



July 17, 2020

President Carol L. Folt
Office of the President
University of Southern California
Los Angeles, California 90089-0012

Sent via Electronic Mail (president@usc.edu)

Dear President Folt:

FIRE¹ is writing to reiterate our concerns about USC's maintenance of a "Free Expression & Dissent" policy² that impermissibly restricts students' expressive activity. Despite multiple assurances over the better part of two years that the policy would be changed to reflect USC's laudable commitments to free expression, it appears to have been recently modified in light of the COVID-19 pandemic to *expand upon* the defects USC committed to cure.

As set forth in greater detail in our letter of January 30, 2020,³ FIRE first wrote to USC in 2019 detailing our concerns with the policy.⁴ That policy incorporates by reference USC's Student Organization Event Approval process, which required students to provide USC between two and five weeks' notice⁵—and receive official approval—before exercising their basic free speech rights in open areas of USC's campus.

¹ As you may recall from our prior correspondence, 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.

² UNIV. OF S. CAL., SCAMPUS: THE USC STUDENT HANDBOOK 2018-19, SCAMPUS PART D FREE EXPRESSION AND DISSENT, *available at* <https://policy.usc.edu/scampus-part-d> (last updated July 9, 2018) ("USC Handbook: Free Expression and Dissent").

³ Copies of our January 30, 2020, and January 15, 2019, letters, together with USC's January 16, 2019, response, are attached.

⁴ UNIV. OF S. CAL., SCAMPUS: THE USC STUDENT HANDBOOK 2018-19, SCAMPUS PART D FREE EXPRESSION AND DISSENT, *available at* <https://policy.usc.edu/scampus-part-d> (last updated July 9, 2018) ("USC Handbook: Free Expression and Dissent").

⁵ UNIV. OF S. CAL., Make a Reservation (Outdoor), *available at* <https://web.archive.org/web/20190621012401/https://trojanevents.usc.edu/outdoor-venues/outdoor-venue-request-form> (archived June, 21, 2019).

After our 2019 letter, we received a response from Ainsley Carry, who was then USC's Vice President for Student Affairs. It stated in relevant part:

Given that the current language appears to have raised concerns, we will clarify the wording in the upcoming 2019-2020 version of the policy. Students will not be required to provide two-week notice of their intent to hold demonstrations.⁶

After our January 2020 letter, at which time the approval period appeared to have increased to five weeks, we received another response from USC Chief of Staff Rene Kae Pak, stating:

Thank you for bringing this to Dr. Folt's attention. Both she and Provost Zukoski are new to the university and were unaware of this matter. We review this immediately.⁷

However, that policy was updated this week—not to eradicate the approval window, but to increase it to *eight* weeks.⁸

We understand the unprecedented challenges presented by the COVID-19 pandemic and recognize that the university has critical interests in preserving its students' health. However, safety measures implemented during crises too often outlast those crises. Accordingly, we ask that USC: (1) re-evaluate whether eight-weeks' notice for students to engage in expressive activity is necessary to meet the university's needs; and (2) establish a periodic timeframe in which this restriction will be reviewed and, once a limitation is no longer justified by the health emergency, will be abandoned.

As always, FIRE's Policy Reform team would be happy to provide additional guidance, free of charge, to help bring this important change to fruition.

We request receipt of a response to this letter by July 31, 2020.

Sincerely,



Alexandria Morey

Program Officer, Legal and Public Advocacy

Cc: Winston B. Crisp, Vice President for Student Affairs

Encl.

⁶ Encl.

⁷ Email on file with author.

⁸ UNIV. OF S. CAL., Make a Reservation (Outdoor), <https://trojanevents.usc.edu/outdoor-venues/outdoor-venue-request-form> (last visited July 15, 2020).