



FIRE's FAQ for Political Speech on Campus

Political speech is essential for democratic participation, but all too often — especially during an election year — rules related to political speech on campus are misunderstood, misstated, and misapplied. Here are FIRE's answers to questions students have asked us time and time again. For even more information about your rights, check out FIRE's [Policy Statement on Political Speech on Campus 2020](#).

Q: I go to a public college. Do I have free speech rights on campus when it comes to political speech?

A: Yes. Students at public colleges and universities enjoy the full protection of the First Amendment. The core purpose of the First Amendment is to protect speech, especially political speech, from censorship.

Q: I go to a private college. Do I have free speech rights on campus when it comes to political speech?

A: Almost certainly yes, but you can find out by looking at your school's policies. The overwhelming majority of [private institutions promise students free speech](#) in their official policies, and they have an obligation to live up to those commitments. If your school promises free speech, it cannot make exceptions for the election season. FIRE can [help you understand](#) your school's speech codes.

Q: I'm gearing up to campaign on campus with my student organization, but an administrator keeps telling me that the school needs to "stay neutral." What does that mean for us?

A: The administrator is likely being cautious about the school's legal obligations, but it doesn't mean that *you*, as a student or a student organization, need to be politically neutral. For colleges, maintaining tax-exempt status under [Section 501\(c\)\(3\) of the Internal Revenue Code](#) is important. It restricts certain organizations, such as a college or university, from participating in a political campaign on behalf of, or in opposition to, any candidate for public office. If a college can be viewed as endorsing or opposing a particular candidate, it jeopardizes its federal, tax-exempt status and the benefits that go along with it. Public colleges are owned by the government, and are therefore also forbidden from endorsing political candidates.

However, it is *extremely important* to note that these prohibitions apply to the institution itself and those reasonably perceived to be speaking on its behalf — like high-level administrators. They do *not* apply to individual students, student organizations, faculty, or staff engaged in clearly individual, unaffiliated activity.

Individual students and student groups may engage in partisan political speech when such speech is clearly separate and distinct from the institution's views or statements. In doing so, the individual student, student organization, or faculty member does not endanger their institution's tax-exempt



status. If administrators nevertheless cite this as a reason that you cannot engage in political or campaign speech, [contact FIRE](#).

Q: I run a partisan political student organization that is recognized on campus. Can we campaign for or endorse a specific candidate?

A: Yes. Student organizations are generally afforded the same rights of speech and association as individuals.

Q: An administrator at my private college denied my request to host a political candidate on campus, explaining that the college's status as a tax-exempt nonprofit forces it to ban speeches or events involving politicians. Is that right?

A: No. Tax-exempt status only limits the college's own political speech, but not that of its students. Unless you are claiming to speak for the school, it should be presumed that, in your campaigning, you are expressing your own opinions, not the college's. So a student organization hosting a candidate as a speaker or a partisan political event would not jeopardize the college's tax-exempt status, as long as they follow the same rules and requirements as any other student organization hosting a speaker or event. If administrators nevertheless cite this as a reason that you cannot engage in political or campaign speech, [contact FIRE](#).

Q: Am I (or my student organization) allowed to use facility resources, like classrooms, to engage in partisan political speech?

A: Yes. Student organizations that use college resources to engage in political speech do not endanger their college's federal tax-exempt status under Section 501(c)(3), or their public college's responsibility to avoid endorsing candidates, when those resources are made available to all speakers and student organizations, regardless of political viewpoint. You should follow the same procedures observed by all other student organizations in using college resources (e.g., a classroom or lecture hall).

In fact, the Supreme Court has made clear that when a public college denies student activity fee funding that is available to other student organizations based on a group's message or ideology, the college is engaged in viewpoint discrimination that violates the First Amendment. *Rosenberger v. Rector and Visitors of the University of Virginia* (1995).

Q: What should I do to prepare for the upcoming election cycle on campus?

A: Know your rights! Read and share FIRE's resources, like this FAQ and our [Policy Statement on Political Speech on Campus 2020](#). You can also find out more on the [IRS's own website](#).

Do you think your rights have been violated on campus? Submit a [case](#) to FIRE.

Have questions about your school's speech codes? Look them up using [FIRE's Spotlight database](#) or, if your school isn't in the database, [submit a request](#).

Still unsure about your rights? Email fire@thefire.org.