

TO: Dr. Alan Sams, Executive Vice President and Provost

FROM: The Academic Freedom Council

RE: Academic Freedom and GA-48

DATE: January 2, 2025

The Academic Freedom Council has concerns about the recent Governor's Executive Order GA-48 and its implications for System and University policies. Specifically, the Council is concerned about the impact of this order and related regulations on decisions made by the Research Security Office and other units within the Division of Research, particularly as they pertain to faculty research and collaborative efforts.

There is a risk that **overly broad interpretation and excessive compliance** with the regulations could hinder academic freedom, restrict faculty's ability to pursue a competitive and innovative research agenda, lead to loss of funding, and ultimately undermine the university's research mission. Such limitations could also impair the United States' ability to sustain progress in research and maintain strategic awareness of advancements by competing nations.

1. University process and decision making

Emails to faculty shared with the AFC indicate that several University offices appear to be interpreting the new policies in a **strict and overly compliant fashion to the detriment of existing and ongoing faculty research projects**. The process of approvals for high-risk global engagements has also been protracted, taking months in some cases.

The Academic Freedom Council **respectfully requests that the University provide a clear and thoughtful interpretation that accounts for the principles of academic freedom** articulated in the *Statement on Academic Freedom, Responsibility, and Tenure*. This would entail a timely process that provides regular status updates and opportunities within the approval process for faculty and researchers to address points of concern and provide additional information.

2. Comments on specific issues

"No personnel of a state agency ... or public institutions of higher education, shall accept any gift, regardless of value, from an entity associated with or travel to..." (GA-48)

The impact of the Governor's executive order speaks to formal financial relationships that will impact some Texas A&M faculty who hold fellowships or affiliations with foreign universities or centers, some of which are ongoing. This impacts Texas A&M faculty who may attend international conferences or symposia hosted by countries of concern. The prohibition on travel may adversely affect ongoing research as well as the international reputation and the standing of the university.

"...public institutions of higher education must create processes by which their employees will notify the agency of any personal travel to a foreign adversary nation prior to their travel and submit a post-travel brief outlining the details of the trip, including dates and purpose of travel, to their employer" (GA-48)

The requirement to report personal travel to countries of concern seems to be a significant violation of personal freedom and privacy. Personal travel that is of a truly personal nature must be permitted to remain personal.

"Further, all above-described personnel...must be routinely reviewed to determine whether or not things such as criminal history or continuous connections to government or political apparatus of a foreign adversary might prevent [them] from being able to maintain the security or integrity of the infrastructure."

The vagueness of this point in the executive order is concerning. It does not provide adequate guidance about what a "connection" is, and it does not effectively explain how such a connection might prevent them from maintaining the security or ambiguity of the infrastructure (assuming, in this case, it is the university). The ambiguity of this statement may lead to determinations of disallowed collaborations with researchers in countries of concern without reason. For example, if a Texas A&M researcher is collaborating with a Chinese researcher on textile studies and weaving, the project could be disallowed because the Chinese researcher is a member of the Chinese Communist Party (as almost everyone is). This effectively renders any collaboration with anyone in China prohibited. Being "connected" to someone who is a Communist, or holds other political views that are at odds with those of the Governor or Texas, must be explicitly permitted as long as the employee performs all assigned academic duties.

"Prior to engaging in a High-Risk International Collaboration, the collaboration must be routed to EC/COI/RCR for review and approval of any potential conflicts of commitment, conflicts of interest, export control, or undue foreign influence concerns. Any collaboration not initially denied by the University involving a Country of Concern will be sent to the system RSO for review..." (University Rule 15.05.04.M1)

This rule offers no criteria or standards for what constitutes risky collaboration with researchers from countries of concern. There are many existing relationships between Texas A&M

researchers and researchers (and students) in other countries, some of which have been designated as countries of concern. However, the research projects are often long-term and ongoing in disciplines that are not considered strategic or critical. In many cases, the research data flows from the country of concern into the project rather than information from the US to the country of concern. In addition, on a national level, it is critical for the US to be aware of research developments in countries of concern to maintain a strategic position.

The Academic Freedom Council is looking forward to learning more about how GA-48 will be interpreted at TAMU. We can be reached at the following addresses:

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