Sincerely,



Philip McLemore
Assistant General Counsel

Cc: Dr. Robert Vela, Jr., President
Joe T. Henderson, Chief Ethics & Compliance Officer
R. Brooks Moore, General Counsel

no effort to clarify the editorial choice that created the confusion instead choosing to implacably and bumptiously assert that "it is blatantly obvious" that anyone who would question the newspaper's layout has "not one iota of understanding when it comes to industry standards." Staff Reports, *To Clarify*, THE S. TEXAN (Oct. 27, 2025), <https://thesouthtexan.com/index.php/2025/10/27/to-clarify/>.

⁹ Compare Matthew Roberts, *SGA president accused of vote tampering: Davis denies all claims*, THE S. TEXAN, Oct. 13, 2025, at Pg 1 with Matthew Roberts, *SGA president accused of vote tampering: Davis denies all claims*, THE S. TEXAN (Oct. 13, 2025), <https://thesouthtexan.com/index.php/2025/10/13/sga-president-accused-of-vote-tampering/> (last visited Nov. 12, 2025) and Dakota Martinez, *Athletic fee raised: Increase to take effect for fall 2026 students*, THE S. TEXAN, Oct. 13, 2025, at Pg 1 with Dakota Martinez, *Athletic fee raised: Increase to take effect for fall 2026 students*, THE S. TEXAN (Oct. 15, 2025), <https://thesouthtexan.com/index.php/2025/10/15/athletic-fee-raised/> (last visited Nov. 12, 2025). It is worth repeating that neither Dean Jones nor Dean Compary objected to the content of either story or requested a retraction.