

## ADMINISTRATION

# After a Year of Tumult, Evergreen State Revises a Policy on the Use of Campus Space

By Chris Quintana | OCTOBER 24, 2017



Lisa Pemberton, The Olympian, via AP Images

Evergreen State College, which saw turmoil during the last academic year over race and campus speech, has adopted a new policy on the "use of college facilities for expressive activities" — a set of guidelines that outlines who can speak on the campus grounds and when.

As public colleges become the staging grounds of a national battle over speech and security, campus leaders have searched for ways to keep their institutions out of the fray. One popular strategy: taking a long, hard look at the policies that dictate who can use their facilities.

After a tumultuous year of protest, Evergreen State College, the small, public liberal-arts college in Olympia, Wash., has joined the ranks of institutions to do so. And in doing so, it has made a point not to provide space to "organizations which do not assure the college that they do not discriminate."

Internal strife was at the heart of Evergreen State's turmoil: Students protested the racial climate, members of the faculty mutinied, and the police chief stepped down. But the appearance in June of outsiders — mostly peaceful protests by a pro-Trump group drew a heavy police presence, and violent threats briefly shut down the campus — only heightened tensions.

As part of a move to protect itself against future disruptions, the college has adopted a new policy on the "use of college facilities for expressive activities" — a set of guidelines that outlines who can speak on the campus grounds and when.

The policy, created by an "emergency rule adoption," was crafted by the college administration alongside the state's attorney general's office, said a university spokesman, Zach Powers. Much of the content is standard fare, explanations of when and how faculty and staff, college groups, and noncollege groups can secure space for events.

In a section listing "conditions of use," though, the college outlines a strong antidiscrimination policy. "The college will not make its facilities or services available to organizations which do not assure the college that they do not discriminate against any person because of race, color, religion, creed, national origin, sex, sexual orientation, gender identity, gender expression, marital status, age, disability, pregnancy or status as a disabled veteran, a Vietnam era veteran or other covered veteran, except where the organizations have been exempted from provisions of applicable state or federal laws or regulations," the passage reads.

That language demonstrates a unique challenge that public colleges face. Were Evergreen State a private college, few would give the policy a second glance. But already, a free-speech watchdog, the Foundation for Individual Rights in Education, has criticized the institution's policy as overreach.

Joe Cohn, a lawyer for FIRE, said that the paragraph could be interpreted as a standard nondiscrimination clause. But he argued that it actually represents "viewpoint prohibition on who may and may not speak on campus." FIRE reviews colleges' free-speech codes constantly, he said, and Evergreen's is unique.

"Blatantly unconstitutional policies aren't rare, but it's usually an overbroad harassment code, for example, that will sweep in both protected and unprotected speech," he said. "This is, on its face, a blatant call that some viewpoints need not apply for the right to speak there."

Eventually, he said, he could see someone legally challenging the policy. "It's not going to get past anyone who is legally trained on these issues," he told *The Chronicle*. "They would be well-advised to take another crack at this."

Mr. Powers, however, said the new policy was part of an effort to codify the university's traditional rules for campus speakers. "It's not our intention that the practices of that space will be changing drastically," he said.

"Coming out of spring and summer," he said, "we just wanted to have things in writing and in policy, so we're not necessarily left to historical practice."

A goal of the new policy, Mr. Powers said, is to make clear which areas on campus are public forums and which would need to be rented.

That's an increasingly important issue for public colleges. Many institutions not only allow outsiders to rent space but grant them significant latitude in doing so. Policies can suddenly seem permissive when a campus finds itself hosting white supremacists, not weddings.

Carol Christ, chancellor of the University of California at Berkeley, lamented her institution's imprecise policy earlier this year, after a campus student group tried to plan a four-day "Free Speech Week" event featuring dozens of conservative and far-right speakers on campus. The event fizzled, but it cost the university at least \$800,000 in security fees.

"There's something wrong with our policies," Ms. Christ told *The Chronicle*, "if you can have a very small student group make the reservations that would essentially occupy the center of campus for four days and involve such enormous expense."

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