



EASTERN KENTUCKY UNIVERSITY

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November 17, 2023

Ms. Lindsie Rank
Student Press Counsel
Foundation for Individual Rights in Education
510 Walnut Street, Suite 1250
Philadelphia, PA 19106

**SENT VIA U.S. MAIL
AND EMAIL**
Lindsie.rank@thefire.org

Dear Ms. Rank,

Please consider this the “substantive response” you requested from Eastern Kentucky University (“University”) in your letter dated October 26, 2023. In that communication, the Foundation for Individuals Rights and Expression’s (“FIRE”) expresses continued concerns regarding what FIRE claims is an alleged “gag order” whereby the University prohibits any resident advisor (“RA”) from speaking to reporters. The University unequivocally maintains that it has never adopted and never will adopt a “gag order” prohibiting RAs from engaging in private speech, whereby they speak to the media solely in their personal capacities.

While the University disagrees with FIRE’s characterization of this matter, the University hereby reiterates its commitment to respecting the rights of our students, employees, and the greater campus community and to monitoring and evaluating all policies and operating procedures on an ongoing basis. To that end, the University’s Housing and Residence Life leadership is in the process of drafting written guidance to further elaborate on the 2023-2024 RA Agreement, which will address the contractual language at issue. That guidance is still being drafted but will emphasize that, notwithstanding anything contained in that Agreement, RAs are permitted to speak to the media in their personal capacity so long as they refrain from sharing information protected by law and/or University policy regarding the University’s students or employees as well as confidential housing matters gleaned from their status as University employees. The University will provide FIRE with a copy of this guidance upon its completion and distribution to RAs, which we anticipate occurring at a training event to be held for RAs in January 2024.

Additionally, during the upcoming training in January 2024, the University anticipates RAs receiving further in-person, verbal instruction intended to equip them with a better understanding of their rights and obligations with regard to media interactions. Further, to fully address concerns raised by FIRE, the University commits to evaluating any language contained in the RA Agreement for the 2024-2025 academic year that pertains to RA speech. Specifically, at FIRE’s suggestion, the University will further evaluate how the University of North Carolina at Chapel

Hill comprehensively instructs RAs on media interactions and, thereafter, look to adopt similar phrasing within the University's RA Agreement.

Thank you again for your outreach, engagement, and advocacy, and for recognizing EKU's long-standing commitment to free speech on its "green light" campus. The University remains deeply committed to encouraging free expression of ideas and opinions, and it is our distinct hope that we may continue this open dialogue with FIRE as we evaluate our policies, as we always have, to ensure they are consistent with these ideals while also balancing the legal duties and rights of our students and employees.

Sincerely,



Lauren E. Keeler, Assistant Counsel