



March 17, 2022

L. Rafael Reif
Office of the President
Massachusetts Institute of Technology
77 Massachusetts Avenue
Room 3-208
Cambridge, Massachusetts 02139-4307

URGENT

Sent via U.S. Mail and Electronic Mail (president@mit.edu, reif@mit.edu)

Dear President Reif:

The Foundation for Individual Rights in Education (FIRE)¹ is concerned by Massachusetts Institute of Technology's March 14 update to its Face Covering Policy² that explains changes in campus rules following the City of Cambridge's March 13 mask mandate repeal.³ MIT's campus memo does not simply announce that face coverings are now optional, but additionally stipulates that "[i]ndividuals may not **request** or require that others wear masks."⁴

While MIT's memo may represent a well-intentioned effort to abide by local regulations, not only is MIT's ban on "request[s]" not required by law, it violates the university's clear commitment to free expression for students and faculty.⁵ Simply asking someone to engage in lawful conduct, without more, is protected expression.

¹ As you may recall from past correspondence, FIRE is a nonpartisan nonprofit dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

² *Policies: Face Coverings*, MASS. INST. TECH., <https://now.mit.edu/policies/updated-face-covering-policy> (last visited Mar. 17, 2022).

³ *City of Cambridge Mask Requirement for Indoor Public Places Will End on Sunday, March 13, 2022*, CITY OF CAMBRIDGE, Feb. 23, 2022.

<https://www.cambridgema.gov/covid19/News/2022/02/maskrequirementendsmarch13> (last visited March 17, 2022).

⁴ *Policies: Face Coverings*, *supra* note 2 (emphasis added).

⁵ MIT *Policies: 1.1 Mission and Objectives*, MASS. INST. TECH., ("The Institute seeks through research and reflection to extend the boundaries of knowledge and the horizons of the human intellect. In so doing, it aims

Consistent with MIT's binding commitments to campus free expression, FIRE asks that MIT expediently update its policy and publicly clarify that students and faculty are not broadly banned from requesting that others wear masks—requests that recipients are free to deny, accept, or ignore.

We at FIRE also wanted to take this opportunity, with your planned retirement approaching after a decade of service to MIT,⁶ to encourage you to work with us in the coming months to ensure MIT's policies and practices are as speech-friendly as possible before you hand the reins to your successor. We're always happy to work with institutions like MIT, free of charge, on policy updates that benefit campus communities.

Given the urgent nature of the mask matter, we request a response to this letter no later than the close of business tomorrow, Friday, March 18, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Morey', with a stylized flourish at the end.

Alex Morey
Director, Individual Rights Defense Program

Cc: Mark DiVincenzo, Vice President and General Counsel

to create an atmosphere of intellectual excitement, a climate of inquiry and innovation in which each student develops a consuming interest in understanding for its own sake.”).

⁶ Steve Bradt, *L. Rafael Reif to step down as MIT president*, MIT NEWS OFF., MASS. INST. TECH., Feb. 22, 2022. <https://news.mit.edu/2022/rafael-reif-to-step-down-mit-president-0210>.