



Foundation for Individual Rights in Education

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August 5, 2009

William P. Leahy, S.J., President
Boston College
Botolph House
18 Old Colony Road
Chestnut Hill, Massachusetts 02467

Sent via U.S. Mail and Facsimile (617-552-3090)

Dear Father Leahy:

Prompted by ambiguities in Boston College's policies and actions relating to free expression, FIRE wrote to you twice to ask you to clarify the status of the college's commitment to free expression. We received no response to either of our letters, sent on April 2 and June 4. Copies of those letters are enclosed.

FIRE maintains a well-known database of college and university speech codes in which we rate hundreds of institutions as "red light," "yellow light," or "green light" based on how much, if any, protected speech each institution prohibits. FIRE does not, however, rate private colleges that clearly and consistently inform students and faculty that they place other values above the right to free speech. We mark those institutions as "not rated" out of respect for their right to maintain a particular institutional identity.

Because Boston College maintains several policies asserting that its Jesuit identity outweighs other values on campus, FIRE has to date given the college the benefit of the doubt and marked it as "not rated." We have done so despite the fact that in several instances in the student handbook, Boston College seems to indicate its commitment to freedom of expression on campus. Confusing things further, Boston College maintains several policies that restrict expression on campus that would be protected in society at large. This muddled state of affairs prompted our requests for clarification. Boston College has an obligation to inform prospective students and faculty about the rights they will enjoy on campus. It has failed to do so.

Given the college's repeated refusal to clarify the status of free expression on campus, we feel obligated to change Boston College's rating to "red light" because of the numerous policies that severely curtail free speech on campus. Truth in advertising is essential at private colleges, and if Boston College is unwilling to state for the record that it places other values above the right to free

speech, then it does not belong in the “not rated” category. If Boston College will not publicly state that it does not protect the right to free speech, then prospective students and faculty cannot adequately consent to giving up that right before they make commitments to join the Boston College community, resulting in a grave injustice for anyone who relied on Boston College’s apparent professions of freedom of speech.

If at any time you wish to clarify the college’s stance on free expression, FIRE is willing to reconsider this decision. However, as of today we are changing the college’s rating to “red light” to warn prospective students and faculty that they have significantly fewer rights at Boston College than they would have at any of Massachusetts’ public colleges or universities.

Sincerely,



Samantha Harris
Director, Speech Code Research

cc: Boston College Board of Trustees

Encl.