

Obama's Anti-Harassment Blueprint Squashes Free Speech

Alliance Defending Freedom sent the U.S. Departments of Justice and Education a letter Thursday explaining the constitutional problems with an administration "sexual harassment" policy agreement that will serve as a "blueprint" for colleges and universities throughout the country. A coalition of religious, conservative and independent student and faculty organizations signed the letter.

In May, the **Obama administration** released an agreement with the University of Montana after the Department of Justice investigated the university for improperly handling sexual assault cases. The agreement requires the university to modify its sexual harassment policies, but in its attempt to discourage and prohibit sexual harassment, the blueprint policy widely opens the door for the suppression of the constitutionally protected free speech of students.

"Students should be able to speak freely about issues such as race, gender, religion and politics without fearing retribution," says senior legal counsel David Hacker. "While we condemn actual harassment, which has a clear legal definition, this anti-harassment blueprint is nothing less than a vague and broadly defined speech code that will end up prohibiting speech the **First Amendment** protects."

The Alliance Defending Freedom coalition letter explains that the agreement's ban on "unwelcome speech" is "so undefined that students, let alone administrators charged with its enforcement will differ as what constitutes a violation. This leaves universities with the enormous, and unbridled, administrative burden of policing what is and is not

actionable harassment. **Free speech** will suffer in the end.”

The letter also explains that courts have uniformly rejected campus speech codes since the inception of the codes in the 1980s. These codes “tend to become weapons of the dominant political culture, wielded against dissenters in an effort to replace the ‘marketplace of ideas’ with an ideological monopoly.”

Young America’s Foundation, National Association of Scholars, Students for Life of America, Ratio Christi, Campus Bible Fellowship International, Collegians for a Constructive Tomorrow and Beta Upsilon Chi all signed the coalition letter.

Alliance Defending Freedom sent a similar coalition letter to the University of Montana that explains how the agreement violates the constitutional freedoms of students. Patrick Flaherty, one of more than 2,300 allied attorneys with Alliance Defending Freedom, assisted with the letter.

“Free, spontaneous discourse on college campuses is supposed to be a hallmark of higher education rather than the exception to the rule,” adds senior counsel Kevin Theriot. “The policies of the Department of Justice and the Department of Education should always allow students to exercise their constitutionally protected freedoms.”