



December 12, 2025

Richard Lange
Office of the President
Texas Tech University Health Sciences Center El Paso
5001 El Paso Drive
El Paso, TX79905

URGENT

Sent via Next-Day and Electronic Mail (richard.lange@ttuhsc.edu)

Dear President Lange:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned for the state of academic freedom in the Texas Tech University system following Chancellor Brandon Creighton's memo regarding classroom teaching. By restricting faculty from promoting certain ideas in the classroom, the memo limits faculty classroom instruction in a manner that clearly violates the First Amendment's protections for academic freedom. We urge Texas Tech University Health Sciences Center El Paso to refrain from restricting faculty course material based on viewpoint and uphold the First Amendment on campus.

On December 1, Creighton issued a memo to the five member universities of the Texas Tech University system, ordering that "faculty must not include or advocate in any form course content that conflicts with the following standards."² The memo then laid out several viewpoints that faculty must not, "in their official capacity," promote or inculcate in their course materials:³

- One race or sex is inherently superior to another;
- An individual, by virtue of race or sex, is inherently racist, sexist, or oppressive, consciously or unconsciously;
- Any person should be discriminated against or receive adverse treatment because of race or sex;
- Moral character or worth is determined by race or sex;

¹ For more than 25 years, FIRE has defended free expression and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org.

² Memorandum from Brandon Creighton, Chancellor, to Component University Presidents (Dec. 1, 2025), <https://www.texastech.edu/downloads/25-12-1-Memorandum-Chancellor-Creighton-FINAL.pdf> [<https://perma.cc/6R3A-T5F7>]. The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us.

³ *Id.*

- Individuals bear responsibility or guilt for actions of others of the same race or sex; or
- Meritocracy or a strong work ethic are racist, sexist, or constructs of oppression.

The memo further directs faculty members whose course or instruction materials may be implicated by the memo's directives to follow a review process that involves a disclosure to the department chair, dean, and provost about the content. On December 8, faculty at one of Texas Tech's sister institutions also received a directive to complete a course content review for their spring 2026 courses by December 22.⁴ They are expected to flag any potentially problematic course material for administrative review.⁵ This directive raises concerns that Texas Tech University Health Sciences Center El Paso faculty may have received a similar notice.

FIRE is gravely concerned by the Texas Tech system's willingness to punish faculty members simply for expressing particular viewpoints in their course materials. Sharing viewpoints in class when those viewpoints are pedagogically relevant to the course is protected by the First Amendment.⁶ To be sure, faculty members do not have free rein to go off topic for a substantial period of time during class.⁷ But academic freedom provides faculty with breathing room to use a wide range of pedagogical techniques and materials to teach their students.⁸ And as public institutions bound by the First Amendment,⁹ the member universities of the Texas Tech system are *legally* obligated to protect faculty expression—including classroom expression—from viewpoint-based violations of faculty members' pedagogical autonomy.

For a public university like the Texas Tech system to forbid the expression of any idea because of disagreement with the idea itself constitutes unlawful viewpoint discrimination, an

⁴ Email from Don R. Topliff, Provost and VPAA, to Angelo State University faculty (Dec. 8, 2025, 1:04 PM) (on file with author).

⁵ *Id.*

⁶ *Hardy v. Jefferson Comm. Coll.*, 260 F.3d 671, 680 (6th Cir. 2001) (the Sixth Circuit unequivocally rejected "the argument that teachers have no First Amendment rights when teaching, or that [authorities] can censor teacher speech without restriction" as "totally unpersuasive."); *Buchanan v. Alexander*, 919 F.3d 847, 852 (5th Cir. 2019).

⁷ A faculty member who spends significant time on matter not relevant to the course may not be protected by the First Amendment, but that is not because of the viewpoint expressed. *See 1940 Statement of Principles on Academic Freedom and Tenure*, AM. ASS'N OF UNIV. PROFS., <https://www.aaup.org/sites/default/files/1940%20Statement.pdf> (college teachers "are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.").

⁸ *Freedom in the Classroom*, AAUP (2007), <https://www.aaup.org/reports-publications/aaup-policies-reports/topical-reports/freedom-classroom> [<https://perma.cc/YGG5-2JH3>] (academic freedom protects professors' teaching "[s]o long as an instructor's allusions provoke genuine debate and learning that is germane to the subject matter of a course," and is informed by the "pedagogical goals and classroom dynamics of a particular course, as well as by the larger educational objective of instilling in students the capacity for critical and independent thought.").

⁹ *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'" (internal citation omitted)).

“egregious” form of censorship.¹⁰ Simply put, public universities may not prohibit or punish faculty members for expressing disfavored viewpoints in the classroom. As the Supreme Court wrote in a case that dealt with independent student publications, for the university “to cast disapproval on particular viewpoints ... risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation’s intellectual life, its college and university campuses.”¹¹ The risks are similarly grave when such exclusion and disapproval is applied to the core business of the university itself: teaching students.

We urge Texas Tech University Health Sciences Center El Paso to look to the examples of other public authorities that have attempted to regulate classroom instruction based on viewpoint. In Florida, for example, a federal court three years ago halted enforcement of key parts of that state’s act—substantially identical to the policy the Texas Tech system now imposes on its faculty—restricting instruction on concepts related to “race, color, national origin, or sex.” That court held the “Stop WOKE Act” unconstitutionally violated the First Amendment rights of students and faculty.¹² The court recognized that banning professors from expressing disfavored viewpoints in the classroom while permitting unfettered expression of the opposite viewpoints could not be squared with the First Amendment.¹³ There is no reason to presume the ultimate outcome of any challenge at Texas Tech University Health Sciences Center El Paso would be any different.

In warning against “laws that cast a pall of orthodoxy over the classroom,” the Supreme Court called academic freedom “a special concern to the First Amendment” and a principle “of transcendent value to all of us and not merely to the teachers concerned.”¹⁴ The Court added elsewhere that “to impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation.”¹⁵ These principles are now in jeopardy at Texas Tech University Health Sciences Center El Paso.

Due to the urgent nature of this matter, we request a substantive response to this letter no later than December 18, 2025, confirming Texas Tech University Health Sciences Center El Paso will not restrict the course material of its faculty based on viewpoint.

Sincerely,



Graham Piro

Faculty Legal Defense Fund Fellow, Campus Rights Advocacy

¹⁰ *Rosenberger v. Rectors & Visitors of the Univ. of Va.*, 151 U.S. 819, 829 (1995) (The “government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”).

¹¹ *Id.* at 836.

¹² *VICTORY: After FIRE lawsuit, court halts enforcement of key provisions of the Stop WOKE Act limiting how Florida professors can teach about race, sex*, FIRE (Nov. 17, 2022), <https://www.thefire.org/news/victory-after-fire-lawsuit-court-halts-enforcement-key-provisions-stop-woke-act-limiting-how>.

¹³ *Id.*

¹⁴ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

¹⁵ *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).