



September 23, 2025

Ronnie Hawkins Jr.
Office of the President
Angelo State University
Mayer Administration Building 213
2601 W. Avenue N
San Angelo, Texas 76909

Sent via Electronic Mail (ronnie.hawkins@angelo.edu)

Dear President Hawkins:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by reports that Angelo State University is limiting faculty members' ability to discuss a wide array of gender-related topics, refer to students by their preferred names, and display disfavored stickers and flags.² If true, this policy or practice infringes on faculty members' academic freedom and poses significant constitutional concerns. As a public university bound by the First Amendment,³ ASU must allow faculty members to communicate and instruct their students as they see fit so long as those methods are lawful. We invite the university to clarify whether the above-cited media reporting on ASU's policies is accurate. If these are in fact ASU's policies or practices, we call on the university to remove these restrictions immediately.

I. ASU's Reported Restrictions on Faculty Expression

On September 21, local news magazine *The Concho Observer* reported that ASU is poised to "put new transgender policies in place."⁴ The report provides an overview of the new policy (which appears to apply to faculty members), characterizing the policy in this manner:⁵

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

² *ASU to Put New Transgender Policies in Place*, THE CONCHO OBSERVER (Sept. 19, 2025), <https://conchoobserver.com/2025/09/19/asu-to-put-new-transgender-policies-in-place>.

³ *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).

⁴ *Supra* note 2.

⁵ *Id.*

- There is to be no discussion of transgender topics or any topics that suggest there are more than two genders as determined by one’s biological sex at birth.
- Information in syllabi [*sic*] about transgender topics must be removed.
- Instructors must refer to students by their given names and not their preferred names.
- Safe-space stickers, LGBTQ flags, etc. are not allowed and must be removed.
- All employees are to remove pronouns from email signatures.
- The university will not back up or defend faculty who teach these topics or discuss them in class.

The article further notes, “faculty have been told that if they make any statement implying that there are more than two sexes or genders (male and female) they will be fired.”⁶

The Concho Observer contacted ASU for confirmation on policy details. ASU Director of Communications and Marketing Brittney Miller responded with the following comment:⁷

Angelo State University is a public institute of higher education and is therefore subject to both state and federal law, executive orders and directives from the President of the United States, and executive orders and directives from the Governor of Texas. As such, Angelo State fully complies with the letter of the law.

When *Chron.com* contacted ASU about the report, the university provided the same statement, which does not deny or contradict the substance of *The Concho Observer’s* reporting.⁸

II. Reported Policy Infringes on ASU Faculty Members’ Academic Freedom

By setting broad-based limits on what faculty members can teach and say in their classrooms and how they teach said subjects, ASU’s purported policy impermissibly infringes on academic freedom. The First Amendment, which applies with full force to public universities like ASU,⁹ protects faculty members’ ability to discuss pedagogically-relevant material in their classes.¹⁰ Free speech is the “lifblood of academic freedom,”¹¹ and academic freedom is “a special

⁶ *Id.*

⁷ *Id.*

⁸ Gwen Howerton, *Angelo State University bans discussion of transgender people*, CHRON.COM (Sept. 22, 2025), <https://www.chron.com/culture/article/angelo-state-transgender-texas-professor-firing-21061049.php>.

⁹ *Healy*, 408 U.S. at 180 (“[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).

¹⁰ *See, e.g., Hardy v. Jefferson Cmty. Coll.*, 260 F. 3d 671, 680 (6th Cir. 2001).

¹¹ *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.”).

concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”¹² 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.”¹³

Apart from its binding constitutional obligations, ASU also states it is “strongly committed to the principles of academic freedom.”¹⁴ Yet ASU’s policy casts a “pall of orthodoxy” by restricting a substantial amount of protected expression by faculty.¹⁵ If *anything* in a course’s subject matter can be interpreted to delve into “transgender topics” or “suggest” multiple genders, the responsible professor faces sanction by the university. This broad sweep extends, for example, to courses that discuss recent political trends or elections. Even teaching about—or including in a syllabus—then-presidential candidate Donald Trump’s widely-discussed “Kamala is for they/them, President Trump is for you”¹⁶ campaign ad likely violates the new policy. Showing students a picture of Donald Trump hoisting an “LGBT for Trump” flag¹⁷ is similarly barred because of the policy’s ban on “LGBTQ flags.”

The chilling effect of the university’s reported policy is exacerbated by its unwritten nature, as it fails to “give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.”¹⁸ Key terms such as “transgender topics” and the threshold for “suggest[ing] there are more than two genders” are undefined, leaving faculty unsure which remarks or activities are permissible or lead to disciplinary action.

In response to *The Concho Observer*’s inquiry, ASU claimed it “fully complies with the letter of the law.” The First Amendment is the first letter of the law, taking precedence over any statutory or executive authority to the contrary—including the unidentified executive orders the university’s statement invokes.¹⁹ ASU’s policy goes far beyond the bounds of the law and any relevant guidance, unacceptably infringing on faculty free speech rights.

III. Conclusion

FIRE calls on ASU to clarify whether the policy reported on by *The Concho Observer* is being adopted, and, if so, to immediately abandon these restrictions. We further ask ASU to clarify which federal or state laws or guidance it is basing its policy on.

¹² *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

¹³ *Id.* at 603 (cleaned up).

¹⁴ *Academic Freedom*, ANGELO STATE UNIV. (Apr. 2024), <https://angelo.policystat.com/policy/15652929/latest>.

¹⁵ See *Broadrick v. Oklahoma*, 413 U.S. 601, 612 (1973).

¹⁶ Juan Williams, ‘Kamala is for they-them’ — Trump’s trans attacks have Democrats fighting each other, THE HILL (Nov. 18, 2024), <https://thehill.com/opinion/columnists/juan-williams/4993226-gop-targets-transgender-rights/>.

¹⁷ Mary Emily O’Hara, *First 100 Days: How President Trump Has Impacted LGBTQ Rights*, NBC NEWS (Apr. 26, 2017), <https://www.nbcnews.com/feature/nbc-out/first-100-days-how-president-trump-has-impacted-lgbtq-rights-n750191>.

¹⁸ *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).

¹⁹ *Texas A&M Queer Empowerment Council v. Mahomes*, 772 F.Supp.3d 792, 805–806 (S.D. Tex. 2025) (holding executive order, entitled “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” “cannot override First Amendment protections” at a public university).

FIRE would be pleased to assist in the process of policy reform, free of charge and in accordance with our charitable mission. We respectfully request a substantive response to this letter no later than the close of business on September 30, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Marchand". The signature is written in a cursive style with a horizontal line underneath it.

Ross Marchand
Program Counsel, Policy Reform