

* PRESS RELEASE * FOR IMMEDIATE DISTRIBUTION *



SPEECH FIRST

Speech First Appeals Lawsuit Against Texas State University To The U.S. Court of Appeals in the Fifth Circuit

[Washington, D.C. \(January 17, 2024\)](#) – Yesterday, Speech First filed its opening brief in its appeal to the U.S. Court of Appeals for the Fifth Circuit over their lawsuit against [Texas State University \(TXST\)](#). Following arguments before the United States District Court for the Western District of Texas, Texas State University’s administrators changed their policies after it was apparent they would lose in court. However, their new policy still tramples on their students’ First Amendment rights and with no ruling from the District Court, the University could change their policy back to the original one at any time.

Speech First is challenging Texas State’s Discriminatory-Harassment Policy which is designed to – and has the effect of – silencing student speech. The Discriminatory-Harassment Policy – is overbroad and can easily be applied to a wide swath of protected speech. The challenged policy stated that students could report one another for harassment if they experience “unwelcome verbal, written...conduct that would create an...environment that a reasonable person would find intimidating, offensive, or hostile.” This includes language that is not only vague but also incredibly subjective. Putting students in a position that they are not sure what exactly they can be reported for and will self-censor to avoid disciplinary action.

Under this policy, students can be disciplined for broadly defined “harassment”, engaging their fellow classmates, and even commenting in class. Furthermore, Texas State’s policies pose a grave risk of chilling the open and unfettered discourse that should be central to higher education.

[Cherise Trump](#), Executive Director of Speech First, issued the following statement:

“Texas State University continues to trample on student’s speech with their policies. The University defended their initial policy and then changed it to avoid a negative ruling by the District Court. This is a disingenuous tactic that we have seen before where the University is left with no legal mandate preventing them from changing their policy back to the original one. Furthermore, the University’s policy still leaves the door open for students to be reported for “harassment” when expressing constitutionally protected speech. I’m optimistic that the Fifth Circuit will rule in our favor and protect the rights of students.”

To schedule an engagement with Speech First, please contact Michael Hensley at Michael@athospr.com and info@athospr.com.

###