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'Abridging the freedom of speech': Students, faculty express displeasure with speech policies at CSU amid Year of Democracy

Allie Seibel and Aubree Miller

September 26, 2024

YOU AND FREE SPEECH
AT CSU
The open exchange of ideas is the foundation of a great university.
CSU is required to adhere to the First Amendment of the U.S. Constitution and supports an open exchange of ideas.
For information about free speech at CSU, visit firstamendment.colostate.edu

Collegian | Allie Seibel

Signs on The Plaza explaining Colorado State University's free speech policies Sept. 11. CSU's free speech policies allow free expression and peaceful assembly on the Lory Student Center Plaza.

"Congress shall make no law … abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble," the First Amendment of the United States Constitution reads. As a public institution, Colorado State University is bound by the First Amendment to uphold the right to free speech for all students.

"CSU is required by the First Amendment of the U.S. Constitution to have an open exchange of ideas and dissenting points of view, even when such expression might be deemed offensive and runs counter to our Principles of Community or other institutional values," the university's statement on freedom of speech reads.

Ad

However, free speech is not a blanket statement protecting expression, and rules and policies are still in place, guiding the freedom of expression of students and community members on campus. Over the last year, campus and community members expressed dissatisfaction with CSU's response to protests and public forums.

In 2017, the Colorado General Assembly passed SB17-062, "Student Free Speech Public Higher Education Campuses," a statewide initiative prohibiting institutions of higher education from restricting expression in student forums.

The initiative prohibits universities from taking disciplinary action against students for their expression and also prohibits universities from designating "free speech zones," which confine free speech to specific areas of campus.

Colorado State University's freedom of speech policies establish the Lory Student Center Plaza as the public forum "traditionally" utilized for expressing free speech and assembly. While The Plaza is the most common example of a public forum at CSU, outdoor spaces across campus are public as well. Nonpublic areas include "classrooms, residence halls, academic and administration buildings, research facilities and limited-access facilities," according to a university-provided definition used in the policy.

In March, growing national discussions around how institutions of higher education handle freedom of speech, especially concerning the ongoing Israel-Hamas war, prompted a CSU professor to investigate free speech policies.

"Some of the things that I was concerned with was that there weren't places within the university for people to be able to anonymously put up posters and other forms of communication," said the professor, who wished to remain anonymous. "One of the only public places … were the outdoor bulletin boards on (the Andrew G. Clark Building). And to my knowledge, there's zero indoor spaces that are equivalent to that."

According to CSU's policy on signs, posters, banners and flyers, indoor spaces are not designated public forums.

"It is prohibited to post any sign, temporary sign, poster, banner, yard sign or similar item on university property without official permission, except as expressly provided in this policy," the first policy provision reads.

All posters must be sponsored by official University entities and removed by a displayed expiration date.

Ad

"The only outdoor areas approved for posters are the poster frames and bulletin boards on the Clark Building's exterior walls and columns," reads the policy, which was revised Feb. 10, 2023. Clark renovations were announced May 6, 2022.

An array of flyers hang from a bulletin board outside of the C Wing of the Andrew G. Clark Building Feb. 2, 2022. (The Collegian | Avery Coates)

Out of concern over these policies, the professor contacted the Foundation for Individual Rights and Expression, a national free speech advocacy group.

"Clark is being torn down, so those outdoor spaces are now eliminated," the professor said. "So the university has gone from limited outdoor posting spaces to basically none, which is hugely problematic for people that want to express themselves anonymously."

FIRE sent a letter to CSU expressing dissatisfaction with the policy and explained how it places unreasonable restrictions on freedom of expression and provided suggestions for amending the policy.

"If a student is not already part of a registered organization, they must create one before having access to bulletin boards, which may be a monthslong process," reads the letter, which was obtained by *The Collegian*.

According to FIRE, the group never received a response from CSU.

"This sort of bulletin word message is sort of this last frontier — this last way that people are able to get a message out to everybody on campus, not just people in their own network," said Laura Beltz, director of policy reform at FIRE and the author of the letter. "So I have concerns about that avenue for expression being totally shut down."

Part of the university's concern with restrictions is the legitimacy of anonymous postings and the potential of posts from individuals not connected to CSU.

"This isn't a sort of all-or-nothing scenario where they have to put this heavy-handed policy in place," Beltz said. "They can reach that by saying something like, 'All right, the only places where you can post with anonymity are these designated bulletin boards in the student union that you know affiliated individuals can't get to.'"

As for the professor who contacted FIRE, they said they hope that as a new school year starts, CSU will be motivated to modify their policies, especially surrounding the demolition of Clark and what it means for students who wish to exercise their freedom of speech.

"I expected that this is, like, such low-hanging fruit that the university would take it on and make the change, especially given all the posturing around democracy … (and) free speech, that this is just … an easy thing to take care of," the professor said. "And so I've been honestly a little bit disappointed that they didn't reply to this letter from FIRE, and I hope that they take this opportunity now to make appropriate changes."

The CSU Division of University Marketing and Communications clarified that students may hand out flyers on campus.

On the morning of Sept. 11, undocumented students at CSU zip-tied a banner reading, "Our place in higher education is a right, not a privilege," to The Stump on The Plaza. The banner features a chain, which was attached to The Stump as well.

The Stump has been on campus since 1964 and is the established campus symbol of free speech. In fact, No. 18 on the list of 70 things for CSU students to do before graduation is to make a statement on The Stump.

OUR PRESENCE HIGHER EDUCATION IS A RIGHT NOT A PRIVILEGE

A banner reading, "Our presence in higher education is a right, not a privilege," is placed at a table at the Wellness Wonderland event hosted by the Associated Students of Colorado State University Sept. 20. The banner, which had previously been removed from The Plaza Sept. 11, is an anonymous form of protest from undocumented CSU students. (The Collegian | Allie Seibel)

Associated Students of CSU Sen. Vladimir Lora Pardo said the banner was removed within two hours.

Speaking with other individuals tabling on The Plaza that morning, Pardo learned that an LSC employee took the banner down.

"It was a form of protesting with being heard but not being seen because undocumented students have to protect their identity because they can be deported if they speak out on … things like that," Pardo said. "So that was kind of a way … of saying that they wanted to be heard but not be seen."

Pardo, who said he advocates for CSU's 136 undocumented students, had conversations with ASCSU leadership about how to better support anonymous voices in protesting.

"This is incredibly harmful because historically, we have always been silenced," Pardo said. "We are always told to keep our undocumented identity private. (The banner) was them asking for resources. This was them asking for support from the university."

The banner was removed that morning because it was physically attached to The Stump. This display violated the rule that "no sign, poster or banner of any kind may be affixed to a tree," the fourth policy provision reads.

"The university takes a lot of pride in supporting undocumented students," Pardo said. "The university takes a lot of pride in being diverse and being supportive. Where's that pride and diversity? Where is that support system that we need right now?"

There has also been discontent surrounding the administration's implementation of time, place and manner restrictions, particularly regarding protests for Palestine that took place last spring.

> "In my experience on campus, there definitely has been speech that has been monitored or taken down. (CSU administration) do not believe that speech should be free, and … they truly believe that speech should embolden the university and should make them look good." *–Ella Smith, CSU student*

CAMPING PROHIBITED

A sign alerting that camping is prohibited on Colorado State University's campus sits on the Lory Student Center Plaza May 1. The demonstration by Students for Justice in Palestine ended at 7 p.m. to not illegally camp on The Plaza. (The Collegian | Allie Seibel)

SB17-062 prohibits universities from restricting time, place and manner of speech without justifiable reason to do so. However, due to the influx of violent clashes between protesters and law enforcement nationwide, such time, place and manner restrictions on protests at CSU were considered justifiable.

As such, student protesters had to vacate The Plaza from 7 p.m. to 7 a.m., according to the CSU policy on events not permitted outside public hours.

"We do have to acknowledge that the way that CSU approaches these different protests is very different," CSU student Ella Smith said. "While we do appreciate that CSU did not call SWAT teams on students who were protesting, we also acknowledged that that was because the students who were protesting were very careful … because of the extraordinary amounts of violence we saw across the country."

Smith actively engaged with the university during many of these protests, including hand-delivering a letter to the Office of the President in April. The letter was written by the CSU chapter of Students for Justice in Palestine, which Smith is an active member of.

"In my experience on campus, there definitely has been speech that has been monitored or taken down," Smith said. "(CSU administration) do not believe that speech should be free, and … they truly believe that speech should embolden the university and should make them look good."

The letter delivery was followed by a meeting with President Amy Parsons, which Smith said was "for publicity." The meeting was described by Smith as a political panel in which Parsons met with and was continuing to meet with "various student groups," as stated in an Instagram post.

"I felt that she was simply trying to use it as a publicity stunt and trying to essentially imply that she, as the president of the university, was going to do the best thing possible for all students," Smith said.

CSU's thematic Year of Democracy has been an effort to engage the student body in areas of democracy and civic engagement through the Types of Democracy and Principles of Democracy. The thematic year has featured guest speakers, events and panels designed to teach students about democracy.

"I view myself as a patriot, and to be a patriot, you have to want things to be better," Smith said. "And so that's what I want for CSU. … I think that the Year of Democracy is a great idea. However, I do not believe that it can exist within the current system that CSU operates under."

Claire Kopp recently obtained her Ph.D. from CSU. In March, she and two other Fort Collins residents glued their hands to the wall of the City Council chamber in a symbolic gesture advocating for a ceasefire in Gaza.

Following the charges brought forth by the demonstration, CSU's disciplinary conduct process did not allow Kopp to register for courses. At the time, all her credits were completed and she obtained her degree, so it became "a very happy accident," she said.

"I definitely feel like conversations at CSU around Palestine in particular are very shut down," Kopp said. "There's a much heavier suppression of this conversation than any that I've ever experienced before in the … 30 years that I've been a part of this community."

As the thematic Year of Democracy continues, university leadership at the student and administrative levels continues to educate students on policies governing both free speech and hate speech.

"It's difficult to balance the interest of students who might be harmed by (hate) speech but also creating an environment where First Amendment protection is respected," ASCSU President Nick DeSalvo said. "Understand that just because someone is there espousing their beliefs doesn't mean that it's necessarily sanctioned by the university or any university entity."

DeSalvo said it's important to understand that there may be consequences for hateful speech, and campus community members should educate themselves on the right to self-expression, particularly on CSU's campus.

"The university has done a really good job communicating that to people who want to exercise their First Amendment rights," DeSalvo said. "There's just that mutual understanding. … And no matter what your message is, we're going to allow you to do that within these certain parameters."

Information on the First Amendment at CSU highlights the importance of peaceful protest and making student voices heard.

"CSU unequivocally supports the right of all students to engage in free speech and assemble peacefully in accordance with the university's free speech policy," the university said in a statement to *The Collegian*. They directed students to the Policy Library for further details.

Reach Allie Seibel and Aubree Miller at news@collegian.com or on Twitter @CSUCollegian.

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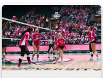

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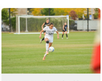

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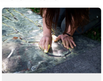

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About the Contributors

Allie Seibel, Editor in Chief

Returning for her second year as editor-in-chief, Allie Seibel could not be more proud of the experience *The Collegian* has given her over her tenure at Colorado State University thus far. Seibel is a junior in the Honors program and on the prelaw track, studying journalism and media communication with minors in legal studies and business administration. She is also an Honors ambassador and an Honors peer mentor as well as a satellite imagery writer for the Cooperative Institute for Research in the Atmosphere at CSU and a member of the Center for Public Deliberation. Seibel started at *The Collegian* the summer before her first semester of college, getting involved through her orientation session and beginning her first year as news editor. She got the position before ever setting foot on campus as a student, which was one of the most formative experiences of her collegiate journalism career. She then began her current role her sophomore year, becoming the youngest editor-in-chief in *Collegian* history. Under Seibel's leadership, *The Collegian* was awarded an all-around best in show fifth place award at the College Media Association's national convention. Seibel is from Colorado Springs, Colorado, and spends her free time reading, cooking, cross-stitching, paddleboarding and taking photos. She is a huge traveler and seizes any opportunity she can to see the world. As she begins her second year at the helm of *The Collegian,* Seibel is excited to continue the immense legacy of the newspaper both in print and online by expanding investigative coverage and pushing readers to discover more about their surroundings on campus. She looks forward to maintaining *The Collegian*'s reputation as a trustworthy news source both on campus and in the community.

Aubree Miller, News Editor

Aubree Miller is a news editor for *The Rocky Mountain Collegian* and could not be more thrilled to take on the role. Miller started as a reporter for the news; arts and entertainment; and life and culture desks in fall 2023 and has nurtured a love for news and keeping up with what is going on in the community, no matter how small or large the occasion. Going into their sophomore year, Miller is pursuing a Bachelor of Arts in journalism along with two minors in women's studies and ethnic studies. They are incredibly excited to keep the CSU and Fort Collins community up to date on news while keeping a focus on ethical and fair journalism and social justice, giving a voice to each and every person *The Collegian* interacts with. Miller is originally from rural northern Wisconsin and has lived in Aurora, Colorado, for the past eight years. Passions for reading, writing and music have flourished during their time at CSU thus far. That passion for writing translated into journalism, where writing is combined with being able to help others and to tell the stories that may not always be told. When not working at *The Collegian,* Miller can be found attempting to bring back '80s fashion trends, crocheting, listening to Taylor Swift and hanging out with their cat. Miller is immensely proud of their work with *The Collegian* thus far and is thrilled to continue learning and growing as an editor.

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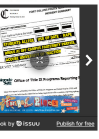

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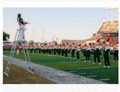

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