



FIRE

Foundation for Individual
Rights and Expression

November 1, 2023

Sally Kornbluth
Office of the President
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, Massachusetts 02139-4307

Sent via U.S. Mail and Electronic Mail (sally.kornbluth@mit.edu)

Dear President Kornbluth:

By this letter, FIRE¹ seeks clarification of MIT's recent announcement that suggests a "rapid response team" of high-level administrators will act as sole arbiters of which viewpoints campus posters, chalkings, and other displays may express.² This mandate comes as a surprise after your public statements this year "[e]mbracing freedom of expression in the life of the Institute."³ While we appreciate this may be an effort to deter students from removing posters on their own, and the subtext may be that the "rapid response team" will not remove posters based on viewpoint, the announcement's language explicitly assigns administrators that power. FIRE thus calls on MIT to confirm it will employ only viewpoint-neutral posting policies and implement them in a viewpoint-neutral manner to uphold its commitment to protect free speech on campus.

Our concern arises out of an October 12 announcement entitled "Timely reminders about safety and community" on MIT's website, in which Vice Chancellor and Dean for Student Life Suzy Nelson informed students they may encounter divisive media that could contain "misleading, unsettling, and even hurtful statements."⁴ The notice instructs students who "believe the content of a poster, chalking, or similar display violates Institute policy" to "leave

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

² Suzy Nelson, *Timely reminders about safety and community*, MIT Organization Chart, MASS. INST. OF TECH., (Oct. 12, 2023) <https://orgchart.mit.edu/letters/timely-reminders-about-safety-and-community> [<https://perma.cc/59VG-K6CL>].

³ MIT News Office, *Letter to the MIT Community: Embracing freedom of expression in the life of the Institute*, MASS. INST. OF TECH., (Feb. 17, 2023) <https://news.mit.edu/2023/letter-mit-community-embracing-freedom-expression-0217> [<https://perma.cc/G47F-DYZB>].

⁴ *Id.*

it alone, take a photo, and report your concerns to the Institute Discrimination & Harassment Response Office (IDHR) or the MIT Hotline.”⁵ The notice also announced that:

The decision to take down a poster, chalking, or similar display based on content or viewpoint will be made in the sole discretion of a rapid response team appointed jointly by the Provost, Chancellor, Vice President for Human Resources, and the Chair of the Faculty.

You announced finalization of the new “Institute postering policy,” which includes the rapid response team vetting process, on October 18.⁶

Cabining viewpoint discrimination to administrators on a “rapid response team” is still viewpoint discrimination antithetical to MIT’s strong free speech commitments. These promises describe robust expressive freedoms as “vital”⁷ to the institution and expressly protect “speech some experience as offensive or injurious.”⁸ MIT explicitly guarantees freedom of expression to its students in its handbook, stating, “freedom of expression is essential to the mission of a university,”⁹ and its “Values Statement” further makes these commitments clear:¹⁰

We champion the open sharing of information and ideas. Because learning is nourished by a diversity of views, we cherish free expression, debate, and dialogue in pursuit of truth – and we commit to using these tools with respect for each other and our community.

MIT’s “rapid response” vetting explicitly gives a team of administrators unfettered discretion to discriminate and censor speech—and to remove any posters or displays they don’t like—based on “content and viewpoint.” This ignores the Supreme Court’s explanation that such viewpoint discrimination is “an egregious form” of censorship, and its admonition that authorities “must abstain from regulating speech when the specific motivating ideology or the

⁵ *Id.*

⁶ *Bulletin Boards, Postering, and Display Spaces*, MASS. INST. OF TECH., <https://policies.mit.edu/policies-procedures/120-relations-public-use-mit-name-and-facilities-use/125-use-facilities/1255> [<https://perma.cc/K9VK-WAVW>].

⁷ *Freedom of Expression in the Life of MIT*, MASS. INST. OF TECH (Feb. 16, 2023), <https://president.mit.edu/writing-speeches/embracing-freedom-expression-life-mit> [<https://perma.cc/G47F-DYZB>].

⁸ *MIT Statement on Freedom of Expression and Academic Freedom*, MASS. INST. OF TECH (Dec. 21, 2022), https://facultygovernance.mit.edu/sites/default/files/reports/20221221_MIT_Statement_on_Freedom_of_Expression_and_Academic_Freedom.pdf [<https://perma.cc/8UQW-PV9E>].

⁹ *Freedom of Expression*, 2023-2024 Mind and Hand Book, MASS. INST. OF TECH., <https://handbook.mit.edu/expression> [<https://perma.cc/3NKA-MHXP>].

¹⁰ *Values Statement*, MASS. INST. OF TECH., <https://www.mit.edu/values/> [<https://perma.cc/UXQ7-LG42>].

opinion or perspective of the speaker is the rationale for the restriction.”¹¹ When regulations or authorities target “particular views taken by speakers,” the violation of expressive rights “is all the more blatant.”¹²

Implementing a new campus posting policy that explicitly delegates content- and viewpoint-based discrimination to a committee of appointed administrators sends the unmistakably chilling message that MIT considers itself free to investigate and potentially punish any speech it deems objectionable, without consideration of its commitments to protecting expression. Because MIT’s new practice of reviewing posted materials is viewpoint discriminatory, it violates the university’s free expression policies and must be rescinded.

This does not mean MIT cannot offer support to complainants, which could come in the form of referring them to university resources, or engaging in conversation about the expression to which those students took offense. In that regard, we respectfully submit that MIT might do well to educate its students about their free expression rights and how a culture of free speech is necessary to a pluralistic society. This often requires tolerating and, if so motivated, responding to speech with which one disagrees—but not silencing it or seeking its official sanction.

If members of the MIT community see or hear protected speech they personally find offensive, they are not absent recourse. MIT’s student handbook laudably encourages students offended by a poster to exercise their own rights by conveying their “sense of offense to those who created the poster,” and further advises:¹³

People who are offended by matters of speech or expression should consider speaking up promptly and in a civil fashion, and should be able to ask others to help them in a professional fashion to express concern.

This policy of “more speech,” is the remedy to offensive expression preferred over censorship.¹⁴

We request a substantive response to this letter no later than close of business on November 15, 2023 confirming MIT will retract this statement and not implement its plan for a “rapid response team” to decide what content or viewpoints are it will allow on campus. FIRE’s Policy Reform team, which works with universities to revise their policies so they better align with

¹¹ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). While MIT is a private institution not bound by the First Amendment, students will reasonably interpret the university’s commitment to freedom of expression to be in line with the First Amendment’s protections.

¹² *Id.*

¹³ Freedom of Expression, *supra* note 9.

¹⁴ *Whitney v. California*, 274 U.S. 357, 377 (1927).

First Amendment standards, would be pleased to offer suggested revisions to the policy, as well as examples of policies regulating this area from other institutions, for your consideration.¹⁵

Sincerely,



Amanda Nordstrom
Program Officer, Campus Rights Advocacy

¹⁵ The posting policies at Radford University (*available at* https://www.radford.edu/content/dam/departments/administrative/policies/StudentAffairsPoliciesandProcedures/SA-PO-1302_PostingandChalking.pdf) and the UNC School of the Arts (*available at* <https://www.uncsa.edu/mysa/policy-manual/400-facilities/403-bulletin-boards-disseminated-materials.aspx>) are examples of policies FIRE recommends other schools review when adopting their own policies.