



FIRE

Foundation for Individual
Rights in Education

Impact Report June 2021



During the first half of 2021, FIRE coordinated aggressive and creative campaigns aimed at combating major threats to campus rights. Through these efforts, we have recorded the following impacts:

- Through a combination of defense work, policy reforms, and litigation, **FIRE has secured 51 victories affecting more than 1.1 million students** just in the first half of 2021.
- Case submissions continue to pour in, and FIRE's **Individual Rights Defense Program (IRDP)** reviewed more than 500 cases since January. Of those requiring our direct intervention, we have already counted 31 victories. That includes victories on behalf of:
 - A Hunting, Archery, and Shooting Club at the University of Pennsylvania that was denied official recognition due to the “nature of the group’s mission.”
 - A University of San Diego professor who was investigated for a personal blog post criticizing the Chinese government’s response to the COVID-19 pandemic.
 - Student groups at Rutgers Law School. After FIRE’s intervention, the student government rescinded a directive requiring student groups to host events “through the lens of critical race theory, diversity and inclusion, or cultural competency” in order to be eligible for club funding.

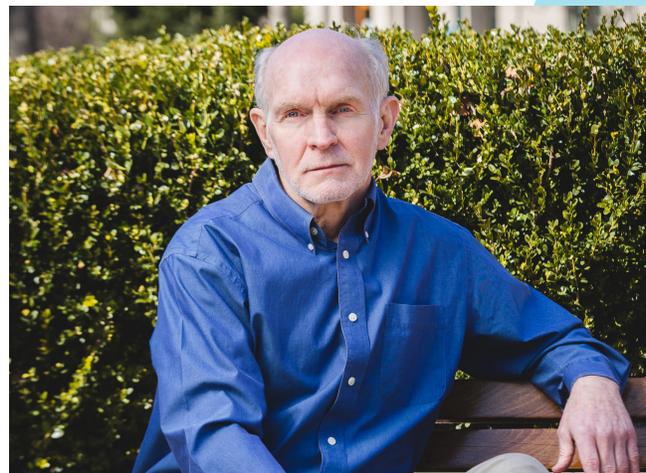


Kimberly Diei, University of Tennessee Health Science Center

- FIRE's **Policy Reform Project** won 20 policy change victories affecting over 340,000 students. We fixed social media policies at Wright State University, campus surveillance policies at James Madison University, demonstrations policies at the University of Southern California, and bias reporting policies at the University of Maryland. There are now 56 green light schools nationwide, which means over one million students attend schools where they can speak freely, publish op-eds without fear of reprisal, and stand up for causes they care about!

- Our **Litigation Program** filed two **high-impact lawsuits**. The first involves a student at the University of Tennessee’s pharmacy school who was investigated twice for her social media posts, and the second challenges Haskell Indian Nations University, which issued an unconstitutional directive forbidding a student journalist from routine newsgathering and has withheld funding and refused to recognize the student newspaper.
- FIRE obtained **favorable settlements** in two other cases. One involved Professor Timothy Boudreau who worked with FIRE attorneys to reach a settlement with Central Michigan University after he was terminated for quoting a racial slur from a First Amendment case while teaching his media law class. He described the experience by saying: “I knew FIRE had my back, so to speak, that they were going to defend me right to the bitter end.”
- The Litigation Project has also filed six amicus curiae briefs in 2021: three before the U.S. Supreme Court, one in the U.S. Court of Appeals for the First Circuit, and two in New York state courts. Our amicus work secured a key victory in the Supreme Court’s 8-1 ruling in *Uzuegbunam v. Preczewski*. The Supreme Court ruled that when universities violate their students’ free speech rights, students may still sue for nominal damages even if the institution changed its problematic policies.

• In March, FIRE launched our **Faculty Legal Defense Fund**, which provides free legal representation to public college faculty and a 24/7 telephone hotline for immediate assistance. To date, we have nearly 40 lawyers in the network and have already referred a half-dozen cases, including matters involving a professor forced into a college’s grievance process based on a student’s complaints about provocative course texts; a professor removed from departmental positions for standing up for a colleague whose academic writings were criticized as racist; and an instructor subjected to investigation based on an out-of-context viral clip of a class session that (inaccurately) suggested she criticized the BLM movement.



Professor Timothy Boudreau

- We won one of our biggest victories ever last year when the Department of Education released new **Title IX regulations** that guarantee essential due process protections long denied to students accused of sexual misconduct on college campuses. In 2021, we have been working aggressively to defend them from threats from the new presidential administration. FIRE sent an open letter to President Biden upon his inauguration, we are continuing our public commentary on Title IX and due process, and we are working with

a premier administrative law firm to coordinate aggressive litigation. FIRE is also publicly urging the Senate not to confirm Catherine Lhamon as the Department of Education's Assistant Secretary for Civil Rights — the same position from which she oversaw efforts to undermine the due process rights of students accused of sexual misconduct during the Obama administration.

- FIRE's **Legislative and Policy Department** has been at the forefront of nonpartisan legislative efforts to protect civil liberties on college campuses. Just this year, we've helped pass significant laws in North Dakota, Montana, and Utah. In addition, FIRE is proud to have influenced eight states to require colleges and universities to align their anti-harassment policies with First Amendment jurisprudence. Finally, we successfully urged the Idaho legislature to reject a bill that would have banned certain teachings about race and gender, instead passing a bill prohibiting public institutions from compelling students to “personally affirm, adopt, or adhere” to certain tenets around race and gender.
- FIRE has appeared in 800 news articles in 400 unique publications. We were featured in The New York Times, The Associated Press, The Washington Post, The Chronicle of Higher Education, Quillette, Politico, U.S. News & World Report, and more. FIRE's executive director, Robert Shibley, published an op-ed in The Wall Street Journal about the new Title IX regulations, and we have recorded 225 media hits just on our Title IX work alone.
- FIRE's podcast, So to Speak, notched over 169,000 downloads. Some of our guests included: Princeton Professor Keith Whittington discussing the newly formed Academic Freedom Alliance; David L. Hudson Jr. on incitement to violence; and John McWhorter on stifling orthodoxies that permeate higher education.
- FIRE staff members have spoken on 15 radio broadcasts, interviewed on 23 podcasts, made 23 television appearances, and appeared at seven public speaking events. FIRE's YouTube channel attracted more than 145,000 views and has over 18,000 subscribers. FIRE currently boasts over 37,000 Facebook likes and more than 48,000 Twitter followers.
- The **FIRE Student Network** welcomed seven undergraduate interns from a pool of 347 applicants hailing from nearly 200 schools. Our interns come from the University of Virginia, the University of North Carolina Wilmington, the College of William & Mary, the University of Georgia, Yale University, the University of Michigan, and Pennsylvania State University. FIRE's Internship Program will give these students direct experience defending civil liberties and provide them with educational opportunities, including participating in academic seminars with FIRE's leadership and other free speech experts.

- FIRE continues to encourage schools to adopt our new freshman orientation program. Our program fills a crucial gap and teaches new students about free speech, academic freedom, and the principles behind the First Amendment. Nine schools have already adopted the orientation in some capacity, including Arizona State University and Texas A&M University.
- Our **High School Outreach Program** continues to be one of our fastest-growing initiatives. As parents are increasingly concerned about indoctrination at the K-12 level, we collaborated with groups around the country including Dallas, New England, and Chicago. A group we worked with near Dallas overwhelmingly won elections to school board seats and even the mayoral race in direct opposition to the imposition of mandatory critical race trainings for teachers. Our team also sent out 100 flash drives with our free speech curriculum to high schools around Philadelphia.
- FIRE's **Faculty Network** continues to provide faculty across the country with the support and resources they need to take action against threats to academic freedom and free expression on campus. This spring, we completed a draft of FIRE's forthcoming guidebook on academic freedom. It is currently in its first stage of editing, and on track to be issued later this year. We also hosted two webinars for faculty: one on state legislation impacting academic freedom, and another about our Faculty Legal Defense Fund. Nearly 200 members of our faculty network responded to our annual survey. Nearly a quarter of respondents reported being asked to include a DEI statement on their course syllabi, and more than 40% of respondents reported self-censoring for fear of disciplinary action.
- FIRE's **First Amendment Library**, an online database of Supreme Court First Amendment cases and more, averages nearly 15,000 unique page views per month, and traffic continues to grow.
- We launched "**Free Speech Out Loud**," a new podcast reading series dedicated to increasing accessibility to free speech jurisprudence and related materials. Free Speech Out Loud will be releasing audio recordings of famous First Amendment court opinions and other primary source documents.