SPEECH FIRST

2022

FREE SPEECH IN THE CROSSHAIRS:
BIAS REPORTING ON COLLEGE CAMPUSES

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ABOUT SPEECH FIRST

Speech First is a membership association of students, parents, faculty, alumni, and concerned citizens committed to restoring the freedom of speech on college campuses through advocacy, education, and litigation. Launched in 2018, Speech First is dedicated to preserving the free and open discourse essential to a comprehensive education and counteracting the increasingly toxic censorship culture on college campuses.

LETTER FROM THE EXECUTIVE DIRECTOR

Colleges and universities routinely threaten their students' speech rights. Those who fight back are met with open hostility from campus administrators, professors, and peers. As a result, students across campus are often denied the opportunity to express their views in open debate.

One increasingly popular method of quelling campus speech and enforcing ideological uniformity is the adoption of Bias Reporting Systems (BRSs), which schools often create under the guise of "Diversity, Equity, and Inclusion." BRSs actively chill student speech through fear and intimidation. Sadly, the students themselves often anonymously report their peers for alleged infractions. By creating a tattle-tale culture, students are empowered to enforce agendas on others.

I could give you countless examples of brave students who stand up for what they believe in. But the prospect of standing up to a college or university can be overwhelming, expensive, and time-consuming (not to mention awkward, since the student still wants a diploma at the end of the day). That's why many students stay silent.

The prospect of speaking freely looks less daunting when students are supported by like-minded individuals from all over the country and have the partnership and support of an organization with the resources to fight back. That's why Speech First exists. We've created a nationwide community of free speech supporters so that students won't have to go at it alone. We provide support every step of the way: on campus, in the media, and in court.

Speech First is restoring the freedom of speech on college campuses because when students are exposed to different and challenging ideas, they emerge stronger, smarter, and more resilient. That's the point of education, after all. And that's why we're putting colleges and universities on notice that we'll be there whenever they censor, shut down, or unjustly punish speech.

We hope you'll join us.

Cherise Trump

Executive Director, Speech First

EXECUTIVE SUMMARY

Free speech is under attack. Today, higher education is ground zero for testing out dangerous forms of censorship that instill fear, propel viewpoint discrimination, and restrict vital academic discourse.

One increasingly popular tactic is the Bias Reporting System (BRS). These elaborate schemes are designed to silence dissenters, stifle open dialogue, and encourage students to report speech they deem unacceptable. Two federal courts of appeals have already recognized the chilling effect of BRSs. In 2019 the Sixth Circuit stated that BRSs impose an "objective chill" on speech because they "act by way of implicit threat of punishment and intimidation to quell speech."[1] Similarly, in 2020, the Fifth Circuit agreed, stressing that BRSs "represent the clenched fist in the velvet glove of student speech regulation."[2]

This 2022 Report, 'Free Speech in the Crosshairs: Bias Reporting on College Campuses,' is the first comprehensive report covering these issues in nearly five years. Speech First's report provides updated data, trends, and reflections in order to provide new insights into the rapid growth of bias reporting systems.

456 BIAS REPORTING SYSTEMS

249 PUBLIC

207 PRIVATE
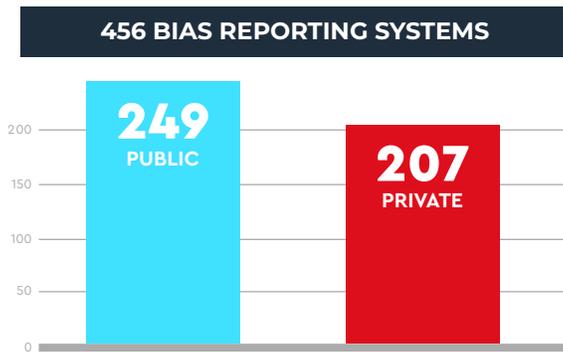
We evaluated 824 institutions of higher education and found that the **majority** of them (56%) have Bias Reporting Systems. In total, we identified **456 Bias Reporting Systems** (BRSs)[3] at public and private institutions of higher education across the country. Of these, **249** were found in *public* institutions and **207** in *private* institutions – and 53% of the most egregious forms[4] of BRSs were housed in Diversity, Equity, and Inclusion (DEI) offices.

Before this Report, the primary data available on this issue was the 2017 report from the Foundation for Individual Rights in Education (FIRE),[5] which identified **232 Bias Reporting Systems** (BRSs) on American college campuses. The FIRE report predicted that this number would "grow rapidly."[6] FIRE's prediction turned out to be correct. In this report, Speech First identifies **456** BRSs, **twice as many** as identified by FIRE just five years ago. Moreover, this report is largely based on information that universities publicly report. It is very likely that some BRSs are not publicized, and so these reporting systems are far more pervasive than we know.

In short, our data shows that Bias Reporting Systems have been spreading rapidly. Our report outlines the scope of this problem and includes an underlined appendix of all the schools we found with identified BRSs.

Tackling BRSs will require some combination of the following:
- *Legal action* – Hold universities accountable for their bad policies in the court of law.
- *Public pressure* – Parents, students, and alumni should inform state and national legislators as well as the media about free speech concerns on their campuses.
- *Engage alumni and donors* – Donors should demand transparency from the universities they give to.
- *Use state and federal funding to apply pressure* – Tax-payer funded institutions are beholden to the people.
- *Empower students* – Students should know their rights and recognize when those rights are being violated.

"For the people to rule wisely, they must be free to think and speak without fear of reprisal."

James Madison
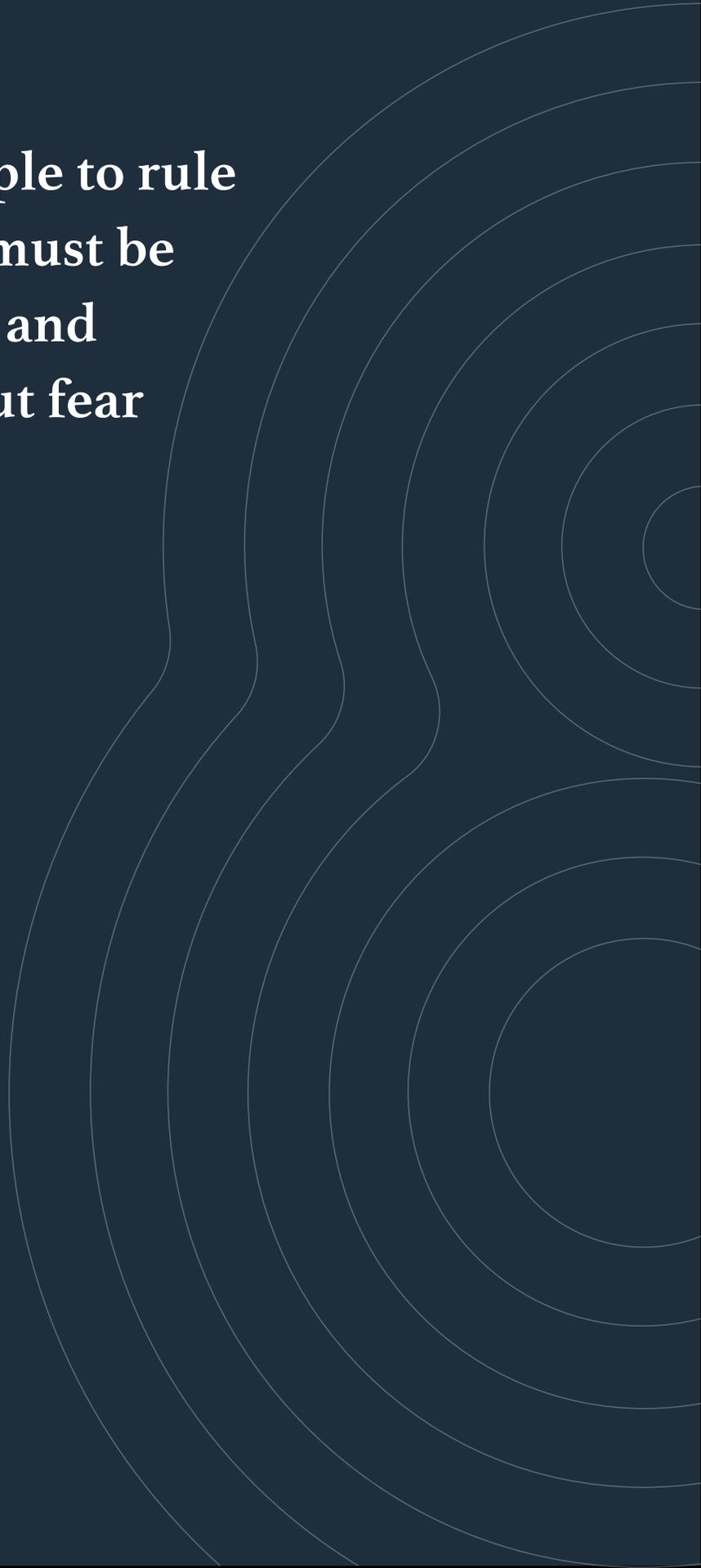
WHAT ARE BIAS REPORTING SYSTEMS?

FIRE's 2017 Report defined a bias reporting system 'as any system identified as such, or that provides':[7]

1. a formal or explicit process for or solicitation of

2. reports from students, faculty, staff, or the community

3. concerning offensive conduct or speech that is protected by the First Amendment or principles of expressive or academic freedom.

Bias Reporting Systems are university teams or procedures that are specifically designated to solicit, receive, investigate, and respond to reports of "bias incidents" or other similar speech at their institutions. Typically, BRSs invite students and faculty to report speech that is "biased" on the basis of some protected characteristic such as race, religion, sex, sexual orientation, gender identity/expression, age, disability.[8] Many even include "bias" against someone's "political affiliation."[9]

Students, faculty, and staff who believe they have experienced or witnessed a "bias incident" can usually report the incident to their college or university through an online reporting form. In most of these forms, the reporter can choose to remain anonymous.

BRSs are typically staffed by the university's senior faculty and staff. And some include a police officer on the team itself—a literal speech police.

After receiving a complaint about an alleged "bias incident," the BRS reviews the incident report and will either conduct an "educational intervention"[10] with the accused student or forward the complaint to another university department for further review. Some BRSs maintain a public log of reported bias incidents, sometimes with enough detail that others on campus can deduce who was involved. And virtually all universities claim that these processes are designed to assess the campus climate and monitor "patterns" of hate and bias to help the university improve its trainings, programs, or policies. Students reported to these systems do not know whether or not the university is keeping records—records that could follow them well beyond college and into their professional careers.

The University of Maryland's description of its BRS is emblematic:

> The primary role of the Hate-Bias Response Team is to review hate-bias incidents, to provide appropriate responses based on the nature of the incident and to work collaboratively to provide educational outreach to the campus ... Bias Incident Support Services (BISS) is charged with addressing hate-bias incidents targeting UMD students, faculty and staff. The program responds, educates and reports to the campus community about bias, its impact, as well as protocols related to bias ... [BISS] is committed to holistically addressing hate-bias incidents that target UMD community members by focusing on incident response and support, proactive training and education initiatives, and data collection and distribution ... BISS staff collects and analyzes data related to hate-bias incidents which allows for the evaluation of trends, the assessment of training needs and strategizing of prevention efforts.

Similarly, the University of Tennessee at Knoxville describes its BRS (what it calls the "Bias Education and Response Team," or BERT) as using the following protocol:

> The team members will review incident reports and meet with affected students to facilitate services such as counseling, health services, or other referrals as needed to address safety concerns and to provide assistance and comfort to those impacted ... [and] develop an appropriate plan to initiate communication with the broader community and make referrals to the Office of Student Conduct and Community Standards, Office of Equity and Diversity, or the University of Tennessee Police Department if the incident appears to violate a university policy or state/federal law ... Any student found to

be responsible for an act of bias, which violates university Standards of Conduct or criminal law, will be subject to disciplinary sanctions up to and including permanent dismissal from the university.

BRSs frequently define "bias incidents" in vague and overbroad terms, making them difficult for students to interpret and easy for administrators to employ at their discretion. Nevertheless, all of the definitions make one thing clear: they apply to student speech. As a result, students often self-censor to avoid running afoul of these

teams. Recent data shows that only 32% of college students feel that it is very or extremely clear that their college administration protects free speech on campus.[11]

Apart from the reporting teams described above, BRSs can often arise as vague online systems embedded within other boards or committees already established on campus — systems soliciting reports of incidents concerning speech that is biased, offensive, unwanted, discriminatory, hateful, or a "microaggression."

THE DANGERS OF BRSs

BRSs intimidate and silence students whose viewpoints do not conform to the dominant social, political, and cultural narratives on campus. By design, these teams create an environment of fear that chills speech and dialogue between students of diverse beliefs and perspectives, ultimately silencing speech through self-censorship. This chilling effect was confirmed by a 2021 joint study conducted by FIRE, College Pulse, and RealClearPolitics, which found that more than **80%** of college students in the U.S. self-censor.[12] The result of this climate of intimidation and self-censorship is a campus environment that fosters fearful silence instead of a healthy back-and-forth in the classroom, in dorms, at club events, and in social settings.

The broad definition of "bias" allows universities to burden a broad range of constitutionally protected expression. And a lack of clear and meaningful standards opens the door to arbitrary or discriminatory enforcement.

The definition of a "bias incident" at most universities is so broad that it encompasses even political speech. Common definitions include speech that is "motivated by a bias against a person in part because of that person's ... *political affiliation ... or intellectual perspective*" (the University of Mississippi), or biased expressions "based on ... p*erceived political ideas*" (Eastern Mennonite University). But students must be able

to speak freely and offer their perspectives on historical and current events and ideas. As Speech First warned in its case against the University of Michigan, "[u]nder the plain text of [the BRS's] definitions, a student may be deemed to have acted with 'bias' if, for example, she gives a speech sharply criticizing the Catholic Church and its adherents for not allowing women to become priests; this student has expressed a 'negative opinion' or 'attitude' about a certain group of people based on their 'cultural experience' of religion."[13] Such rich and valuable discourse should not be discouraged through university intimidation.

BRSs also frequently combine immense power with a lack of oversight or accountability. Many BRSs can either initiate disciplinary actions against students or refer allegations to other university departments with disciplinary authority. But even when a BRS disclaims any formal disciplinary authority, the mere presence of a team consisting of senior administrators responsible for monitoring student expression inevitably chills speech. The simple fear of being anonymously reported to university authorities and subjected to process-is-punishment investigations (which often include university officials and law enforcement), diversity and anti-bias trainings, and public stigmatization is a present and powerful force on campuses across the country.

Bias reporting systems "represent the clenched fist in the velvet glove of student speech regulation."

With these powerful, unaccountable systems and broad definitions in place, universities solicit complaints from students about their classmates' speech. Put differently, they ask students to report one another simply for expressing disagreement with or an alternative perspective from the dominant social, political, or cultural narrative on campus.

BRSs ultimately contribute to a culture on campus that prevents students from voicing unpopular beliefs about the most important issues of the day — topics like racial inequality, abortion, gender identity, gun control, or contemporary socio-political phenomena like the George Floyd protests.[14]

That's why these policies undermine the very foundational purpose of our educational institutions. As Amna Khalid and Jeff Snyder, professors of History and Educational Studies at Carleton College, have warned, BRSs "degrade education by encouraging silence instead of dialogue, the fragmentation of campuses into groups of like-minded people, and the deliberate avoidance of many of the most important — and controversial — topics across all academic disciplines. They are inherently anti-intellectual enterprises, fundamentally at odds with the mission of higher education."[15]

Paradoxically, BRSs undermine the very diversity that the proponents of BRSs claim to seek. Diversity of all kinds, including diversity of thought, is central to educational excellence. As a result, BRSs present a formidable threat to educational excellence. As Khalid and Snyder correctly feared, bias response systems:

> undermine a bedrock principle of the modern university: that more diversity leads to better learning ... [D]iversity works its magic only through meaningful contact between people with varying 'identity characteristics.' Contact, by definition, will sometimes lead to conflict. Imagine a conversation between an evangelical student and a gay student on same-sex marriage, or a discussion about U.S. drone policy between a dove and a hawk. Such conversations are invaluable. But without the space to debate and argue, students won't ever be forced to confront the underlying assumptions framing their worldviews. BRTs threaten to drive students into their own corners with peers who look and think like them, reducing the potency of diversity to a glib slogan on admissions brochures.[16]

METHODOLOGY

The Colleges and Universities in this Report

We evaluated the leading four-year colleges and universities in every state, generating a significant pool of both private and public schools. Ultimately, our study covered 444 private schools (which represent 23%[17] of all private four-year colleges in the U.S.), and 380 public schools (which represent 49%[18] of all public four-year colleges in the U.S.), for a total of 824 institutions.

In 2016, FIRE defined a Bias Reporting System as "any system identified as such, or that provides a formal or explicit process for or solicitation of reports from students, faculty, staff, or the community concerning offensive conduct or speech that is protected by the First Amendment or principles of expressive or academic freedom."[19] Similarly, in Speech First's report, an institution is deemed to have a Bias Reporting System if it houses an established system (a devoted incident report form and adjudicating team/council/board) that explicitly solicits reports of speech that is:

- Biased
- Offensive
- Unwanted
- Discriminatory
- Hate/hateful
- A microaggression

RESULTS

We found **456 Bias Reporting Systems** at four-year public and private institutions of higher education across the country (56% of the total 824 schools examined in our report). Of these, **207** were found in private institutions and **249** in public institutions (46% of all private schools and 66% of all public schools examined in our report thus have a BRS).

Our report thus found **230%** more BRSs at private universities and **175%** more BRSs at public universities than FIRE did just five years ago (FIRE found 89 and 143 BRSs, respectively). Considering our report only examined 49% of public four-year colleges and 23% of private four-year colleges, the number of BRSs would swell if we were to examine every university.

Nearly every reporting system allows for anonymous reporting, and 53% of the most expansive forms[20] of these systems were housed in Diversity, Equity, and Inclusion (DEI) offices.

In total, we identified **twice as many** BRSs as FIRE did in 2017 (**456** identified in our report, versus **232** identified in FIRE's 2017 survey).

An appendix of all 456 schools with BRSs can be found in our <u>Appendix of Universities with BRSs</u> on p. 15.

456 BIAS REPORTING SYSTEMS

249 PUBLIC	**207** PRIVATE

PRIVATE
230%
More BRSs identified

PUBLIC
175%
More BRSs identified

OVER PAST 5 YEARS
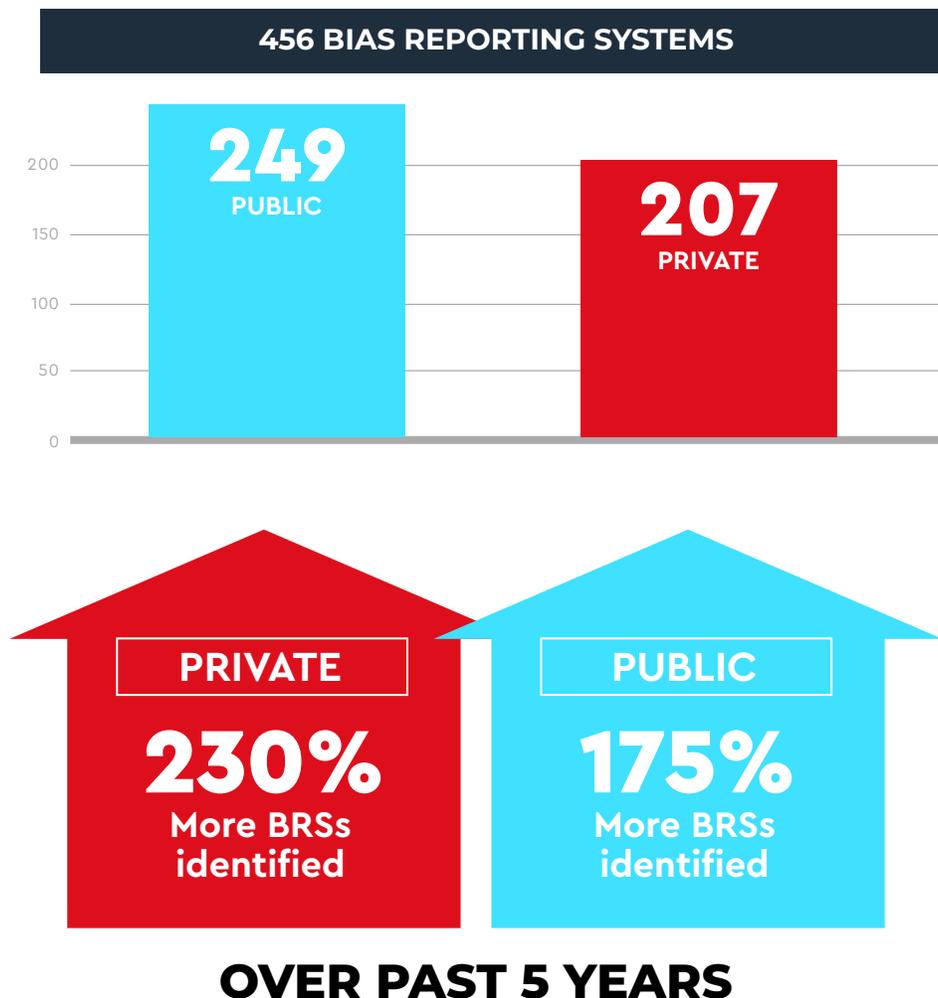
INSTITUTIONS WITH BIAS REPORTING SYSTEMS

BRSs FOUND IN 2017 [21]
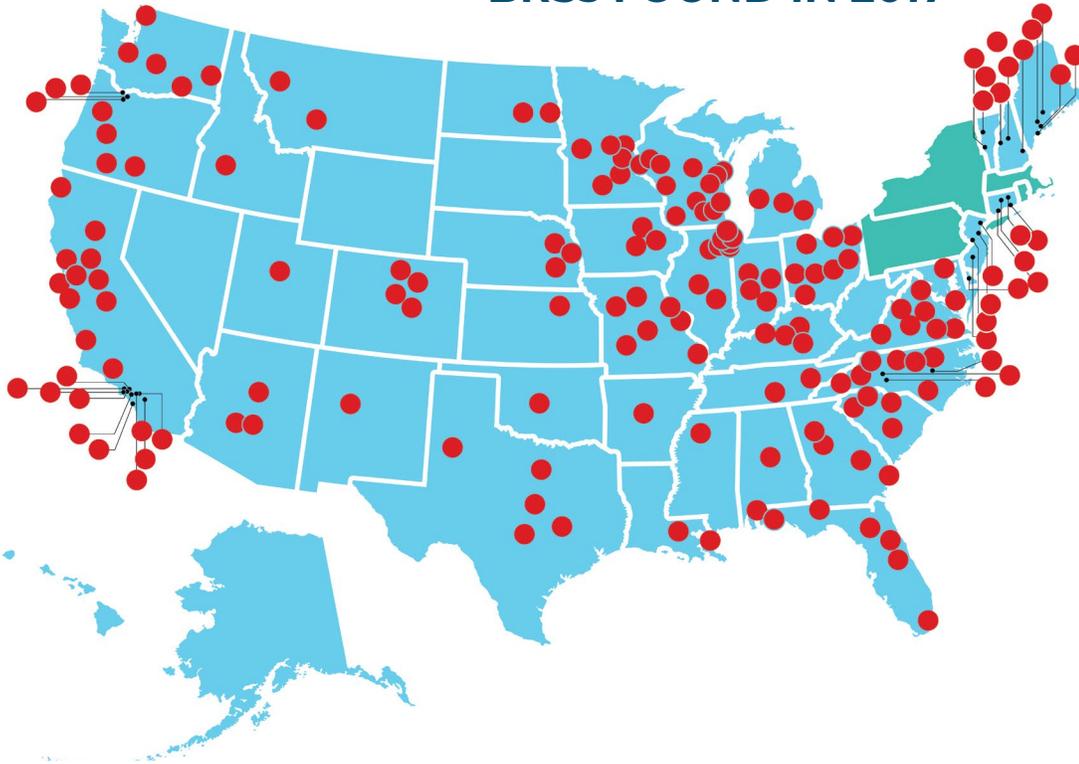
Massachusetts
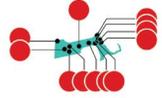
New York
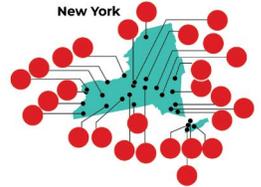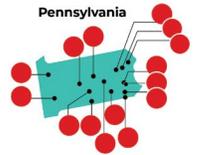
Pennsylvania

Rhode Island

BRSs FOUND IN 2022
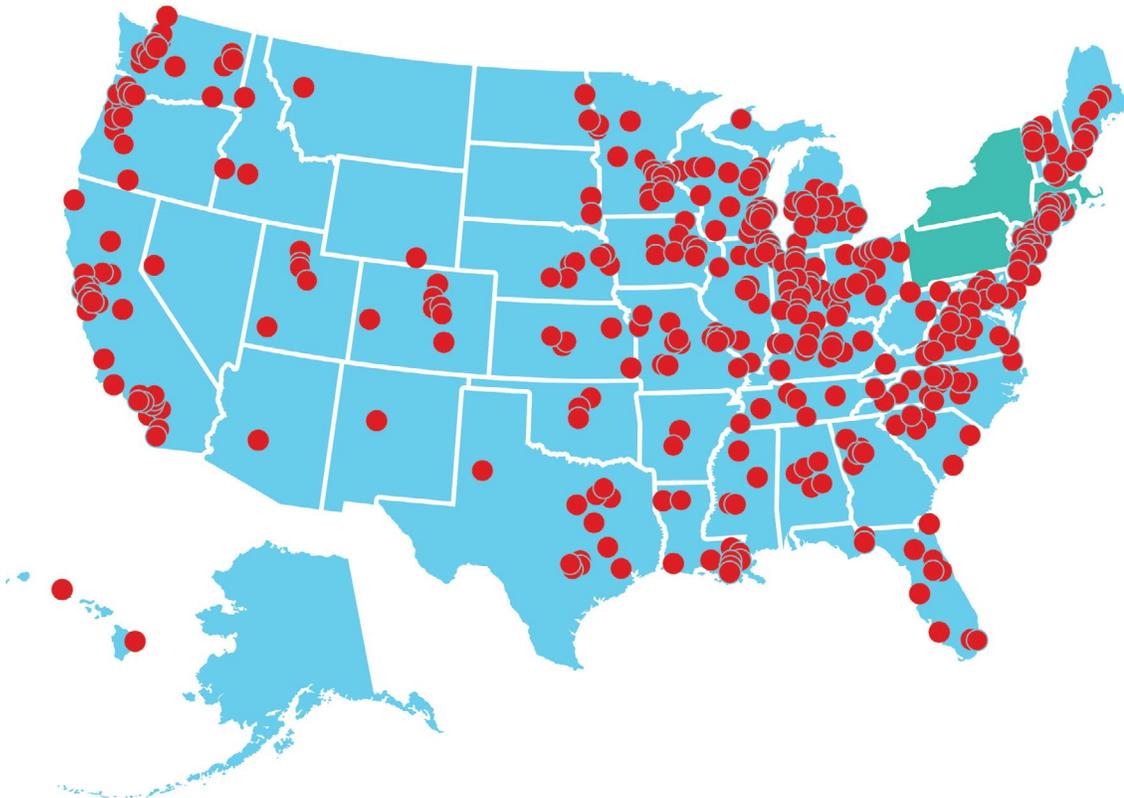
Massachusetts
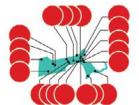
New York
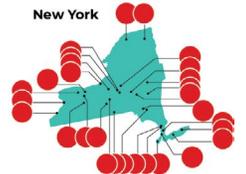
Pennsylvania
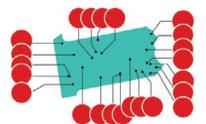
Rhode Island
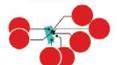
"Students across the nation are self-censoring for fear of being suspended, failing to be hired for a job, or being ostracized from society. We see this because practical policy ideas are often turned into these outrageous questions of good and evil – if someone disagrees with you politically, you do not just disagree, but you are now a bad person."

Emma Blair, Grand Canyon University

WHAT CAN BE DONE

Since our nation's founding, Americans have placed a high value on the fundamental freedoms to speak, inquire, and learn, freedoms enshrined in the First Amendment. These freedoms not only infuse the spirit of the liberal arts, but are also essential to the continued health and existence of our nation. Central to liberal democracy and the republican form of government is a spirit of political participation that requires curious, engaged citizens who can speak and think freely with one another. As is a basic tolerance for opposing viewpoints and a vigilance against tyranny in all of its obvious and subtle forms.

The dangerous effects of BRSs must be confronted and addressed. It's not just about defending essential freedoms, but also about creating and sustaining a society in which we can exercise them. These policies do not cultivate a space of inclusion and diversity. Instead, they compromise students' fundamental rights to free speech and inquiry, profoundly weaken the academy, and threaten our constitutional republic and our relentless pursuit of a more perfect union.

Several steps can and should be taken, in conjunction, to address BRSs.

Take legal action. Speech First holds universities accountable for their actions. We have been on the front lines of the fight against bias reporting policies from the beginning, and many of our cases have involved the activities of BRSs and their chilling effects on student speech. To date, Speech First is the only organization to prevail in litigation against a bias reporting system, effectively ending the systems at the University of Michigan and University of Texas. If you're interested in taking action on your own campus to stop a BRS from censoring student speech, you should reach out to Speech First or other public-interest groups who protect students' First Amendment rights.

Monitor and revoke state and federal funding for universities that violate students' First Amendment rights. Public universities are taxpayer-funded institutions and are thus answerable to the people. Even private universities receive state and federal grants and, as a condition of receiving those funds, must comply with the applicable regulations to the same degree as public universities.[22] At the federal level, the Department of Education needs to monitor the campus speech policies of schools that receive federal funding. Moreover, if a university applying for a federal grant has policies that appear to facially restrict student speech, its application should be paused for further investigation.

State governments can also play an important role. They can enact legislation to enhance transparency at state universities and provide oversight to ensure that public institutions comply with those requirements. State legislatures could, for example, require public universities to conduct annual student surveys evaluating the free speech climates on their campuses. States could mandate that freshmen orientations include courses on the First Amendment and exercising free speech. Additionally, because most BRSs are housed in university DEI departments, state legislators could mandate increased disclosures from DEI departments about their BRS procedures. A recent report from the Idaho Freedom Foundation[23] lists several additional ways lawmakers can reform college campuses, such as designating all outdoor areas on public universities as public forums open to free speech and requiring colleges and universities to disclose how their policies protect free speech on their campuses. These types of policies incentivize transparency and encourage universities to aim for open discourse and free speech on their campuses.

Apply public pressure. Parents, students, and alumni should regularly engage with their state legislators, congressional representatives and staff, and university boards of trustees. Public pressure can not only alert policymakers to the gravity of the issue but also inspire them to champion campus free speech issues. Lawmakers often don't see a spirited push about student free speech

rights from their constituents, but the more that constituents emphasize this issue, the greater the pressure to take action will become. Alumni must also emphasize to university boards of trustees that initiatives like BRSs will damage the prestige of their institutions and weaken their academic reputations.

Engage alumni donors. Alumni should exert pressure on their alma maters. Major donors should take a closer look at how the universities they love and support have changed from when they were last on campus. Millions of dollars of alumni donations are being spent on DEI departments and other misguided efforts that lead to speech restrictions on campus.[24]

Empower students. Finally, students must recognize the responsibility they have to themselves. Self-censorship, avoiding discussions and debates, and other forms of complacency will not lead to more open discourse on campus. Instead, it will embolden those who wish to eliminate dissenting voices. Students must know their constitutional rights, federal and state laws, and campus policies. Students should note any red flags when reading student handbooks and reach out to organizations like Speech First when they encounter policies that chill speech on campus. Because Speech First will be there every step of the way, students can have the courage to speak whenever and wherever campus administrators,

faculty, and peers try to shut down speech. Finally, students who support free speech on campus should consider running for Student Government, founding or joining clubs that advocate for the First Amendment, or writing for the campus paper or other news and media outlets.

Below is advice from students who are on campuses now and facing similar challenges:

"The best advice I can give to the next generation of college students is to stand firm in your values and don't allow yourself to be silenced." – Olivia Gallegos, Wichita State

"The biggest piece of advice I would offer is to become so extraordinarily educated on your beliefs and opinions that you become confident enough to speak up and out against those silencing you. And when you are met with opposition and the stifling of your speech, fight back with facts." – Adam Fairchild, University of Colorado- Boulder

"My best advice to college students and beyond is to always remember that the Constitution is on your side. We need more students who are willing to stand up in their classrooms, challenge colleges and universities when they attempt to silence them and encourage their peers to do the same." – Kiara Kincaid, University of Oklahoma

"The best advice
I can give to the
next generation of
college students is
to stand firm in your
values and don't
allow yourself to
be silenced."

Olivia Gallegos, Wichita State

APPENDIX OF UNIVERSITIES WITH BRSs

This appendix lists every university in our report that maintains a BRS and links to their respective webpages. As outlined in the What are Bias Reporting Systems? section on p. 5, these systems use a wide array of language and procedures, but they all have one thing in common—unnecessarily chilling speech student speech that is outside of the mainstream.

Alabama
Auburn University
Birmingham-Southern College
Huntingdon College
Jacksonville State University
Spring Hill College
University of Alabama
University of South Alabama

Arizona
University of Arizona

Arkansas
Henderson State University
University of Central Arkansas

California
California Polytechnic State University
California State University, Chico
California State University, East Bay
California State University, Northridge
California State University, Sacramento
California State University, San Marcos
Harvey Mudd College
Humboldt State University
Pomona College
San Francisco State University
San Jose State University
Santa Clara University
Scripps College
Stanford University
Sonoma State University
UC, Berkeley
UC, Davis
UC, Irvine
UC, Los Angeles
UC, Merced
UC, Riverside

UC, San Diego
UC, San Francisco
UC, Santa Barbara
UC, Santa Cruz
University of Southern California

Colorado
Colorado Mesa University
Colorado School of Mines
Colorado State University
Colorado State University, Pueblo
Regis University
University of Colorado Boulder
University of Denver

Connecticut
Central Connecticut State University
Connecticut College
Fairfield University
Sacred Heart University
Southern Connecticut State University
Trinity College - Connecticut
University of Connecticut
University of New Haven
University of Saint Joseph
Wesleyan University
Yale University

Florida
Florida A&M University
Florida Gulf Coast University
Florida International University
Florida State University
Rollins College
Stetson University
University of Central Florida
University of Florida
University of Miami
University of North Florida
University of Tampa

Georgia
Agnes Scott College
Berry College
Emory University
Georgia Institute of Technology
University of West Georgia

Hawaii
Brigham Young University - Hawaii
University of Hawaii at Hilo

Idaho
Boise State University
The College of Idaho
University of Idaho

Illinois
Augustana College - Illinois
Eastern Illinois University
Illinois Institute of Technology
Illinois State University
Illinois Wesleyan University
Lake Forest College
Loyola University Chicago
Northern Illinois University
Northwestern University
Southern Illinois University at Carbondale
Southern Illinois University at Edwardsville
University of Chicago
University of Illinois at Chicago
Wheaton College - Illinois

Indiana
Ball State University
Butler University
Depauw University
Earlham College
Hanover College
Indiana State University
Indiana University, Bloomington

Indiana University, East
Indiana University, Kokomo
Indiana University, Northwest
Indiana University - Purdue University Indianapolis
Indiana University, South Bend
Indiana University, Southeast
Purdue University
Purdue University Fort Wayne/ Indiana University Fort Wayne
University of Evansville
University of Notre Dame
University of Southern Indiana
Valparaiso University
Wabash College

Iowa
Coe College
Cornell College
Drake University
Grinnell College
Iowa State University
Luther College
University of Iowa
University of Northern Iowa

Kansas
Baker University
Friends University
Pittsburg State University
Sterling College
Wichita State University

Kentucky
Bellarmine University
Centre College
Eastern Kentucky University
Morehead State University
Northern Kentucky University
Transylvania University
University of Kentucky
University of Louisville
Western Kentucky University

Louisiana
Centenary College of Louisiana
Dillard University
Grambling State University
Louisiana State University
Loyola University New Orleans
Southeastern Louisiana University

Tulane University
University of New Orleans
Xavier University of Louisiana

Maine
Bates College
Bowdoin College
Colby College
Husson University
University of Maine
University of New England
University of Southern Maine

Maryland
Frostburg State University
Goucher College
Hood College
Johns Hopkins University
Loyola University Maryland
McDaniel College
Stevenson University
Towson University
University of Maryland
Washington College

Massachusetts
Amherst College
Babson College
Boston College
Boston University
College of the Holy Cross
Fitchburg State University
Framingham State University
Harvard University
Massachusetts Institute of Technology
Massachusetts Maritime Academy
Northeastern University
Salem State University
Tufts University
University of Massachusetts - Amherst
University of Massachusetts Dartmouth
University of Massachusetts at Lowell
Wellesley College
Westfield State University
Williams College
Worcester State University

Michigan
Albion College
Andrews University
Aquinas College - Michigan
Calvin University
Central Michigan University
College for Creative Studies
Grand Valley State University
Hope College
Kalamazoo College
Lawrence Technological University
Michigan State University
Michigan Technological University
Saginaw Valley State University
Spring Arbor University
University of Michigan - Ann Arbor
University of Michigan - Dearborn
University of Michigan - Flint
Western Michigan University

Minnesota
Bemidji State University
Carleton College
Concordia College
Gustavus Adolphus College
Macalester College
Minnesota State University, Mankato
Minnesota State University, Moorhead
North Central University
Saint Cloud State University
St. Catherine University
St. Olaf College
University of Minnesota - Morris
University of Minnesota - Twin Cities
University of St. Thomas - Minnesota

Mississippi
Jackson State University
Mississippi College
Mississippi State University
University of Mississippi

Missouri
Drury University

Fontbonne University
Maryville University
Missouri State University
Missouri University First of Science and Technology
Saint Louis University
Southeast Missouri State University
University of Missouri - Columbia
University of Missouri – Kansas City
University of Missouri - Rolla
University of Missouri - St. Louis
Washington University in St. Louis
William Jewell College

Montana
Carroll College

Nebraska
Bellevue University
Creighton University
Doane University
Hastings College
Nebraska Wesleyan University
University of Nebraska - Lincoln
University of Nebraska Omaha

Nevada
University of Nevada, Reno

New Hampshire
Colby-Sawyer College
Dartmouth College
Franklin Pierce University
Southern New Hampshire University
University of New Hampshire

New Jersey
Drew University
Kean University
Monmouth University
Montclair State University
New Jersey Institute of Technology
Princeton University
Rider University
Rowan University
Rutgers University – New Brunswick
Seton Hall University

Stevens Institute of Technology
Stockton University
The College of New Jersey
William Paterson University

New Mexico
University of New Mexico

New York
City College of New York
Colgate University
College of Staten Island
Columbia University
Cornell University
CUNY, Hunter College
Hamilton College
New York University
Skidmore College
Stony Brook University
SUNY Albany
SUNY Binghamton
SUNY Brockport
SUNY Buffalo
SUNY Cobleskill
SUNY Cortland
SUNY Environmental Science and Forestry
SUNY Empire
SUNY Fredonia
SUNY Geneseo
SUNY Morrisville
SUNY New Paltz
SUNY Old Westbury
SUNY Oneonta
SUNY Oswego
SUNY Plattsburgh
SUNY Potsdam
University of Rochester
Vassar College

North Carolina
Appalachian State University
Davidson College
Duke University
Elizabeth City State University
Elon University
Fayetteville State University
High Point University
North Carolina State University
University of North Carolina – Asheville

University of North Carolina - Chapel Hill
University of North Carolina – Charlotte
University of North Carolina - Greensboro
Wake Forest University
Western Carolina University

North Dakota
North Dakota State University
University of North Dakota

Ohio
Bowling Green State University
Cleveland State University
Case Western Reserve University
College of Wooster
Denison University
John Carroll University
Keene State College
Miami University of Ohio
Oberlin College
Ohio University
The Ohio State University
University of Cincinnati
University of Dayton
Wright State University
Youngstown State University

Oklahoma
Oklahoma State University
University of Central Oklahoma
University of Oklahoma

Oregon
George Fox University
Lewis & Clark College
Linfield University
Oregon Institute of Technology
Oregon State University
Pacific University Oregon
Portland State University
Reed College
Southern Oregon University
University of Oregon
University of Portland specifically School of Nursing
Western Oregon University
Willamette University

Pennsylvania

Bryn Mawr College
Bucknell University
California University of Pennsylvania
Carnegie Mellon University
Cheyney University of Pennsylvania
Clarion University of Pennsylvania
East Stroudsburg University of Pennsylvania
Edinboro University of Pennsylvania (Linked with Clarion)
Franklin & Marshall College
Indiana University of Pennsylvania
Kutztown University of Pennsylvania
Lafayette College
Lehigh University
Lock Haven University of Pennsylvania
Mansfield University of Pennsylvania
Millersville University of Pennsylvania
Pennsylvania State University - University Park
Shippensburg University of Pennsylvania
Swarthmore College
University of Pennsylvania
University of Pittsburgh
Villanova University
West Chester University of Pennsylvania

Rhode Island

Brown University
Bryant University
Providence College
Rhode Island College
Rhode Island School of Design
Roger Williams University
University of Rhode Island

South Carolina

Clemson University
Coastal Carolina University
College of Charleston
Furman University
Presbyterian College
University of South Carolina
Winthrop University
Wofford College

South Dakota

Augustana University
South Dakota State University

Tennessee

East Tennessee State University
Lipscomb University
Middle Tennessee State University
Rhodes College
Sewanee - The University of the South
Union University
University of Tennessee - Knoxville

Texas

Baylor University
Rice University
Southern Methodist University
Tarleton State University
Texas A&M University
Texas Christian University
Texas State University
Texas Tech University
Texas Woman's University
Trinity University
University of Texas at San Antonio

Utah

Southern Utah University
University of Utah
Utah Valley University
Weber State University
Westminster College - Utah

Vermont

Champlain College
Middlebury College
Saint Michael's College
Sterling College - Vermont
University of Vermont

Virginia

Eastern Mennonite University
George Mason University
James Madison University
Liberty University
Longwood University
Norfolk State University
Radford University
Roanoke College
Shenandoah University
The College of William and Mary
The University of Virginia's College at Wise
University of Mary Washington
University of Richmond
University of Virginia
Virginia Polytechnic Institute and State University
Washington and Lee University

Washington

Central Washington University
Eastern Washington University
Evergreen State College
Gonzaga University
Pacific Lutheran University
Saint Martin's University
Seattle Pacific University
Seattle University
University of Puget Sound
University of Washington
University of Washington Bothell
Western Washington University
Whitworth University
Whitman College

Washington D.C.

American University
Georgetown University
George Washington University

West Virginia

Bethany College - West Virginia
Davis & Elkins College

Wisconsin

Alverno College
Beloit College
Concordia University - Wisconsin
Lawrence University
Marquette University
Milwaukee Institute of Art and Design
Mount Mary University
St. Norbert College

University of Wisconsin – Eau Claire

University of Wisconsin - Green Bay

University of Wisconsin - La Crosse

University of Wisconsin – Madison

University of Wisconsin - Milwaukee

University of Wisconsin - Oshkosh

University of Wisconsin – Platteville

University of Wisconsin - River Falls

University of Wisconsin – Stevens Point

University of Wisconsin – Stout

University of Wisconsin - Whitewater

Wyoming

University of Wyoming

ENDNOTES

1 This was in reference to the University of Michigan's BRS, in Speech First, Inc. v. Schlissel, 939 F.3d 756, 765 (6th Cir.2019). https://speechfirst.org/wp-content/uploads/2019/10/Michigan-Decision.pdf

2 This was in reference to the University of Texas's BRS, in Speech First, Inc. v. Fenves, 979 F.3d 319, 338 (5th Cir. 2020). https://speechfirst.org/wp-content/uploads/2020/10/UT-opinion.pdf

3 We define a BRS as any system that solicits reports of incidents concerning speech protected by the First Amendment, such as speech that is "biased," "offensive," "unwanted," "discriminatory," "hateful," or "microaggressive."

4 These BRSs are formalized, coherent teams explicitly devoted to the solicitation and review of bias incident reports by a designated group of cross-departmental members, university officials and often campus security or law enforcement.

5 "2017 Report on Bias Reporting Systems." FIRE. Accessed September 30, 2021. www.thefire.org/research/publications/bias response-team-report-2017/report-on-bias-reporting-systems-2017

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 https://www.thefire.org/speech-code-of-the-month-university-of-vermont/

11 FIRE. "The 2021 College Free Speech Rankings."

12 Ibid.

13 https://legalinsurrection.com/wp-content/uploads/2018/05/Speech-First-v.-U.-Michigan-Complaint.pdf

14 These are, according to the FIRE/CollegePulse/RealClearPolitics 2021 report, the most difficult topics of discussion on campuses today.

15 Snyder, Jeffrey Aaron, and Amna Khalid. "The Rise of 'Bias Response Teams' on Campus." The New Republic, March 30, 2016. https://newrepublic.com/article/132195/rise-bias-response-teams-campus.

16 Ibid.

17 "Digest of Education Statistics, 2020." National Center for Education Statistics (NCES) Home Page, a Part of the U.S. Department of Education. Accessed November 23, 2021. https://nces.ed.gov/programs/digest/d20/tables/dt20_317.20.asp.

18 Ibid.

19 "2017 Report on Bias Reporting Systems." FIRE.

20 These BRSs are formalized, coherent teams explicitly devoted to the solicitation and review of bias incident reports by a designated group of cross-departmental members, university officials and often campus security or law enforcement.

21 Data from FIRE's 2017 Report on Bias Reporting Systems

22 See Department of Education, Free inquiry Rule, 85 Fed. Reg. 59916 (Sept. 23, 2020), https://bit.ly/3iROiq8.

23 "Social Justice in Idaho Higher Education, University of Idaho - Idaho Freedom." Accessed February 4, 2022. https://idahofreedom.org/research/social-justice-in-idaho-higher-education-university-of-idaho/.

24 "Greene, Jay P. "Diversity University: DEI Bloat in the Academy." The Heritage Foundation. Accessed February 4, 2022. https://www.heritage.org/education/report/diversity-university-dei-bloat-the-academy.