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# Advocacy group 'red flags' Tulane's free speech policy

**By: David Minsky**

**Posted: 3/28/08**

Foundation for Individual Rights in Education, a student rights advocacy group, is asking Tulane University President Scott Cowen to clarify the university's policy on free expression.

In a letter sent via mail and facsimile, the Philadelphia-based organization states that Tulane maintains "vague and seemingly contradictory" statements about the limit of students' free speech rights on campus.

"The University encourages the free exchange of ideas and opinions, but insists that the free expression of views must be made with respect for the human dignity and freedom of others," according to Tulane's Student Code of Conduct. "All individuals and/or groups of the Tulane University community are expected to speak and act with scrupulous respect for the human dignity of others."

"Under these provisions, it seems that students at Tulane have far fewer speech rights than those afforded them under the First Amendment, since most expression that is not 'scrupulously respectful' is nonetheless entirely protected by the Constitution," Director of Legal and Public Advocacy Samantha Harris said in the letter.

In the letter, Harris asked Cowen: "Do students at your institution enjoy the same freedoms of expression, speech, association and conscience as students at public universities, or do students waive their First Amendment rights by choosing to enroll at Tulane?"

The letter, which was sent March 13, requests a response by March 31.

"We fully protect, support and promote the right of every Tulane student to freely express his or her opinions, thoughts and viewpoints," Cowen said. "Tulane also affords the right of free expression to campus guests regardless of their political affiliation, philosophy or cause. Freedom of speech lies at the heart of Tulane University's educational mission."

FIRE maintains a searchable database of approximately 350 colleges and universities that keeps tabs on the extent to which a particular institution restricts free speech. The database classifies institutions as "red light," "yellow light" or "green light" based on the limit to which the institution in question maintains policies prohibiting free speech that FIRE says would be protected by the First Amendment. Currently, FIRE holds Tulane in red light status for policies that they accuse of prohibiting constitutionally protected speech.

The database holds an additional category of "not applicable," which FIRE reserves for private institutions that "make clear that they place other values above a commitment to free expression." Only eight institutions in the database, most of them religious, fall into this category.

On an abstract level, the university's policy may violate free speech rights, but the situation should be

examined based on the facts and circumstances, Tulane University Law Professor Keith Werhan said.

"There are particular environments in which the balance of rights of expression and corresponding interest in controlling expression are going to weigh out differently," Werhan said. "There's not going to be complete free expression in a class room during class. If I'm giving a lecture on marketing, for example, and a student wants to stand up and voice opposition to the Iraq War, its perfectly appropriate for that student to voice his or her opinion, but not at that setting and not at that time."

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