



FIRE

Foundation for Individual
Rights and Expression

August 28, 2023

Lloyd A. Holmes
De Anza College
21250 Stevens Creek Boulevard
Cupertino, California 95014
Attn: Office of the President

Sent via U.S. Mail and Electronic Mail (deanzapresident@deanza.edu)

Dear President Holmes:

FIRE¹ is concerned to learn that De Anza College censored the livestream broadcast of a recent athletic awards ceremony to mute the audio of track athletes criticizing the college during speeches.² While De Anza may retain the authority to moderate the expression it permits (or bars) in presenting audiovisual coverage of private college events, this kind of blatant censorship does not reflect well on its commitment to free expression and sends a chilling message that De Anza will censor students with whom administrators disagree.

The First Amendment binds De Anza, as a public institution, to uphold students' expressive rights,³ and looks harshly upon viewpoint-based restrictions, which represent an "egregious form of content discrimination" and "censorship in its purest form."⁴ De Anza's institutional policies further promise students "the freedom to study, teach and express ideas and

¹ For more than 20 years, the Foundation for Individual Rights and Expression 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 La Voz News, *Response to absence of track and field head coach*, YOUTUBE (June 30, 2023) <https://www.youtube.com/watch?v=GUDCECfpgnA>. The recitation here reflects our understanding of the pertinent facts, which is based on publicly available information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'") (internal citation omitted).

⁴ *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 836 (1995).

viewpoints, including unpopular and controversial ones, without censorship, political restraint or retribution.”⁵

If the college chooses to allow students to express themselves during even private college events, the spirit of the First Amendment—and the explicit promises contained in De Anza’s policies—should caution De Anza against selectively silencing its student critics, even in contexts in which it retains and exercises its editorial prerogative.

Colleges with healthy free speech cultures don’t censor students who raise concerns about their collegiate experiences or deny the broader campus community which may not be physically in attendance from hearing those students’ views, but rather engage them to further even difficult conversations. We urge De Anza to be mindful of how its actions hinder—or foster—a culture of free expression for its students, and to act accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham Piro". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Graham Piro
Program Officer, Campus Rights Advocacy

⁵ Academic Freedom, DE ANZA COLL. https://www.deanza.edu/policies/academic_freedom.html [<https://perma.cc/2RCA-3UGG>].