



January 15, 2019

President Wanda Austin  
Office of the President  
University of Southern California  
Los Angeles, California 90089

*Sent via U.S. Mail and Electronic Mail (president@usc.edu)*

Dear President Austin:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

I write to you today to urge the University of Southern California (USC) to revise a policy on student expression that FIRE named as our "Speech Code of the Month" for January 2019. Each month, FIRE designates as Speech Code of the Month a college or university policy that heavily restricts students' speech rights. USC earned this designation due to its "Free Expression and Dissent" policy in the *SCampus* Student Handbook. The continued maintenance of this policy contradicts USC's commitments to free speech in official university policy.

FIRE would be pleased to work with your administration toward revising this speech code to fully protect students' freedom of expression. The policy in question earns a "red light" rating from FIRE because it clearly and substantially restricts constitutionally protected expression. (An explanation of our speech code ratings is available at: [thefire.org/spotlight/using-the-spotlight-database](http://thefire.org/spotlight/using-the-spotlight-database).)

USC's "Free Expression and Dissent" policy provides, in relevant part:

Reservations and prior arrangements are required for campus demonstrations. If students do not make advance reservations, their event may be moved or rescheduled in order to accommodate previously scheduled reservations, in accordance with the university's right to establish reasonable time, place, and manner guidelines for campus events.

...

All demonstrations must follow these guidelines, which serve as a mechanism to ensure a successful and safe demonstration:

...

Representatives of the sponsoring organization wishing to stage a demonstration must complete an Outdoor Event Questionnaire and a USC Event Permit Application at least two weeks prior to the demonstration.

By requiring a burdensome two-week waiting period for any campus protest or demonstration, the university effectively bans any spontaneous student expressive activity. In doing so, USC violates its repeated institutional commitments to freedom of expression with the continued maintenance of this policy.

The “USC Policy on Free Speech” unequivocally states that USC is a place “where free inquiry and expression are encouraged and celebrated.” The “Free Expression and Dissent” policy itself guarantees students “the right to hold a demonstration,” and pledges that the university will “preserv[e] First Amendment rights.” Having made these admirable declarations in official policy, USC is morally (and perhaps legally) obligated to follow through and uphold its students’ free speech rights.

Under First Amendment standards, this policy would likely not be considered a reasonable “time, place, and manner” restriction on expressive activity. Such regulations must be content-neutral and “narrowly tailored” to “serve a significant governmental interest,” and they must “leave open ample alternative channels for communication.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

Under the standards set forth by the Supreme Court of the United States in *Ward* and related cases, it is not reasonable for USC to require two weeks of advance notice for any demonstration—no matter how small, peaceful, and unlikely to cause a disruption or necessitate the involvement of university officials. USC’s current policy would entirely prevent an individual student or a student group from organizing a spontaneous, unregistered rally or protest, which is oftentimes necessary to respond effectively to immediate or still-developing news.<sup>1</sup>

Consider, for example, an individual student or student organization that wishes to protest about the ongoing government shutdown. These students would have had to wait a minimum of fourteen days to get permission for such a protest, a time period longer than all but four government shutdowns in our nation’s history. Luckily for USC students, the present shutdown is now the longest ever—a plus for any students who may not have had the foresight to immediately request permission to protest at USC. By requiring students in

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<sup>1</sup> See Samantha Harris, *Why You Should Care About Protest Waiting Periods*, FIRE NEWSDESK (Jan. 30, 2017), [www.thefire.org/why-you-should-care-about-protest-waiting-periods](http://www.thefire.org/why-you-should-care-about-protest-waiting-periods).

these circumstances to wait a minimum of fourteen days to demonstrate on campus, USC robs students of the immediacy—and, in all likelihood, the effectiveness—of their message.

FIRE encourages USC to revise its Free Expression and Dissent policy, as well as its other speech codes (all of which may be found at [thefire.org/schools/university-of-southern-california](http://thefire.org/schools/university-of-southern-california)). We would be pleased to offer our assistance with this endeavor.

Thank you for your attention to these concerns. You can reach me at any time at 215-717-3473 or at [mary.zoeller@thefire.org](mailto:mary.zoeller@thefire.org). I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Zoeller". The signature is fluid and cursive, with the first name "Mary" and last name "Zoeller" clearly distinguishable.

Mary Zoeller  
Program Officer, Policy Reform

Encl.