

Free Speech on Campus Case Study: Arkansas Tech University

Students at Arkansas Tech held a “free speech ball” event, rolling a giant beach ball around open, outdoor areas of campus and inviting fellow students to write messages on the surface. They were approached by a campus public safety officer and told to move this activity to a tiny free speech zone. Review the following statements from court rulings and write an analysis of whether or not this demand would hold up in court.

Widmar v. Vincent (1981) “With respect to persons entitled to be there, our cases leave no doubt that the First Amendment rights of speech and association extend to the campuses of state universities.”

Healy v. James (1972) “The precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”

Ward v. Rock Against Racism (1989). A college may establish “reasonable time, place and manner” restrictions on speech and expressive activity. Any restrictions on student speech in open, outdoor areas of a public campus must be viewpoint- and content-neutral, and narrowly tailored to serve a significant government interest, leaving open ample alternative channels for communication.

University of Cincinnati Chapter of Young Americans for Liberty v. Williams (2012) a federal district court stopped the University of Cincinnati from limiting all “demonstrations, picketing, or rallies” to a small “free speech area.” The court rejected the university’s argument that all areas outside the free speech area were limited public forums.

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