

Lawyers Challenge Unconstitutional Policies at 160 Schools

With **culture wars** intensifying on university campuses across the nation, legal activists are doing more than defending—they are taking a proactive approach to defending **First Amendment** rights.

The Alliance Defense Fund (ADF) on Thursday launched a new legal effort to change unconstitutional policies at more than 160 public universities and colleges by sending a first round of 40 letters to schools in 23 states. All of the schools have policies that violate the rights of students protected by the First Amendment.

“Public universities should encourage, not censor, the free exchange of ideas,” says Kevin Theriot, senior counsel at ADF. “The objective of this effort is to inform university and college officials of how their policies conflict with the Constitution, as reinforced by numerous federal court rulings, so that the schools can make changes. This gives them the opportunity to respect the constitutionally protected rights of their students without any costly litigation.”

The ADF has identified problematic policies including various speech codes and zones that place unconstitutional restrictions on student speech, policies that force student clubs to accept voting members and officers that don’t agree with the clubs’ beliefs, and policies that allow non-religious student groups to use student activity fees but exclude religious student groups even though the students in those groups have contributed to the fees.

The ADF reports that the letters have already received some response. For example, Elizabeth City State University in

North Carolina has agreed to modify a policy that unconstitutionally limits student expression to a small wooded area on campus.