

November 13, 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:

FIRE<sup>1</sup> and the ACLU of Texas<sup>2</sup> were disappointed to learn that just days after receiving our October 30 letter,<sup>3</sup> the University of Texas at Austin once again barred the Graduate Student Assembly from considering three proposed resolutions. Neither UT Austin's institutional neutrality nor GSA's bylaws and constitution countenance blocking GSA from considering proposed resolutions expressing opinions on campus policy.

On November 2, Associate Dean for Graduate Studies Christopher McCarthy informed GSA president David Spicer that three proposed resolutions submitted to the Office of the Dean of Students could not be considered by the GSA at its November 3 meeting because the resolutions fell outside GSA's limited scope of authority and violated the institutional neutrality policy.<sup>4</sup> The three proposed resolutions expressed opposition to the consolidation and/or elimination of ethnic and gender studies programs, support for flying a rainbow flag outside Gregory Gymnasium, and support for civil discourse in honor of Charlie Kirk.<sup>5</sup> According to McCarthy, GSA's scope of authority, as defined in its bylaws and constitution, is limited to matters unique

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<sup>1</sup> As you will recall from prior correspondence, 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](http://thefire.org).

<sup>2</sup> The American Civil Liberties Union of Texas works with communities, at the State Capitol, and in the courts to protect and advance civil rights and civil liberties for every Texan, no exceptions.

<sup>3</sup> FIRE Letter to Jim Davis, president (Oct. 30, 2025) (enclosed).

<sup>4</sup> Email from Christopher J. McCarthy, Associate Dean for Graduate Studies, to Graduate Student Assembly President et al. (Nov. 2, 2025, 1:27 PM) (on file with author).

<sup>5</sup> See Proposed GSA Resolution, A.R. F25-03: Support for Ethnic and Gender Studies Research and Academic Freedom (on file with author); Proposed GSA Resolution, A.R. F25-04: In Support of Flying Liberty at Greg (FLAG) (on file with author); Proposed GSA Resolution, A.R. F25-05: Honoring Charlie Kirk and Supporting Civil Discourse (on file with author).

to and directly affecting graduate students, while the proposed resolutions concerned broad issues that were neither unique to nor directly affected graduate students.<sup>6</sup>

First, the consolidation and/or elimination of gender and ethnic studies programs—the topic of proposed A.R. F25-03—directly and uniquely affects graduate students studying within those programs and would seemingly be covered in no fewer than three of the five enumerated areas comprising the scope of GSA’s authority (i.e., approving new and evaluating existing graduate programs, recommending the abolition or substantial modification of existing graduate programs, and setting policy concerning graduate student programs).<sup>7</sup>

Second, broader campus issues on which graduate students may have unique perspectives that differ from those of undergraduate students should logically be encompassed within GSA’s authority over issues that are unique to graduate students. Graduate students make up just 20% of UT Austin’s student body<sup>8</sup> and are rarely, if ever, represented in the Student Government, as their relative numbers make graduate students unlikely to be elected by popular vote.<sup>9</sup> For example, GSA’s proposed A.R. F25-04 concerns flying a flag outside Gregory Gymnasium and replicates a similar resolution adopted by the Student Government. But the proposed A.R. F25-04 differs from the resolution adopted by the undergraduate SG representatives in the choice of flag, demonstrating the unique perspective of graduate students on the issue.<sup>10</sup> Without graduate student representatives in Student Government, GSA is the only forum in which graduate students may voice their unique perspectives on those campus issues that affect undergraduate and graduate students alike.

Finally, UT Austin undermines the very purpose of institutional neutrality by weaponizing it to restrict graduate student speech. GSA cannot “serve as a voice for graduate students on matters of ... campus policy” if the university bars it from expressing opinions on campus policy.<sup>11</sup> UT Austin violates institutional neutrality *itself* by arbitrarily limiting such discussion, particularly on issues that are explicitly within GSA’s ambit, such as the elimination of gender studies programs. 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 can be debated freely. By limiting what the students’ elected representatives can

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<sup>6</sup> Email from McCarthy, *supra* note 4 (citing GSA Bylaws, Spring 2025, §§ 1.01, 5.01, <https://utexas.app.box.com/v/GSABylaws-ApprovedFall23> [<https://perma.cc/DS9B-PLZZ>]; GSA Constitution, Spring Term 2025, art. I, § 2, <https://utexas.app.box.com/v/GSAConstitution-ApprovedFall23> [<https://perma.cc/HX4V-HGFW>]).

<sup>7</sup> See GSA Bylaws, *supra* note 6 at §§ 1.01(a)(ii)–(iv).

<sup>8</sup> *Facts & Figures*, UT At a Glance, UT AUSTIN, <https://www.utexas.edu/about/facts-and-figures> [<https://perma.cc/7HME-37VS>].

<sup>9</sup> See *Student Government*, The Legislative Branch, UT Austin, <https://studentgovernment.utexas.edu/legislative-branch> [<https://perma.cc/R56M-K42F>].

<sup>10</sup> Compare Proposed GSA Resolution, A.R. F25-04, *supra* note 5 (supporting flying a rainbow flag) with Student Government Resolution, A.R. 09: In Support of Flying Liberty At Greg (FLAG) (supporting flying either the American or Texas flag) (on file with author).

<sup>11</sup> See *Graduate Student Assembly*, THE UNIV. OF TEX. AT AUSTIN, <https://graduatestudentassembly.utexas.edu> [<https://perma.cc/3NBL-2NSC>].

discuss in their own student assembly, UT Austin transforms its stated commitment to free speech on campus into a façade behind which censorship flourishes.

We once again strongly urge you to allow GSA to serve as an open forum in which graduate students' perspectives on campus policy may be considered and debated. Doing so is not inconsistent with any reasonable interpretations of the university's institutional neutrality policy or GSA's bylaws and constitution. We request a substantive response to this letter as well as our October 30 letter no later than November 26.

Sincerely,



Jessie Appleby  
Program Counsel, FIRE



Brian Klosterboer  
Senior Staff Attorney, ACLU of Texas

Cc: John Dalton, Acting 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.



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](mailto:president@utexas.edu))

Dear President Davis:

FIRE<sup>1</sup> and the ACLU of Texas<sup>2</sup> 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.<sup>3</sup>

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."<sup>4</sup> 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

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<sup>1</sup> 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](http://thefire.org).

<sup>2</sup> 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.

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

<sup>4</sup> 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.<sup>5</sup> GSA Vice President Lena Mose-Vargas and Administrative Director Molly Hoyer confirmed both submissions as procedurally in order.<sup>6</sup>

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.<sup>7</sup>

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."<sup>8</sup> 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."<sup>9</sup> 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.<sup>10</sup>

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,"<sup>11</sup> is precisely the type of forum in which members must be free to "engage in ... debate and deliberation" about these issues.<sup>12</sup> 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.

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<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> *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>].

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

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

<sup>12</sup> 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.<sup>13</sup> 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.”<sup>14</sup> 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.”<sup>15</sup>

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.

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<sup>13</sup> See *Graduate Student Assembly*, *supra* note 11.

<sup>14</sup> 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>.

<sup>15</sup> *Id.*