



January 8, 2026

Simon North
Office of the Dean
College of Arts & Sciences
Texas A&M University
Mail Stop 3357
College Station, Texas 77843-3357

URGENT

Sent via Next Day Delivery and Electronic Mail (north@chem.tamu.edu)

Dear Interim Dean North:

FIRE¹ is appalled by Texas A&M University's application of revised System Policy 08.01 to bar philosophy professor Martin Peterson from including material on race and gender ideology in his introductory philosophy course, and to force other professors in the College of Arts & Sciences to remove material related to these topics from their core courses. As a direct result of your application of the revised policy, Peterson was forced to remove Plato readings from the course or be reassigned. This is unacceptable at an institution of higher learning. We strongly urge you to abide by your First Amendment obligations to protect faculty academic freedom and allow Peterson and other faculty to continue teaching course-relevant material concerning race and gender.

Revised System Policy 08.01, approved by the Board of Regents last fall, bars academic courses from "advocat[ing] race or gender ideology, or topics related to sexual orientation or gender ideology," with a limited exception for such topics in "non-core and graduate courses" upon approval of university leadership.² The Board also approved a revision to System Policy 12.01,

¹ FIRE is a nonpartisan nonprofit that defends free speech and other individual rights on America's university campuses. You can learn more about our mission and activities as thefire.org.

² The relevant text reads: "No system academic course will advocate race or gender ideology, or topics related to sexual orientation or gender ideology. Upon prior written approval of the member CEO after review of the course and relevant course materials, specific non-core curriculum or graduate courses in some disciplines may teach race or gender ideology, or topics related to sexual orientation or gender identity. Such approval may be granted in limited circumstances upon demonstration of a necessary educational purpose." *System Policy 08.01 Civil Rights Protections and Compliance*, § 2.1(b), TEXAS A&M UNIV. SYS. (revised Dec. 18, 2025),

barring faculty from teaching material inconsistent with the approved course syllabus.³ In a statement to the Chronicle of Higher Education, the university said it was “reviewing all core curriculum courses to ensure they do not teach race or gender ideology” in order to comply with the policy.⁴ As a result, more than 200 courses in the College of Arts & Sciences have reportedly been flagged or canceled by university administrators for race- and gender-related material.⁵

On January 6, College of Arts & Sciences leadership informed Peterson that Plato excerpts and other material included in his PHIL 111 Contemporary Moral Problems syllabus violated the Provost’s requirements for compliance with rule 08.01.⁶ Despite the fact that the targeted material had long been a part of the course and merely discussed—rather than “advocated”—race and gender ideology, Peterson was given the choice to either remove the “modules on race ideology and gender ideology, and the Plato readings that may include these,” or be reassigned to teach an upper-level course.⁷ Peterson elected to remove the material from his syllabus.⁸ The same day, Senior Executive Associate Dean Cynthia Werner informed English department faculty that literature with “major plot line[s] concern[ing] gay, lesbian, transgender, etc. identities ... should NOT be included in a core curriculum course.”⁹ Administrators also notified students enrolled in the sociology course, Introduction to Race and Ethnicity, that the class was canceled because it could not be brought into compliance with rule 08.01.¹⁰

As we explained in our November 10, 2025 letter urging the Board of Regents to reject the proposed revisions to rules 08.01 and 12.01,¹¹ TAMU is bound by the First Amendment, which protects faculty pedagogy from political interference, even with regard to topics or viewpoints that some might find objectionable, so long as it is germane to the course subject.¹² Free speech

<https://policies.tamus.edu/08-01.pdf>. The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us.

³ See *System Policy 12.01 Academic Freedom, Responsibility and Tenure*, TEXAS A&M UNIV. SYS. (revised Nov. 13, 2025), <https://policies.tamus.edu/12-01.pdf>.

⁴ Beth McMurtrie, *Texas A&M Bans Plato Excerpt From a Philosophy Course*, THE CHRONICLE OF HIGHER ED. (Jan. 7, 2026), <https://www.chronicle.com/article/texas-a-m-bans-plato-excerpt-from-a-philosophy-course>.

⁵ Emma Whitford, *Plato Censored as Texas A&M Carries Out Course Review*, INSIDE HIGHER ED (Jan. 7, 2026), <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2026/01/07/plato-censored-texas-am-carries-out-course-review>.

⁶ AAUP-Texas A&M Chapter (@TAMU_AAUP), X (Jan. 6, 2026, 3:15 PM), https://x.com/TAMU_AAUP/status/2008633467324555682 [<https://perma.cc/9SEG-NMDY>].

⁷ *Id.*

⁸ Email from Martin Peterson, professor, to Kristi Sweet, philosophy department head (Jan. 7, 2026) (on file with author).

⁹ Whitford, *supra* note 5.

¹⁰ *Id.*

¹¹ FIRE Letter from Haley Gluhanich, FIRE Senior Program Counsel, to Office of the Board of Regents (Nov. 10, 2025) (enclosed).

¹² See, e.g., *Hardy v. Jefferson Cmty. Coll.*, 260 F. 3d 671, 680, 683 (6th Cir. 2001).

is the “lifeblood of academic freedom,” and the First Amendment “does not tolerate laws that cast a pall of orthodoxy over the classroom.”¹³

Those principles demand that faculty have substantial breathing room to decide how to approach subjects and materials relevant to their courses. Pedagogically relevant material may include words, concepts, subjects, or discussions that some administrators or students may find uncomfortable, but that are nevertheless important to advance understanding of the subject.¹⁴ These decisions are properly the province of the faculty to make, and administrators, students, legislators, or outside authorities may not unduly influence those decisions.¹⁵ As the Supreme Court has held, controversial or unpopular speech needs the most protection: “[M]ere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”¹⁶

Worse yet, by censoring certain materials in course curricula, TAMU is imposing a broad prior restraint on faculty pedagogical autonomy and expression. Prior restraints have long been understood as among “the most serious and the least tolerable infringements on” free expression.¹⁷ Prior restraints are only valid in the most demanding circumstances,¹⁸ and courts impose a “heavy presumption against [their] constitutional validity.”¹⁹ That burden is even heavier when the policy, like here, restricts a broad category of expression by a massive number of potential speakers.²⁰ The Board of Regents’ objection to race and gender ideology undoubtedly falls far below this weighty threshold.

As we explained in our November 10 letter, the revised policy “invite[s]—indeed, practically guarantee[s]—unconstitutional political interference with faculty teaching and academic

¹³ *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d Cir. 2008); see also *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995) (“For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital center for the Nation’s intellectual life, its college and university campuses.”).

¹⁴ See *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992) (holding a public university violated the First Amendment when it launched an investigation into a faculty member’s writings on race and intelligence, which administrators stated “ha[d] no place at [the college]” and constituted “conduct unbecoming of a member of the faculty”); *Coll. Republicans at S.F. State Univ. v. Reed*, 523 F.Supp.2d 1005, 1018–20 (N.D. Cal. 2007) (ordering university to stop enforcing a policy requiring students to “be civil to one another” because the policy was overbroad and infringed on their expressive rights).

¹⁵ See *1940 Statement of Principles on Academic Freedom and Tenure*, AMER. ASSN. OF UNIV. PROFESSORS, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

¹⁶ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 677 (1973).

¹⁷ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

¹⁸ *Id.*

¹⁹ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971). The paradigmatic example of a circumstance in which a prior restraint may be appropriate is preventing the publication of shipping schedules during wartime. But even the exception for national security is limited—the Supreme Court held that national security could not justify a prior restraint on publishing classified information about the Vietnam War. *Id.* TAMU’s objection to race- and gender-related material in core curriculum seemingly falls far below this threshold.

²⁰ *United States v. Nat’l Treasury Employees’ Union*, 513 U.S. 454, 467 (1995).

freedom.”²¹ That unconstitutional political interference has come to pass. We strongly urge you to reverse course. Given the urgent nature of this matter, we request a substantive response to this letter no later than January 15, confirming the College of Arts & Sciences will protect faculty academic freedom to teach gender- and race-related material relevant to their course subjects.

Sincerely,



Jessie Appleby

Program Counsel, Campus Rights Advocacy

Cc: R. Brooks Moore, General Counsel
Glenn Hegar, Chancellor
Office of the Board of Regents

Encl.

²¹ FIRE Letter, *supra* note 11.

November 10, 2025
Office of the Board of Regents
1123 TAMU
Memorial Student Center, Suite L500
Texas A&M University
College Station, Texas 77843

URGENT

Sent via Next Day Delivery and Electronic Mail (BORMTG-PublicTestimony@tamus.edu)

Dear Board of Regents:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is deeply concerned by the following proposed revisions to Texas A&M University's policies on Civil Rights Protections and Compliance and Academic Freedom, Responsibility and Tenure:²

System Policy 08.01, Civil Rights Protections and Compliance

- Section 2.1(b) is revised to add the following: "No system academic course will teach race or gender ideology, or topics related to sexual orientation or gender identity, unless the course and the relevant course materials are approved in advance by the member CEO or designee."

System Policy 12.01, Academic Freedom, Responsibility and Tenure

- Section 1.2 is revised to clarify that a faculty member will not teach material that is inconsistent with the approved syllabus for the course.

We urge the Board to reject these proposals, which invite—indeed, practically guarantee—unconstitutional political interference with faculty teaching and academic freedom.

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 *Agenda Items Meeting of the Board of Regents*, TEX. A&M UNIV., 106 (Nov. 13, 2025), <https://www.tamus.edu/regents/wp-content/uploads/sites/28/2025/11/Regular-Binder-November-13-2025-website.pdf> (last visited Nov. 10, 2025).

TAMU, as a public institution, may not violate faculty's First Amendment rights. The First Amendment protects faculty pedagogy from political interference, even with regard to topics or viewpoints that some might find odious.³ Free speech is the "lifeblood of academic freedom,"⁴ and is of "special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."⁵ Higher education depends on "wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, rather than through any kind of authoritative selection."⁶

To make the enterprise of higher education possible, the TAMU system, along with its peer institutions, hires faculty members who are experts in their individual fields to conduct teaching and research. These experts have spent many years pursuing knowledge in their chosen, often narrow, specialties, and nearly always have terminal degrees (such as PhDs) in their disciplines. It is this expertise that gives faculty the knowledge of what and how to teach to bring up the next generation of experts in their specific fields, whether that be the arts, the sciences, philosophy, or the classics. Indeed, a university diploma signifies nothing more than having been taught by these experts in their fields. It is the very foundation of its value.

In contrast, while university presidents and other administrators may (or may not) be experts in a single academic field, they are not and cannot be experts in *every* field taught by the university. They have no knowledge of what issues or topics are important to cover in each of dozens or hundreds of fields, let alone what materials and discussions properly belong in each class and session. And the only potential "designees" of this power that could have the ground-level expertise to make good-faith, informed decisions would be the members of the faculty themselves, rendering this change utterly pointless.

What is far more likely under this policy, however, is that TAMU university presidents or high-level administrative designees will sift through curricula and rely on their own preferences and prejudices to judge what will and will not be allowed to be taught in hundreds of classes, as they cannot possibly make informed judgments in so many areas of endeavor. This centralization of authority will also provide outside political forces, some of whom may wield considerable power over the university's finances, with only a single person whom they must pressure into warping students' education to suit their own preferences.

Political realities being what they are, this is a guarantee of endless meddling by political forces in curricular decisions, endless litigation over these unconstitutional assaults on academic freedom (with Texas taxpayers footing the bill), and endless distraction from the academic enterprise. Each time TAMU leaders deny approval for courses or materials based on political pressure, it will mark another "prior restraint" on faculty's pedagogical autonomy within the university system. Because prior restraints do not simply punish a speaker for what he or she

³ See, e.g., *Hardy v. Jefferson Cmty. Coll.*, 260 F. 3d 671, 680 (6th Cir. 2001).

⁴ *DeJohn v. Temple Univ.*, 537 F. 3d 301, 314 (3d. Cir. 2008); see also *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995) ("For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital center for the Nation's intellectual life, its college and university campuses.").

⁵ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

⁶ *Id.* at 603 (cleaned up).

says but actually prevent the expression from taking place at all, the Supreme Court has long identified them as being among “the most serious and the least tolerable infringement on” freedom of expression.⁷ Prior restraints are only valid in the most demanding circumstances⁸—the paradigmatic example is preventing the publishing of shipping schedules in time of war—and courts impose a “heavy presumption against [their] constitutional validity” when analyzing them.⁹

Academic freedom requires that faculty, not administrators, determine whether, when, and how to teach material germane to the topic of their courses. As the American Association of University Professors (AAUP) pointed out in 2013, freedom in teaching includes faculty’s right to determine how to approach their subjects “without having their decisions subject to the veto of a department chair, dean, or other administrative officer.”¹⁰ It is no surprise, then, that courts have held that faculty pedagogical choices are “protected by the First Amendment” from political meddling when the comments are “germane to the classroom subject matter.”¹¹ Only by adhering to this principle can TAMU provide the necessary breathing room to faculty members’ pedagogical choices, allowing them to follow the pursuit of knowledge wherever it may lead, even when it may be objectionable to those outside the classroom—or in it.

Sincerely,



Haley Gluhanich
Senior Program Counsel, Campus Rights Advocacy

Cc: R. Brooks Moore, General Counsel
Glenn Hegar, Chancellor

⁷ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

⁸ *Id.*

⁹ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971). It is hard to imagine TAMU could state an interest more compelling than national security, which the Supreme Court has already held could not justify a prior restraint on publishing classified information about the war in Vietnam. *Id.*

¹⁰ *Statement on the Freedom to Teach*, AM. ASSOC. OF UNIV. PROFESSORS (Nov. 7, 2013), <https://www.aaup.org/report/freedom-to-teach>.

¹¹ *See Hardy* at 683.