



FIRE

Foundation for Individual
Rights and Expression

November 10, 2022

Martha E. Pollack
Office of the President
Cornell University
300 Day Hall
Ithaca, New York 14853

URGENT

Sent via U.S. Mail and Electronic Mail (president@cornell.edu)

Dear President Pollack:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ writes concerning yesterday's substantial disruption of a Cornell University Network of enlightened Women event featuring Ann Coulter.² FIRE appreciates your efforts to stop disruptive students by rightly removing them from the event; however, we urge you to take steps to educate your students on your free expression policies. Given the troubling climate for free speech on campuses, universities truly dedicated to free expression must take significant steps to protect students' expressive rights.

FIRE proudly awards Cornell our highest, "green light" rating for its "Demonstrations Not Involving Structures" policy, which reads, in part:³

Outdoor picketing, marches, rallies, and other demonstrations are traditional and legitimate forms of self-expression and dissent on campus. Such activities are allowed so long as demonstrators do not disrupt other functions, including, without limitation, regular and special curricular activities, extracurricular activities, academic processions and events,

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² Cullen O'Hara, *Ann Coulter '84 Vetoed by Hecklers at Wednesday Event*, CORNELL REVIEW (Nov. 9, 2022), <https://www.thecornellreview.org/ann-coulter-84-vetoed-by-hecklers-at-wednesday-event>.

³ *Demonstrations Not Involving Structures*, CAMPUS CODE OF CONDUCT, CORNELL UNIV. (June 20, 2018), available at <https://www.thefire.org/sites/default/files/2018/04/07174445/CCC1.pdf> [<https://perma.cc/53SX-8Y26>].

conduct of University business, and employment interviews. The right to free expression here, as in other contexts, requires respect for the rights of others.

This speech-protective policy is commendable. However, recent events have made clear that maintaining strong free expression policies and correctly enforcing them is not enough independently to ensure expressive freedoms.⁴ Having strong policies protecting free expression does not guarantee a climate of free speech on its own without also educating students about the policies' importance in safeguarding free expression.

We therefore urge Cornell to take further action by educating its students about what speech is protected under the university's free speech policies and First Amendment standards,⁵ and what speech is not, including the heckler's veto.⁶ Hopefully, this education will prevent students from substantially disrupting events in the future.

FIRE would be pleased to work with Cornell to ensure students are clear about those concepts. We strongly recommend that you adopt and implement FIRE's "Free Speech at Freshman Orientation" materials, which aim to teach incoming students about their free speech rights from the beginning of their time at Cornell.⁷

We look forward to hearing from you and hopefully collaborating with you.

Sincerely,



Sabrina Conza
Program Officer, Campus Rights Advocacy

⁴ See Press Release, *FIRE statement on speaker disruption at University of New Mexico*, FIRE (Sept. 16, 2022), <https://www.thefire.org/news/fire-statement-speaker-disruption-university-new-mexico>; Zach Greenberg, *UC Hastings, University of North Texas can pave the way for free speech by addressing the 'heckler's veto'*, FIRE (Mar. 4, 2022), <https://www.thefire.org/news/uc-hastings-university-north-texas-can-pave-way-free-speech-addressing-hecklers-veto>; Sabrina Conza, *FIRE urges transparency, action from Penn State after Uncensored America event cancellation*, FIRE (Oct. 25, 2022), <https://www.thefire.org/news/fire-urges-transparency-action-penn-state-after-uncensored-america-event-cancellation>.

⁵ Although Cornell is a private institution not bound by the First Amendment, it makes strong affirmative promises to students that they enjoy freedom of expression. Students will reasonably interpret those expressive freedoms to be in line with the protections guaranteed by the First Amendment.

⁶ See Zach Greenberg, *Rejecting the 'heckler's veto'*, FIRE (June 14, 2017), <https://www.thefire.org/news/rejecting-hecklers-veto>.

⁷ See *Free Speech at Freshman Orientation*, FIRE, <https://www.thefire.org/research-learn/free-speech-freshman-orientation> (last visited Nov. 10, 2022).