Volume 8 / Number 4

Fall 2010

Newsletter of the Foundation for Individual Rights in Education

THE FIRE QUARTERLY

In This Issue

2 From the Senior Vice President

3 University Bans Use of E-Mail for Core Political Expression

5 Red Alert: FIRE Exposes Worst Abusers of Student, Faculty Rights in *U.S. News* Rankings Issue

6 From the Campus Freedom Network

8 Hamilton Requires First-Year Men to Attend Presentation on Campus 'Rape Culture'

9 Victory in Georgia: Student Cleared of Charges for Complaint about Campus Parking

10 FIRE Offers Continuing Legal Education Course on First Amendment Law on Campus

11 Fanning the Flames

12 The Last Word: FIRE Places Billboard Near Bucknell

FIRE

601 Walnut Street • Suite 510
Philadelphia, PA 19106
215.717.3473 tel
215.717.3440 fax
www.thefire.org

Federal Court Victory: University President Held Personally Responsible for Rights Violation

More than three years after being expelled from Valdosta State University (VSU) for engaging in peaceful protest, T. Hayden Barnes has won his federal civil rights lawsuit against former VSU President Ronald Zaccari.

The U.S. District Court for the Northern District of Georgia found that because Zaccari expelled Barnes without notice or a hearing, Zaccari had violated Barnes' constitutional right to due process as well as the contract created between VSU and Barnes by the student handbook. The court also found that because Zaccari ignored "clearly established" law in punishing Barnes, Zaccari did not enjoy "qualified immunity" and is personally liable for damages.

"This crucial victory makes clear that no university president is above the law," FIRE President Greg Lukianoff said. "Justice has been served. Ronald Zaccari will be held personally accountable for his flagrant disregard of Hayden's constitutional rights."

As regular *Quarterly* readers may know, Barnes' ordeal began in the spring of 2007, when he peacefully protested Zaccari's plan to spend $30 million of student fee money to construct two parking garages on campus. By posting flyers and sending e-mails to Zaccari, student and faculty governing bodies, and the Board of Regents, Barnes expressed his concerns and proposed what he saw as environmentally friendly alternatives. Barnes also penned a letter to the editor of the VSU student newspaper about the parking garage plans and wrote to Zaccari to ask for an exemption from the mandatory student fee designated for funding the construction.

In response, Zaccari personally ordered that Barnes be "administratively withdrawn" from campus.



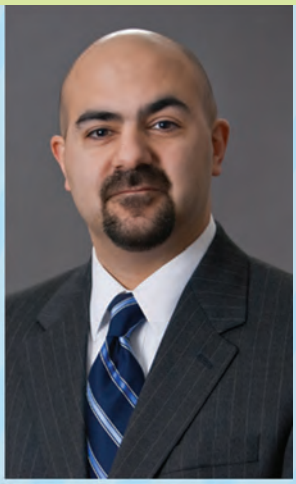
Hayden Barnes' ordeal with Valdosta State has lasted over three years.

Zaccari claimed that Barnes presented a "clear and present danger" to both Zaccari and the VSU campus on the basis of a cut-and-paste collage Barnes had posted on his Facebook.com page that included pictures of Zaccari, a parking deck, and the caption "S.A.V.E.—Zaccari Memorial Parking Garage." Barnes was given no notice or opportunity to defend himself.

Barnes filed suit in January 2008 in cooperation with eminent First Amendment attorney and FIRE Legal Network member Robert Corn-Revere. In its decision on September 3, 2010, the court found Zaccari solely responsible for Barnes' expulsion. United States District Judge Charles A. Pannell Jr. ruled that the

continued on page 3

From the Senior Vice President



Robert Shibley

A job-seeker I was interviewing recently asked me, "What are the best and worst things about working for FIRE?" After I related a long list of great things about working to restore liberty to America's campuses, I told her what I found to be the worst thing in this job: college administrators lying to you. FIRE is very careful to back up all of our assertions with hard facts. The same cannot be said of the colleges with which we deal. For those who run our nation's campuses, obfuscation at the very least and sometimes even outright deception are frequently par for the course.

Of course, colleges are not alone among institutions that have trouble acknowledging unpleasant truths. The past few years have reminded us all, if such reminders were needed, that similar problems are rife in other large organizations like corporations and the state and federal government. However, corporations are accountable to shareholders and regulators. Most government bodies must eventually answer, directly or indirectly, to the public through elections.

But colleges, both private and public, have very little in the way of accountability. This is largely by design. The history of governmental meddling in state universities is not a positive one. Tenure protections are intended to shield professors with controversial views from adverse action, and the most prestigious universities are very likely to have huge endowments that largely protect them from the hostility of their own alumni and donors. For instance, Harvard University's endowment, even after its well-publicized recent losses, still surpasses the GDP of the nation of Jordan.

While this culture has given American universities what is in many cases a beneficial independence, it has also enabled the creation of an administrative culture that is closer to that of a dictatorship than almost anywhere else in America. While employers retain a great deal of control over their employees' actions at work, it is the rare workplace in America where employees are subject to their bosses' regulations 24 hours a day, seven days a week. That's not true on college campuses, where students are regularly educated, employed, fed, and housed by the same authorities and in the same location. This makes the amount of power that can be abused by officials with bad motives immeasurably greater.

Thankfully, with FIRE's help, accountability is slowly coming to those who would abuse their power. The story of student Hayden Barnes and former President Ronald Zaccari of Valdosta State University in Georgia shows the progress we are making. Barnes' "offense" of posting a Facebook collage that mocked President Zaccari's plans to build two parking garages on campus got him kicked out of his home in the dorms and out of school itself. Hayden brought his case to FIRE, and FIRE ultimately brought in FIRE Legal Network member Robert Corn-Revere of Davis Wright Tremaine to litigate against the university.

What resulted is a decision that will surely stand as a landmark in the effort to bring fairness and sanity back to our nation's campuses. A federal court determined that former President Zaccari had indeed violated Hayden's legal rights when he unceremoniously booted Hayden off campus and out of school.

More importantly, however, the judge found that Zaccari should have known that what he was doing violated Hayden's constitutional rights and that he was therefore not entitled to qualified immunity as a state official. Qualified immunity is a legal doctrine that states that government officials are not personally liable for violations of an individual's constitutional rights unless a reasonable person would have known that what he or she was doing was a rights violation. In practice, qualified immunity is rarely pierced. This is the first instance that FIRE knows of in which a university official has lost qualified immunity for his actions against a student.

Why is this a big deal? Much of the drive by universities to limit the rights of their students comes from a "risk management" mentality that is driven by fears of litigation and a corresponding industry of consultants who make a lot of money from telling colleges how they can avoid getting sued. While they are unlikely to admit it, it is an article of faith among these consultants that it's cheaper to violate student and faculty free speech rights than to fend off or settle lawsuits from those on campus who claim to be offended by free expression. With the potential for public university administrators who violate free speech rights to pay damages out of their own pockets (rather than the taxpayers' or university's treasury), the calculus of risk cannot help but change in a direction that is far more favorable for students and faculty members.

You can count on FIRE to help this process along by reminding college administrators and the risk management industry at every opportunity about this precedent. Thanks to the efforts of FIRE, Robert Corn-Revere, Hayden Barnes, and many others, the tide of unaccountable repression on our campuses is beginning to turn. With your support, I am confident that FIRE will ultimately finish the job.

Robert L. Shibley

Grambling State University Bans Use of E-Mail for Core Political Expression

Grambling State University (GSU) is prohibiting its students and faculty members from engaging in a wide swath of constitutionally protected political expression. The Louisiana public university has forbidden students and faculty from transmitting any e-mail message that "implies your support" for a political candidate. It also bans e-mail "campaign solicitations," a



restriction far in excess of state requirements. After concerned students turned to FIRE for help, GSU announced an even more restrictive e-mail policy banning a wide variety of expression.

"As the national dialogue increasingly focuses on the elections, administrators at Grambling State have made the unconstitutional decision to shut down the conversation on campus," said FIRE Senior Vice President Robert Shibley. "The First Amendment protects such core political expression, and as a public university, GSU cannot lawfully prevent students and faculty from speaking their minds about the electoral choices facing our country." GSU's Office of Media Relations e-mailed all GSU students that "Individuals who receive political campaign solicitations via university email are advised to delete these emails upon receipt." The e-mail also instructed, "DO NOT FORWARD campaign solicitations using university email as this implies your support for the candidate and may be viewed as utilizing university resources for solicitation purposes, a violation of state policy."

FIRE wrote to GSU President Frank G. Pogue in September, pointing out that GSU's policy against implying support for a candidate or forwarding any e-mail containing "campaign solicitations" prohibits political speech at the heart of the First Amendment's protection of free expression. FIRE's letter pointed out that under well-established First Amendment precedents, a public university may not broadly deny its students and faculty members the right to engage in such basic political speech as political campaign solicitations.

FIRE's letter also noted that the university's invocation of "state policy" misinterprets applicable law in Louisiana. Article X, Section 9, of the Louisiana Constitution provides far more specific, narrow limitations on political activity than does the broad ban announced by GSU's Office of Media Relations.

Under the Louisiana Constitution, even a member of the most restricted class of state employees may "exercise his right as a citizen to express his opinion privately." FIRE's letter points out that in almost every such case involving a university student, faculty member, or employee, there is little chance that a reasonable person would assume that the sender is speaking on behalf of the university. Where there is ambiguity on this point, the solution is to require the private individual to state that he or she is speaking privately and not for the institution—not to ban such expression entirely.

In response, GSU claimed that the announced policy was a mistake and then announced an even more restrictive policy, which bans "disruptive" or "offensive" e-mails on such issues as politics, religion, and race. FIRE has sent President Pogue a new letter explaining why this policy is unconstitutionally vague and overbroad, betraying the marketplace of ideas on campus.

continued from page 1

"undisputed facts show that Zaccari ignored the lawyers' warnings that withdrawing Barnes would require due process," finding Zaccari's arguments to the contrary to be "disingenuous." Because Zaccari disregarded clearly established law regarding the right of students facing disciplinary action to receive notice of charges and a hearing, the court found that Zaccari "caused Barnes to be deprived of his rights" and was not entitled to the defense of qualified immunity. As a result, Zaccari is personally liable for damages owed to Barnes.

FIRE has aided Barnes since learning of his case in October 2007. Since that time, FIRE wrote repeatedly to University System of Georgia officials, urging them to undo VSU's unlawful actions and uphold the Constitution within the university system. Under pressure from FIRE and the federal lawsuit against Zaccari and other VSU administrators, the Board of Regents of the University System of Georgia finally reversed Barnes' expulsion in early 2008, and Zaccari retired months earlier than planned. Then, under further pressure from FIRE, current VSU President Patrick J. Schloss dismantled VSU's unconstitutional free speech zone in September 2008.

"FIRE welcomes the court's ruling, which recognizes and affirms what we have been saying since 2007: Ronald Zaccari violated Hayden Barnes' constitutional rights," said Will Creeley, FIRE's Director of Legal and Public Advocacy. "FIRE is very pleased to thank Robert Corn-Revere of Davis Wright Tremaine LLP in Washington, D.C., and Cary Wiggins of The Wiggins Law Group in Atlanta for securing justice for Hayden."

Barnes, who graduated from Kennesaw State University and now attends the University of Baltimore School of Law, has issued a statement praising the court's decision and thanking FIRE and his attorneys. Zaccari has appealed.

IRONICALLY, THE CURRICULUM FOR A MASTER'S DEGREE IN SOCIAL WORK AT SUNY BINGHAMTON INCLUDED BLATANT VIOLATIONS OF ANDRE'S FIRST AMENDMENT RIGHTS.

All Andre Massena wanted out of SUNY-Binghamton was a master's degree – and the opportunity to express his opinions freely. He was denied both. When he publicly criticized his school for hiring a faculty member Andre believed to be responsible for social injustice, the Department of Social Work tried to have him expelled. So much for the First Amendment.

With FIRE's help, Andre graduated. But his case is just one of the many violations of student and faculty rights that FIRE sees every day at colleges across the country.

FIRE's Red Alert List

- Bucknell University
- Brandeis University
- Colorado College
- Johns Hopkins University
- Michigan State University
- Tufts University

Red Alert institutions have displayed a severe and ongoing disregard for the fundamental rights of their students and professors. They are the "worst of the worst" when it comes to liberty on campus. Think twice before applying to one of FIRE's Red Alert schools.

See who else is violating individual rights on campus. Visit:

theFIRE.org



FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION

FIRE *Defending individual rights in higher education.*

RED ALERT

FIRE Exposes Worst Abusers of Student, Faculty Rights in *U.S. News* Rankings Issue

The 2011 edition of *U.S. News & World Report*'s Best Colleges issue includes a full-page advertisement from FIRE highlighting the six colleges and universities that have earned FIRE's Red Alert distinction for being the "worst of the worst" when it comes to liberty on campus.

U.S.News & WORLD REPORT

These institutions are Bucknell University, Brandeis University, Colorado College, Johns Hopkins University, Michigan State University, and Tufts University. The advertisement also features the story of a graduate student who was nearly expelled from SUNY Binghamton for expressing his views about a faculty member he thought was responsible for injustice in the city.

"For the third year in a row, FIRE is alerting prospective students about the universities most likely to threaten their fundamental freedoms," said FIRE President Greg Lukianoff. "America's universities must understand that they can no longer abuse students' rights outside the light of public scrutiny."

In addition to the Red Alert schools, FIRE's *U.S. News* advertisement highlights the shocking story of Andre Massena, a student at SUNY Binghamton (now called Binghamton University) who was nearly expelled after he publicly criticized a professor who also held a government job as Executive Director of the Binghamton Housing Authority. Andre believed that the professor was responsible for social injustice for evicting people from public housing. With FIRE's help, Andre was able to fight back against his oppressive punishment and graduate. A video about this shocking case is online at **thefire.org/redalert.**

All of the schools on FIRE's Red Alert list have refused to remedy their egregious offenses against fundamental rights. Bucknell University repeatedly used flimsy or patently false excuses to censor a conservative group's satire of President Obama's stimulus plan and the group's "affirmative action bake sale" protest. Brandeis University found a professor of nearly 50 years guilty of racial harassment for using the word "wetbacks" in his Latin American Politics class—in the context of criticizing the term. Colorado College found two students guilty of "violence" simply for posting a flyer that satirized a flyer circulated by another student group.

Johns Hopkins suspended a student for what it deemed an "offensive" Halloween party invitation posted on Facebook.com, and then passed a repressive "civility" code over the protests of student leaders. Michigan State University (MSU) found a student government leader guilty of "spamming" after she e-mailed eight percent of the faculty to encourage them to express their views on a proposed shortening of the school calendar, and then made MSU's e-mail policy even more restrictive. Tufts University found an entire student newspaper guilty of "harassment" for publishing two pieces satirizing affirmative action and Islamic Awareness Week. The latter piece included only factually verifiable information about Islam, as well as quotes from the Koran.

"Every year, college guidebooks fail to inform prospective college students and their parents about atrocious abuses of the freedom of speech and expression. This freedom is the engine behind the marketplace of ideas," Lukianoff said. "People should share the facts about Massena's case and those at the Red Alert schools with their friends, relatives, colleagues, and classmates, or look up the policies of the schools they want to attend. Americans are staunch believers in liberty, and the more people who hear about how badly student rights are abused on campus, the more they will advocate for schools to protect student and faculty rights. FIRE can only achieve its goals with the help of the public."

From the CFN
CAMPUS FREEDOM NETWORK



Sixteen Campuses Host FIRE Speakers This Semester

The Campus Freedom Network's Speakers Bureau has had a busy fall semester! Through the Speakers Bureau, students can invite FIRE speakers to their universities to tell their fellow students about threats to liberty on campus and teach them how to defend their rights.

This program has already brought FIRE's mission to 16 campuses this semester, including West Chester University, University of Illinois at Urbana-Champaign, Michigan State University, Grand Valley State University, the University of North Carolina at Chapel Hill, Temple University, Georgia State University, the University of Pennsylvania, and Indiana University.

FIRE was also invited to address students at several of the Students for Liberty Regional Conferences this fall. FIRE speakers will be featured at the Mid-Atlantic (Drexel University), Northeast (Harvard University), Southeast (Kennesaw State University), Midwest (University of Chicago), and Texas (University of Texas) regional conferences.

If there is one thing I love about overseeing the Internship Program, it's the lasting relationships the program creates. Our interns stay deeply involved in and dedicated to our mission. Just recently, John Cetta, a 2009 summer intern, volunteered to write a letter to our supporters because he so strongly believes in the program's importance and ability to have lasting effects on hundreds of campuses and tens of thousands of students.

Third Annual 'Freedom in Academia' High School Essay Contest

FIRE is inviting high school seniors graduating in 2011 to submit essays on freedom of speech in higher education. Each student will watch two short documentaries about FIRE cases and then write an essay focusing on how college administrators betrayed the purpose of a university as a "marketplace of ideas." The author of the best essay will receive a $5,000 college scholarship, one second place winner will receive a $2,500 scholarship, and five runners-up will each receive a $1,000 scholarship. All winning essays will be featured on FIRE's website. Essays must be submitted by November 1, 2010. Complete rules are available at **www.thefire.org/contests**.

PLEASE VISIT
FIRE's SPOTLIGHT
THE CAMPUS FREEDOM RESOURCE

for comprehensive information on the state of liberty on America's campuses, including pages for individual academic institutions, relevant links to our research of speech codes, and case materials from FIRE's Individual Rights Defense Program.



Introducing FIRE's New CFN Associate Director, Jaclyn Hall

I first joined the Campus Freedom Network when I was a FIRE intern in 2008. My summer at FIRE convinced me that campus censorship was one of the most pressing issues for college students today, and I was energized to fight back when I got back to school. When I heard about the opportunity to join FIRE, I jumped at the chance to work with students to change campus culture at colleges and universities across the country. As the new Associate Director of the CFN, I am enjoying working with our members to defend liberty at their schools. Since my arrival, we have added new resources for CFN members, such as a pamphlet on what it means to be a plaintiff in a speech code lawsuit and a Frequently Asked Questions page for student groups facing challenges to their campus status based on the recent Supreme Court ruling in *Christian Legal Society v. Martinez*. Also, footage from this summer's CFN Conference is available online, and the excellent Jonathan Rauch keynote address continues to attract several new viewers each day. Look for more from the CFN in 2011!

CFN Members Celebrate Constitution Day

The U.S. Congress established September 17 as "Constitution Day and Citizenship Day" in 2004 to "commemorate the formation and signing on September 17, 1787, of the Constitution and recognize all who, by coming of age or by naturalization, have become citizens."

This year, the CFN invited members to host creative and attention-grabbing Constitution Day events to kick off the new school year and spread the word about liberty on campus. Some of our suggested activities included setting up an open microphone or soapbox for students, staging a debate about a campus issue, or building a "Free Speech Wall" with paper or cardboard and setting out markers for students to exercise their rights to anonymous speech.





Several students took advantage of these suggestions and sent in pictures of their events, which are posted on the CFN website at www.thecfn.org. Nico Perrino, one of this year's FIRE interns, sported a FIRE T-shirt while passing out pocket Constitutions at Indiana University alongside his group's "Constitutional Guerilla Gorilla." Another 2010 intern, Cynthia Bell, staffed a Constitution Day information table at Seton Hall University.

One of the most contentious Constitution Day events occurred at Pepperdine University. The Pepperdine College Libertarians posted a Free Speech Wall, and hundreds of comments were added to the wall during the week, but it was vandalized by an offended student. Michelle Fields from Pepperdine wrote FIRE, "Someone tried to silence us, but we are rebuilding our wall. Thanks again for the great idea." The group rebuilt the wall and—after a story about the incident was published in the school newspaper—students responded by filling the wall with more comments than ever, plus a few choice words for the would-be censor. One line on the new wall provides an appropriate last word: "We are lucky to live in a country where we can speak freely. Free speech should be VALUED and not SUPPRESSED!"

Hamilton Requires First-Year Men to Attend Presentation on Campus 'Rape Culture'

First-year men at Hamilton College were ordered to attend a mandatory presentation of "She Fears You," a program that presses attendees to acknowledge their personal complicity in a "rape culture" on Hamilton's campus and to change their "rape-supportive" beliefs and attitudes. First-year men were informed via e-mail that attendance was required for the September 27 event and that they needed to bring their ID cards. Because of FIRE's quick response, even though "She Fears You" remained "mandatory," no one checked IDs or logged attendance at the event.

"She Fears You" is based on the theory that men need a "combined cognitive and emotional intervention" in order to change their "rape-supportive beliefs." Attendees at "She Fears You" presentations on campus are told that when they "make this an environment where it is no longer acceptable in any way to objectify women or define masculinity as sexual conquest, or subordinate women's intelligence, capability, and humanity, or allow issues of racism, classism, and homophobia to go unabated, then this campus will be a better place for all of us to be."

Preventing rape is a noble goal and is indeed of critical importance. Students should be informed of the laws on alcohol and consent and of the severe legal penalties for sexual assault of any kind. But requiring attendance at this program—which relies on controversial and politically contentious theories about the links between rape and modern-day popular culture, and which appears to claim that rape can be prevented only by reforming deeply ingrained beliefs about gender and sexuality—goes far beyond rape prevention and veers deep into the territory of thought reform.



Imagine, for example, if Hamilton required all of its first-year Muslim students to attend a presentation telling them that any failure to proactively support the wars in Iraq and Afghanistan and challenge those who do not contributes to a "terrorism culture" on campus that puts other students at risk. People would rightly be outraged. Again, preventing violence on campus is of utmost importance, but requiring students to submit to blame for contributing to campus violence *simply by virtue of their identity and beliefs* would clearly be a violation of their fundamental rights. Yet this is exactly what Hamilton tried to require of its first-year male students.

Moreover, if Hamilton administrators truly believed that Hamilton is a place where women's intelligence, capability, and humanity are subordinated, and that racism, classism, and homophobia run rampant, why are female, minority, and gay applicants not informed of these crucial facts in advance?

If a rape culture exists on Hamilton's campus, Hamilton clearly has a lot of work to do, including informing prospective applicants and their families of these dangers. But the answer is not to require all incoming male students to attend a program of thought reform blaming them for Hamilton's problems and pressuring them to change their beliefs. FIRE sent Hamilton College President Joan Stewart an urgent letter asking her to inform first-year men that attendance at "She Fears You" is optional. Though FIRE has not yet received an official response, Hamilton College clearly got FIRE's message.

FIRE's THE TORCH Want more FIRE news and views? Check out *The Torch*, FIRE's blog, for daily updates at www.thefire.org/torch.

Victory in Georgia: Student Cleared of Charges for Complaint about Campus Parking

The University of Georgia (UGA) has withdrawn charges of "disorderly conduct" and "disruption" filed against a student after he sent a mocking e-mail to UGA Parking Services to complain about the lack of parking spaces for scooters on campus. Although Parking Services specifically asks students for both "negative & positive" comments on its performance, student Jacob Lovell spent nearly a month under the threat of punishment after submitting his e-mail. UGA backed down after Lovell came to FIRE for help.

"Jacob Lovell just wanted to park his scooter on campus, and when he found it a frustrating experience he sent a joking e-mail to the department that had asked for his feedback. But when Parking Services received his e-mail, he was threatened with punishment!" said FIRE President Greg Lukianoff. "Only on a college campus could a clearly flippant response to requests for complaints about parking on campus be turned into a judicial investigation for disorderly conduct."

On August 17, 2010, Lovell e-mailed Parking Services with his complaint about its service. His flippant and joking e-mail mused, "Did you guys just throw darts at a map to decide where to put scooter corrals?" and otherwise made fun of the department for what he perceived to be its poor job of providing parking for scooters.

Four hours later, Parking Services replied, "Your e-mail was sent to student judiciary." On September 3, 2010, Associate Dean of Students Kimberly Ellis sent Lovell a letter charging him with two violations of UGA's University Conduct Regulations, stating, "Specifically, it is alleged that Mr. Lovell engaged in disorderly conduct and disrupted parking services when he sent an email to them that was threatening."

"Over the years, FIRE has seen multiple cases where campuses claimed that they felt 'threatened' by speech that really frightened no one," Lukianoff said. "Campuses that rely on cynical claims of feeling 'threatened' to chill merely critical speech should remember the parable of 'The Boy Who Cried Wolf.'"

The letter required Lovell to make a disciplinary appointment by September 13. Ellis informed Lovell that failure to do so would result in his record being "flagged," rendering him unable to add, drop, or register for classes. Lovell complied with this requirement on September 13.



Photo by Charles-Ryan Barber, *The Red and Black*

Meanwhile, on September 10, FIRE wrote UGA President Michael F. Adams, explaining that Lovell's grievance was protected by the First Amendment. FIRE also repeated to President Adams that UGA maintains unconstitutional speech codes in addition to the regulations used against Lovell's protected speech, and that administrators could be held personally liable by a court for the violation of students' constitutional rights.

On September 14, Ellis informed Lovell that she "did not find sufficient evidence to move forward" with the charges and that the matter was now "closed."

"If a student can't complain about scooter parking, how can students be expected to feel comfortable taking on anything genuinely controversial?" asked FIRE Vice President of Programs Adam Kissel. "Yet, in a 'marketplace of ideas,' people need to remember that they sometimes will hear things they do not want to hear."



FIRE Teaches First-Ever Continuing Legal Education Course in New York

FIRE offered its first-ever Continuing Legal Education (CLE) course on September 14, 2010, in New York City. The course, "Free Speech 101: Protecting Free Expression and the First Amendment at Our Nation's Colleges and Universities," was approved in accordance with the requirements of the New York State Continuing Legal Education Board and helped both newly admitted and experienced attorneys earn two CLE credit hours.

"Over the past ten years, FIRE's attorneys have gained unique and highly specialized legal expertise relating to speech issues on campus," said FIRE President Greg Lukianoff. "By sharing our knowledge, we can help inform the legal community that too often the robust protections of the First Amendment are ignored by the institutions that should protect them the most vigilantly: our nation's colleges and universities."

FIRE's CLE provided an in-depth examination of the state of the law on freedom of speech on today's college campus. The course discussed the decades of precedent from the Supreme Court and lower courts upholding First Amendment protections on college campuses, emphasizing the primacy of free speech and academic freedom in higher education, and designating the university campus as a true "marketplace of ideas," where unfettered expression creates informed citizens and ultimately contributes to the health of our democracy.

The course examined the fact that in spite of this judicial clarity, colleges and universities continue to maintain speech codes—university regulations prohibiting expression that would be constitutionally protected off-campus—denying students and faculty the right to free speech. As the CLE discussed, courts have consistently struck down these regulations as unconstitutional, yet colleges and universities across the country have chosen to retain these unlawful and illiberal prohibitions on speech.

"That the First Amendment's protections extend to public university students is settled law," said William Creeley,



Azhar Majeed gets ready to lead FIRE's CLE course in New York.

FIRE's Director of Legal and Public Advocacy. "Unfortunately, too many of our nation's colleges and universities ignore longstanding precedent and maintain unconstitutional restrictions on student rights. By educating our fellow attorneys, we hope to raise awareness about the troubling disconnect between court rulings and campus rules when it comes to student expression."

The course was taught by Creeley and by Azhar Majeed, FIRE's Associate Director of Legal and Public Advocacy. Creeley is a graduate of the New York University School of Law and a member in good standing of the New York State Bar. Majeed is a graduate of the University of Michigan Law School and a member in good standing of the State Bar of Michigan.

FIRE plans to host a CLE course in Philadelphia as well as an online course in 2011. *Quarterly* readers, stay tuned!

About the Publication

The FIRE Quarterly is published four times per year by the Foundation for Individual Rights in Education.

The mission of FIRE is to defend and sustain individual rights at America's increasingly repressive and partisan colleges and universities. These rights include freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience—the essential qualities of individual liberty and dignity. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them.

FIRE is a charitable and educational tax-exempt foundation within the meaning of Section 501(c)(3) of the Internal Revenue Code. Contributions to FIRE are deductible to the fullest extent provided by tax laws.

HOW TO REACH US:

FIRE

601 Walnut Street • Suite 510
Philadelphia, PA 19106
215.717.3473 tel
215.717.3440 fax
www.thefire.org

Fanning the Flames: Donating to FIRE Made Easy

As the year begins to wind down, donors nationwide are starting to think about making their annual contributions to causes near and dear to their hearts. With so many worthy causes and so many requests for support, we know that it can be difficult to give as much as you want to your favorite charities. That's why we wanted to use this space to help you give more this year without having to tighten your belt.

Monthly Gifts

A small donation can go a long way, and monthly gifts are a quick, easy, and convenient way to maximize your giving. With a donation of just $10 a month, you can donate $120 to FIRE over the course of one year—and you'll barely notice the monthly expense. Enrolling in FIRE's monthly giving program will also help you save time and money: no more writing and mailing in checks or paying for stamps. You'll know exactly how much is coming out of your account on the same day each month, and we'll be able to devote less staff time and fewer resources to obtaining and processing your donations. That means we can devote even more of our resources to what we all care about most: protecting free speech, freedom of conscience, due process, and other essential rights on campus.

Matching Gifts

If you want to give more but can't afford to take more money out of your own pocket, a matching gift may be just what you're looking for. Many companies offer matching gift programs through which they will match charitable donations made by their employees—doubling or even *tripling* your total donation! To find out if your company is one of these, contact your Human Resources Department. If your employer does have a matching gift program, simply request a matching gift form, complete and sign it, and mail it to FIRE along with your donation. We'll take care of the rest. If you've already donated to FIRE but still want to have your gift matched, that's not a problem. You can mail us the completed matching gift form, and we'll verify that we received your donation. Please take a few minutes today to find out if your employer is one of the many that offer matching gift programs.

You can learn more about these and other options for donating on FIRE's website at www.thefire.org/support. All of the great work you've read about in this issue of *The FIRE Quarterly* was made possible by the generous support of our donors. We hope you will continue to partner with us in fulfilling our mission by making a donation to FIRE today.

Follow FIRE on Twitter, Facebook, and YouTube!

FIRE has always been at the forefront of social networking and Internet technology, so it's no surprise that one of the most popular ways to get FIRE news and updates is now through accessing our Twitter, Facebook, and YouTube accounts. To "follow" FIRE, go to twitter.com/theFIREorg, facebook.com/thefireorg, and youtube.com/user/TheFIREorg.



FIRE
601 Walnut Street • Suite 510
Philadelphia, PA 19106

NON PROFIT
U.S. POSTAGE
PAID
PHILA PA
PERMIT 5634

FIRE thanks all of its supporters for their dedication to FIRE and its mission.

• • •

If you would like to donate to FIRE, please visit www.thefire.org/support or call 215.717.3473.

FIRE Places Billboard on Route 15 Near Bucknell University

One of the main ways that universities maintain immoral and unconstitutional speech codes is to keep alumni and parents in the dark about rules that restrict student and faculty speech. That is why FIRE has purchased a billboard advertisement to publicize Bucknell University's poor record on free speech.

Bucknell, which used two policies to shut down the expression of the Bucknell University Conservatives Club on three separate occasions, is on FIRE's Red Alert list as one of the worst violators of free speech on campus. Two Bucknell presidents, including new president John C. Bravman, have so far refused to renounce Bucknell's censorship or revise the policies. Therefore, people traveling to Bucknell on Route 15—be it for Family Weekend at the beginning of October or Homecoming Weekend at the end of October—have been seeing the truth about Bucknell's record on free speech on FIRE's 10'6" x 22'9" billboard.

