



June 28, 2019

Dr. Houston Davis
University of Central Arkansas
Office of the President, Wingo Hall 207
201 Donaghey Avenue
Conway, Arkansas 72035

Sent via Electronic Mail (hdavis@uca.edu)

Dear President Davis:

FIRE is in receipt of your letter of June 26, 2019, arguing that the University of Central Arkansas was justified in censoring a Lady Gaga quote, relevant to a Pride Month exhibit, from a sign maintained by university librarians. While FIRE appreciates your timely response, it fails to address the concerns raised in our letter.

You state, without elaboration, that the library sign is not “in a designated public forum.” This assertion is incorrect and elides the clear declaration of the recently-enacted FORUM Act that the “outdoor area[s] of campus” are “deemed a public forum” for students and faculty. Ark. Code Ann. § 6-60-1005(a).

You attempt to justify censoring the sign’s message by arguing that the sign must be used “in support of university-related purposes and not for personal matters.” But this is precisely how the sign was being used prior to its censorship. As we pointed out in our initial letter, the sign attracted community attention to the library’s Pride Month exhibit and online LGBTQ+ resources page. If, as you contend, UCA currently maintains “content neutral sign and distribution of literature policies” that allow students and faculty to “display materials on campus,” then your decision to remove a sign on the basis of its content is at odds not only with state law and the First Amendment, but the university’s own rules.

Decisions about what to post on the library’s sign—and what process should be used to make those decisions—must be left to librarians and their staff colleagues. We note, and you acknowledge, that librarians have used the sign to post a variety of messages in an effort to engage, enlighten, and entertain the university community they serve. The library’s sign is thus functionally indistinguishable from a faculty member sharing with her students a relevant quote, joke, anecdote, or little-known historical fact in the course of instruction, and your decision to censor this particular message following a complaint about the viewpoint it expressed threatens freedom of expression and academic freedom just as surely as would censorship in the classroom or elsewhere on campus. We trust that you would refrain from attempting to silence a faculty member who sought to engage her students by, for example,

writing a quote from a famous contemporary African-American artist on her chalkboard to mark Black History Month, simply because the message it offended someone.

We remind you that the FORUM Act includes a clear warning from the General Assembly against silencing speech on the basis of listener reaction:

State-supported institutions of higher education should strive to ensure the fullest degree of intellectual and academic freedom and free expression, and it is not the proper role of state-supported institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, including without limitation ideas and opinions the individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.

Ark. Code Ann. § 6-60-1002 (emphasis added). By removing the sign following complaints about its content, you have flatly contradicted the General Assembly's stated legislative intent to the detriment of your university's community.

Scarce time remains for the university to meaningfully re-commit to the letter and spirit of both state law and the First Amendment. We hope UCA will remedy its mistake rather than permit the stain on its reputation to set in.¹

Sincerely,



Adam Steinbaugh
Director, Individual Rights Defense Program

¹ Relatedly, FIRE is disappointed that the university has chosen to refuse to provide public records relating to this decision, citing the Arkansas Freedom of Information Act's limitation to Arkansas citizens. The university may undoubtedly insist on exercising transparency only when compelled by law, but secrecy is voluntary.