



Freedom of Conscience and Thought Reform on Campus

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

—*West Virginia State Board of Education v. Barnette* (1943)

This primer outlines the fundamental right of freedom of conscience and the threats to this right on college campuses. For a more thorough analysis of the issue, consult [FIRE’s Guide to First-Year Orientation and Thought Reform on Campus](#).

FREEDOM OF CONSCIENCE

Freedom of conscience is the right to arrive at one’s private beliefs without coercion from those in power. Differences of opinion are the natural byproducts of a vibrant, free society. Unfortunately, at some of our nation’s colleges and universities, students are expected to share a single viewpoint on hotly debated—and often highly personal—issues. The two primary ways freedom of conscience is threatened on college campuses are through viewpoint discrimination and thought reform.

VIEWPOINT DISCRIMINATION

Viewpoint discrimination occurs when a university or college exhibits **biased treatment** against individuals or groups based on the beliefs they hold. Examples include when large security fees are **levied** against student groups that invite controversial speakers to campus or when universities **deny official recognition** to **campus clubs** based on those clubs’ beliefs. Viewpoint discrimination also occurs in the form of political or **ideological litmus tests** in the hiring of job candidates, such as professors.

In *Forsyth County v. Nationalist Movement* (1992), the Supreme Court determined that government actors—a group that includes public college and university administrators—may not lawfully impose extra burdens on speech based on their own subjective judgments about “the amount of hostility likely to be created by the speech based on its content.” This means, for example, that schools may institute security fees only in a manner that is both content- and viewpoint-neutral. The fees must also be imposed based on narrowly-drawn, definite, and published criteria. As the Court wrote in *Forsyth*, “Listeners’ reaction to speech is not a content-neutral basis for regulation.”

The Supreme Court also made clear in *Rosenberger v. Rector and Visitors of the University of Virginia* (1995) and *Board of Regents of the University of Wisconsin System v. Southworth* (2000) that when public universities distribute student activity fee money, they must do so in a viewpoint-neutral manner. A public university cannot deny student activity fee funding based on a group’s message or ideology without engaging in the unconstitutional practice of viewpoint discrimination.



THOUGHT REFORM

Listening to different opinions and being exposed to unique perspectives, especially those with which you don't agree, is a fundamental aspect of the college experience. Colleges and universities overstep their role as educational institutions when they demand adherence to certain values and subject students to disciplinary charges or mandatory counseling for failing to demonstrate a commitment to those values. Diversity trainings, or other training programs, that instruct students to abide by an **officially approved** ideology raise serious constitutional concerns when they are mandatory, are aimed at enforcing an ideological orthodoxy, and are conducted in a manner that requires students to voice agreement, or forbids students from open disagreement.

TAKE ACTION

From listening to your favorite band to supporting a political party—even worshipping as you wish—every one of us has our own unique set of preferences. Enforced unity on campus denies students the right to freedom of conscience and detracts from the marketplace of ideas that colleges and universities have long purported themselves to be.

If you think you have encountered viewpoint discrimination, attempts at thought reform, or any other attacks on your constitutionally guaranteed freedom of conscience on your campus, **FIRE wants to hear about it.**