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Spotlight on Speech Codes 2024

Most U.S. college students attend either a public school that is bound by the First Amendment or a private school that commits in writing to following free speech principles. However, FIRE's annual review of our Spotlight database of speech codes reveals most schools maintain policies that infringe on free speech.

Of the 489 schools included in FIRE's Spotlight database, 98 (20%) earn an overall "red light" rating for maintaining policies that clearly and substantially restrict free speech, and 320 (65.4%) earn an overall "yellow light" rating for maintaining policies that impose vague regulations on expression. Only 63 schools (12.9%) earn an overall "green light" rating for maintaining policies that do not seriously imperil free expression. Eight schools (1.6%) receive a "Warning" rating because they do not promise students free speech rights at all.

While the percentage of green light schools increased

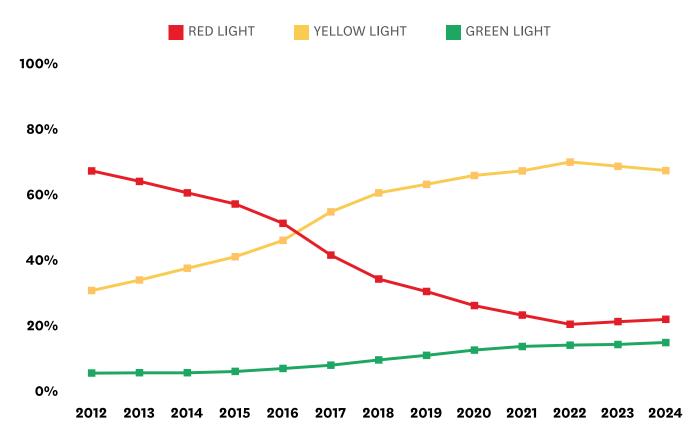
this year, this also marks the second year in a row that the percentage of red light schools increased, reversing a 15-year trend of decreasing percentages of red light schools.

In general, private schools maintain more restrictive speech codes than do public schools: Private schools were significantly less likely to earn green light ratings and more likely to earn yellow or red light ratings than public schools. The main contributor to the red light ratings? Schools maintaining overbroad policies on harassment that put protected speech at risk.

Below, you can learn more about the methodology, major findings, and the most common types of speech codes FIRE found and how to fix them.

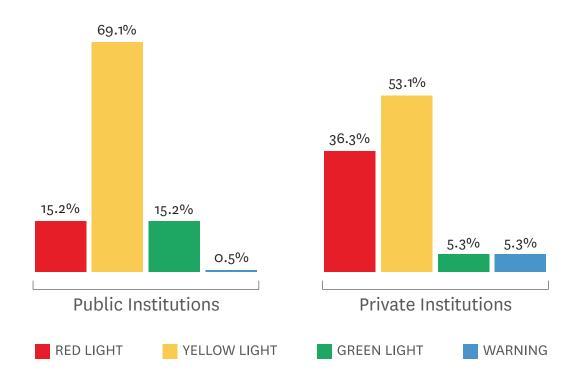
If you'd like to encourage a school you care about to revise its speech codes, FIRE is here to help! For more information, contact: **speechcodes@thefire.org**.

Spotlight Ratings by Year



Methodology

FIRE rated 376 four-year public institutions and 113 private institutions on the extent to which their written regulations on student expression restrict free speech.



- A red light institution maintains at least one policy that both clearly and substantially restricts freedom of speech or bars public access to its speech-related policies by requiring a university login and password for access.
- A yellow light institution maintains policies that could too easily be applied to suppress protected speech or maintains policies that, while clearly restricting freedom of speech, restrict relatively narrow categories of speech.
- If FIRE finds that a university's written policies do not seriously threaten student expression, we award it a green light rating.
- When a private university clearly and consistently states that it holds a certain set of values above a commitment to freedom of speech, FIRE gives it a "Warning" rating to alert prospective students and faculty members to this fact. This assessment is based solely on a school's written regulations and does not take into account its climate for free speech.

Indeed, the speech code ratings do not take into account a university's "as-applied" violations of student speech rights or other cases of censorship, student- or faculty-led calls for punishment of protected speech, or related incidents and controversies. For a look at the campus climate at top colleges that incorporates such factors, view FIRE's annual College Free Speech Rankings at: rankings.thefire.org.

Major findings

The percentage of schools that earned an overall red light rating increased for the second time in a row this year, reversing a 15-year trend in which the percentage of red light schools decreased. The percentage went from 19.3% last year to 20% this year, with 15.2% of public schools earning a red light rating compared to 36.3% of private schools. This continued backslide is due, in large part, to schools' continued maintenance of overbroad policies on harassment that can too easily be applied against protected speech.

65.4% of institutions now earn an overall yellow light rating (69.1% of public schools and 53.1% of private schools).

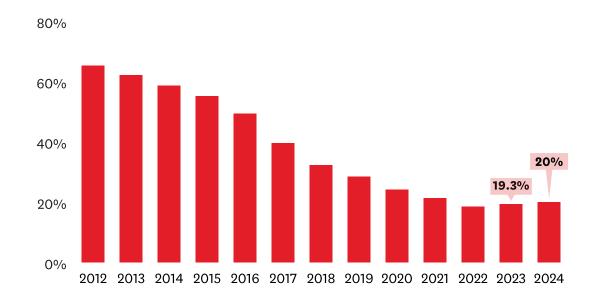
FIRE was pleased to welcome DePauw University, the Georgia Institute of Technology, Radford University, and the University of Tulsa to the green light list this year, bringing the total number of overall green light schools to an all-time high of 63 (15.2% of public schools and 5.3% of private schools). Unfortunately, Western Colorado University adopted a restrictive harassment policy that earns a yellow light rating, so it no longer maintains an overall green light rating.

Eight schools, or 1.6%, earn a Warning rating. Six private schools and two public military academies earn this rating for clearly placing other values above free expression rights.

In contrast to restrictive speech codes, 105 university administrations, university systems, or faculty bodies have adopted free speech policy statements modeled after the "Report of the Committee on Freedom of Expression" at the University of Chicago, also known as the "Chicago Statement," actively committing their institutions to upholding freedom of expression. In December 2023, the University of Wyoming adopted a statement titled "Freedom of Expression, Intellectual Freedom, and Constructive Dialogue," committing the institution to protecting robust, wide-ranging freedom of expression as articulated in the Chicago Statement. It also committed to maintaining institutional neutrality — a principle best articulated by the University of Chicago's "Report on the University's Role in Political and Social Action," or "Kalven Report."

FIRE anticipates institutions will continue to embrace the ideals of the Chicago Statement in 2024, and we expect an uptick in formal adoptions of institutional neutrality.

The percentage of schools earning an overall red light rating increased from 19.3% last year to 20% this year.



Common speech codes and how to fix them

Below are some of the most common types of restrictive speech codes FIRE found while reviewing colleges for this report. "FIRE's Model Code of Student Conduct" and "Model Speech Policies for College Campuses" webpages provide examples of how to regulate these areas without infringing on protected speech.

To view FIRE's Model Code of Student Conduct, visit: thefire.org/research-learn/model-code-student-conduct.

To view FIRE's Model Speech Policies for College Campuses, visit: thefire.org/research-learn/model-speech-policies-college-campuses.



Harassment and bullying policies

Harassment is not protected by the First Amendment, but schools typically define harassment and bullying so broadly that their policies encompass protected speech. For example, Adams State University defines sexual harassment as "unwelcome conduct that is of a sexual nature or is based on a person's actual or perceived sex, gender," or other enumerated category, including "verbal, nonverbal, or physical conduct of a sexual nature."

To protect free speech, schools must use the Supreme Court's standard for peer harassment in the educational setting, defining "harassment" as conduct that is "so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victim-students are effectively denied equal access to an institution's resources and opportunities."²

Civility policies

While a university has every right to promote a tolerant and respectful atmosphere on campus, a university that claims to respect free speech must not limit discourse to only the inoffensive and respectful. However, many schools have policies that effectively require compliance with restrictive civility standards. Evergreen State College goes so far as to say, "Civility is not just a word; it must be present in all our interactions."³

Schools should use clearly aspirational language when discussing civility to avoid creating a chilling effect on free speech.

- 1 Adams State University Student Handbook, ADAMS ST. UNIV. at 13, https://drive.google.com/file/d/oB8wl1ArVquL1YWY5LV-VScFJFSoo/view?resourcekey=o-koPxPLmeZ2HcZMH-TbRcoA (last visited Dec. 28, 2023).
- 2 Davis v. Monroe County Bd. of Educ., 526 U.S. 629, 633 (1999).
- **3** Evergreen's Social Contract, EVERGREEN ST. UNIV., https://www.evergreen.edu/offices-services/academic-affairs/social-contract (last visited Dec. 28, 2023).

Bias reporting policies

Most campuses have some form of a "bias incident" reporting system: a mechanism for reporting speech or conduct motivated by bias toward a particular characteristic. While some of these policies exist only to support those impacted by such incidents, most impose vague consequences on those who engage in what is often constitutionally protected expression.

For example, Bates College states that examples of bias incidents include "hate speech," "sexist jokes," and "disparaging remarks on social media sites." The college explicitly "reserves the right to address bias incidents that do not rise to the level of a policy violation" through actions such as "education and training," "remedial and supportive actions," and "other Informal Resolution mechanisms." 5

Instead of arbitrarily punishing students for speech that violates overbroad policies, colleges should make clear their bias reporting teams will not investigate or discipline protected speech and that any participation in informal resolution mechanisms like "education and training" is voluntary.

Protest and demonstrations policies

Universities may enact reasonable, narrowly tailored "time, place, and manner" restrictions that prevent demonstrations from unduly interfering with the educational process.⁶ Far too many schools, however, regulate events on the basis of content or viewpoint or place prior restraints or other unreasonable burdens on public expression.

The University of Massachusetts Dartmouth, for example, tells students they must inform campus police 48 hours in advance of using the university's sole area for demonstrations.⁷

Institutions must instead allow students to spontaneously use publicly available, outdoor areas of the campus for public expression. Without the ability to do so, students are prevented from responding to new and unfolding events.



- 4 Policy: Section V, BATES COLLEGE, https://www.bates.edu/here-to-help/policies/equal-opportunity-policy/policy-section-v (last visited Dec. 28, 2023).
- **5** Id.
- 6 See Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989).
- **7** Public Forum Use of University Facilities, UNIV. OF MASSACHUSETTS DARTMOUTH (Aug. 24, 2010), https://www.umassd.edu/policies/active-policy-list/facilities-operations-and-construction/public-forum-use-of-university-facilities/.

Posting and distribution of materials policies

Universities often unreasonably restrict the posting or distribution of written materials on campus. Kean University, for one, requires students to reserve an area for distributing materials five days in advance of the activity.8

Universities must neither prevent students from spontaneously distributing materials on campus nor require students to seek permission before posting written materials.

Technology usage policies

Universities are no more permitted to infringe on free speech online than on the campus quad. Nonetheless, policies governing online speech are frequently in far worse shape than policies governing in-person speech, often placing impermissible restrictions on the content of the speech or viewpoint of the speaker.

Delaware State University's policy, for example, bans users of any university technology, including the campus internet, from causing "offense to others" and even from causing "embarrassment" to the university.9

Instead, colleges should only ban speech and conduct that is not protected under First Amendment standards, such as harassment and true threats.



⁸ Distribution of Literature Policy, KEAN UNIV., https://www.kean.edu/offices/policies/distribution-literature-policy (last visited Dec. 28, 2023).

⁹ Acceptable Use Policy, DELAWARE ST. UNIV. at 3 (July 11, 2011), https://www.desu.edu/sites/flagship/files/document/31/08-07_acceptableusepolicy.pdf.

Schools By Rating



Adams State University

Alabama A&M University

Bates College

Bemidji State University

Boston College

Bridgewater State University

California Institute of Technology

California State University - Dominguez Hills

California State University - Fresno

California State University - Monterey Bay

Case Western Reserve University

Chapman University

Cheyney University of Pennsylvania

Chicago State University

Clark University

Colgate University

College of the Holy Cross

Connecticut College

Dakota State University

Delaware State University

Dickinson College

Drexel University

Eastern Illinois University

Evergreen State College

Fitchburg State University

Fordham University

Fort Lewis College

Framingham State University

Furman University

Georgetown University

Gettysburg College

Grinnell College

Haverford College

Howard University

Indiana State University

Kean University

Lafayette College

Lake Superior State University

Lehigh University

Lewis-Clark State College

Lincoln University

Louisiana State University - Baton Rouge

Louisiana Tech University

Loyola Marymount University

Loyola University Chicago

Macalester College

Marquette University

Massachusetts College of Liberal Arts

Metropolitan State University

Middlebury College

Mount Holyoke College

Northeastern University

Northern Vermont University

Northwestern University

Portland State University

Princeton University

Reed College

Rensselaer Polytechnic Institute

Rice University

Saint Cloud State University

Salem State University

Santa Clara University

Shawnee State University

Southern Illinois University at Carbondale

Southern Illinois University Edwardsville

Southern Oregon University

Southwest Minnesota State University

St. Olaf College

State University of New York - Fredonia

State University of New York - New Paltz

Stevens Institute of Technology

Tennessee State University

The College of New Jersey

Troy University

Tufts University

Union College

University of Alaska Anchorage

University of Alaska Fairbanks

University of Central Oklahoma

University of Houston-Downtown

University of Louisiana at Monroe

University of Louisiana Lafayette

University of Massachusetts at Lowell

University of Miami

University of Notre Dame

University of Southern California University of Texas at Dallas University of Washington University of Wyoming **Utah State University** Valdosta State University Villanova University Virginia State University West Chester University of Pennsylvania Western Michigan University Westfield State University Winona State University Worcester State University



Alabama State University American University **Amherst College** Angelo State University **Arkansas State University** Athens State University

Auburn University at Montgomery

Ball State University

Bard College Barnard College

Baruch College, City University of New York Binghamton University, State University of New York

Black Hills State University

Bloomsburg University of Pennsylvania

Boise State University Boston University Bowdoin College

Bowling Green State University

Brandeis University

Brooklyn College, City University of New York

Brown University Bryn Mawr College **Bucknell University**

California Maritime Academy

California Polytechnic State University

California State Polytechnic University, Humboldt

California State Polytechnic University, Pomona

California State University - Bakersfield California State University - Channel Islands

California State University - Chico

California State University - East Bay

California State University - Fullerton

California State University - Long Beach

California State University - Los Angeles

California State University - Northridge

California State University - Sacramento

California State University - San Bernardino

California State University - San Marcos

California State University - Stanislaus

Cameron University

Carleton College

Carnegie Mellon University

Central Connecticut State University

Central Michigan University

Central Washington University

Centre College

Christopher Newport University

Clemson University

Coastal Carolina University

Colby College

College of Charleston

Colorado College

Colorado School of Mines

Colorado State University

Colorado State University Pueblo

Columbia University

Cornell University

Dartmouth College

Davidson College

DePaul University

East Stroudsburg University of Pennsylvania

East Tennessee State University

Eastern Michigan University

Eastern New Mexico University

Eastern Washington University

Ferris State University

Florida A&M University

Florida Atlantic University

Florida Gulf Coast University

Florida International University

Fort Hays State University

Franklin & Marshall College

Frostburg State University

George Washington University

Georgia Gwinnett College

Georgia Southern University

Georgia State University

Governors State University

Grambling State University
Grand Valley State University

Hamilton College Harvard University Harvey Mudd College

Henderson State University

Hunter College, City University of New York

Idaho State University Illinois State University

Indiana University - Bloomington Indiana University - Kokomo

Indiana University - Purdue University Columbus

Indiana University - Purdue University Indianapolis

Indiana University of Pennsylvania Indiana University South Bend

Indiana University, East

Indiana University, Northwest Indiana University, Southeast

Iowa State University

Jacksonville State University James Madison University Johns Hopkins University

Kennesaw State University

Kent State University

Kentucky State University

Kenyon College Knox College

Kutztown University of Pennsylvania Lock Haven University of Pennsylvania

Longwood University

Mansfield University of Pennsylvania

Marshall University

Massachusetts Institute of Technology Metropolitan State University of Denver

Miami University of Ohio Michigan State University

Middle Georgia State University Middle Tennessee State University Millersville University of Pennsylvania

Missouri State University

Missouri University of Science & Technology

Montana State University

Montana Tech of the University of Montana

Montclair State University Morehead State University Murray State University New College of Florida

New Jersey Institute of Technology

New Mexico State University

New York University Nicholls State University

Norfolk State University

North Carolina A&T State University

North Dakota State University

Northeastern Illinois University Northern Illinois University

Northern Kentucky University

Northern Michigan University

Northwestern Oklahoma State University

Northwestern State University

Oakland University Oberlin College Occidental College

Ohio University

Oklahoma State University - Stillwater

Old Dominion University

Pennsylvania State University - University Park

PennWest California
PennWest Clarion

Pittsburg State University

Pitzer College Pomona College

Queens College, City University of New York

Rhode Island College Rogers State University

Rowan University

Rutgers University - New Brunswick Saginaw Valley State University Sam Houston State University San Diego State University San Francisco State University

San Jose State University

Scripps College

Sewanee, The University of the South

Skidmore College

Slippery Rock University

Smith College

Sonoma State University
South Dakota State University
Southeast Missouri State University

Southeastern Louisiana University
Southern Connecticut State University

Southern Methodist University

Southern Utah University

Stanford University

State University of New York - Albany

State University of New York - Geneseo

State University of New York - Oswego

State University of New York - University at Buffalo

State University of New York College of Environ-

mental Science and Forestry

Stockton University

Stony Brook University

Swarthmore College

Syracuse University

Tarleton State University

Temple University

Tennessee Technological University

Texas Southern University

Texas State University - San Marcos

Texas Tech University

Texas Woman's University

The City College of New York

The Ohio State University

The University of Virginia's College at Wise

Towson University

Trinity College

Tulane University

University of Akron

University of Alabama

University of Alabama at Birmingham

University of Alabama in Huntsville

University of Alaska Southeast

University of Arkansas - Fayetteville

University of California Berkeley

University of California Davis

University of California Irvine

University of California Merced

University of California Riverside

University of California San Diego

University of California Santa Barbara

University of California Santa Cruz

University of Central Arkansas

University of Central Florida

University of Central Missouri

University of Cincinnati

University of Colorado Denver

University of Connecticut

University of Delaware

University of Denver

University of Georgia

University of Hawaii at Manoa

University of Hawaii Hilo

University of Houston

University of Idaho

University of Illinois at Chicago

University of Illinois at Springfield

University of Illinois at Urbana-Champaign

University of Iowa

University of Kansas

University of Kentucky

University of Maine

University of Maine at Fort Kent

University of Maine Presque Isle

University of Mary Washington

University of Massachusetts - Amherst

University of Massachusetts - Boston

University of Massachusetts at Dartmouth

University of Memphis

University of Michigan - Ann Arbor

University of Michigan - Dearborn

University of Michigan - Flint

University of Minnesota - Morris

University of Minnesota - Twin Cities

University of Missouri - Columbia

University of Missouri - Kansas City

University of Missouri - St. Louis

University of Montana

University of Montana Western

University of Montevallo

University of Nebraska - Lincoln

University of Nebraska Omaha

University of Nevada, Las Vegas

University of Nevada, Reno

University of New Mexico

University of New Orleans

University of North Alabama

University of North Georgia

University of North Texas

University of Northern Colorado

University of Northern Iowa

University of Oklahoma

University of Oregon

University of Pennsylvania

University of Pittsburgh

University of Rhode Island

University of Richmond

University of Rochester

University of South Alabama

University of South Carolina Columbia

University of South Dakota

University of South Florida at Saint Petersburg

University of Southern Indiana

University of Southern Maine

University of Texas at Arlington

University of Texas at Austin

University of Texas at El Paso

University of Texas at San Antonio

University of Texas at Tyler

University of Texas Rio Grande Valley

University of Toledo

University of Utah

University of Vermont

University of West Alabama

University of West Florida

University of West Georgia

University of Wisconsin - Eau Claire

University of Wisconsin - Green Bay

University of Wisconsin - La Crosse

University of Wisconsin - Madison

University of Wisconsin - Oshkosh

University of Wisconsin - Stout

University of Wisconsin Milwaukee

Utah Valley University

Vanderbilt University

Vassar College

Virginia Commonwealth University

Virginia Polytechnic Institute and State University

Wake Forest University

Washington and Lee University

Washington State University

Washington University in St. Louis

Wayne State University

Weber State University

Wellesley College

Wesleyan University

West Virginia University

Western Colorado University

Western Illinois University

Western Kentucky University

Western Oregon University

Western Washington University

Wheaton College

Whitman College

Wichita State University

William Paterson University

Williams College

Winston-Salem State University

Worcester Polytechnic Institute

Wright State University

Yale University Youngstown State University University of Maryland, Baltimore County



Alcorn State University

Appalachian State University

Arizona State University

Auburn University

Claremont McKenna College

Cleveland State University

Delta State University

DePauw University

Duke University

East Carolina University

Eastern Kentucky University

Elizabeth City State University

Emory University

Fayetteville State University

George Mason University

Georgia Institute of Technology

Jackson State University

Kansas State University

Keene State College

McNeese State University

Michigan Technological University

Mississippi State University

North Carolina Central University

North Carolina State University

Northern Arizona University

Oregon State University

PennWest Edinboro

Plymouth State University

Purdue University

Purdue University Fort Wayne

Purdue University Northwest

Radford University

Shippensburg University

State University of New York - Brockport

State University of New York - Plattsburgh

Texas A&M University

The College of William & Mary

University of Arizona

University of California Los Angeles

University of Chicago

University of Colorado at Boulder

University of Louisville University of Maryland - College Park University of Mississippi University of New Hampshire University of North Carolina - Pembroke University of North Carolina at Asheville University of North Carolina Chapel Hill University of North Carolina Charlotte University of North Carolina Greensboro University of North Carolina School of the Arts University of North Carolina Wilmington University of North Dakota University of North Florida University of South Florida University of Southern Mississippi University of Tennessee Knoxville University of Tulsa University of Virginia Western Carolina University Colorado Mesa University Florida State University University of Florida



Baylor University
Brigham Young University
Hillsdale College
Pepperdine University
Saint Louis University
United States Military Academy
United States Naval Academy
Yeshiva University

Rating Changes, 2022–2023 Academic Year

School	2021-2022 Rating	2022-2023 Rating
Amherst College	• Red	Yellow
Boston University	• Red	Yellow
Bridgewater State University	Yellow	• Red
Carleton College	• Red	Yellow
DePauw University	Yellow	Green
Fitchburg State University	Yellow	• Red
Georgia Institute of Technology	Yellow	Green
Gettysburg College	Yellow	• Red
Louisiana Tech University	Yellow	• Red
Massachusetts College of Liberal Arts	Yellow	• Red
Nicholls State University	• Red	Yellow
Radford University	Yellow	Green
Salem State University	Yellow	• Red
Skidmore College	• Red	Yellow
Tulane University	• Red	Yellow
University of Southern California	Yellow	• Red
University of Tulsa	Yellow	Green
University of Wisconsin - Oshkosh	• Red	Yellow
West Chester University of Pennsylvania	Yellow	• Red
Western Colorado University	Green	Yellow
Worcester State University	• Yellow	• Red

Schools At Which A Faculty Or Administrative Body Has Adopted A Version Of The 'Chicago Statement'

Adrian College George Washington University

American University Georgetown University

Arizona State University Gettysburg College

Ashland University Glendale Community College

Ball State University

Jacksonville State University

Board of Regents, State of Iowa Johns Hopkins University

Boston University Joliet Junior College

Bowling Green State University Jones County Junior College

Brandeis University Kansas Board of Regents

California State University Channel Islands Kenyon College

Case Western Reserve University Kettering University

Chapman University King University

Christopher Newport University Louisiana State University System

City University of New York Massachusetts Institute of Technology

Claremont McKenna College Miami University

Clark University Michigan State University

Clemson University Michigan Technological University

Cleveland State University Middle Tennessee State University

Colgate University Nevada System of Higher Education

Colorado Mesa University Northern Arizona University

Columbia University Northern Illinois University

Davidson College Northwood University

Denison University Ohio State University

DePauw University Ohio University

Eckerd College Ohio Wesleyan University

Franklin & Marshall College Princeton University

George Mason University Purdue University System

Ranger College

Shawnee State University

Smith College

Snow College

South Dakota University System

Southern Methodist University

Southern Utah University

St. Mary's University

State University of New York- University at Buffalo

State University System of Florida

Stetson University

Suffolk University

Tennessee Technological University

The Citadel

University of Akron

University of Alabama System

University of Arizona

University of Arkansas at Little Rock

University of Cincinnati

University of Colorado System

University of Denver

University of Louisiana System

University of Maine System

University of Massachusetts Boston

University of Minnesota

University of Missouri System

University of Montana

University of Nebraska System

University of North Carolina System

University of Oklahoma

University of Richmond

University of South Carolina

University of Southern Indiana

University of Southern Mississippi

University of Texas System

University of Toledo

University of Tulsa

University of Virginia

University of Virginia College at Wise

University of Wisconsin System

University of Wyoming

University System of Maryland

Utica College

Vanderbilt University

Virginia Tech

Washington and Lee University

Washington University in St. Louis

Wheaton College

Winthrop University

Wright State University

Youngstown State University





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