



FIRE QUARTERLY

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AUBURN UNIVERSITY AND CLAREMONT MCKENNA COLLEGE EARN FIRE'S HIGHEST FREE SPEECH RATING

● CLAREMONT, CALIFORNIA AND AUBURN, ALABAMA ●



WILLIAM J. SAMFORD HALL, AUBURN UNIVERSITY

Auburn University and Claremont McKenna College have earned FIRE's highest, "green light" rating for free speech, becoming the first institutions to earn the rating in Alabama and California, respectively. Only 37 other colleges across the country hold this distinction.

"As a place of higher learning, a university campus should be the first to embrace the free exchange of ideas and speech," said Bobby Woodard, Auburn's vice president for student affairs. "It's not always easy, but we're pleased that FIRE has recognized our efforts in that regard."

Auburn worked with FIRE to revise, among other regulations, its policies on campus demonstrations and internet usage. In doing so, Auburn attained a green light rating, which indicates that its written policies do not imperil student or faculty free speech, according to FIRE's Spotlight database. The database rates more than 450 colleges and universities based on the degree to which free speech is protected or curtailed by their policies.

"By revising its policies to attain green light status, Auburn is showing that its administration is serious about the university's commitment to free speech and its obligations to students and faculty," said FIRE Vice President of Policy Reform Azhar Majeed. "We hope that other colleges and universities in Alabama will follow Auburn's lead and improve their own policies."

To earn its green light rating, Claremont McKenna worked with FIRE to update policies on disorderly conduct and internet usage.

"Claremont McKenna is the first college in California to fully achieve what many colleges only pay lip service to: a commitment to student and faculty speech," said Samantha Harris, FIRE vice president of policy research. "We hope CMC's efforts to stand up for the free exchange of ideas on campus inspires other institutions in the state to follow suit."

Nationally, about one-third of institutions earn a "red light" rating, which means the institution has at least one policy that both

"As a place of higher learning, a university campus should be the first to embrace the free exchange of ideas and speech."

BOBBY WOODARD, AUBURN VICE PRESIDENT FOR STUDENT AFFAIRS

clearly and substantially restricts freedom of speech. Almost 60 percent earn a "yellow light" rating, meaning the institution's policies restrict a more limited amount of protected expression or, by virtue of their vague wording, could too easily be used to restrict protected expression.

"Even more important than policy is our ethos for learning — the critical intellectual and responsive social skills (from active listening to effective dialogue) that put academic freedom to work," said Claremont McKenna President Hiram E. Chodosh.

Claremont McKenna is also one of 38 institutions nationwide to have adopted a version of the "Chicago Statement," the gold standard for university policy statements regarding freedom of expression on campus. FIRE launched a national campaign in 2015 to urge colleges to adopt the statement. [🔗](#)



KRAVIS CENTER, CLAREMONT MCKENNA COLLEGE
CREDIT: CRAIG STANFILL

"We hope CMC's efforts to stand up for the free exchange of ideas on campus inspires other institutions in the state to follow suit."

SAMANTHA HARRIS, FIRE VICE PRESIDENT OF POLICY RESEARCH



VICTORY: STUDENT DETAINED FOR PASSING OUT POLITICAL FLYERS SETTLES LAWSUIT WITH ILLINOIS COLLEGE

● CHICAGO, ILLINOIS ●

On April 18, student Ivette Salazar and Joliet Junior College agreed to settle Salazar's First Amendment lawsuit against the Illinois college after she was detained for handing out political flyers. Salazar's suit, filed Jan. 11, prompted policy changes that will protect the speech rights of more than 38,000 JJC students.

Salazar was detained in November 2017 for distributing flyers from the Party for Socialism and Liberation that read "Shut Down Capitalism." She was reported by campus staff, detained and interrogated by JJC police, and told she could not distribute her flyers without the college's permission. The lawsuit against the public college was brought as part of FIRE's Million Voices Campaign, which aims to free the voices of one million students by striking down unconstitutional speech codes nationwide.

"Thanks to Ivette, students at Joliet Junior College can peacefully exercise their First Amendment rights without having to fear being interrogated by campus police," said Marieke Tuthill Beck-Coon, FIRE director of litigation. "We hope this case serves as an example to public colleges across the country, and we commend JJC for acting quickly to restore free speech on its campus."

As part of her lawsuit, Salazar challenged the constitutionality of the school's



IVETTE SALAZAR, JOLIET JUNIOR COLLEGE PLAINTIFF

"Free Speech Area" policy that restricted expressive activity to one small, indoor area of campus. After its filing, JJC's Board of Trustees withdrew the policy, replacing it with one modeled on the "Report of the Committee on Freedom of Expression" at the University of Chicago (better known as the "Chicago Statement"). JJC joins 37 other institutions nationwide in adopting this principled statement on free expression.

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MARIEKE TUTHILL BECK-COON, FIRE DIRECTOR OF LITIGATION

JJC's new policy allows for expressive activity throughout the college, constrained only by constitutional time, place, and manner regulations. As part of the settlement, JJC also agreed to pay Salazar \$30,000 in damages and attorneys' fees, and to provide training to its staff and campus police on the new policies and procedures.

The lawsuit was filed in partnership with FIRE Legal Network member and former

president of the First Amendment Lawyers Association Wayne Giampietro of Poltrock & Giampietro in Chicago. Giampietro served as co-counsel with FIRE attorneys in the case.

If you are a student who has been censored on campus, FIRE and its Legal Network partners stand ready to protect your First Amendment rights in court. Students interested in submitting their cases to FIRE may do so through FIRE's online case submission form.

Attorneys interested in joining the FIRE Legal Network should apply on FIRE's website. [a](#)



IVETTE SALAZAR'S FLYERS



COVER STORY

FIRE NAMES AMERICA'S 10 WORST COLLEGES FOR FREE SPEECH

● PHILADELPHIA, PENNSYLVANIA ●

Each year, colleges across the country find dubious ways to silence student and faculty expression. In response, FIRE has identified America's 10 worst colleges for free speech.

"College administrators, and sometimes even students, are going to greater and greater lengths to justify muzzling expression on campus," said FIRE Executive Director Robert Shibley. "This type of censorship makes for a sterile environment where lively debate and discussion can't thrive. The public deserves to know which colleges will defend free expression — and which ones will go to seemingly any length to silence it."

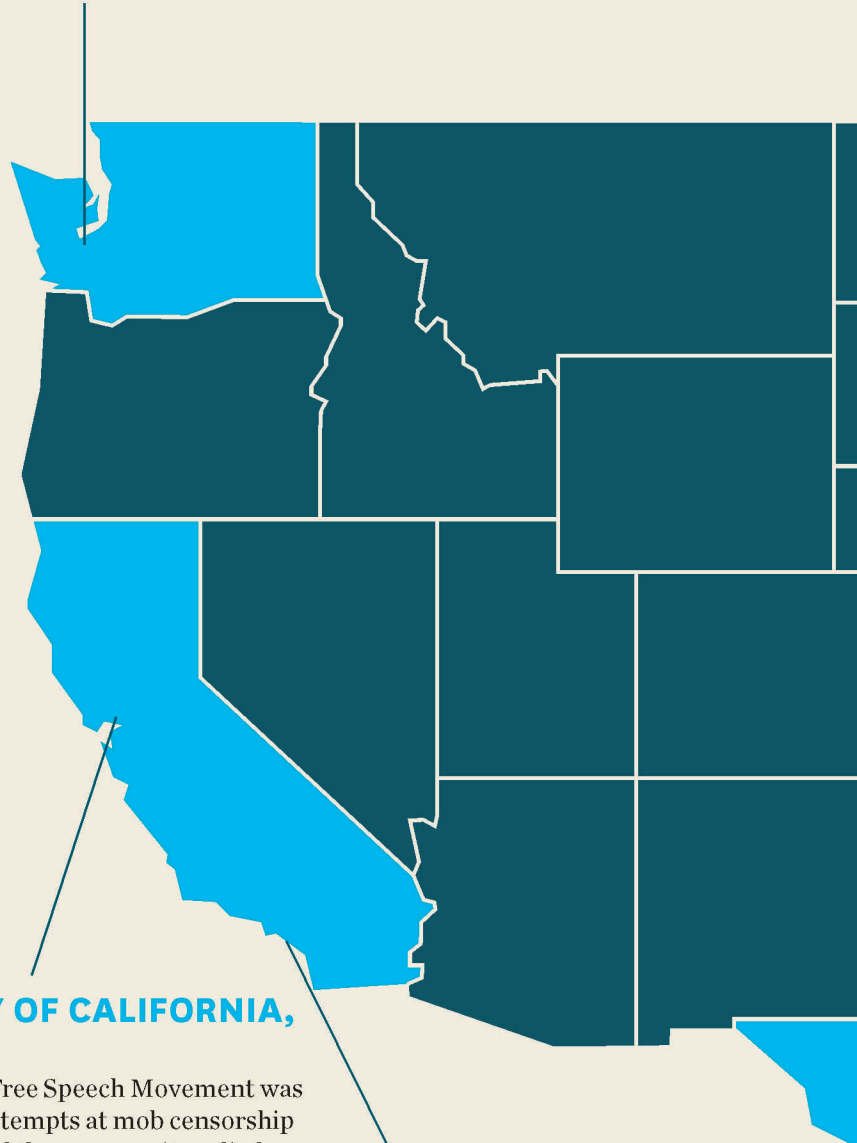
For the first time, FIRE also awarded a Lifetime Censorship Award to one university that threatens the free speech rights of its students and faculty so often that it deserves individual infamy: DePaul University.

DePaul earned the 2018 Lifetime Censorship Award in recognition of its decade-long rap sheet of suppressing speech at every turn. From denying recognition to a student organization criticizing marijuana laws, to forcing the DePaul Socialists, Young Americans for Freedom, and College Republicans to pay for security in order to host speakers at their meetings and events, to forbidding a group from using the slogan "Gay Lives Matter," DePaul has staked out a leadership position in stifling campus expression.

FIRE's 2018 list, which was featured on "Fox & Friends," includes both public and private institutions. Public colleges and universities are bound by the First Amendment. Private colleges on this list are not required by the Constitution to respect student and faculty speech rights, but explicitly promise to do so. 

EVERGREEN STATE COLLEGE

After a professor questioned a campus event related to race, disruptive students shut down his class. He and his wife, a fellow professor, eventually resigned over concerns about their safety.



UNIVERSITY OF CALIFORNIA, BERKELEY

The home of the Free Speech Movement was ground zero for attempts at mob censorship when students and the community relied on violence and hecklers' vetoes to shut down speech.

THE LOS ANGELES COMMUNITY COLLEGE DISTRICT

Administrators became embroiled in litigation after telling a student he couldn't hand out copies of the U.S. Constitution outside a "free speech zone" — leading to an ongoing lawsuit that even caught the eye of officials at the U.S. Department of Justice.



NORTHWESTERN UNIVERSITY

As part of a secret investigation into a professor's book, Northwestern demanded the professor turn over confidential source material and answer numerous questions about the book's content.

ALBION COLLEGE

Albion subjected a student to a four-hour hearing for emailing a joke about "ISIS hunting permits."

FORDHAM UNIVERSITY

The school continued a years-long effort to keep a pro-Palestinian student group off of campus.

RENSSELAER POLYTECHNIC INSTITUTE

Administrators repeatedly censored and punished students who criticized the school's efforts to become more involved in the student-run Rensselaer Union. RPI tore down student posters, refused student demonstration requests, charged students with bogus policy violations, and erected fences to keep students off large swaths of campus.

HARVARD UNIVERSITY

Harvard implemented a blacklist policy that denies academic and leadership privileges to members of single-gender groups like sororities and fraternities, rescinded admission offers to would-be students for deliberately offensive jokes in a private Facebook group chat, and revoked a visiting fellowship to former U.S. intelligence analyst Chelsea Manning after receiving criticism.

DREXEL UNIVERSITY

The school investigated a professor for a satirical tweet and eventually barred him from teaching on campus. The professor resigned in December, writing that professors "are all a single outrage campaign away from having no rights at all."

TEXAS STATE UNIVERSITY

The independent student newspaper had its funding and editorial process threatened because it published a controversial opinion piece about race.



FLORIDA BECOMES NINTH STATE TO BAN RESTRICTIVE CAMPUS FREE SPEECH ZONES

● TALLAHASSEE, FLORIDA ●

In March, Florida Gov. Rick Scott signed into law SB 4, a broad higher education bill, which was amended to include free speech protections at the state's public colleges and universities.

The law prohibits Florida public institutions from quarantining student expression into small, misleadingly labeled "free speech zones." The campus free speech provisions are based on the Campus Free Expression Act model legislation from FIRE.

"Students at public colleges and universities in Florida should not have their free speech quarantined by overly restrictive policies," said FIRE Legislative and Policy Director Joe Cohn. "Now that Florida's Campus Free



FLORIDA STATE CAPITOL, TALLAHASSEE, FLORIDA, CREDIT: MICHAEL RIVERA

Expression Act is law, these egregious policies of censorship must be rescinded immediately."

The bipartisan CAFE provision of the bill was sponsored by Reps. Chuck Clemons, Sr., Bob Rommel, John Cortes, and Sen. Dennis Baxley, among others. SB 4 passed the Florida House of Representatives by a vote of 84-28 and the Florida Senate by a vote of 33-5. The law also provides a right to bring a lawsuit in state court against a public institution of higher education if the institution violates the expressive rights guaranteed by the bill.

Examples of Florida policies that must be revised now that the CAFE Act has been enacted include Florida State University's policy that limits the distribution of literature to a small stretch of campus, Florida Atlantic University's policy that requires students to submit materials to the Office of Student Development and Activities for approval before they can be displayed or distributed, and the University of West Florida's policy that restricts speech to one area of campus and

problematically declares that the university "does not contain any traditional public forum areas."

"Thanks to this legislation, students at Florida's colleges and universities can much more freely exercise their constitutional right to free speech," said FIRE Executive Director Robert Shibley. "We're hopeful that Congress will follow this example and act to uphold the First Amendment rights of America's students."

In February, U.S. Sen. Orrin Hatch introduced the federal Free Right to Expression in Education Act, which would prohibit public colleges and universities across the country from maintaining restrictive zones. [@](#)

STATES THAT HAVE BANNED FREE SPEECH ZONES

- Arizona
- Colorado
- Florida
- Kentucky
- Missouri
- North Carolina
- Tennessee
- Utah
- Virginia

"Students at public colleges and universities in Florida should not have their free speech quarantined by overly restrictive policies."

JOE COHN, FIRE LEGISLATIVE AND POLICY DIRECTOR

RECENT HEADLINES FROM 'NEWSDESK'

- VICTORY: Fresno State drops investigation into professor's fiery tweets about former First Lady Barbara Bush
- James Madison University reportedly orders alleged sexual assault victim not to go public
- Professor fired for defending Black Lives Matter on Fox News files lawsuit
- University of Tennessee at Knoxville's annual Sex Week draws annual outrage



FIRE LAWSUIT AGAINST IOWA STATE UNIVERSITY ADMINISTRATORS ENDS WITH NEARLY \$1 MILLION IN DAMAGES AND FEES

• AMES, IOWA •

After nearly four years, Gerlich v. Leath — FIRE’s Stand Up For Speech Litigation Project lawsuit against Iowa State University administrators — came to an end in March when a federal judge entered judgment for the FIRE-backed plaintiffs that required the defendants to pay close to \$600,000 in attorney’s fees. Over the course of litigation, ISU defendants have been held responsible for nearly \$1 million in damages and attorney’s fees.

In 2012, ISU approved a T-shirt design for the university’s chapter of the National Organization for the Reform of Marijuana Laws featuring ISU mascot Cy the Cardinal’s head in place of the “O” in NORML. After receiving blowback from the public and state officials, ISU rescinded its approval and adopted new regulations limiting ISU NORML’s future use of university trademarks. The group’s T-shirt designs were repeatedly rejected in 2013 and 2014.

ISU NORML officers Paul Gerlich and Erin Furleigh filed suit against ISU administrators on July 1, 2014, the day FIRE’s Stand Up For Speech Litigation Project launched with the filing of four lawsuits challenging campus censorship across the country.

In January 2016, the U.S. District Court for the Southern District of Iowa issued a permanent injunction barring ISU from using



PAUL GERLICH AND ERIN FURLEIGH, IOWA STATE UNIVERSITY PLAINTIFFS

its trademark policy to stop ISU NORML from printing T-shirts depicting a marijuana leaf. The Hon. James E. Gritzner held that the ISU defendants discriminated against ISU NORML based on viewpoint, in violation of the First Amendment, by rejecting the group’s T-shirt designs “due to the messages they expressed” in order to “maintain favor with Iowa political figures.” Gritzner denied qualified immunity to the defendant administrators — allowing them to be held personally liable for violating the plaintiffs’ rights — finding that “a reasonable person would understand that Defendant’s actions treaded on Plaintiffs’ First Amendment rights of political expression and association.”

The Hon. James E. Gritzner held that the ISU defendants discriminated against ISU NORML based on viewpoint, in violation of the First Amendment, by rejecting the group’s T-shirt designs.

The ISU defendants appealed to the Eighth Circuit, but in June 2017, the appellate court agreed that the administrators unlawfully discriminated against ISU NORML in violation of the First Amendment and upheld the district court’s denial of qualified immunity. The court also awarded Gerlich and Furleigh’s attorneys nearly \$200,000 in fees and costs.

With the case headed back to the district court for further litigation, the defendants agreed to settle the case in January by paying Gerlich and Furleigh \$75,000 each in damages. This action made the district court’s injunction against ISU permanent and allowed Gritzner to decide the attorney’s fees that plaintiffs were entitled to for work litigating before the trial court.

Gritzner brought Gerlich and Furleigh’s case to a close when he approved an agreement by the parties for defendants to pay close to \$600,000 for the plaintiffs’ attorney’s fees and costs. [@](#)



ISU NORML T-SHIRT SANITIZED BY ADMINISTRATORS



ISU NORML T-SHIRT NOT SANITIZED BY ADMINISTRATORS



'ALEXA, MAKE A DONATION TO FIRE'

● PHILADELPHIA, PENNSYLVANIA ●

Amazon just made donating to FIRE even easier. In April, Amazon announced that FIRE is one of just 48 charities worldwide that users can now give money to using its voice command system, Alexa.

If you own an Amazon Echo, you can make a donation to FIRE simply by saying, "Alexa, make a donation to the Foundation for Individual Rights in Education." (Saying "FIRE" works too!) Your donation is processed with Amazon Pay using the information already stored in your Amazon account. It's simple, fast, and secure.

Of course, if you don't own an Amazon Echo, FIRE accepts donations made through your Amazon Pay account, as well as through Amazon.com's AmazonSmile program — a fantastic way to give to FIRE at absolutely zero cost in time or money to you. If giving through Amazon isn't for you, consider making a gift to FIRE directly using our secure online donation form or the envelope provided with this newsletter.

FIRE is one of just 48 charities worldwide that users can now give money to using Amazon's voice command system, Alexa.

Any gift you choose to make — whether through Amazon or not — is 100% tax-deductible to the fullest extent of the law.

FIRE is thrilled to be on the inaugural list of charities that Echo owners can donate to via a simple voice command. We're grateful Amazon is offering our supporters yet another convenient and secure way to support our programs, especially at such a critical time for campus rights. 🗣️



AMAZON ECHO

JOIN FIRE IN PHILADELPHIA THIS SUMMER TO LEARN ABOUT YOUR RIGHTS ON CAMPUS — AND HOW TO DEFEND THEM

FIRE is thrilled to announce that our annual FIRE Student Network Conference will take place this year from July 20–22 in Philadelphia at the National Constitution Center.

FIRE's annual conference is a weekend-long intensive workshop designed to educate students about their rights on campus and provide the tools to assert and defend them. Our conference will bring together 100 college students from around the country and across the ideological spectrum who share a passion for free speech and due process.

The conference will feature a keynote speech by Ira Glasser, former executive director of the ACLU (1978–2001) and past guest on FIRE's So to Speak: The Free Speech Podcast.

The conference is free to attend and open to current students at U.S. colleges and universities, including graduate students and incoming freshmen. Housing and meals will be provided. A travel reimbursement of up to \$300 per student will be available to help students travel to and from Philadelphia.

For more information, visit thefire.org/conference. 🗣️