

— TOP TAKEAWAYS —

Free Speech on Campus



THE FIRST AMENDMENT APPLIES TO PUBLIC COLLEGES AND UNIVERSITIES.

- Students and faculty members at public colleges and universities have a First Amendment right to express themselves freely.
- Time and time again, courts have made clear that public institutions cannot abridge even hurtful or offensive speech, unless it is so extreme as to provoke immediate violence or cause a person to fear imminent harm.
- Despite these legal rulings, administrators on many campuses continue to suppress speech that they regard as controversial through the use of overbroad harassment policies, “bias response teams”, and unequal treatment of particular speakers.

UNDER THE FIRST AMENDMENT, PUBLIC COLLEGES AND UNIVERSITIES MAY NOT DISCRIMINATE ON THE BASIS OF VIEWPOINT.

- Although colleges and universities are not required to provide a platform to anyone, those that do provide platforms for political speech may not discriminate against unpopular viewpoints.
- If college administrators generally allow students to host lectures, panels, or other events on campus, they cannot prohibit students from inviting a speaker with “objectionable” views.
- If a public college provides recognition and funding for student groups, it cannot deny recognition and funding to particular groups on the basis of viewpoint.

THE FEDERAL GOVERNMENT MAY HAVE A ROLE TO PLAY IN ENSURING THAT PUBLIC COLLEGES AND UNIVERSITIES ABIDE BY THE FIRST AMENDMENT.

- Although some students have successfully sued their universities for First Amendment violations, those victories have done little to change the general culture of censorship on campus.
- Until serious money is at risk, college and university administrators will continue to ignore pleas to protect speech on campus.
- Threatening to remove federal funding and/or federal student loan guarantees, which are the lifeblood of higher education, will spur colleges and universities to become truly vigilant about honoring the First Amendment.

For more information, read IWF’s Policy Focus “Free Speech on Campus.” at iwf.org.