

CLIENT ALERTS

Higher Education and the Public Fora

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In this issue:

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Recent decisions by two federal courts have signaled a warning flare for institutions of higher education to examine their campus free-speech policies.

On June 12, 2012, the United States District Court for the Southern District of Ohio granted an injunction prohibiting the University of Cincinnati from enforcing its prior notice and permit scheme, which restricted all "demonstrations, picketing, and rallies" to a "Free Speech Area" that comprised just 0.1% of the campus grounds and required advance notice ranging between five and fifteen days.¹ In that case, a student group wanted to circulate across the campus to gather signatures on petitions to place the Ohio Workplace Freedom Amendment on the November 2012 ballot. When the students were told that they must restrict their activities to the obviously very limited "Free Speech Area"—or be subject to arrest—they sought a preliminary injunction prohibiting the University from enforcing its policies. The court began its decision by quoting the Supreme Court: "It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so."

¹ Univ. of Cincinnati Chapter of Young Americans for Liberty v. Williams, No. 12-155 (S.D. Ohio June 12, 2012)

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