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## FIRE STARTER

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By MICHAEL BECKEL

### *CSU speech policies ignite a First Amendment debate*



Keith Anderson

Colorado State University officials say the school is committed to free speech, but some students and civil liberties advocates aren't so sure. The discrepancy has prompted officials to form a committee to clarify speech codes and a group of student government leaders to introduce a resolution that would do away with those deemed invasive.

At the behest of a handful of students – predominantly

members of the campus Libertarian Party and Students for Sensible Drug Policy – the Foundation for Individual Rights in Education (FIRE) is lobbying administrators to lift restrictions on what they say is constitutionally protected speech. FIRE is a nonprofit group that advocates nationally for civil liberties on college campuses.

“Please spare Colorado State the embarrassment of fighting against the Bill of Rights,” wrote Samantha Harris, the organization’s director of legal and public advocacy in a March 12 letter to CSU President Larry Penley.

FIRE ranks the threat to free speech at universities using either a green, yellow or red traffic light symbol, with the latter being the most severe. The group calls CSU a “red light institution” for having “at least one policy that both clearly and substantially restricts freedom of speech,” although FIRE is challenging three policies in total.

The first regulates the peaceful assembly of students on campus. Another forbids “expressions of hostility” against people based on characteristics such as race, religion, gender, sexual orientation or socio-economic status. The last limits the type of advertising that can be presented in residence halls.

“These types of policies are always an imminent threat,” Harris says.

No specific grievances have been aired that stem from the peaceful-assembly or hate-incidents policies, although at least one allegation of infringement has arisen because of the advertising policy.

Last semester, campus Libertarians were prevented from freely distributing fliers for Amendment 44 in CSU dormitories. (The measure was sponsored by Safer Alternative for Enjoyable Recreation, which sought to legalize up to an ounce of marijuana for those age 21 and older.) The fliers included SAFER’s “Yes on 44” logo, which depicts a cannabis leaf. Officials claimed references to drugs or alcohol were not allowed under the school’s advertising policy.

FIRE doesn’t want such scenarios to become the norm.

In response, Penley referred the concerns to Loretta Martinez, the university’s general counsel.

“We take your concerns seriously and have undertaken a careful review of the issues raised in your letter,” Martinez wrote to FIRE in a March 28 letter. “Colorado State University is committed to upholding its long-standing commitment to the free exchange of ideas on campus and to an environment that encourages dialogue, debate and peaceful assembly and protest among students and members of the community.”

Martinez now says last fall’s marijuana-leaf flier infraction was a misapplication of policy and that a committee of university officials and concerned students will work together to “make clear in our policy and clear in our administration of those policies” the school’s commitment to free speech.

Some student leaders like Associated Students of CSU senator Keith Anderson want to ensure that that isn’t empty rhetoric. He has signed on to a resolution that urges the administration to review speech codes and eliminate inequitable policies.

“The fact that these regulations are on the books bothers me,” Anderson says. “There is still

a potential to bring up a B.S. rule and enforce it.”

Anderson and others hope a review is complete by the end of the semester, though it is still unclear what, if any, concessions the university will make.

“What FIRE is doing is a useful service ... to bring out issues into the open,” says Richard Collins, a professor at the CU-Boulder law school. “That doesn’t mean that every claim they make is justified.

“These kinds of conversations are important,” he continues. “But this one doesn’t strike me as a big one.”

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