



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-YYc9lyKd8XRqPCzHJzToEBNVg/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 hospitable 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,



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