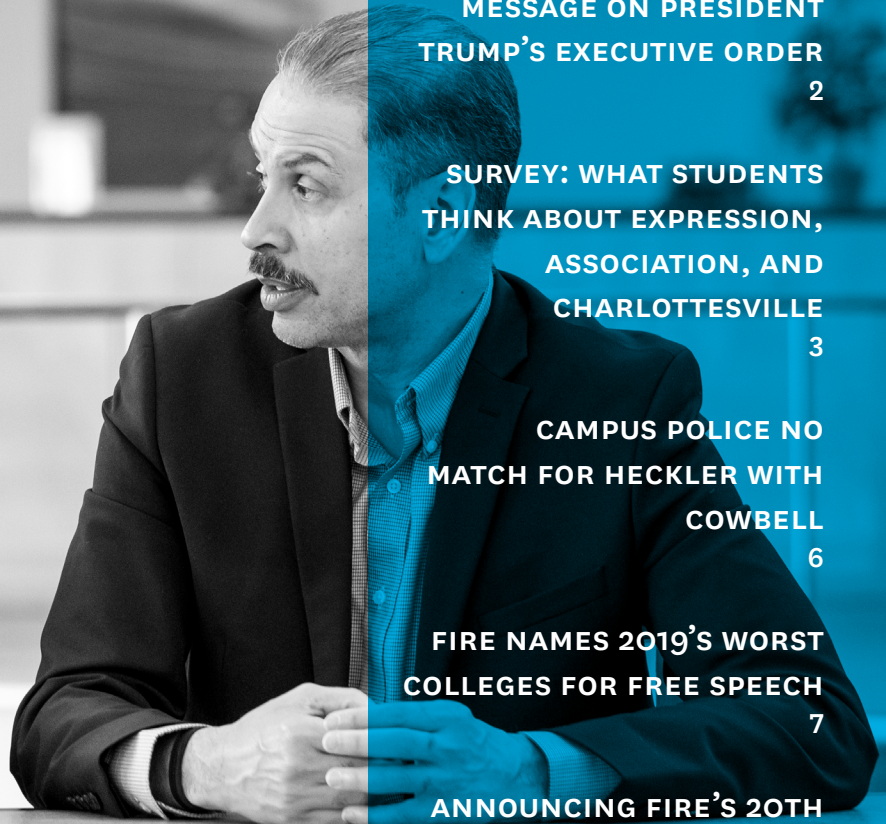


FIRE QUARTERLY

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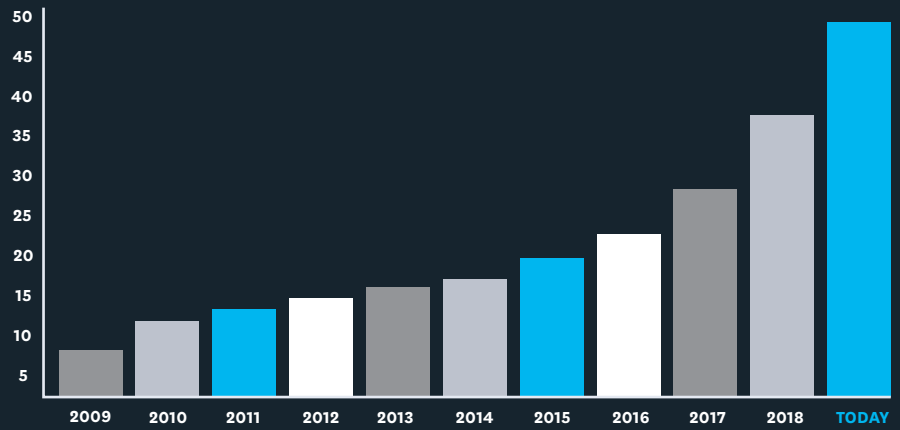
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ONE MILLION STUDENTS NOW ATTEND COLLEGES WITH FIRE'S HIGHEST FREE SPEECH RATING

● PHILADELPHIA, PENNSYLVANIA ●

This year, Northern Arizona University, North Carolina State University, and the University of Southern Mississippi earned FIRE's highest rating for free speech, bringing the total number of institutions earning the "green light" rating to 49. For the first time, more than 1 million students across the country attend an institution earning a green light rating.

"FIRE is proud of the leaders at these 49 institutions who stood up for student speech — and in doing so, defended the voices of more than a million students," said Azhar Majeed, FIRE's vice president of policy reform. "We call on university leaders across the country to follow the example set by these schools and

reform their policies that silence speech on their campuses."

Nationally, 90 percent of colleges and universities in FIRE's Spotlight on Speech Codes 2019 report restrict student expression. "Yellow light" colleges maintain vague policies that could be applied to restrict constitutionally protected speech, while "red light" schools — which make up 30 percent of institutions nationwide — maintain policies that clearly and substantially imperil free speech.

With NAU's improvement, Arizona became the only state where all rated universities earn FIRE's best rating for free speech.

"Arizona's green light schools are setting a standard for free expression that colleges across the country should aspire to follow," said FIRE's Laura Beltz, policy reform senior program officer.

NC State, the largest university in the Tar Heel State, earned the green light rating after revising four speech codes that had earned a yellow light rating from FIRE. North Carolina is now home to 11 green light schools — more than any other state in the country.

Southern Miss revised six policies, including three red light speech codes, to earn FIRE's highest rating. 🔗

FIRE QUARTERLY

EXECUTIVE DIRECTOR ROBERT SHIBLEY'S MESSAGE ON PRESIDENT TRUMP'S EXECUTIVE ORDER

● WASHINGTON, D.C. ●

Since 1999, FIRE has defended freedom of expression on our nation's campuses by fighting for public universities to honor the First Amendment and for private universities to fulfill their voluntary promises of free speech and academic freedom. On March 2, before an audience at the Conservative Political Action Conference, President Trump announced that he would soon sign an executive order that would require colleges receiving federal grants to protect free speech on their campuses.

The President followed up on that speech by signing an executive order on March 21 that, among other things, directs federal agencies to "take appropriate steps" to "promote free inquiry" at institutions that receive federal research and education grants, including through compliance with the First Amendment or fulfillment of their institutional promises. To the extent that the executive order asks colleges and universities to meet their existing legal obligations, it should be uncontroversial.

FIRE will watch closely to see if this action furthers the meaningful, lasting policy changes that FIRE has secured over two decades — or results in unintended consequences that threaten free expression and academic freedom.

We note that the order does not specify how or by what standard federal agencies will ensure compliance, the order's most consequential component. FIRE has long opposed federal agency requirements that conflict with well-

settled First Amendment jurisprudence. We will continue to do so.

FIRE knows from years of experience that censorship silences students and faculty from across the ideological and political spectrum. Any principled and effective defense of freedom of expression must protect student and faculty expressive rights without regard to viewpoint. To secure the benefits of the "marketplace of ideas" for campus communities and for our nation as a whole, all students and faculty must be free to peacefully speak their minds.

As our work demonstrates, campus censorship is a real and continuing problem. We appreciate the executive branch's attention to this issue. As a proudly nonpartisan organization, FIRE will continue to lead the fight for campus speech rights and academic freedom regardless of the political party in power or the popularity of the speech at issue. The First Amendment and freedom of expression require no less. 🔗



SURVEY: WHAT STUDENTS THINK ABOUT EXPRESSION, ASSOCIATION, AND CHARLOTTESVILLE

• PHILADELPHIA, PENNSYLVANIA •

A new report released in January by FIRE finds a majority of college students value inclusivity over free speech, think their fellow students should have their political views censored if they are hurtful or offensive to certain students, and think that students should be excluded from extracurricular activities if they publicly express intolerant, hurtful, or offensive viewpoints.

The survey, conducted by YouGov, gathered 2,225 student responses to a broad array of questions about civil rights and liberties on campus, including questions about free expression, funding for student groups, and free association. The survey is also the first to ask students about the 2017 white nationalist protests and counter-protests in Charlottesville, Va., and how these protests affected their views toward free expression and protest.

“Our survey found that students overwhelmingly support free speech rights as a general principle, but that support hollows out when they are asked more specific questions about those rights,” said FIRE Director of Communications Nico Perrino. “This is troubling because it suggests a surface-level understanding of the free speech protections that underlie the First Amendment and an unwillingness to see them applied to the protection of expression some find offensive or objectionable.”

Some of the report’s key findings related to **expression and tolerance** include:

- 60 percent of students think that promoting an inclusive environment that is welcoming to a diverse group of students should be a more important priority than

protecting students’ free speech rights, including the right to voice hurtful or offensive speech.

- 57 percent think colleges and universities should be able to restrict student expression of political views that are hurtful or offensive to certain students.

Free association:

- 75 percent think students should be able to join single-gender groups not recognized by the university, and 34 percent think their college should be able to punish students who join these groups.
- 73 percent think registered student groups on campus should be able to deny leadership positions in the student group to students who don’t agree with the mission of the group.

Charlottesville:

- 35 percent responded that the white nationalist protests and counter-protests in Charlottesville, Va. in August 2017 changed how they think about speech and expression on campus.
- 52 percent think white nationalists should be allowed to protest peacefully, while 71 percent think those protesting against white nationalists should be allowed to protest peacefully.

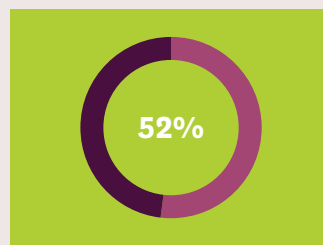
There were some notable differences in how Republican and Democratic students view the environment for free expression on their campuses. For example, Republican students were 14 percentage points more likely than their Democratic peers to think the climate on their campus makes it difficult for students to have conversations about important issues such as race, politics, and gender.

This is the third and final report on student attitudes made possible by a grant from the John Templeton Foundation. You can find more information on FIRE’s student surveys by visiting thefire.org/student-surveys.

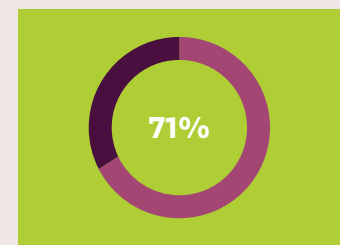
70% of students think students should be excluded from extracurricular activities if they publicly express intolerant, hurtful, or offensive viewpoints.



A majority of students supported the right of both sides to protest.



White nationalists should be allowed to protest peacefully.



Counter-protesters should be allowed to protest peacefully.



CSU PROFESSORS ROBERT BIONAZ (LEFT) AND PHILLIP BEVERLY (RIGHT)



COVER STORY

VICTORY: CHICAGO STATE TO REWRITE POLICIES, PAY \$650,000 TO SETTLE FIRST AMENDMENT LAWSUIT

● CHICAGO, ILLINOIS ●

Chicago State University has agreed to pay \$650,000 to settle a First Amendment lawsuit filed by faculty after administrators tried to silence a blog critical of the then-sitting CSU administration. The lawsuit was one of four filed on July 1, 2014, that launched FIRE's Stand Up For Speech Litigation Project, and is the 14th successful settlement to date.

CSU professors Phillip Beverly and Robert Bionaz filed the lawsuit after the university threatened them with legal action if they refused to shut down their faculty-run blog that criticized perceived corruption and incompetence under former CSU President Wayne Watson. The university asserted that the blog, CSU Faculty Voice, infringed CSU's trademarks and did not comply with the "high standards of civility and professionalism [that] are central tenants [sic] of the University's values." The university also asserted that a photo of hedges on campus spelling "CSU" adorning the blog's landing page violated the university's intellectual property rights.

As part of the December settlement, CSU agreed to reform its unconstitutional cyberbullying and computer usage policies that were challenged in the lawsuit. The latter policy barred "any communication which tends to embarrass or humiliate," giving CSU administrators carte blanche to go after any faculty speech they disliked.


A month after the administration adopted the cyberbullying policy, the then-director of public relations filed a harassment complaint against Bionaz. After an investigation, CSU's general counsel found Bionaz innocent of cyberbullying for his brief, offhand comments — made in person, not online.

"Four-plus years of mounting legal expenses for a school with scarce resources; four-plus years of scandal and public ridicule for a school whose reputation can afford neither," Bionaz said. "The conclusion of this action represents a repudiation of the Watson administration's egregious efforts to stifle speech on the Chicago State campus."

"I am disappointed that a public university was forced through litigation to protect the First Amendment rights of faculty, staff, and students," Beverly said. "The final resolution of this case came only after a new president was hired. I am hopeful that the new administration will be mindful of the constitutional protections that we all enjoy and that scarce state resources won't be squandered because of executive hubris and gross incompetence."

In March 2014, FIRE implored CSU to back off its demands to censor the professors' blog to "spare CSU the embarrassment and cost of yet another loss in its repeated and ill-advised battles against the First Amendment." Just weeks earlier, a jury awarded \$2.5 million to a former CSU attorney who faced retaliation for refusing to withhold public records. Before that, CSU was ordered to pay over \$200,000 after retaliating against the student newspaper in response to articles critical of the university.

Beverly and Bionaz were represented by attorneys Robert Corn-Revere, Ronald London, and Lisa Zycherman of the law firm Davis Wright Tremaine in Washington, D.C. Jessica Tovrov of Goodman Tovrov Hardy & Johnson in Chicago joined them as counsel on the case.

"This case should remind administrators of state universities they are not a law unto themselves and must obey constitutional commands," Corn-Revere said. "Universities can only serve as a true marketplace of ideas when preserving and protecting the First Amendment is a core part of their mission." 

The Chicago State lawsuit was one of four filed on July 1, 2014 to launch FIRE's Stand Up For Speech Litigation Project, a national effort to eliminate unconstitutional speech codes through First Amendment lawsuits. With this settlement, all four original lawsuits resulted in victory — and important policy changes.

CITRUS COLLEGE: VICTORY 

IOWA STATE UNIVERSITY: VICTORY 

CHICAGO STATE UNIVERSITY: VICTORY 

OHIO UNIVERSITY: VICTORY 



CAMPUS POLICE NO MATCH FOR HECKLER WITH COWBELL WHO HIJACKED SPEECH AT PORTLAND STATE

• PORTLAND, OREGON •



AT LEAST FOUR MEMBERS OF LAW ENFORCEMENT WATCHED AS A HECKLER DISRUPTED AN EVENT AT PORTLAND STATE UNIVERSITY.

On March 5, a group of Portland State University police officers watched as a heckler with a cowbell single-handedly hijacked a College Republicans meeting. This is the second time in 2019 that PSU failed to defend student free speech under the weight of protest — and the second time FIRE demanded the university adhere to its First Amendment obligations. FIRE first wrote to the university Feb. 18 after PSU’s law enforcement unilaterally cancelled a meeting of a socialist student group after the founder of the group Patriot Prayer said he would show up.

At the College Republicans’ meeting, campus police stood by as a protestor rang a cowbell during a speech from invited conservative blogger Michael Strickland. For more than an hour, the protestor circled the room ringing the cowbell and blocked the projector for Strickland’s presentation before he left.

“We want to deplatform you,” said the protestor. “We want you to stop f----- talking.”

PSU defended the inaction of the campus police, issuing a statement on March 7 that “the

officer used his professional judgment and determined not to threaten or restrain the individual so as not to escalate a potentially unsafe situation.” (Note: Video shows not one, but four law enforcement officers.)

“If one heckler with a cowbell is all it takes to silence expression at PSU, no one’s speech is protected,” said FIRE Executive Director Robert Shibley. “PSU must demonstrate that it takes its First Amendment obligations seriously and is willing to stand up for campus expression.”

PSU has developed a pattern of allowing a single political activist to send students’ expressive rights out to pasture. On Jan. 24,

“If one heckler with a cowbell is all it takes to silence expression at PSU, no one’s speech is protected.”

ROBERT SHIBLEY, FIRE EXECUTIVE DIRECTOR

PSU abruptly cancelled a meeting of another student group, the International Socialist Organization, after learning that the founder of Patriot Prayer posted on the Facebook event page that he would attend, asking the group to “be mature and respectful for [he would] do the same.” A student commented, “Who wants to F--- up Joey Gibson, leader of the fascist hate group patriot prayer?” Despite the ISO’s call not to engage with Patriot Prayer, the exchange caught the attention of university leadership, which cancelled the event.

“This year, PSU’s law enforcement have at least twice surrendered students’ expressive rights in the face of disruption,” FIRE wrote on March 11 in its second letter to the university. “The message is clear: If you disagree with a student group at Portland State, left or right, simply threaten to disrupt their meetings. The police will be standing by.”

FIRE will continue to monitor the situation until the cows come home, and is committed to ensuring PSU lives up to its First Amendment obligations. 🐄

RECENT HEADLINES FROM ‘NEWSDESK’

- FIRE sues UCLA for withholding public records about Mnuchin campus appearance for over a year
- Syracuse University finally concedes that its free speech promises are worthless
- New law gives Kentucky college students ‘broadest possible latitude’ for free speech
- University of California, Davis rejects legislator’s push for termination of professor for tweets about police



FIRE NAMES 2019'S WORST COLLEGES FOR FREE SPEECH

• PHILADELPHIA, PENNSYLVANIA •

There's plenty of innovation happening on college campuses — but some of that innovation comes from campus leaders finding dubious new ways to restrict free speech. Every year, FIRE compiles a list of the past year's worst censors.

The 2019 Worst Colleges for Free Speech are, in alphabetical order:

ALABAMA A&M UNIVERSITY: maintaining the most policies that substantially restrict free speech. Almost 30 percent of colleges in FIRE's Spotlight database earn our worst, "red light" rating for maintaining at least one policy that clearly and substantially restricts protected speech. Alabama A&M University has five.

DIXIE STATE UNIVERSITY: requiring a professor to sign away his free speech rights. To cement its place on the list, it also barred student press from public meetings.

GEORGETOWN UNIVERSITY QATAR: censoring the debating union's debate about God. In response to growing concerns about threats satellite campuses can pose



STUDENTS AT THE UNIVERSITY OF NORTH ALABAMA'S INDEPENDENT NEWSPAPER RAN A BLANK FRONT PAGE TO PROTEST THE RETALIATORY FIRING OF THEIR ADVISER.

to free speech and academic freedom, FIRE's "Commitment to Campus Free Expression at Home and Abroad" campaign calls on universities to put student and faculty rights first in existing and future partnerships abroad.

LIBERTY UNIVERSITY: censoring the "student-run" newspaper.

PLYMOUTH STATE UNIVERSITY: punishing two professors for submitting letters in support of a defendant in a criminal trial — a solemn civic responsibility that forms the backbone of any functional system of justice.

RENSELAER POLYTECHNIC INSTITUTE: citing "eminent domain" to curb peaceful campus leafleters who were passing out buttons and flyers critical of RPI's administration.

SYRACUSE UNIVERSITY: suspending the students of the Theta Tau engineering fraternity chapter for a private, satirical skit roasting their fellow members.

UNIVERSITY OF KANSAS: folding to political pressure to censor an American flag art exhibition. The art finished its run inside a campus museum,

signalling to would-be censors that an angry phone call might be all it takes to censor art at the University of Kansas.

UNIVERSITY OF NORTH ALABAMA: retaliating against a student newspaper's critical coverage of the university and placing a gag order on faculty speaking to the press without prior permission.

UNIVERSITY OF WISCONSIN SYSTEM: punishing a university chancellor for inviting a sex educator to Free Speech Week.

"All of these colleges claim to — or are required to — respect student and faculty free speech rights, but not a single one delivers," said FIRE Executive Director Robert Shibley. "Someone who tells you that you are too weak to live with free speech is not your friend. College students are adults, and they don't need administrators to shield them from speech the college deems objectionable — or that its authorities simply don't like."

FIRE's list 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 (like most private colleges) their policies or leadership explicitly promise to do so.

The 2019 edition marks FIRE's eighth year compiling the "worst-of-the-worst" list. Previous lists can be found on FIRE's website.



POLITICAL PRESSURE CAUSED ADMINISTRATORS AT THE UNIVERSITY OF KANSAS TO CENSOR "UNTITLED (FLAG 2)" BY ARTIST JOSEPHINE MECKSEPER.



ANNOUNCING FIRE'S 20TH ANNIVERSARY GALA WITH KEYNOTE SPEAKER SALMAN RUSHDIE

• NEW YORK, NEW YORK •



GUESTS ENJOYING THE 15TH ANNIVERSARY GALA

This year marks FIRE's 20th anniversary, and we are celebrating this major occasion with a big bash on **Oct. 24** in New York City. So mark your calendars now!

The gala at the Mandarin Oriental hotel will bring together our long-time supporters, new friends, and dedicated staff for an unforgettable celebration, and give us an opportunity to look back on some of our most infamous cases and hard-fought

victories. We hope you can be there with us for this special night.

We are very proud to announce that Salman Rushdie will deliver the keynote address. Rushdie authored the famously controversial novel "The Satanic Verses," which sparked worldwide protests and book bans, and ultimately resulted in a fatwa calling for the death of both Rushdie and his publishers that remains in place today.

For more information, visit thefire.org/anniversary

Comedian, motivational speaker, and FIRE Advisory Council member Karith Foster will grace us as the emcee for the evening, and more special guests will be announced as the event date approaches.

We have so much to reflect on from these past 20 years and even more to look forward to as we continue our fight for fundamental rights. We want the people who have made our work possible to be there with us as we celebrate.

Sponsorship and registration information will be available this summer, but in the meantime, please save the date and e-mail any questions to events@thefire.org.



AUTHOR SALMAN RUSHDIE WILL DELIVER FIRE'S KEYNOTE ADDRESS

FIRE'S NEW LOOK

In preparation for FIRE's 20th anniversary, our website underwent a complete overhaul. Stay up-to-date with FIRE's latest news and developments by visiting us at thefire.org.

