



October 30, 2025

Jim Davis
Office of the President
University of Texas at Austin
110 Inner Campus Drive
Stop G3400
Austin, Texas 78712-3400

Sent via U.S. Mail and Electronic Mail (president@utexas.edu)

Dear President Davis:

FIRE¹ and the ACLU of Texas² are concerned by the University of Texas at Austin's continued use of its institutional neutrality policy to restrict the speech of the Graduate Student Assembly and its representatives. As we previously explained in the enclosed letter to Dean of Students Katie McGee earlier this year, an institutional commitment to neutrality cannot cogently be applied to members of an elected student assembly whose fundamental purpose is to communicate the views of graduate students to the institution.³

On October 15, Associate Dean for Graduate Studies Christopher J. McCarthy informed Graduate Student Assembly (GSA) president David Spicer that two pieces of proposed legislation he submitted to the Office of the Dean of Students could not be presented to the GSA for consideration because they were "political speech that is not permitted to be issued by a sponsored student organization in their official capacity."⁴ The two proposed resolutions, authored by GSA representative Mateo Vallejo, expressed opposition to the implementation of Texas Senate Bill 37 at UT Austin and the resulting elimination of DEI-related offices and

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.

² The American Civil Liberties Union of Texas is a leading civil rights organization in the Lone Star State. We work with communities, at the State Capitol, and in the courts to protect and advance civil rights and civil liberties for every Texan, no exceptions.

³ FIRE Letter to Katie McGee, Dean of Students, from author (Jan. 13, 2025) (enclosed).

⁴ Email from Christopher J. McCarthy, Associate Dean for Graduate Studies, to Graduate Student Assembly President et al. (Oct. 15, 2025, 10:38 AM) (on file with author); *see also Registered and Sponsored Student Organizations FAQ*, What Is a Sponsored Student Organization?, THE UNIV. OF TEXAS AT AUSTIN, <https://deanofstudents.utexas.edu/sa/downloads/RegisteredSponsoredStudentOrgFAQ.pdf> [<https://perma.cc/VU8Q-GLLC>] (explaining that SSOs are "extension of the university" and "subject to the same requirements and prohibitions"). Proposed legislation must be submitted to the Office of the Dean Students before it is presented at a GSA meeting. GSA Bylaws, Spring 2025, § 6.09(c), <https://utexas.app.box.com/v/GSABylaws-ApprovedFall23> [<https://perma.cc/DS9B-PLZZ>].

programming.⁵ GSA Vice President Lena Mose-Vargas and Administrative Director Molly Hoyer confirmed both submissions as procedurally in order.⁶

This is the not the first time the university has misapplied its institutional neutrality policy to GSA to restrict student speech. Last fall, the Office of the Dean of Students cited the same policy when it barred Spicer from presenting a survey regarding DEI and academic freedom at a GSA meeting and from sharing it on the GSA listserv.⁷

UT's institutional neutrality policy limits the university *as an institution* from adopting official positions on political or social issues in order to ensure "all members of the UT System the broadest possible latitude to speak, write, listen, challenge, and learn."⁸ As the policy explains, the role of the university is not to judge the value of ideas but to "foster[] the ability of individual members of the UT System community to engage in ... debate and deliberation."⁹ Individuals may judge ideas for themselves and "act on those judgments ... by openly and vigorously contesting the ideas that they oppose," without the university putting its thumb on the scale to support one answer over another.¹⁰

But UT Austin's use of its institutional neutrality policy to restrict GSA and its members from engaging in political speech undermines the very purpose of adopting such a policy. GSA, as the representative body elected to "serve as a voice for graduate students on matters of academics, student welfare, and campus policy,"¹¹ is precisely the type of forum in which members must be free to "engage in ... debate and deliberation" about these issues.¹² Limiting the expression of GSA and its members does not create a freer environment for student expression. Rather, it reduces the forums available for students to engage in open debate and discussion. Although student governance organizations like GSA may exercise authority in other circumstances in which its actions can be considered those of the university—e.g., distributing funding to and recognizing student groups on campus—student assemblies speak for the students who elect them, not the university.

⁵ See Proposed GSA Resolution, A.R. F25-01: In Opposition of the University of Texas at Austin's elimination of DEI-related offices and programming under SB17 (on file with author); Proposed GSA Resolution, A.R. F25-02: In Opposition of the Implementation of Texas Senate Bill 17 at The University of Texas at Austin (on file with author).

⁶ See Attestation Form for Proper Filing of Resolutions/Legislation signed by Lena Mose-Vargas, GSA Vice President, and Molly Hoyer, Administrative Director (on file with author).

⁷ See email from Marcus Mayes, Assistant Director of Student Activities, to David Spicer, then-GSA member (Nov. 21, 2024, 7:33 AM) (on file with author); email from Galina Peebles, then-GSA vice president, to Spicer (Nov. 14, 2024, 3:21 PM) (on file with author).

⁸ *Our Commitment to Freedom of Speech and Expression*, THE UNIV. OF TEX. SYS. (approved Aug. 22, 2024), <https://www.utsystem.edu/free-speech> [<https://perma.cc/3VHG-AP2H>].

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Graduate Student Assembly*, THE UNIV. OF TEXAS AT AUSTIN, <https://graduatestudentassembly.utexas.edu> [<https://perma.cc/3NBL-2NSC>] (last visited Oct. 22, 2025).

¹² See *Our Commitment to Freedom of Speech and Expression*, *supra* note 8 ("[F]ostering the ability of individual members of the UT System community to engage in ... debate and deliberation ... is an essential part of the educational mission of the UT System[.]").

GSA cannot “serve as a voice for graduate students on matters of ... campus policy” if the university bars it from expressing an opinion on current campus policy.¹³ Yet the dean of students’ office blocked the two proposed resolutions precisely *because* they expressed an opinion on campus policy. As the University of Chicago’s 1967 “Kalven Report” on institutional neutrality explained, neutrality cannot extend to matters of institutional governance or “threat[s] [to] the very mission of the university and its values of free inquiry.”¹⁴ Most importantly, “[i]t must always be appropriate ... for faculty or students or administration to question, through existing channels such as [governance bodies within the university senate], whether in light of these principles the University in particular circumstances is playing its proper role.”¹⁵

Both the university and its graduate students are better served when GSA can function as a forum in which campus issues properly submitted for consideration, including those concerning whether the university is “playing its proper role,” can be debated freely. To prohibit GSA from debating and voting on important social and political issues related to actual university governance—such as the application of state law on campus and the dismantling of DEI programs—in fealty to an institutional neutrality policy ostensibly adopted to further student expression makes a mockery of UT Austin’s professed commitment to free expression.

We strongly urge you to reconsider this farcical application of UT Austin’s institutional neutrality policy to restrict the “political” expression of GSA on matters of campus policy. Limiting GSA’s speech on the very institutional governance matters it exists to consider does nothing to further the goal of providing a campus environment more hospitable to debate and discussion. We request a substantive response to this letter no later than November 13.

Sincerely,



Jessie Appleby
Program Counsel, FIRE



Brian Klosterboer
Senior Staff Attorney, ACLU of Texas

Cc: Katie McGee, Dean of Students
Amanda Cochran-McCall, Vice President for Legal Affairs and General Counsel
Christopher J. McCarthy, Associate Dean for Graduate Studies
Aaron Voyles, Associate Dean of Students
Sarah Ades, Dean of the Graduate School

Encl.

¹³ See *Graduate Student Assembly*, *supra* note 11.

¹⁴ Kalven Committee, *Report on the University’s Role in Political and Social Action*, UNIV. OF CHI. (1967), available at <https://www.thefire.org/research-learn/report-universitys-role-political-and-social-action-kalven-report>.

¹⁵ *Id.*

January 13, 2025

Katie McGee
Office of the Dean of Students
University of Texas at Austin
1 University Station A5800
Austin, Texas 78712-0175

Sent via U.S. Mail and Electronic Mail (deanofstudents@austin.utexas.edu)

Dear Dean McGee:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned the University of Texas at Austin is misinterpreting its commitment to institutional neutrality in a manner that chills the expression of the Graduate Student Assembly and its representatives. We appreciate the university's recent commitment to the principle that "institutions should not, in their official capacity, issue or express positions on issues of the day, however appealing they may be to some members of the university community."² However, this laudable commitment to neutrality cannot cogently apply to members of an elected student assembly whose fundamental purpose is to communicate the views of graduate students to the institution.

Specifically, it is our understanding that your office believes institutional neutrality applies to GSA as a sponsored student organization and restricts GSA member David Spicer's attempts to collect feedback from graduate students regarding academic freedom and diversity, equity, and inclusion.³ As a result, your office barred Spicer from sharing his survey⁴ on the GSA listserv after he presented it during a GSA meeting.⁵

UT's institutional neutrality policy limits the university from adopting official positions on political or social issues in order to ensure "all members of the UT System the broadest

¹ For more than 20 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.

² *Our Commitment to Freedom of Speech and Expression*, THE UNIV. OF TEX. SYS. (approved Aug. 22, 2024), <https://www.utsystem.edu/free-speech> [<https://perma.cc/3VHG-AP2H>].

³ Email from Marcus Mayes, Assistant Director of Student Activities, to David Spicer, GSA member (Nov. 21, 2024, 7:33 AM) (on file with author).

⁴ David Spicer, *Legislative Climate Survey*, <https://docs.google.com/forms/d/e/1FAIpQLSfRPNOvSN386iF3bjMQnv7q-YXc9lyKd8XRqPCzHJzToEBNVg/viewform>.

⁵ Email from Galina Peebles, GSA vice president, to Spicer (Nov. 14, 2024, 3:21 PM) (on file with author).

possible latitude to speak, write, listen, challenge, and learn.”⁶ As the policy explains, the role of the university is not to judge the value of ideas but to “foster[] the ability of individual members of the UT System community to engage in ... debate and deliberation.”⁷ Individuals may judge ideas for themselves and “act on those judgments ... by openly and vigorously contesting the ideas that they oppose,” without the university putting its thumb on the scale to support one answer over another.⁸ UT’s policy is careful to note that restrictions on taking official positions have “no bearing, of course, on freedom of speech of individuals in the university community,” and that the restrictions “only relate[] to official university statements, functions, ceremonies, and publications.”⁹

FIRE applauds UT’s decision to adopt a policy of institutional neutrality to further its commitment to free expression. But we are concerned that a misguided interpretation of neutrality that restricts even the mere discussion of political and social issues within the GSA undermines the very purpose of such a policy. As the University of Chicago’s 1967 “Kalven Report” on institutional neutrality explained, the complement to an institution’s neutrality is “the fullest freedom for its faculty and students as individuals to participate in political action and social protest” and “the obligation of the university to provide a forum for the most searching and candid discussions.”¹⁰ The GSA, as the body of representatives elected by graduate students, is precisely the type of forum in which individual representatives must be free to discuss and debate issues. Limiting the expression of GSA members does not create a freer environment for student expression—the ostensible purpose of the neutrality policy.¹¹ Overbroad enforcement instead often leads to inconsistent application and a significant chilling effect on student speech, ultimately reducing the forums available for open debate and discussion on campus.

Importantly, the Kalven Report also recognized a limit to institutional neutrality on matters of institutional governance in which the university “must act as an institution in its corporate capacity” by necessity.¹² As GSA is intended to “serve as a voice for graduate students on matters of academics, student welfare, and campus policy,”¹³ its members must be able to discuss those social and political issues that are related to actual university governance, including DEI and academic freedom—the topics on which Spicer was attempting to collect

⁶ *Our Commitment to Freedom of Speech and Expression*, *supra* note 2.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Kalven Committee, *Report on the University’s Role in Political and Social Action*, UNIV. OF CHI. (1967), available at <https://www.thefire.org/research-learn/report-universitys-role-political-and-social-action-kalven-report>. The Kalven Report concluded that neutrality was necessary to sustain an environment of free inquiry on campus. Fulfilling the university’s mission of “the discovery, improvement, and dissemination of knowledge,” the report said, requires the university to “embrace, be hospital to, and encourage the widest diversity of views within its own community.”

¹¹ See *Our Commitment to Freedom of Speech and Expression*, *supra* note 2 (“[F]ostering the ability of individual members of the UT System community to engage in ... debate and deliberation ... is an essential part of the educational mission of the UT System....”).

¹² *Kalven Report*, *supra* note 9.

¹³ *Graduate Student Assembly*, THE UNIV. OF TEXAS AT AUSTIN, <https://graduatestudentassembly.utexas.edu> [<https://perma.cc/3NBL-2NSC>] (last visited Jan. 9, 2025).

information. Both the university and its graduate students are better served when GSA is an open forum in which members may freely debate any campus issues that arise.

We urge you to reconsider this misguided application of UT's institutional neutrality policy that restricts the speech of individual GSA members. The purpose of institutional neutrality is to provide an environment *more hospitable* to debate and discussion among individuals. Limiting the expression of GSA members does nothing to further that laudable goal. We request a substantive response to this letter no later than January 27.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie Appleby". The signature is fluid and cursive, with the first name "Jessie" written in a larger, more prominent script than the last name "Appleby".

Jessie Appleby
Program Officer, Campus Rights Advocacy

Cc: Amanda Cochran-McCall, Vice President for Legal Affairs and General Counsel
Fischer Carr, Graduate Student Assembly President
Galina Peebles, Graduate Student Assembly Vice President