



FIRE

Foundation for Individual
Rights and Expression

August 1, 2023

Claudine Gay
Office of the President
Harvard University
Massachusetts Hall
Cambridge, MA 02138 USA

Sent via Electronic Mail (president@harvard.edu)

Dear President Gay:

I write to you today on behalf of the Foundation for Individual Rights and Expression (FIRE) to congratulate you on your recent appointment as President of Harvard University, and to discuss ways FIRE can collaborate with your administration to improve the climate for free expression on campus early in your tenure.

As you may know, FIRE is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses. We have a plethora of resources available to assist you in protecting student and faculty expression, all free of charge.

FIRE has a long history of partnering with university leadership to adopt policies that are consistent with basic tenets of individual liberty and that demonstrate the high respect each school has for its students' rights.¹ For example, FIRE recently worked with DePauw University — a private institution like Harvard — to revise six policies to earn FIRE's highest, "green light" rating for policies regulating student expression.²

We are proud to offer the only database of college speech policies in the United States, the Spotlight database.³ The database includes FIRE's ratings of almost 500 of the nation's top colleges and universities. To determine a college's rating, we track its policies governing

¹ See, e.g., FIRE, *Colorado Mesa University earns nation's top free speech rating for colleges*, FIRE, Sept. 30, 2020, thefire.org/news/colorado-mesa-university-earns-nations-top-free-speech-rating-colleges.

² FIRE, *Best in class: DePauw becomes first private Indiana school to earn 'green light' free speech rating*, FIRE, May 5, 2023, thefire.org/news/best-class-depauw-becomes-first-private-indiana-school-earn-green-light-free-speech-rating.

³ *FIRE's Spotlight Database*, FIRE, thefire.org/resources/spotlight.

student expression, identifying those on public campuses that violate the First Amendment and on private campuses that violate institutional promises of free speech.

FIRE also partners with College Pulse to conduct annual free speech rankings, which are based on the voices of more than 44,000 students enrolled at 208 colleges.⁴ The rankings are designed to help parents and prospective students choose the right school, and they use a school's Spotlight database rating as one of many factors to evaluate the school.

While FIRE always stands ready to assist in revising problematic policies, as a newly appointed campus leader, you stand uniquely positioned to take Harvard in a new, positive direction. You have the opportunity to reinforce the idea that free speech is not only a moral imperative, but also an essential element of a college education.

Remediating policies in compliance with First Amendment standards will help you send a clear message to members of the campus community that your administration respects their rights. By establishing this early on, you can make clear that there is no place for censorship on campus. In our experience, many campus controversies and threats to free speech effectively end when campus leadership demonstrates a principled, early, full-throated commitment to expressive rights and academic freedom.⁵

In addition to signaling to students and faculty that your administration values free expression on campus, you can signal to Harvard alumni that their alma mater is taking these positive steps. FIRE has seen the number of alumni free speech groups at colleges and universities across the country grow in recent years. We've been encouraged by these groups' work with school administrations to ensure that their institutions uphold the highest principles of free speech and academic freedom.⁶ At your institution, the Harvard Alumni for Free Speech are partnering with the broader community to offer educational events and encouragement to the student body and faculty to exercise their free expression and academic freedom rights to the fullest.

You can significantly improve the state of free speech at Harvard early in your tenure by taking a few simple steps.

First, your administration has inherited a number of problematic speech codes. For example, Harvard's Report Bias policy earns FIRE's "yellow light" rating, as it could too easily be applied to restrict free speech by virtue of vague wording. (A full explanation of our speech code ratings is available at thefire.org/spotlight/using-the-spotlight-database, and you can read more about how FIRE rates Harvard's additional policies at thefire.org/colleges/harvard-university.)

FIRE attorneys would be pleased to work with you and your staff — free of charge — to revise these and other restrictive policies as part of a collaborative process to better protect student expression.

⁴ *2023 College Free Speech Rankings*, FIRE, rankings.thefire.org/rank (last visited June 22, 2023).

⁵ Greg Lukianoff, *Five ways university presidents can prove their commitment to free speech*, FIRE, June 25, 2019, thefire.org/five-ways-university-presidents-can-prove-their-commitment-to-free-speech.

⁶ *For Alumni*, FIRE, thefire.org/alumni (last visited June 22, 2023)..

Second, Harvard should re-commit to freedom of expression by adopting an institutional free speech statement to signal to your campus community that you take free speech seriously and consider it an institutional value. We suggest modeling your institutional policy statement on the “Report of the Committee on Freedom of Expression” at the University of Chicago, better known as the “Chicago Statement.”

FIRE has enthusiastically endorsed the Chicago Statement since its introduction in January 2015, considering it the gold standard for university policy statements regarding free speech and academic freedom. At the University of Chicago, as well as at the more than 100 institutions that have adopted their own version of the Chicago Statement,⁷ adopting this policy statement has led to significant improvements in the campus climate for free speech. Students, faculty, and administrators benefit from the statement’s instruction about the principles behind the First Amendment. Further, in the process of reviewing, deliberating over, and ultimately endorsing the Chicago Statement, campus stakeholders benefit from reflecting on their approach to oftentimes thorny speech issues.

Finally, by making free expression a priority early in your tenure, your administration can improve Harvard’s standing in FIRE’s free speech rankings, where Harvard University ranked #170 out of 203 institutions.⁸

FIRE’s Policy Reform team has worked closely with college and university administrators for years to improve the climate for freedom of expression on campuses nationwide. We would be pleased to put our experience to work for you and your students. You can reach FIRE Director of Policy Reform Laura Beltz at 215-717-3473 or at laura@thefire.org.

Thank you for your attention to this matter. We look forward to hearing from you.

Sincerely,



Elizabeth Stanley
Program Officer, Engagement and Mobilization

Cc: Alan M. Garber, Provost

⁷ The full list of institutions that have endorsed a statement on free speech modeled after the “Chicago Statement” is available at thefire.org/chicago-statement-university-and-faculty-body-support.

⁸ *2023 College Free Speech Rankings*, FIRE, rankings.thefire.org/rank (last visited June 22, 2023).