

# BR Sits Down With FIRE's Adam Kissel

**This Wednesday, Adam Kissel, of the Foundation for Individual Rights in Education (FIRE), will be lecturing BU on Student Rights. Prepare yourself with this pre-event interview...**

**BR: What is FIRE? When was it founded/what is its purpose?**

FIRE: The Foundation for Individual Rights in Education was founded in 1999 and is celebrating its ten-year anniversary. The mission of FIRE is to defend and sustain individual rights at America's colleges and universities. These rights include freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience—the essential qualities of individual liberty and dignity. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them.

**BR: Can you explain FIRE's speech code ratings?**

FIRE: FIRE defines a speech code as any campus regulation that punishes, forbids, heavily regulates, or restricts a substantial amount of protected speech, or what would be protected speech in society at large. This basic definition is necessary because colleges rarely label such restrictions as "speech codes" in their handbooks. A "red light" institution has at least one policy that both clearly and substantially restricts freedom of speech. A "clear" restriction is one that unambiguously infringes on what is or should be protected expression. In other words, the threat to free speech at a red light institution is obvious on the face of the

policy and does not depend on how the policy is applied. A "yellow light" institution has some policies that could ban or excessively regulate protected speech. If FIRE is unable to find a policy that seriously imperils speech, a college or university receives a "green light." A green light does not indicate that a school actively supports free expression. It simply means that FIRE is not currently aware of any serious threats to students' free speech rights in the policies on that campus.

**BR: How would you rate Binghamton University compared to other public universities in terms of free speech and student rights?**

FIRE: As a yellow light institution, suffice to say that Binghamton is not as bad as the worst public schools and not as good as the best, in terms of the university's commitment to freedom of speech and other student rights. However, this is not exactly a laudable result, since Binghamton University is required, as a public institution, to guarantee and uphold the constitutional rights of students and faculty on campus.

**BR: In 2005, FIRE's Torch blog declared Binghamton "close to a green light [rating]." What has changed since then?**

FIRE: It is precisely because of the lack of change since 2005 that Binghamton continues to be rated as a yellow light in-

stitution. As Samantha Harris detailed on *The Torch* back in 2005, "SUNY Binghamton maintains a harassment policy that does not live up to the university's own commitments to the free speech rights of its community members." Specifically, Sam pointed out that the policy was overbroad because it provides that "communicating or causing communication to be initiated by...any mechanical, electronic or written communication in a manner likely to cause annoyance or alarm is prohibited." This policy remains essentially in effect, as the language now reads: "Communicating or causing a communication be initiated with such person, anonymously or otherwise, by telephone, electronic mail, mail or any other form of written communication, in a manner likely to cause annoyance or alarm" is prohibited as "harassment."

As Samantha pointed out then: "As the university itself has explicitly recognized, the state cannot prohibit speech simply because it causes annoyance or alarm. Rather, to constitute harassment, the speech must be so severe, pervasive or persistent that it unreasonably interferes with an individual's opportunity to obtain an education or that it creates a hostile work or educational environment.

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Gaza, but this must be done through a process in which there are inspections by an international observer. Gaza must be demilitarized and there must be a buffer zone put in place along the Israel Gaza border to prevent the launch of rockets into Israel.

Fatah and other moderate parties must also be allowed back into the Gaza strip as a condition of any permanent cease-fire. Hamas has effectively developed a one party dictatorship, which in turn has radicalized all of Gaza. The West Bank, currently controlled by the Fatah party, has seen dramatic improvements over the past decade and is on the fast track to

statehood.

The Israelis must, as hard as it may be, work to limit civilian suffering in Gaza. If Israel hopes to achieve lasting peace, they need to improve their image in the Muslim world through reason and generosity towards the very people who have sworn to eliminate Israel as a nation. Violence breeds violence, and as a modern, secular democracy, Israel must break the chain of violence and set an example for the region. While it cannot allow threats to its own national sovereignty, the Israeli government must act in pragmatic and proportionate ways. As seen in the recent Gaza conflict and

the Israel-Hezbollah War of 2006, the massive conventional military might of the Israeli Defense Forces is unable to totally eradicate a guerilla force of indigenous radicals capable of blending into the civilian population without amassing huge civilian casualties and garnering negative opinions from the other nations of the world. Only these steps can lead to a real chance for peace in the Middle East.

*-John Jensen is a senior History/Middle East and North African Studies Major. He may or may not get caught in the crossfire on his next trip to Gaza.*

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# FIRE Interview

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SUNY Binghamton knows this—it has adopted the EEOC’s definition of harassment in its sexual harassment policy and has acknowledged its obligation, as a public university, to fully respect the First Amendment rights of its students and faculty. SUNY Binghamton is very close to being a “green light” university, and FIRE would love to be able to turn it over to “green light” status since it seems so committed to the First Amendment rights of its community members. So long as this unconstitutional policy is in place, however, we cannot do so.”

**BR: Since FIRE’s founding, what progress has been made? What is still left to be done?**

FIRE: To date, FIRE has secured 136 victories at 110 colleges and universities whose total student enrollment exceeds 2.3 million. In addition, since

FIRE’s inception we have successfully changed or ended 69 unconstitutional or otherwise repressive policies affecting nearly 1.5 million students. Unfortunately, 77 percent of public universities still maintain unconstitutional speech codes.

**BR: Why do universities, which are supposed to be liberal bastions of free thought, so often maintain policies that are anything but liberal (in a classical sense anyway)?**

Some universities mean well but go too far in trying to shield other students from real problems like harassment. Others are simply coddling students and calling them weak by trying to protect them from feeling offended. Other colleges are actually trying to change campus culture by enforcing particular standards of “civility” or “tolerance” guided by a particular political point of view,

not really understanding how much damage they are doing to free speech and free thought on campus.

**BR: What are some things students can do to make sure they are protected?**

FIRE: See lots of advice in the Guides to students’ rights (<http://www.thefire.org/index.php/guide/>). Understand your First Amendment rights—what counts as protected speech is often much broader than people think. Understand your due process rights. Make written records of oral conversations (especially with administrators), and ask the participants in the conversation to verify your recollection of what was said. Contact FIRE immediately if you believe your rights have been or are being violated.