



F I R E

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February 1, 2006

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Lucien Capone III, University Counsel
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Sent by U.S. Mail and Facsimile (336-256-0408)

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Dear Mr. Capone:

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In response to your letter of January 17, 2006, the Foundation for Individual Rights in Education (FIRE) welcomes the opportunity to work with you to “develop a free speech and assembly policy that preserves the rights we all hold dear while recognizing the legitimate needs of the University to adopt ‘reasonable regulations compatible with’ the University’s educational mission.”

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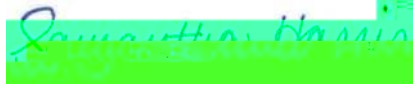
UNCG’s current Facility Use Policy designates only two small areas of UNCG’s campus as “free speech and assembly” areas. Protests, demonstrations, pamphleteering, speeches, and even petitioning must all receive complex prior and official approval if they occur outside of the “free speech and assembly” areas. Even student groups planning to gather within the designated areas must provide pr

2. Universities are allowed to enforce “reasonable time, place and manner restrictions” on activities that would significantly disrupt university functioning. However, there is nothing “reasonable” about transforming the vast majority of a university’s property into a “censorship area”: at public institutions of higher education, constitutional protections must be the rule, not the exception. Thus, schools cannot restrict speech to a small portion of campus (such as UNCG has done by limiting free speech to the east lawn area of the Elliott University Center and the east portion of the lawn area in front of the Julius Foust Building) nor to inaccessible or sparsely used/populated areas of the campus only. The speech

When one steps back from the formal analysis, one is left with the uncomfortable feeling that even a “free speech zone” policy that comports in all details with minimum First Amendment requirements is somehow inappropriate for a college campus. After all, the establishment of “free speech zones” connotes that the administration has decided to designate large areas of the campus as “censorship zones.” It is both inappropriate and unnecessary to ban free speech from so many areas of the campus.

created when a university is unafraid to grant its students the freedom they deserve.

Sincerely,



Samantha Harris
Program Officer

cc:

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