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## Case of the Month

**University's motion for summary judgment on a student protestor's First Amendment viewpoint discrimination and retaliation claims was denied.**

Ammer Qaddumi, a student at the University of Texas at Austin and a member of the Palestine Solidarity Committee (PSC), participated in the planning of a peaceful campus protest against the violence in Gaza. The university ordered PSC to cancel the protest the night before it was scheduled. The university cited concerns, based in part on PSC's social media posts and other messaging, that the protest would involve disruptive activities, such as encampments, similar to protests organized elsewhere by a separate organization, the Students for Justice in Palestine (SJP), and therefore violate the university's rules. PSC responded that the protest would comply with the rules and proceeded with the protest. When university police ordered that the protestors disperse, Qaddumi alleged he relayed the directive and asked an officer how to direct the protestors away from campus. However, the police said he did not comply and arrested him. The university suspended Qaddumi for three semesters and entered the discipline into his record.

Qaddumi sued James Davis, the university president, alleging the disciplinary action constituted viewpoint-based discrimination and retaliation for his protected expression in violation of the U.S. Constitution First Amendment, [U.S. Const. amend I](#), among other claims. Because Qaddumi sued Davis in his official capacity, the university filed a motion for summary judgment.

The federal district court first considered the viewpoint discrimination claim and the situations in which such discrimination may be justifiable as described by court precedent, including [Tinker v. Des Moines Independent Community School District](#), 393 U.S. 503 (1969). Though the court noted that the substantial disruption standard from *Tinker* has not been clearly determined by the U.S. Supreme Court or the Fifth Circuit Court of Appeals to apply to a university, the court assumed it applied in analyzing the claims with the appropriate consideration for the university environment. The court determined that Qaddumi provided evidence of viewpoint discrimination, specifically that the protest was cancelled based on the PSC's speech and that other students not with PSC were permitted to protest at the same time and place and in the same manner. The court also cited evidence that the university had not preemptively cancelled other protests or mass arrested others for similar demonstrations. Additionally, the court found that a reasonable factfinder could conclude that the university could not foresee a disruption that would justify cancelling the event based on PSC's messaging that the protest would be peaceful, the fact PSC was not associated with SJP, and related evidence. The court applied the same logic to the First Amendment retaliation claim. The court concluded that Qaddumi provided sufficient evidence to overcome summary judgment and denied the university's motion. [Qaddumi v. Davis](#), No. 1:24-CV-1002-RP, 2026 WL 1045725 (W.D. Tex. Apr. 14, 2026).

### Why is This Case Significant?

This opinion provides insight into the application of *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), and related precedent in the context of higher education.



## From the Courts and the Attorney General

### Business and Finance

The state prohibition on carrying firearms at interscholastic events does not violate the U.S. Constitution [Second Amendment](#). [Ziegenfuss v. Martin](#), No. 4:24-CV-01049-P, 2026 WL 809857 (N.D. Tex. Mar. 24, 2026).

### Personnel

Three female professors from Nigeria, Korea, and Taiwan, respectively, who were not granted tenure or a promotion by a university despite positive evaluations and who alleged that one reason for the denial was the fact they did not speak Spanish, failed to provide sufficient evidence to overcome dismissal of their claims that the university discriminated against them based on their race, national origin, color, ethnicity, and sex in violation of [Title VII of the Civil Rights Act of 1964](#). [Agbese v. Univ. of Tex. Rio Grande Valley](#), No. 7:25-CV-00239, 2026 WL 873451 (S.D. Tex. Mar. 30, 2026) (mem.).

Female university lecturers of Mexican descent, who were terminated following their complaints of sex and national origin discrimination and that they were underpaid, provided sufficient evidence to overcome dismissal of their claims that the university discriminated against them on the basis of their sex and national origin in violation of [Title VII](#), including allegations that their supervisor disparaged their accents and made comments that the lecturers interpreted as indicating displeasure that women challenged him. [Gandaria v. Univ. of Tex.-Rio Grande Valley](#), No. 7:24-CV-00423, 2026 WL 865874 (S.D. Tex. Mar. 30, 2026) (mem.).

Black former university administrator, whose diversity, equity, and inclusion (DEI) duties were removed after the enactment of the Senate Bill 17 prohibition on universities maintaining DEI offices and who, unlike other

employees with DEI duties, was then terminated without the option to be reassigned or apply for another position, failed to provide sufficient evidence to overcome dismissal of her claims that the university discriminated against her on the basis of her race, color, and sex, retaliated against her, constructively discharged her, and subjected her to a hostile work environment in violation of [Title VII](#), as well as failed to provide sufficient evidence to overcome dismissal of her related claims against university administrators. [Thomas v. Woods](#), No. 3:25-cv-209, 2026 WL 928655 (S.D. Tex. Apr. 6, 2026) (adopting the report and recommendation in [Thomas v. Woods](#), No. 3:25-CV-00209, 2026 WL 759658 (S.D. Tex. Mar. 18, 2026)).

Former university professor, whose contract was nonrenewed because she could not teach her courses in person and therefore could not fulfill an essential function of her position, failed to provide sufficient evidence to overcome dismissal of her claims that the university discriminated against her on the basis of, and failed to accommodate, her disability in violation of [Texas Commission on Human Rights Act](#). [Univ. of Tex. at Arlington v. Esimai](#), No. 02-25-00569-CV, 2026 WL 844619 (Tex. App.—Fort Worth Mar. 26, 2026, no pet. h.) (mem. op.).

### Students and Instruction

Former student, who did not request an accommodation for her attention deficit/hyperactivity disorder (ADHD) through the university's accommodation office, a need that was not otherwise open and obvious, and who was subsequently dismissed from the university for poor academic performance, failed to provide sufficient evidence to overcome summary judgment on her claim the university failed to accommodate her disability in violation of the federal [Rehabilitation Act](#)

[Section 504. \*Molosso v. Bd. of Supervisors Univ. of La. Sys.\*](#), No. 25-30362, 2026 WL 799509 (5th Cir. Mar. 23, 2026) (per curiam).

A prevailing party may recover costs under [28 U.S.C. § 1920](#) for a deposition video and transcript if necessarily obtained for use in a case. [Clouse v. S. Methodist Univ.](#), 170 F.4th 367 (5th Cir. Mar. 16, 2026).

Former student senator, who alleged he was discriminated against when he was excluded from the process to amend the student government organization's constitution and bylaws, a process that was conducted solely by the executive officers and excluded all of the elected senators, failed to provide sufficient evidence to overcome dismissal of his claim that the university discriminated against him on the basis of his race, color, or national origin in violation of [Title VI of the Civil Rights Act of 1964. \*Chowdhury v. Univ. of Houston\*](#), No. 4:25-CV-467, 2026 WL 759774 (S.D. Tex. Mar. 18, 2026).

Deaf doctoral student, who provided a university medical branch timely notice of her need for specific accommodations but alleged she was instead provided inadequate alternatives requiring her to secure costly services on her own, provided sufficient evidence to overcome dismissal of her claim the university medical branch failed to accommodate her disability in violation of the [Americans with Disabilities Act](#), including evidence that the university medical branch failed to provide proof the requested accommodations would constitute an undue burden on the institution. [Chen v. Univ. of Tex. Med. Branch](#), No. 3:25-CV-00340, 2026 WL 926214 (S.D. Tex. Apr. 6, 2026).

## Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings<sup>1</sup> based on requests from Texas community colleges related to:

- Information regarding a solicitation. Tex. Att'y Gen. Op. [OR2026-10771](#) (Mar. 16, 2026), [OR2026-11128](#) (Mar. 17, 2026), [OR2026-11273](#) (Mar. 18, 2026), [OR2026-11452](#) (Mar. 19, 2026), [OR2026-12247](#) (Mar. 25, 2026), [OR2026-14040](#) (Apr. 8, 2026), [OR2026-14301](#) (Apr. 9, 2026);
- A report and surveillance camera footage pertaining to an incident. Tex. Att'y Gen. Op. [OR2026-10796](#) (Mar. 16, 2026);
- A surveillance video. Tex. Att'y Gen. Op. [OR2026-10959](#) (Mar. 16, 2026);
- Information regarding a contract. Tex. Att'y Gen. Op. [OR2026-11130](#) (Mar. 17, 2026);
- Legal matters. Tex. Att'y Gen. Op. [OR2026-11270](#) (Mar. 18, 2026);
- Certain categories of personnel records pertaining to the requestor. Tex. Att'y Gen. Op. [OR2026-11312](#) (Mar. 18, 2026);
- A pre-bid conference sign-in sheet. Tex. Att'y Gen. Op. [OR2026-11366](#) (Mar. 18, 2026);
- Information regarding an incident involving the requestor. Tex. Att'y Gen. Op. [OR2026-11671](#) (Mar. 23, 2026);
- Information implicating third party proprietary interests. Tex. Att'y Gen. Op. [OR2026-11936](#) (Mar. 24, 2026);
- The requestor's mental health records. Tex. Att'y Gen. Op. [OR2026-12418](#) (Mar. 26, 2026);
- Information pertaining to competition or bidding. Tex. Att'y Gen. Op. [OR2026-12549](#) (Mar. 26, 2026);

<sup>1</sup> Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.

- Information regarding communications involving certain topics and recipients, including communications regarding test items. Tex. Att'y Gen. Op. [OR2026-12550](#) (Mar. 26, 2026);
- Video regarding an incident. Tex. Att'y Gen. Op. [OR2026-12799](#) (Mar. 27, 2026);
- Information regarding a request for qualifications. Tex. Att'y Gen. Op. [OR2026-13189](#) (Mar. 31, 2026);
- Information regarding certain vendors. Tex. Att'y Gen. Op. [OR2026-13343](#) (Apr. 1, 2026), [OR2026-14435](#) (Apr. 10, 2026);
- Information regarding a custodial services contract. Tex. Att'y Gen. Op. [OR2026-11784A](#) (Apr. 2, 2026);
- Information regarding a cybersecurity matter and attorney-client communications. Tex. Att'y Gen. Op. [OR2026-13691](#) (Apr. 2, 2026);
- Information regarding a request for proposals. Tex. Att'y Gen. Op. [OR2026-13842](#) (Apr. 7, 2026), [OR2026-14166](#) (Apr. 9, 2026);
- Information regarding certain contracts. Tex. Att'y Gen. Op. [OR2026-14152](#) (Apr. 9, 2026), [OR2026-14591](#) (Apr. 13, 2026);
- Course syllabi. Tex. Att'y Gen. Op. [OR2026-14275](#) (Apr. 9, 2026);
- Certain executed contracts and purchase orders. Tex. Att'y Gen. Op. [OR2026-14697](#) (Apr. 13, 2026);
- Contracts with certain vendors. Tex. Att'y Gen. Op. [OR2026-14708](#) (Apr. 13, 2026), [OR2026-14710](#) (Apr. 13, 2026); and
- The contract awarded for a request for proposals. Tex. Att'y Gen. Op. [OR2026-14726](#) (Apr. 13, 2026).



## Recent Regulations and Guidance

The Texas State Board of Public Accountancy amended [regulations](#) addressing the eligibility of an institution of higher education to participate in the Accounting Students Scholarship Program and the eligibility of a student to receive a scholarship.

The Employees Retirement System of Texas amended [regulations](#) addressing the death benefits available to eligible survivors of certain

individuals in hazardous professions, including peace officers, who die in the line of duty.

The Texas Board of Architectural Examiners amended [regulations](#) addressing the criminal history restrictions applicable to licensed architects, landscape architects, and interior designers and those seeking a license, in response to statutory changes made by the 89th Legislature.



## In the News

The U.S. Secretary of Education and the U.S. Secretary of Labor proclaimed April 2026 [National Community College Month](#).

The U.S. Department of Education launched a [real-time fraud detection capability](#) for the Free Application for Student Financial Aid (FAFSA) form.