



January 24, 2025

Juan E. Mejia
Office of the President
Tyler Junior College
P.O. Box 9029
Tyler, Texas 75711-9020

Sent via U.S. Mail and Electronic Mail (juan.mejia@tjc.edu)

Dear President Mejia:

The Student Press Freedom Initiative at the Foundation for Individual Rights and Expression (FIRE)¹ is concerned by Tyler Junior College's new QR code policy, which impermissibly burdens student expression by barring student organizations from using such codes to share and receive information. This policy also restricts the ability of student newspaper *The DrumBeat* to gather news and recruit staff. FIRE calls on your administration to comply with your First Amendment obligations by repealing this policy.

TJC issued its new QR code policy in April, requiring university entities, including student organizations, to use only QR codes created by the college's marketing office. These codes may only link to university-sponsored content.² This policy makes no exception for organizations such as *The DrumBeat*, which could benefit from the ability to quickly cast a broad net across campus to both grow its staff and gather news. The college cited a security incident at another college, along with reports of QR-related scams, as reasons for the new policy, though TJC itself has reportedly not faced any incidents involving QR codes.³ The QR code policy is promulgated by the college's Office of Technology Services and incorporated by reference into numerous other handbooks and guidebooks, but it does not apply to non-TJC entities.⁴

¹ FIRE is a nonpartisan nonprofit dedicated to defending freedom of speech and of the press on and off campus. You can learn more about our recently expanded mission and activities at thefire.org. FIRE's Student Press Freedom Initiative defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² Marissa Krnavek, *Banning the scan: TJC's new policy regarding QR codes*, THE DRUMBEAT (Apr. 19, 2024), <https://thedrumbeat.com/news/banning-the-scan-tjcs-new-policy-regarding-qr-codes>; *QR Code Guidelines*, TJC, (Aug. 21, 2024), https://tjcpod.service-now.com/sp?id=kb_article_view&sys_kb_id=3c209e9bdbcc9a101165cada1396196c&spa=1 [<https://perma.cc/GK3Q-E93D>]. The following recitation of facts is our understanding of the situation. We recognize you may have additional information to offer and invite you to share it with us.

³ Krnavek, *supra* note 2.

⁴ *See, e.g., Student Handbook*, Acceptable Use Policy, TYLER JUNIOR COLL., 22, (updated Aug. 1, 2023), https://www.tjc.edu/download/downloads/id/1507/student_handbook.pdf [<https://perma.cc/L2P2-TE5X>]

QR codes are a medium for expressing information. Any attempt to regulate them therefore implicates the First Amendment, which binds TJC.⁵ That QR codes are machine-readable is irrelevant to this analysis, as courts have long held that computer code is speech and receives the protections of the First Amendment.⁶ As one federal court concluded, “If someone chose to write a novel entirely in computer object code by using strings of 1s and 0s for each letter of each word, the resulting work would be no different for constitutional purposes than if it had been written in English.”⁷ Furthermore, in their most common usage on college campuses, QR codes are simply an alternative means of publicly posting the address of a website in English letters and numerals—a paradigmatic form of protected expression.

The college’s QR code restrictions are content-based and cannot survive constitutional scrutiny. The policy bars students and faculty from displaying an entire category of QR codes containing content disfavored by the college: URLs unaffiliated with the college.⁸ Content-based restrictions such as this are presumed to violate the First Amendment unless the college can show that the measure is “narrowly tailored”⁹ and the “least restrictive means” of advancing a “compelling” governmental interest.¹⁰

The college administration has cited security risks arising from malicious QR codes as its interest in outright banning non-college codes,¹¹ but this policy is far more restrictive than necessary, making it constitutionally indefensible.¹² Less restrictive alternatives that would protect both students’ First Amendment rights and cybersecurity may include encouraging students to use a safety-oriented QR reading applications (e.g., TrendMicro’s Safe QR Code Reader) when scanning QR codes and mandating the use of such software on university-owned devices.¹³

Furthermore, the policy does not advance the college’s interest in cybersecurity. As the policy applies only to “TJC QR Codes,”¹⁴ postings containing QR codes made by unaffiliated groups have continued to be approved—even as college entities, including student organizations, face

⁵ *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).

⁶ See *Universal Studios, Inc. v. Corley*, 273 F.3d 429, 445–46 (2d Cir. 2001); *Bernstein v. U.S. Dep’t of State*, 922 F. Supp. 1426, 1435–37 (N.D. Cal. 1996).

⁷ *Corley*, 273 F.3d at 445–46.

⁸ TJC would have a similarly difficult time defending a policy outlawing any references to book titles not listed in the university’s online library catalog or prohibiting the display of URLs linked to non-university websites.

⁹ *R.A.V. v. City of Saint Paul*, 505 U.S. 377, 395 (1992).

¹⁰ *Sable Commc’ns of Cal. v. FCC*, 492 U.S. 115, 126 (1989).

¹¹ Krnavek, *supra* note 2.

¹² See *Sable Commc’ns*, 492 U.S. at 126.

¹³ See Aditya Rajput, *7 Best QR Code Scanner Apps in 2024 [For iOS and Android]*, UNIQUOTE (Nov. 25, 2024), <https://www.uniquote.com/blog/qr-code-basics/best-qr-code-scanner-apps>.

¹⁴ *QR Code Guidelines*, *supra* note 2. This appears to include both codes generated by college officials and those generated by student organizations.

potential sanctions for the same type of content.¹⁵ TJC’s policy leaves open all the vulnerabilities TJC ostensibly seeks to mitigate—as long as the QR code is not posted by a recognized organization. While prohibiting QR codes from independent entities would be no more constitutional than prohibiting only those from college-affiliated organizations, this underinclusivity indicates that the regulation “does not actually advance a compelling government interest.”¹⁶

TJC’s QR code Policy also threatens the ability of student media to gather news on campus, an expressive right TJC must uphold under the First Amendment.¹⁷ Courts have repeatedly held the process of newsgathering is protected by the First Amendment.¹⁸ *The DrumBeat* and other publications had used QR codes to gather student comments quickly and efficiently, facilitating input from a broader group of students than could a mere URL.¹⁹ It also enabled them to recruit reporters from this broader base, improving their coverage. The ease of use that drives security concerns is the same ease of use that makes the QR code a particularly powerful medium for expressive activity, including newsgathering.²⁰ TJC’s blanket ban on QR codes therefore impermissibly burdens the constitutionally protected right to gather news and violates the college’s obligations under the First Amendment.

By imposing a content-discriminatory, overbroad ban on QR codes on campus, TJC infringes on students’ expressive rights. Given the ongoing nature of this violation, we request a substantive response to this letter no later than February 7, 2025, affirming the college will repeal its policy and commit to protecting students’ rights to freedom of speech and of the press going forward.

Sincerely,



Dominic Coletti
Program Officer, Campus Rights Advocacy

¹⁵ Photograph of PAVE East Texas flyer (Nov. 7, 2024) (on file with author); Photograph of Christian Homes & Family Services flyer (Oct. 29, 2024) (on file with author).

¹⁶ *Williams-Yulee v. Fla. Bar*, 575 U.S. 433, 449 (2015).

¹⁷ See, e.g., *Schiff v. Williams*, 519 F. 2d 247, 260–61 (5th Cir. 1975) (university may not constitutionally take adverse action against a student newspaper because it disapproves of the content of the paper); *Joyner v. Whiting*, 477 F. 2d 456, 462 (4th Cir. 1973) (“It may well be that a college need not establish a campus newspaper. ... But if a college has a student newspaper, its publication cannot be suppressed because college officials dislike editorial comment.”); *Trujillo v. Love*, 322 F. Supp. 1266, 1271 (D.Colo. 1971) (“Having established a particular forum for expression, officials may not then place limitations upon the use of that forum which interfere with protected speech”); *Antonelli v. Hammond*, 308 F. Supp. 1329, 1337 (D. Mass. 1970) (freezing a university newspaper’s funding because administrators deemed its content “garbage” was a violation of student journalists’ First Amendment rights).

¹⁸ *Von Bulow v. von Bulow*, 811 F. 2d 136 (2d Cir. 1987); *People for the Ethical Treatment of Animals, Inc. v. N.C. Farm Bureau Fed’n*, 60 F. 4th 815 (4th Cir. 2023).

¹⁹ See Timothy Vidas et al., *QRishing: The Susceptibility of Smartphone Users to QR Code Phishing Attacks* 7 (Carnegie Mellon Univ. 2013), <https://www.andrew.cmu.edu/user/nicolasc/publications/Vidas-USEC13.pdf> [<https://perma.cc/6NH9-4U2U>] (QR codes are more effective at soliciting engagement than other methods.).

²⁰ See *id.*