



FIRE

Foundation for Individual
Rights and Expression

July 17, 2023

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

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

Dear President Folt:

FIRE¹ is concerned about the extent to which discrepancies between two USC policies referencing outdoor venue reservations will likely confuse students wishing to express themselves in the open, outdoor areas of campus.

Despite USC's revision of its Free Expression and Dissent policy to "encourage" students to make reservations for demonstrations in outdoor spaces—rather than requiring them to do so²—the Outdoor Venues policy still states that "[r]eservation requests **must** be submitted *AT LEAST 6 weeks* in advance"³ in addition to requiring approval from *seven different* departments.⁴ This inconsistency would likely confuse a reasonable student into thinking a reservation is required, limiting expressive freedoms.

¹ As you may recall from our prior correspondence, the Foundation for Individual Rights and Expression (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 *SCampus: The USC Student Handbook*, Free Expression and Dissent, Guidelines for Campus Demonstrations, UNIV. OF S. CAL., effective July 30, 2021, <https://policy.usc.edu/wp-content/uploads/2021/08/SCampus-Part-D-Free-Expression-and-Dissent.pdf> [<https://perma.cc/7698-X4QJ>].

³ *Outdoor Venues*, UNIV. OF S. CAL., <https://trojanevents.usc.edu/venues/outdoor-venues> [<https://perma.cc/BPV3-R9ND>] (emphasis in original).

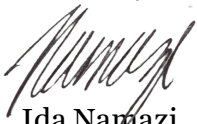
⁴ Outdoor Venue Request Form, <https://scevents.wufoo.com/forms/q1ofqron0clb1tz> [<https://perma.cc/3BJH-SC7G>].

We wrote USC on three separate occasions between 2019 and 2020, noting that to meet its own institutional promises⁵ and legal obligations,⁶ USC needed to revise its free expression policies to remove this undue burden on students' expressive rights.⁷ After our last letter in July 2020, former Vice President for Student Affairs Winston B. Crisp informed us that "the university has revised its policy to state that students are encouraged, though not required, to make reservations and prior arrangements for campus demonstrations. This revision became effective July 31, 2020."⁸

While the university may reasonably require reservations for certain events inherently likely to cause a disruption — such as events with over 100 expected participants, amplified sound, or events requiring equipment setup from the FPM Events Office — applying a blanket reservation requirement to all expressive events violates the First Amendment, as it is not a narrowly tailored restriction on student speech.⁹ FIRE'S Policy Reform team would be happy to provide additional guidance in drafting a policy that includes criteria for when an advance reservation requirement is reasonable.

We ask USC to also revise its Outdoor Venues policy consistent with its Freedom of Expression and Dissent policy and prior representations of its administrators that this issue has already been resolved. We request a substantive response to this letter by July 31, 2023, confirming that such revision has been made.

Sincerely,



Ida Namazi
Program Officer, Campus Rights Advocacy

CC: Monique S. Allard, Vice President for Student Life

Encl.

⁵ "Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinion publicly and privately." *SCampus: The USC Student Handbook*, Free Expression and Dissent, Policy, UNIV. OF S. CAL., effective July 30, 2021, <https://policy.usc.edu/wp-content/uploads/2021/08/SCampus-Part-D-Free-Expression-and-Dissent.pdf> (emphasis in the original) [<https://perma.cc/7698-X4QJ>].

⁶ California Educational Code Sec. 94367, also known as the "Leonard Law," extends to students at private colleges in California rights of freedom of expression corollary to those established by both the First Amendment and California's state constitution. CAL. EDUC. CODE § 94367.

⁷ Copies of our Jan. 15, 2019, Jan. 31, 2020, and July 17, 2020, letters are enclosed.

⁸ Letter from Winston B. Crisp, Vice President for Student Affairs to Alex Morey (July 31, 2020) (enclosed).

⁹ "[A]dvance notice provisions such as that subsumed within section 010's permit requirement "drastically burden free speech" *Grossman v. City of Portland*, 33 F.3d 1200, 1206 (9th Cir. 1994) quoting *Rosen v. Port of Portland*, 641 F.2d 1243, 1249 (9th Cir. 1981).



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).



January 31, 2020

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

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

Dear President Folt:

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.

FIRE writes you today out of concern for the state of freedom of expression at the University of Southern California posed by the institution's maintenance of a policy that impermissibly restricts students' expressive activity. Despite assurances the policy would be changed last January, it remains in effect and appears to have been selectively enforced against a group of students distributing literature in a public campus area in April. To meet its existing moral and legal obligations to protect student speech, FIRE calls on USC to take immediate steps to change its current policy.

I. **USC's Continuing Enforcement of a Policy Requiring Approval for Expressive Activity**

The following is our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. However, if the facts here are substantially accurate, USC must revise its free expression policies to ensure that all students may freely engage in peaceful expression on campus without undue administrative regulation, regardless of their viewpoints.

On January 15, 2019, FIRE wrote to former USC President Wanda Austin detailing our concerns with USC's "Free Expression & Dissent" policy,¹ which describes the "reasonable

¹ 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").

time, place and manner” restrictions USC places on campus expression. Our letter² explained that the policy was our “Speech Code of the Month”³ due to the burden it places on students—required to provide USC with two weeks’ notice and to receive official approval—before exercising their basic free speech rights.

As we explained at the time:

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 following day, FIRE received a response from then-Vice President for Student Affairs, Ainsley Carry, acknowledging our concerns and vowing to change the policy to remove the two-week limitation.⁴ Carry also told the *Daily Trojan*⁵ the policy would be changed.

However, a year following USC’s commitment, the same policy remains on the books, and FIRE has received a report that it was enforced against a group of students distributing literature in a public campus area in April.

That month, members of the USC chapter of Young Americans for Liberty (YAL) were distributing literature in an open, generally-accessible plaza on USC’s campus. As captured on video,⁶ the group was approached by two women, one identifying herself as a USC administrator. The administrator told the students they must leave the area because they had not reserved the space or received prior approval. The short video includes the following exchange, in which the administrator explains that students should have first sought and received prior approval:

USC Administrator: “If someone wants free speech they can come to my office. [Inaudible] . . .”
YAL Member: “Are we allowed to just, like, stand around and hand stuff out?”
USC Administrator: “No.”

II. USC’s Policies and Practices Fail to Fulfill its Promise of Freedom of Expression

USC’s policy requiring prior approval for all manner of peaceful student expressive activity, and its possible selective enforcement of this policy, are incompatible with not only its stated

² Encl.

³ See Laura Beltz, *Speech Code of the Month: University of Southern California*, FIRE (Jan. 9, 2019), <https://www.thefire.org/january-speech-code-of-the-month-university-of-southern-california>.

⁴ Encl.

⁵ See Maddie Lazas, *University to reword free speech code for clarity*, DAILY TROJAN (Jan. 17, 2019), <http://dailytrojan.com/2019/01/17/university-to-reword-free-speech-code-for-clarity>.

⁶ Available at <https://youtu.be/w6fer5NKAb0>.

promises to students of freedom of expression, but also with its obligations under California law.

A. *USC promises expressive rights to students.*

As a private institution, USC is not compelled by the First Amendment to extend freedom of expression to its students. It is, however, morally and legally bound to adhere to the promises it does make, including its promises to respect students' expressive rights.

USC's "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."⁷ USC also publishes what it describes as "longstanding policies" dedicating itself to "protecting the free speech rights and academic freedom of faculty and students."⁸ The policy unequivocally states that USC is a place "where free inquiry and expression are encouraged and celebrated," and pledges that students "shall be free to examine and discuss all questions of interest" to them. The policy additionally commits USC to "preserving First Amendment rights" specifically in the context of "resolving problems which arise in the dynamics of life in a university community."⁹

In service of these laudable commitments, USC's Student Handbook also provides a "Statement of Student Rights and Responsibilities" regarding "Freedom of Inquiry and Expression." These rules extend the rights of inquiry and expression to USC students ("Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately") and provides that "[t]he university must, therefore, provide an optimal learning environment, and all members of the university community have a responsibility to provide and maintain an atmosphere of free inquiry and expression."¹⁰ Finally, and of particular relevance here, USC's policies expressly oblige the university's administration to avoid exercising "[c]ontrol of campus facilities . . . as a device of censorship."¹¹

Having made these clear promises of freedom of expression to students, USC has a legal and moral obligation to honor them.

B. *Unreasonably limiting expressive activity on campus is an illiberal restriction on student speech.*

While USC is a private institution, the United States Supreme Court's interpretation of the

⁷ USC Handbook: Free Expression and Dissent, *supra* note 1.

⁸ Univ. of S. Cal., USC Policy on Free Speech, <https://www.provost.usc.edu/usc-policy-free-speech> (last visited Jan. 16, 2020).

⁹ *Id.*

¹⁰ UNIV. OF S. CAL., SCAMPUS: THE USC STUDENT HANDBOOK 2018-19, *available at* <https://policy.usc.edu/files/2018/07/SCampus-2018-19.pdf> ("Statement of Student Rights and Responsibilities"). USC also provides that students whose rights to inquiry or expression are abridged "may present the issue to the Office of the Vice President for Student Affairs." Vice President Crisp is copied on this letter for that purpose.

¹¹ Statement of Student Rights and Responsibilities, Art. III(d)(ii).

First Amendment’s guarantee of freedom of expression provides a useful baseline for understanding what students might reasonably expect from institutions that promise such freedoms.

Institutions that promise free expression may enact reasonable “time, place, and manner” restrictions on expressive activity without abridging fundamental rights to freedom of expression. Such regulations must be content-neutral and “narrowly tailored” in furtherance of a “significant” institutional interest, and they must “leave open ample alternative channels for communication.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). This well-established standard strikes a sensible balance between facilitating the orderly operation of a university campus and providing students with the freedom they need to speak their minds, debate the issues of the day, and continue forward in the pursuit of knowledge.

However, in implementing time, place, and manner regulations, institutions must not establish procedures that burden expressive activity beyond the university’s cognizable interests. For example, administrative procedures requiring a speaker to obtain a license or permit, or to register before engaging in expression, are highly disfavored under long-established law and are therefore difficult to justify. *See N.Y. Times v. United States*, 403 U.S. 713, 714 (1971) (“Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.”) (internal quotation marks omitted). As the Supreme Court has observed, “[i]t is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so.” *Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton*, 536 U.S. 150, 165–66 (2002).

USC’s mechanisms for accessing areas of its campus purportedly open to student expression impose precisely these unjustifiable obstacles.

As we wrote in our letter to you last year:

[I]t 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.

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 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.

Additionally, while the “Free Expression and Dissent” policy describes a two-week advanced approval period, that policy further directs students to make their request through Trojan Events Services, whose webpage currently states that **“Reservation requests must be submitted AT LEAST 5 weeks in advance. This applies to all outdoor locations requested through Trojan Event Services.”**¹²

Whether the policy requires 2 weeks or 5 weeks of advanced notice, either requirement is unreasonable.

More broadly, USC’s enforcement of these unreasonable requirements also undermine its stated goals as an educational institution. YAL’s outreach activities here did not disrupt campus operations; rather, they fostered the kind of student engagement and interaction that is a hallmark of a true liberal arts education. Likewise, no risk was presented by the students’ attempt to peacefully express themselves in conversation with their peers. USC’s rush to prevent them from speaking to other students reveals the institution’s depressingly meager estimation of the capabilities of its own students to learn from one another in dialogue.

C. California law further bars USC from punishing protected speech.

California Educational Code Sec. 94367, also known as the “Leonard Law,” extends to students at private colleges rights of freedom of expression corollary to those established by both the First Amendment and California’s state constitution. The statute specifically provides that private institutions, like USC, shall not “make or enforce any rule” that would result in discipline to any student who exercised rights that would be protected against government regulation by the First Amendment or Article I, Section 2 of the California constitution.¹³

USC’s policy and practice of requiring prior authorization to speak in open areas of campus is contrary to its obligations under the Leonard Law not to violate the First Amendment. Indeed, courts have repeatedly held that restrictions on student expression, like the one at USC, cannot withstand constitutional scrutiny.

In *University of Cincinnati Chapter of Young Americans for Liberty v. Williams*, No. 1:12-cv-155, 2012 U.S. Dist. LEXIS 80967, at *29–30 (S.D. Ohio June 12, 2012), a federal district court enjoined the University of Cincinnati from, inter alia, limiting all “demonstrations, picketing, or rallies” to a small “free speech area.” The court noted that the university could not identify a sufficient interest for “restricting all demonstrations, rallies, and protests from all but one designated public forum on campus.” *Id.* at *19–25. Moreover, in assessing the proffered government interest purportedly advanced by the university’s policies, the court reasoned

¹² UNIV. OF S. CAL., Make a Reservation (Outdoor), <https://trojanevents.usc.edu/outdoor-venues/outdoor-venue-request-form/> (last visited Jan. 16, 2020).

¹³ CAL. EDUC. CODE § 94367 (emphasis added).

that “[m]ere speculation that speech would disrupt campus activities is insufficient because ‘undifferentiated fear or apprehension of a disturbance is not enough to overcome the right to freedom of expression on a college campus.’” *Id.* (quoting *Healy*, 408 U.S. at 191); *see also Roberts v. Haragan*, 346 F. Supp. 2d 853, 861 (N.D. Tex. 2004) (finding that “common areas” are public forums for students, and that Texas Tech University’s requirement that students obtain permission before conducting expressive activities outside designated free speech areas was not narrowly tailored to serve the university’s interests).

More recently, a federal district court in California held that restricting student expression to a small free speech zone was not narrowly tailored because it did not achieve the defendant administrators’ asserted interests of avoiding disruption and maintaining the attractiveness of campus “without unnecessarily impeding students’ First Amendment rights.” *Shaw v. Burke*, No. 17-cv-2386, 2018 U.S. Dist. LEXIS 7584, at *26 (C.D. Cal. Jan. 17, 2018). Free speech zones fail to leave open ample alternative channels of communication because, as the Shaw court explained, that students are able to express themselves in one area does not remedy the fact that they are unable to express themselves in other areas. *Id.* at *27.

Furthermore, the specific speech restriction the UCS administrator here attempted to impose on the YAL students is a prior restraint on speech—a restriction the Leonard Law explicitly notes it should not be “construed to authorize,”¹⁴ and which the Supreme Court has described as “the most serious and the least tolerable infringement on First Amendment rights.”¹⁵ In short, this precisely the type of rule the Leonard Law was enacted to prohibit, and authorizes a civil action to remediate.¹⁶

III. Conclusion

On a college campus, there is hardly a more fundamental exercise of a student’s expressive rights than engaging fellow students in dialogue, as the YAL students here intended. By maintaining a policy requiring students to obtain prior permission to engage fellow students in conversation or distribute material, USC has imposed an unreasonable burden on its students’ rights of speech and association, effectively prohibiting spontaneous or anonymous speech, and violating state law.

To meet its own laudable commitments to free expression and to comply with California law, USC must revise its policies to ensure that students may engage in peaceful expressive activity without prior approval in the open, generally accessible areas of campus. FIRE remains ready to assist USC in reforming its policies to better protect student expressive rights, and I would be pleased to put you in touch with relevant colleagues here at FIRE upon request.

We request receipt of a response to this letter by February 7, 2020.

¹⁴ *Id.* at (d).

¹⁵ *Nebraska Press Assn. v. Stuart*, 247 U.S. 539, 559 (1976) (striking down a court order prohibiting media from publishing certain facts about a criminal trial).

¹⁶ CAL. EDUC. CODE § 94367(b).

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexandria L. Morey'. The signature is fluid and cursive, with a large initial 'A' and a long, sweeping tail.

Alexandria L. Morey
Program Officer, Legal and Public Advocacy

cc:

Winston B. Crisp, USC Vice President for Student Affairs
Stacy Rummel Bratcher, USC Office of the General Counsel



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.)

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.¹

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

¹ 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.

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). 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. 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.