



October 31, 2025

Harrison Keller
Office of the President
University of North Texas
1155 Union Circle #311425
Denton, Texas 76203-5017

URGENT

Sent via U.S. Mail and Electronic Mail (president@unt.edu)

Dear President Keller:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the demands for broad disclosures of faculty members' outside affiliations issued by some departments in response to the University of North Texas's review of university memberships and partnerships. The First Amendment and Texas state law protect faculty's freedom of association, which may be infringed by these broad disclosure mandates. Given the deadline for completion of UNT's review and the fact that many faculty members may have already complied with the disclosure directives, we urge UNT not to share the collected disclosures with outside organizations or penalize faculty members who fail to comply.

On October 28, UNT Chief Compliance Officer Clay Simmons informed university departments that, in accordance with an unspecified resolution agreement with the Department of Education's Office for Civil Rights, the university must review all memberships and partnerships—institutional, departmental, and individual—with external organizations to “identify those that restrict participation based on race, color, ethnicity, or national origin.”² Simmons directed department leadership to review all memberships of individual department members paid for with university funds or for which the individual received any sort of university credit, regardless of the payment source.³ Each department is then to report to UNT

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 Text of email from Clay Simmons, Chief Compliance Officer (Oct. 28, 2025) (on file with author). 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 *Id.* Memberships for which faculty received university credit refers to those memberships listed as service in their annual evaluations.

by November 4 any memberships it identified as “possibly restricting participation based on race, color, ethnicity, or national origin.”⁴

In response to Simmons’ request, UNT Libraries instructed its faculty members to report all current memberships paid for by UNT or cited in their annual evaluations, regardless of payment source, by Friday, October 31.⁵ The Biology and Social Work departments both issued the same directive to their faculty,⁶ while the Department of Teacher Education and Administration instructed departmental faculty and staff, including student employees and emeritus faculty, to disclose *all* of their active memberships in external organizations—even those unrelated to their work.⁷

The disclosure directives issued by several UNT departments—most notably the TE&A department’s requirement that faculty and staff disclose *all* outside affiliations—raise serious constitutional concerns. As a public institution, UNT is bound by the First Amendment.⁸ Implicit in the First Amendment’s protection for freedom of expression is “a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”⁹ The Supreme Court has long recognized the “vital relationship between freedom to associate and privacy in one’s associations,” which may be violated by the compelled disclosure of individuals’ memberships or associations.¹⁰ It may also violate Texas state law, which enshrines the First Amendment right to freedom of association and political participation.¹¹

In *NAACP v. Alabama*, the Supreme Court unanimously ruled that the compelled disclosure of the names of the NAACP’s members by the state infringed the group’s First Amendment right to free association.¹² The Court held that the state had not demonstrated an interest in the membership list “sufficient to justify the deterrent effect” of its disclosure, given the likelihood that its disclosure would impede the NAACP’s and its members’ advocacy due to the risk of

⁴ *Id.*

⁵ Screenshot of email text from UNT Libraries (on file with author).

⁶ Email from Edward M. Dzialowski, Interim Dean, to Biology Dept. faculty (Oct. 30, 2025, 2:52 PM) (on file with author); email from Jody Sundt, Interim Chair, to Social Work Dept. (Oct. 30, 2025, 6:25 PM) (on file with author).

⁷ Screenshot of email from TE&A Dept. Chair, to TE&A Faculty, Staff, and Adjuncts (Oct. 30, 2025, 12:34 PM) (on file with author).

⁸ *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).

⁹ *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000) (quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984)); *Healy*, 408 U.S. at 181 (noting that freedom of association has long been understood to be “implicit in the freedoms of speech, assembly, and petition”).

¹⁰ *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958) (“Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.”).

¹¹ Tex. Code § 556.003 State Employees’ Rights (“A state employee has the rights of freedom of association and political participation guaranteed by the state and federal constitutions[.]”).

¹² *NAACP v. Alabama*, 357 U.S. at 462.

reprisals against individual members if their affiliation became known.¹³ As the Court has explained more recently, “[w]hen it comes to ‘a person’s beliefs and associations,’ ‘[b]road and sweeping state inquiries into these protected areas ... discourage citizens from exercising rights protected by the Constitution.’”¹⁴

The TE&A department’s mandate to its faculty and staff to disclose all outside memberships, regardless of connection to the university—disclosure that, on its face, would extend *even to membership in churches or other religious organizations*—almost certainly runs afoul of the standard articulated in *NAACP v. Alabama* by requiring disclosure beyond what was requested by Simmons in the name of complying with the resolution agreement. But even the more limited disclosure directives from other departments to report all active memberships that had been listed as service in an individual’s annual evaluation (even when the university did not fund the membership) is likely to severely chill faculty’s freedom of association due to fears of reprisal should the information become public.¹⁵

Given the urgent nature of this matter and the fact that many faculty have likely already complied with the disclosure directives, we request a substantive response to this letter no later than November 4, confirming that UNT will not share the collected disclosures with outside organizations, including the Office for Civil Rights, and will not penalize faculty who declined to disclose their affiliations.

Sincerely,



Jessie Appleby

Program Counsel, Campus Rights Advocacy

Cc: Alan Stucky, Vice Chancellor & General Counsel
Clay Simmons, Vice President & Chief Integrity Officer

¹³ *Id.* at 462–63.

¹⁴ *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 610 (2021) (quoting *Baird v. State Bar of Arizona*, 401 U.S. 1, 6 (1971) (plurality op.)).

¹⁵ Deena Zaru & Arthur Jones II, *Educators fired after posting about Charlie Kirk allege in lawsuits that their free speech rights were violated*, ABC NEWS (Sept. 23, 2025, 5:24 PM), <https://abcnews.go.com/US/educators-fired-after-charlie-kirk-posts-allege-free/story?id=125853309> (recounting multiple faculty terminations at universities across the country for off-campus social media posts about Charlie Kirk).