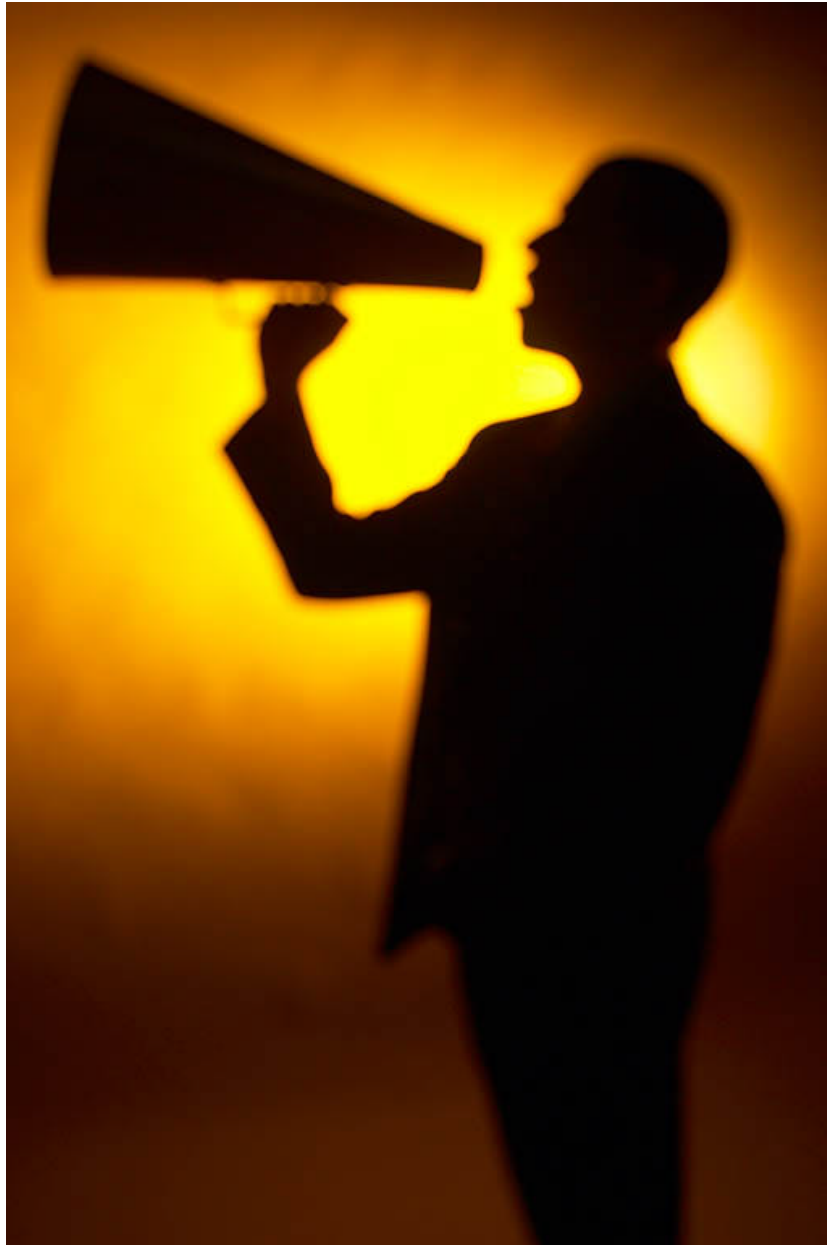


Freedom of Speech at UTEP



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Introduction

Freedom of speech and academic freedom on college campuses is an ongoing issue across the nation. Since 1980 college students have experienced restrictions to their First Amendment rights at their campuses through regulations, such as free speech zones and event approval, including speakers and content approval.¹ University administrators defend their policies as a way to keep student-organized events from interfering with academic learning. Students feel that limitations on the subject matter of their event and the bureaucracy they must go through for approval of an event are limiting to their freedom of speech rights and have discouraged enthusiastic students who wish to express their academic views outside of the classroom. The students at the University of Texas-El Paso (UTEP) are some of the many across the nation that are still trying to fight for their First Amendment rights.

Voices that Impacted the Future

UTEP has a rich history of students who become involved and speak their minds about current events involving the world around them. In 1969, students protested the Vietnam War by covering the Geology Lawn with white crosses in a memorial to all those that died in the conflict. The campus was also thriving with speeches and music concerts held at the Student Union to raise awareness about the war. In 1971, two student organizations, MEChA and La Mesa Directiva, organized more than 2,000 students to take over the UTEP Administration Building to demand more financial aid and services for Mexican-American students. As a result of these efforts, a decade later UTEP became known as the leading institution for graduating Hispanic Engineers.² These students made an impact with their events, creating positive change for today's students.

Current Free-Speech Issues at UTEP

In 2003, two students, Ruben Reyes and Kristopher Johnson, filed a federal lawsuit against the UTEP Administration and the University of Texas Board of Regents for regulating free speech to certain "zones" on campus.³ "Free speech zones" are areas on campus chosen by a university as suitable venues for students to hold speeches and events. This freedom of speech restriction even received attention from Texas legislators when House Bill 487 was introduced by Texas Representative Norma Chavez to "prevent overly broad, vague and discriminatory speech and assembly restrictions on

¹ Associated Press. "Schools under fire for 'free-speech zones'." [CNN](http://www.cnn.com/2003/EDUCATION/05/30/campus.speech.ap/) May 2003. 22 Nov. 2005<<http://www.cnn.com/2003/EDUCATION/05/30/campus.speech.ap/>>.

² Ramirez, Cindy. "Overview: learning and living through the decades." [UTEP 90th Anniversary](http://www.utep.edu/50thanniversary/timeline/).2004.The University of Texas at El Paso. 22 November 2005. <http://www.utep.edu/50thanniversary/timeline/>>.

³ "Free Speech." [UT Watch](http://utwatch.org/archives/79thLegislature/79thLegislature/freespeech/).2005.1Dec.2005<http://utwatch.org/archives/79thLegislature/79thLegislature/freespeech>.

campus."⁴ As a result of these events, UTEP did change its policies regarding free speech zones, but the changes have yet to be advertised to the student body. Since the policy regarding free speech zones and other rules regarding student assembly and expression have been substantially revised, the entire student body needs to be informed by the University about these changes.

In January 2005, two student organizations, Voices for Planned Parenthood and the Anthropology Society, organized a peaceful, informational rally for UTEP students about the possible health dangers related to lead and arsenic if the ASARCO smelter plant, which is only 0.5 miles away from UTEP, was granted an air permit renewal, allowing the plant's operations to restart.⁵ Approximately 800 students attended the event, which included two bands and speeches by public officials and was supervised by University staff and police. UTEP students Summer Luciano and Jacqueline Barragan organized the event in the hope that it would pressure the University to take a position on the air permit issue. None of the University's administrators who were invited attended, resulting in a 100-person student-led march to the Administration Building.

A few days later, the UTEP Administration initiated disciplinary actions against the student organizers for alleged violations of the UTEP Handbook of Operating Procedures. The alleged violations included: an off-campus speaker attended the event; the student organizers did not follow proper procedure regarding the activity request form; and students blocked the exit of the Administration Building.⁶ The students appealed these charges, which they felt demonstrated how the University attempted to control free speech and student assembly through bureaucratic event regulations, especially when the event involved a subject matter considered controversial by the University. The students won their appeal.

As a result of this incident, a UTEP Faculty-Senate subcommittee, the UTEP Free Speech Committee, was formed to examine the University's policies regarding freedom of speech and assembly. The subcommittee produced a report and their recommendations for the University, which included the recommendation that the Student Affairs Office "take immediate steps, in conjunction with the faculty advisory board and representative student leaders, to eliminate even the appearance of uneven treatment of organizations on the basis of their philosophies or activities."⁷

⁴ Chavez, Norma."Inside the Texas Legislature." Texas Legislative Information System,2005.1 Dec. 2005 <<http://www.capitol.state.tx.us/tlo/79r/billtext/HB004871.HTM>>.

⁵ "UTEP's free speech policy to be reviewed." El Paso Times 13 April 2005: B1.

⁶ "The Handbook of Operating Procedures." Administration,2003.The University of Texas El Paso. 22 Nov. 2005 <<http://admin.utep.edu/Default.aspx?PageContentID=2378&tabid=30381>>.

⁷ "Report of the Free Speech Committee." Faculty Senate,2005.The University of Texas El Paso. 22 Nov.2005 <<http://organizations.utep.edu/Default.aspx?alias=organizations.utep.edu/facultysenate>>.

In 2005, despite adhering to the many regulations required for student organizations to hold events, one group still did not receive support from the University when they also tried to educate the El Paso community about the health dangers related to smelter pollution. In March 2005, thirteen different organizations gained support from thirteen departments to sponsor a book reading by Dr. Devra Lee Davis for Women's History Month. Dr. Davis was a Senior Advisor to the Assistant Secretary of Health in the Department for Health and Human Services and appointed by President Clinton to the Chemical Safety and Hazard Investigation Board (1994-99). Her book, *When Smoke Ran like Water*, details the development of cancer in communities in America that have high levels of pollution due to smelters.

According to the Student Development Center Coordinator, student organizations should inform University Relations of any off-campus speakers in case the University needs to inform the public about the event, invite the speaker back in the future, or properly welcome the speaker to the campus. The Women's Studies Department informed the University Communications Department of its events, including Dr. Davis' book signing and reading. The student organizers also sent their own press releases to University Communications and local media in order to ensure that the community would be well informed about the book reading. When UTEP sent their press release on the Women's History Month events, however, it did not mention Dr. Davis' book signing or speech. In the end, the Dr. Davis' book signing and speech was not mentioned in the *El Paso Times* story about the Women's History Month's events. In addition, the University did not provide a chauffeur or University-staffed welcome when Dr. Davis arrived to campus as is customary for notable off-campus speakers. While this could have been an oversight, for UTEP student organizers it was another instance where they did not feel supported by the University for organizing events.

Recommendations

1. *Have More Accountability and Transparency about Student Free Speech and Assembly Policies*

Freedom of Speech policies and revisions of these policies need to be advertised to the UTEP community. There are students who still believe that there are free speech zones on the University campus. The University should implement a handbook for students detailing their rights. A "Know Your Rights" handbook can include students' rights as a student and a citizen. Universities across the county like State University of New York College at Brockport, University of Massachusetts-Dartmouth, and Trinity College are just a few of the institutions of higher education that have created publications like these.⁸ This information should also be accessible online and at all offices where students frequently visit.

⁸ "Your Right to Know Academic Policies Handbook." SUNY Brockport. 22 Nov. 2005 <<http://www.brockport.edu/publications/yrtk/html/safetyReport.html>>

2. *Create a Student Freedom of Leadership and Activities Coordinator Position*

In its report, the UTEP Free Speech Committee stated that "the Student Affairs office, and especially the Student Development Center (SDC), is plagued by high rates of turnover, which the committee believes helps to create and contributes to a climate of risk avoidance, confusion, and low expectations that pervades student affairs, emanating from the offices of the Dean of Students and the Vice President of Student Affairs."⁹ As a result, the Committee recommended that the SDC fill its vacant positions.

One of these positions should include a full-time staff member responsible for helping students know their rights and to assist with planning student events on campus. This staff person will be able to contact University Relations and the Vice-President of Student Affairs office if students invite high profile speakers so that the UTEP administration can be informed of and involved in these events. This will help better facilitate the policies of the University with student organizations that are planning events, as well as, improve University and student relations.

3. *Encourage Academic Freedom of Speech*

The American Psychological Association, states in their study, "that active learning connotes an array of learning situations in and out of the classroom in which students enjoy "hands-on" and "minds-on" experiences."¹⁰ "Hands-on" and "minds-on" experiences on college campuses are best exemplified through students engaging in activities where they can express their views about what they are researching and learning. The UTEP Free Speech Committee reiterated this sentiment when it recommended that the University "devise a set of programs with input from the faculty advisory board and representative student leaders that focus on facilitating the free exchange of ideas on campus and on developing vision rather than simply bureaucratic competence among student leaders." This imperative student activity needs to be openly and actively encouraged by all faculty and staff at UTEP.

⁹ "Report of the Free Speech Committee." Faculty Senate.2005.The University of Texas El Paso. 22 Nov.2005
<<http://organizations.utep.edu/Default.aspx?alias=organizations.utep.edu/facultysenate>>.

¹⁰ "Promoting Active Learning in Psychology Courses." American Psychological Association. 22 Nov. 2005<<http://www.apa.org/ed/hspromote.html>>.