



December 1, 2020

Joel M. Malina
University Relations
Cornell University
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Ithaca, New York 14853-2801

Sent via Electronic Mail (joel.malina@cornell.edu)

Dear Vice President Malina:

FIRE appreciates your attention to our letter of November 10, 2020, regarding our concerns about the state of freedom of the press at Cornell University. We very much appreciate Cornell's commitment to free expression, as discussed in your response.

However, FIRE remains concerned that Cornell's media policy may restrict the rights of student journalists in ways inconsistent with Cornell's stated values.

As an initial matter, we would like to note that we are pleased that, as explained in your response, Cornell does not maintain a policy expressly restricting faculty or student employees from speaking to the media in their individual capacities. This is certainly a great step toward demonstrating Cornell's commitments to free expression and transparency.

However, we remain concerned about the potential application of Cornell's "Working with Media Relations" policy to the student press.¹ The policy requires "members of the media" to seek permission from the Media Relations Office prior to engaging in newsgathering on campus.² It further requires reporters to receive permission from individuals who may be included in film, audio recordings, or photography, regardless of where on campus these recordings take place.³

While we certainly appreciate that the policy acknowledges that "[t]he Media Relations Office *may* provide The Cornell Daily Sun with special access to information or events,"⁴ this caveat

¹ *Working with Media Relations*, CORNELL U., <https://news.cornell.edu/media-relations/work-with-us> (last visited Nov. 30, 2020).

² *Id.*

³ *Id.*

⁴ *Id.* (emphasis added).

creates no guarantee that the balance of Cornell's media policy will not be applied to student journalists. Instead, student journalists may feel subject to the whims of administrators who "may" give them special access at times but may deny them such access at other times, as the policy places no limits on how administrators might exercise this discretion. This caveat also does not appear to allow student journalists access to campus without the permission required by the policy, nor does it appear to allow student journalists to film, record, or photograph large, open areas of campus without seeking permission from each individual who might be captured by such recordings. Indeed, extending a discretionary exception to Daily Sun journalists for *some* provisions of the policy but not others necessarily implies that the policy's other provisions apply to student journalists.

We are certain that, as discussed in your response, student media is important to Cornell and that the university does not intend to censor its student journalists. However, the fact that Cornell's media policy includes no clear exception for student journalists risks a chilling effect that is untenable at a university that values free expression and transparency, as Cornell does.

FIRE has unfortunately seen this chilling effect play out at other institutions. We have spoken with numerous student journalists at colleges and universities across the nation who come to us with concerns about how their institutions' media policies might restrict their ability to gather news. While these policies are often not intended to apply to student reporters—as we believe is the case with Cornell's policy—the ambiguity and the fact that at least some institutions *do* actively apply such policies to the student press leaves student journalists reasonably concerned about the status of their rights.

We certainly understand that, as you shared in your letter, Cornell's media policy is "not . . . designed to control direct media engagement with faculty, staff or students." We also understand that, unfortunately and unwisely, similar policies can be seen at many campuses across the country. However, these policies often have the unintended effect of burdening the press, including the student press. We hope Cornell will take this opportunity to explore ways that it might better balance its commitments to free expression, transparency, streamlined media relations, and constituent privacy. As offered in our letter of November 10, FIRE would be pleased to extend our support and assistance as Cornell undergoes these policy revisions.

We request receipt of a response to this letter no later than the close of business on December 15, 2020.

Sincerely,



Lindsay Rank
Program Officer, Individual Rights Defense Program

Cc: Martha E. Pollack, President, Cornell University