



FIRE **QUARTERLY**

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IS DEPAUL AMERICA'S WORST SCHOOL FOR FREE SPEECH?

● CHICAGO, ILLINOIS ●

Speech is free at DePaul University, so long as you're willing to pay for it.

That is the regrettable lesson DePaul administrators taught three separate registered student organizations—the DePaul Socialists, Young Americans for Freedom, and the College Republicans—that sought to exercise their free speech rights on DePaul's campus this year. Each group had to pay exorbitant “security fees”—or speech taxes—to do so because of the content of their message.

On September 23, 2016, FIRE wrote to DePaul, demanding that it honor the explicit free speech promises it makes to its students and cease its practice of charging security fees to student organizations based on the perceived controversial content of their events. **It was the second letter FIRE sent to DePaul in recent months about the university's clear violations of students' rights.**

Most recently, members of the registered student organization DePaul Socialists were told by university administrators that they must pay hundreds of dollars to have three to four security officers at their fall launch meeting—or else cancel it. When the students asked the administration for a reason, they were told it was due to the “controversial nature” of the issues to be discussed.

“Matters of social and political importance are often highly controversial,” said FIRE Senior Program Officer Ari Cohn. “If DePaul requires students to pay extra for the right to explore those ideas, DePaul's promises of free expression are utterly meaningless.”

After failing to convince the DePaul administration to drop its speech tax, DePaul Socialists held their fall launch meeting on September 21. The group agreed to pay approximately \$360 for security officers because it did not wish to cancel the meeting shortly before it was supposed to

take place. FIRE's letter to DePaul asked the administration to refund the fee charged to DePaul Socialists and to use only narrowly-drawn, viewpoint- and content-neutral published criteria when assessing security costs for student groups' campus events.

“DePaul University's decision to place restrictions on student organizations who wish to discuss political ideologies that differ from those of the administration reflects its lack of commitment to certain tenets such as social justice and the free exchange of ideas,” said Samuel Peiffer, a member of DePaul Socialists. **“What this has resulted in is free speech for the administration and ‘fee speech’ for student organizers.”**

During the spring semester, DePaul twice levied heavy speech taxes on other student organizations wishing to hold events on campus.

In May, DePaul demanded that the College Republicans spend thousands of dollars to hire 16 security officers in order to host activist and journalist Milo Yiannopoulos on campus. During Yiannopoulos' appearance, student protesters stormed the stage and one protester swung her fist at Yiannopoulos' face, while the hired DePaul security guards watched without intervening.

In June, members of DePaul's Young Americans for Freedom (DYAF) sought to host political commentator Pat Buchanan on campus. Three weeks after DYAF submitted its room reservation request to the administration for the event, it was told it could hold the event only if it hired eight security officers at a cost of \$960.

“How DePaul determines which events require costly security fees remains a mystery,” said Cohn. “What isn't a mystery is that these fees are just one of many tools DePaul has in its toolbox for censoring speech with which it disagrees. Just in the past six months, DePaul has also outright banned multiple speakers from campus and used bogus IRS justifications for censoring political speech during an election season. **Is DePaul the worst school for free speech in the country? It just might be.**”



SAMUEL PEIFFER, REPRESENTING DEPAUL SOCIALISTS



NEW BOOK BY FIRE EXECUTIVE DIRECTOR REVEALS HOW TITLE IX HAS BEEN TWISTED TO THREATEN CAMPUS RIGHTS

• PHILADELPHIA, PENNSYLVANIA •

How did enforcement of a 44-year-old law prohibiting sex discrimination in education become one of this decade's greatest threats to student and faculty rights on campus?

A new short book released on September 27 by FIRE Executive Director Robert Shibley seeks to answer that question. *Twisting Title IX* is the story of how a federal law called Title IX has become a behemoth that the federal government and many college administrators treat as though it supersedes the U.S. Constitution.

The broadside provides sobering accounts of students and faculty members who have seen their free speech and due process rights violated in the name of Title IX, including:

- a student at the University of Oregon charged with five conduct violations for one four-word joke about sex;
- a Stanford University student found guilty of sexual assault in a campus court because of a new, unlawful federal Title IX mandate; and
- a professor subjected to a 72-day "Title IX inquisition" for publishing an article about—ironically—Title IX regulations run amok.

These are just some of the examples of what has happened since unaccountable government officials within the Departments

of Education and Justice have been allowed to "twist" Title IX to prioritize politics over free speech, fundamental fairness, and basic human decency.

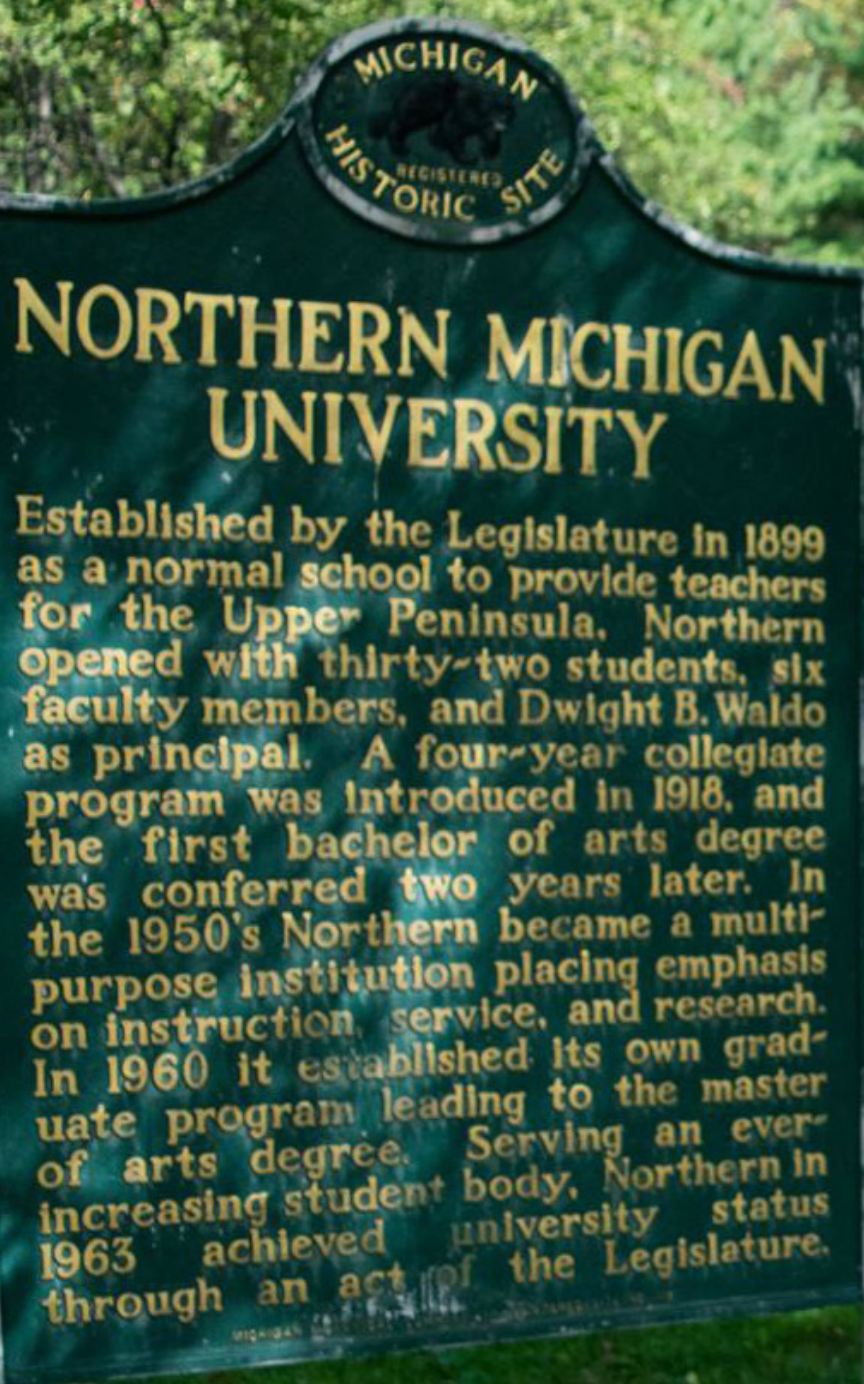
While help may come too late for many of the present victims of Title IX abuse, Shibley's *Twisting Title IX* also features prescriptions for change and explains how some students, faculty members, and even one institution have refused to back down—and are fighting back. ☘

TWISTING TITLE IX (Encounter Books;
Publication Date: September 27, 2016; 48
pages; ISBN: 9781594039218; \$5.99.)

**The broadside provides
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**TWISTING
TITLE IX**
**ROBERT L.
SHIBLEY**

ENCOUNTER N^o 49
BROADSIDE



After NMU student Katerina Klawes sought counseling following a sexual assault, the school warned her not to discuss “suicidal or self-destructive thoughts or actions” with other students. To defend her rights, she contacted FIRE.



COVER STORY

VICTORY: NORTHERN MICHIGAN U. PUBLICLY ENDS BAN ON STUDENTS DISCUSSING SELF-HARM

● MARQUETTE, MICHIGAN ●

On September 26, 2016, Northern Michigan University (NMU) finally stated publicly that it will discontinue its long-standing practice of forbidding students from discussing thoughts of self-harm with others. NMU's announcement came after FIRE issued a press release on September 22 demanding the university end this unconstitutional practice.

"NMU has finally done what we asked them to do in a private letter over a month ago," FIRE Senior Program Officer Marieke Tuthill Beck-Coon said at the time. "It's disappointing that it took public pressure for NMU to simply tell its students it will no longer punish them for discussing their mental health with their friends and peers."

NMU's statement came almost a year after an email in which an administrator threatened disciplinary action against a student if she shared "self-destructive" thoughts with other students circulated on social media, causing a campus uproar. The NMU administration later publicly acknowledged that it sent similar warnings to 25 to 30 students per semester. NMU student Katerina Klawes—who received such an email—responded by creating a Change.org petition calling on NMU for reform, which drew over 2,500 signatures and local media attention.

The community outpouring led NMU to pledge last fall to improve its practices. However, as of September 2016, NMU had not informed the campus community whether any changes were in place. After hearing from a first-year NMU student who was discouraged from talking about self-harm to peers during a summer orientation session, FIRE wrote an August 25 letter to NMU calling on the administration to publicly inform students that they would no longer face disciplinary consequences for reaching out to their peers about self-harm.

"Communication with a friend is frequently the pivotal first step toward seeking help, and many students may be more willing to initially share their feelings with a friend than with a school official or therapist," said Dr. Mendel Feldsher, a psychiatrist who has worked with Monsour Counseling and Psychological Services at the Claremont Colleges for over a decade. "The increasing prevalence of anxiety, depression, and suicidality in college students calls for increasing access to mental health services, not adding to stigma with a policy which promotes increased shame for the depressed and suicidal student."

FIRE issued its press release after receiving no response from NMU to its initial letter. The press release resulted in furor from the NMU community and the national public. Students and alumni affected by the practice shared their experiences on social media and reached out to FIRE. Several students told FIRE that the NMU dean of students office instructed them not to talk to other students about self-harm as recently as the Spring 2016 semester.

"The increasing prevalence of anxiety, depression, and suicidality in college students calls for increasing access to mental health services ..."

DR. MENDEL FELDsher, PSYCHIATRIST

In its September 26 statement and email to the community, NMU "acknowledg[ed]" that changes to the self-harm letter and protocol were not effectively communicated to campus in early 2016 when they took effect."

"Given that the dean of students' office was still telling students not to talk to others about self-harm last semester, I'd say some clarity was necessary," said Tuthill Beck-Coon. "Hopefully, now that NMU has made a public commitment,

students will no longer have to fear reaching out to their friends. FIRE will be watching." 🔥



FIRE-LED COALITION DEMANDS CAL STATE LONG BEACH REVERSE CENSORSHIP OF PLAY

● LONG BEACH, CALIFORNIA ●

As issues of race and justice take on particular urgency in the national conversation, FIRE, the National Coalition Against Censorship (NCAC), and the Dramatists Legal Defense Fund (DLDF) are calling on California State University, Long Beach (CSULB) to reverse its censorship of a play that seeks to shed light on these important topics.

In August, CSULB cancelled a September 29 performance of the play *N*GGER WETB*CK CH*NK (N*W*C*)* due to apparent opposition to its deliberately provocative content. The satirical play is performed by Asian-American, Hispanic-American, and African-American actors who share personal narratives about how the construct of race shapes personal identity while also mocking stereotypes and racial slurs that perpetuate social injustice.

In September, FIRE, NCAC, and DLDF wrote to CSULB, urging the university to protect artistic expression and allow *N*W*C** to be performed so that the CSULB community would not be denied the opportunities for engagement the play provides.

“Critical engagement with uncomfortable ideas lies at the core of a university’s intellectual mission,” said FIRE Vice President of



CAST OF *N*W*C**

Programs Peter Bonilla. “CSULB’s censorship of *N*W*C** has denied community members the opportunity to grapple with those ideas themselves. CSULB needs to reverse course. Fidelity to First Amendment principles demands no less.”

“As tension around racism builds in our country, controversy around art and performance addressing the issue is to be expected,”

FIRE, NCAC, and DLDF wrote to CSULB, urging the university to protect artistic expression and allow *N*W*C to be performed.**

said NCAC Director of Programs Svetlana Mintcheva. “But we need this controversy, because we urgently need an honest conversation about structures of racism. Cancelling a play that confronts racism head on stifles this much-needed conversation and benefits no one.”

The play’s cancellation resulted in the resignation of Michele Roberge, former executive director of the Richard & Karen

Carpenter Performing Arts Center, where the play was slated to be performed. Roberge booked the play after a successful performance on CSULB’s campus last year. *N*W*C** has been performed at dozens of colleges and universities across the country since it was first staged in 2004.

“This show will not be silenced, of course,” said Rafael Agustin, a writer and performer for *N*W*C**. “The university is still contractually obligated to compensate us and we plan to use their money to speak loudly. We are offering grants of \$1,000 each to the next six contracted presenters and have hired Michele Roberge to personally book the engagements. Each venue will hold a block of free seats for any person with a valid ID from Long Beach State.”



CARPENTER CENTER LOBBY, CAST OF *N*W*C**

RECENT HEADLINES FROM ‘NEWSDESK’

- FIRE Receives \$2.5 Million Grant from John Templeton Foundation to Launch SOAR, Announces Nine New Job Openings
- FIRE Releases Second Edition of ‘Correcting Common Mistakes in Campus Speech Policies’
- Think Trigger Warnings Are Never Mandatory on Campus? Think Again.
- ‘So to Speak’ Podcast: The Strange and Terrific Saga of Flying Dog Brewery



UCHICAGO'S 'ACADEMIC FREEDOM' LETTER A WIN FOR CAMPUS SPEECH

● CHICAGO, ILLINOIS ●

In August 2016, the University of Chicago (UChicago) pushed back against the nationwide trend toward student-led demands for censorship with a letter to incoming students telling them not to expect “intellectual ‘safe spaces’” when they arrived on campus this fall.

At the time, FIRE hoped this would be the first of many requests from colleges and universities to students to recommit to freedom of expression during the academic year. Those hopes were quickly borne out when administrators at schools like Columbia University, Brown University, and Claremont McKenna College also made public statements committing to protect freedom of expression on campus.

The UChicago letter, written by Dean of Students Jay Ellison, reads in its entirety as a staunch defense of academic freedom. Sent to incoming students along with the book *Academic Freedom and the Modern University: The Experience of the University of Chicago*, Ellison's letter condemns certain recent phenomena that imperil free inquiry on college campuses.

“Our commitment to academic freedom means that we do not support so-called ‘trigger warnings,’ we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual ‘safe spaces’ where individuals can retreat from ideas and perspectives at odds with their own,” wrote Ellison in the letter.

“Fostering the free exchange of ideas reinforces a related university priority—building a campus that welcomes people of

all backgrounds,” Ellison continued. “Diversity of opinion and background is a fundamental strength of our community. The members of our community must have the freedom to espouse and explore a wide range of ideas.”

UChicago has long been a leader among colleges and universities in its approach to freedom of speech. Last year, faculty members spearheaded the hugely influential Chicago Statement, which FIRE endorsed and promoted as a gold standard for universities articulating a commitment to free expression on campus.

“Diversity of opinion and background is a fundamental strength of our community. The members of our community must have the freedom to espouse and explore a wide range of ideas.”

JAY ELLISON, DEAN OF STUDENTS

Earlier this year, the university also earned FIRE's highest, “green light” rating by abolishing its speech codes in cooperation with FIRE so that its policies fully respect student and faculty speech rights.

“In reaffirming the university's long-standing commitment to academic freedom, the Dean of Students' letter should come as no surprise to entering students, who no doubt chose Chicago because of its robust intellectual climate that

is designed to prepare its graduates to be effective citizens when they face the rough-and-tumble realities of the real world,” said UChicago Law School professor Geoffrey Stone, who chaired the faculty committee that drafted the Chicago Statement in 2015.

On September 6, FIRE sent a note to UChicago, thanking its leadership for their commitment to free expression on campus. FIRE sent the letter, along with the names of 884 FIRE supporters who asked to be co-signatories, to Ellison, Stone, and UChicago President Robert J. Zimmer. 🔥



UNIVERSITY OF CHICAGO



LETTERS FROM FIRE TO UCHICAGO

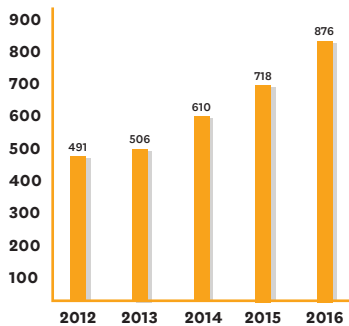


GEOFFREY STONE, PROFESSOR AT UCHICAGO LAW SCHOOL

A LANDMARK YEAR: FIRE'S 2015-2016 ANNUAL REPORT

● PHILADELPHIA, PENNSYLVANIA ●

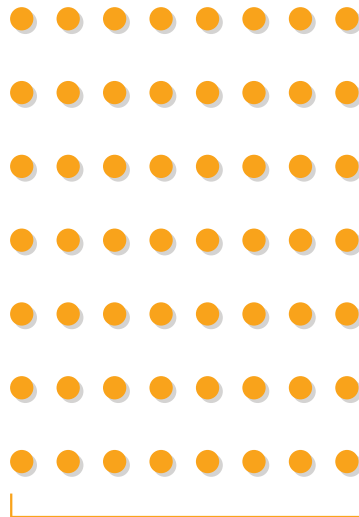
OUR CASE SUBMISSIONS HAVE
NEARLY DOUBLED IN THE LAST
FIVE YEARS.



NEARLY 2,900 INDIVIDUALS OR
ORGANIZATIONS DONATED TO
FIRE LAST FISCAL YEAR.



FIRE WON 36 POLICY CHANGE VICTORIES
AFFECTING OVER 560,000 STUDENTS.



FIRE WELCOMED A RECORD EIGHT SCHOOLS TO OUR
GREEN LIGHT LIST, FREEING A TOTAL OF 120,000
STUDENTS FROM ANY SPEECH CODES.



120,000

STUDENTS FREED



APPLY FOR FIRE'S SUMMER INTERNSHIP PROGRAM TODAY!

FIRE's Summer Internship Program invites students from across the country to spend the summer working directly with FIRE's staff in the defense of civil liberties on America's college campuses.

Interns will work closely with our Campus Outreach, Defense, Education, Development, Litigation, and Communications programs to assist with research and administrative projects.

Interns write about FIRE cases and issues for our website, assist with planning and running the annual student summer conference, and develop strategies for defending student and faculty rights when they return to campus. Interns also attend weekly educational seminars with some of the foremost experts in the field to discuss the moral, philosophical, and legal foundations of civil liberties—including seminars on the Free Speech Movement of the 1960s, the philosophical underpinnings of free speech, and current campus issues.

FIRE is looking for intelligent, energetic undergraduates (rising sophomores, juniors, and seniors) interested in FIRE's mission and work. Candidates must possess excellent research, writing, and communication skills. The ability to work under pressure and a sense of humor are also important. We are expecting over 800 applications for just eight spots, making FIRE's internship one of the most competitive in the country.

The eight-week program runs from Monday, June 5, through Friday, July 28, 2017, and interns receive a \$2,800 stipend. The internship program is based in our office in historic Philadelphia, just steps from Independence Hall and the Liberty Bell.

Questions, inquiries, and applications for FIRE's Summer Internship Program can be submitted to internships@thefire.org. Please encourage qualified candidates to apply! 📧