



TEXAS TECH UNIVERSITY SYSTEM

Office of General Counsel

***Eric D. Bentley***  
*Vice Chancellor and General Counsel*  
*Texas Tech University System*  
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March 17, 2026

**VIA ELECTRONIC MAIL**

Ross Marchand  
Program Counsel  
Foundation for Individual Rights and Expression (FIRE)  
700 Pennsylvania Avenue, Southeast, Suite 340  
Washington, D.C. 20003  
[ross.marchand@thefire.org](mailto:ross.marchand@thefire.org)

***Re: Letter from Graham Piro Dated February 10, 2026***

Dear Mr. Marchand,

The Texas Tech University System (“TTUS”) is in receipt of the letter dated February 10, 2026, that Graham Piro, Faculty Legal Defense Fund Fellow with FIRE, sent to Chancellor Creighton. This is the third letter TTUS has received from FIRE regarding course content. For the reasons set forth below, I am requesting that you instruct your client to stop sending letters to TTUS regarding this topic, as we have clearly stated our position that is legally defensible and nothing has changed.

TTUS is completely within the bounds of the First Amendment and any other applicable law to set forth a process for determining the course content that will be utilized across its five component institutions. TTUS has the responsibility of providing degrees of high value to our students and we take this responsibility seriously. In an effort to provide degrees of high value to our students, TTUS and its component institutions have an obligation to set and control the curriculum in a manner it deems necessary to comport to its mission, comply with federal and state law, and retain federal

and state funding. Nevertheless, FIRE continues to make the allegation that TTUS' course content review is in violation of the First Amendment. On two separate occasions (my October 9, 2025, letter and my December 19, 2025, letter), I requested that you provide me with case law that affords faculty members the First Amendment right to violate federal or state law at the risk of losing funding to the System. *See* enclosed letters. To date, I have yet to receive a response from you.

Instead, TTUS received a letter dated February 10, 2026, from Graham Piro to Chancellor Creighton. This time, in addition to raising similar arguments about course content and the First Amendment, Mr. Piro's letter accuses the leaders of Texas public university systems of imposing a "straightjacket" on faculty members, and he cites an example of a non-tenured Texas Tech University (TTU) lecturer, Dr. Will Crescioni. However, in reality, FIRE's letters are attempting to impose a "straightjacket" on TTUS where TTUS would be unable to set forth reasonable procedures to ensure course content is in compliance with federal and state law and would not subject TTUS to loss of funding for its component institutions.

In Mr. Piro's letter, he alleges what he believes to be a violation of Dr. Crescioni's purported First Amendment rights during the content review process that was set forth in Chancellor Creighton's December 1, 2025, memo.<sup>1</sup> Any reliance by FIRE on Dr. Crescioni's situation in an effort to use him as a potential plaintiff in a First Amendment lawsuit against TTUS is tenuous. Dr. Crescioni was treated the same as other faculty members and was asked to review his courses for any content addressed in Chancellor Creighton's December 1, 2025, memo. However, Dr. Crescioni wanted *carte blanche* to determine his own course content without going through the course review process that other faculty members have undergone. Additionally, Dr. Crescioni was unwilling to make adjustments to the order of what he taught (e.g., switching a topic from the beginning of the semester to the middle of the semester) while it was being considered by TTU and the TTUS Board of Regents' ACS Committee. As a result, and regrettably, TTU was required to cancel one of Dr. Crescioni's Psychology classes just two days before the spring 2026 semester started. This resulted in TTU being in a bind and having to scramble to find an alternative course for the students who had already enrolled. Dr. Crescioni's pay was not decreased even though he taught one less course in the spring 2026 semester. In short, TTUS/TTU did not violate Dr. Crescioni's First Amendment rights by any stretch of the imagination.

As provided above, TTUS's course content review process is well within the bounds of the First Amendment, and TTUS has treated its faculty members, including Dr. Crescioni, appropriately and consistently with the First Amendment and other applicable law. I ask that you instruct your client, including Mr. Piro, to stop sending letters regarding course content to TTUS or its component institutions.

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<sup>1</sup> *See* <https://www.texastech.edu/downloads/25-12-1-Memorandum-Chancellor-Creighton-FINAL.pdf>

If you have any questions, please do not hesitate to contact me.

Regards,



Eric D. Bentley

Cc: Garrett Gravley, Program Counsel, Campus Rights Advocacy, FIRE  
[garrett.gravley@fire.org](mailto:garrett.gravley@fire.org)



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***Eric D. Bentley***  
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December 19, 2025

**VIA ELECTRONIC MAIL**

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Washington, D.C. 20003  
[ross.marchand@thefire.org](mailto:ross.marchand@thefire.org)

***Re: Letter from Graham Piro Dated December 12, 2025***

Dear Mr. Marchand,

The Texas Tech University System (“TTUS” or “System”) is in receipt of the letter dated December 12, 2025, that Graham Piro, Faculty Legal Defense Fund Fellow with FIRE sent to each component institution within TTUS: Angelo State University, Midwestern State University, Texas Tech University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center El Paso (hereinafter collectively referred to as the “Universities”). Mr. Piro’s letters to the Universities (“December 12, 2025 FIRE Letters”) were nearly identical, and as a result, this letter will respond on behalf of the System and the Universities to all the letters. Because you are an attorney for FIRE, I am directing my response to you instead of Mr. Piro.

It should first be noted that on October 9, 2025, I responded to your September 23, 2025 letter and addressed the First Amendment concerns you raised on course content. In my October 9, 2025 letter, I pointed out that the Universities not only have the requisite authority to set and control the curriculum in a manner they deem necessary

to comport with their mission, comply with federal and state law, and retain federal and state funding, but the Universities have an obligation to do so. In my October 9, 2025 letter, I also requested that if you are aware of case law that affords faculty members the First Amendment right to violate federal or state law at the risk of losing funding to the Universities, to please send that to my attention. To date, I have not received a response from you, but instead, more than three months later, the Universities received Mr. Piro's December 12, 2025 FIRE Letters. These letters contain broad general statements and case law, but still do not address my request in my October 9, 2025 letter to provide me case law that affords faculty members the First Amendment right to violate federal or state law at the risk of losing funding to the Universities.

The December 12, 2025 FIRE Letters allege TTUS Chancellor Creighton's December 1, 2025 memo to each University was an effort to "...punish faculty members simply for expressing particular viewpoints in their course materials" and is considered by FIRE to be viewpoint discrimination in violation of the First Amendment. For the reasons stated in my October 9, 2025 letter and for the reasons set forth below, the System and the Universities vehemently disagree with this accusation. In fact, Chancellor Creighton's December 1, 2025 memo that is complete with a flowchart of how controversial course content will be analyzed and reviewed by TTUS is consistent with U.S. Supreme Court precedent and AAUP standards. Indeed, Chancellor Creighton's directive is consistent with the very 1940 AAUP Statement of Principles on Academic Freedom and Tenure cited in the December 12, 2025 FIRE Letters. For example, requiring controversial course content to be relevant and necessary for a faculty member's classroom instruction and applying this general standard to all faculty members' courses would not, in any way, be considered viewpoint discrimination or a violation of the AAUP standards.<sup>1</sup> Moreover, there are appropriate exceptions for course material that is required for professional licensure/certification, patient/client care, clinical operations, research areas, and student-directed work.

Mr. Piro's reliance on *Pernell v. Florida Board of Governor's of the State University System, et al.*, is misplaced. In *Pernell*, the court found Florida's Individual Freedom Act to impermissibly impose the state's preferred viewpoint because it required instruction or training of certain concepts related to race, sex, national origin, and color thereby limiting professors' ability to express differing viewpoints. This directive amounted to a blanket prohibition on certain expression. TTUS' course content policies are narrow in scope and do not prohibit expression based on viewpoint. In line with its authority to set the curriculum, TTUS requires utilizing course content that is relevant and necessary for classroom instruction and has an internal review process to ensure that decisions about course content are based on academic relevance. Thus, TTUS does not

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<sup>1</sup> See Chancellor Creighton's December 1, 2025 memo to TTUS component institution Presidents. (Chancellor Creighton stated, "It should also be noted that, in addition to the three categories listed above, faculty members must adhere to the general standard of only utilizing course content that is relevant and necessary for classroom instruction.")

have a blanket prohibition on course content related to race, sex, national origin, and color and does not prohibit expression in the classroom based on viewpoint.

Finally, each University has an obligation, including obligations under Title IX and Title VI, to provide an appropriate learning environment for our students as well as to ensure the University is providing degrees of high value to our students, which necessitates evaluating the content of the courses. As Chancellor Creighton has publicly said, “We are competing heavily with universities all over the country. How we leverage those dollars to a better outcome for students entering the workforce after they’ve spent four years at the university is absolutely our oversight obligation and responsibility as lawmakers and leaders.”<sup>2</sup> As a result, the adoption of a review process for controversial course content that could violate federal and state law, create an inappropriate learning environment, or harm the Universities’ efforts to provide degrees of high value for the Universities’ students is a valid educational effort that is consistent with the First Amendment.

If you have any questions, please do not hesitate to contact me.

Regards,



Eric D. Bentley

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<sup>2</sup> See [https://www.wsj.com/us-news/education/texas-tech-college-curriculum-flowchart-race-gender-7888880f?gaa\\_at=eafs&gaa\\_n=AWetsqdCCvB5twC2XwhURFwmMujXMdkruA3plJaVYvJyTPMCX1-LrdDF5EZUAby611Q%3D&gaa\\_ts=6941b023&gaa\\_sig=uIdDJWCz0Sfb-tpdENUYPDCnZ81CNmh\\_ZcJHkAO3Lrb8cL3Ash3fbeMzJJwTFT9JYWBomnLx19b8iVFBibE2Uw%3D%3D](https://www.wsj.com/us-news/education/texas-tech-college-curriculum-flowchart-race-gender-7888880f?gaa_at=eafs&gaa_n=AWetsqdCCvB5twC2XwhURFwmMujXMdkruA3plJaVYvJyTPMCX1-LrdDF5EZUAby611Q%3D&gaa_ts=6941b023&gaa_sig=uIdDJWCz0Sfb-tpdENUYPDCnZ81CNmh_ZcJHkAO3Lrb8cL3Ash3fbeMzJJwTFT9JYWBomnLx19b8iVFBibE2Uw%3D%3D)



## TEXAS TECH UNIVERSITY SYSTEM

Office of General Counsel

October 9, 2025

Dear Ross Marchand,

Angelo State University, a member of the Texas Tech University System and a state institution of higher education (the “University”) is in receipt of your letter addressed to the University’s President, Ronnie Hawkins, Jr. dated September 23, 2025.

Faculty members were properly reminded about the President of the United States’ [Executive Order](#), a [letter](#) from Governor Abbott, and [House Bill 229](#). Guidance given both in writing and verbally from University officials and was directed specifically at compliance with these laws and orders that recognize only two sexes – male and female.

The University agrees with the Foundation for Individual Rights and Expression (FIRE) faculty generally have the ability to discuss pedagogically-relevant material in their classes. However, the University seeks to remind FIRE, that a professor’s control over the classroom does not override the obligation of the University to comply with the law in the instruction of students by faculty members within the course and scope of their employment. Accordingly, as a state institution, the University not only has the requisite authority, but has an obligation, to set and control the curriculum in a manner it deems necessary to comport to its mission, comply with federal and state law, and retain federal and state funding.

The University considers President Trump’s Executive Order, the Governor’s Directive, and House Bill 229, to be federal and state law that the University must comply with. President Trump’s Executive Order specifically outlines that it is the “*policy of the United States to recognize two sexes – male and female.*” The EO further outlines that “*agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications, or other messages*” and that “*Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.*” See also Governor Abbott’s September 27, 2025 Tweet on X, (*Texas Tech Tells faculty to revise instruction,*

*recognize only 2 sexes in classrooms. This is the model. It's also the law. I signed a law that there are only 2 sexes in Texas.”)*<sup>1</sup>

The University relies on federal and state financial assistance, and failure to comply with state or federal laws, regulations, and orders put both state and federal funding at risk. A faculty member's First Amendment rights also must be weighed against the University's requirement to comply with the law, the need to maintain its access to federal and state funding, and the University's own policy decisions. For example, the University can lawfully restrict, and take disciplinary action against, faculty members who, during the course of their instruction in the classroom, violate laws the University is subject to. The University cannot risk the loss of funding and must take all reasonable steps to protect its ability to continue providing an appropriate learning environment for its students.

The University, in general, recognizes a faculty member's ability to administer their classes, but that freedom is not absolute and must comply with state and federal law. If you are aware of case law that affords faculty members the First Amendment right to violate federal or state law at the risk of losing funding to the University, please send that to my attention.

Regards,



Eric Bentley  
Vice Chancellor and General Counsel  
Texas Tech University System

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<sup>1</sup> Gov. Greg Abbott's September 25, 2025 Tweet on X,  
[https://x.com/GregAbbott\\_TX?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://x.com/GregAbbott_TX?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)