



STATE UNIVERSITY SYSTEM OF FLORIDA

Office of the Chancellor

325 W. Gains St.

Tallahassee, FL 32301

Phone 850.245.0466

Fax 850.245.9685

www.flbog.edu

Katie Blankenship
Director, PEN America Florida
588 Broadway Suite 303,
New York, NY 10012

May 9, 2024

Dear Ms. Blankenship,

On May 3, 2024, you issued a letter to Florida institutions of higher education “to express [y]our grave concern over” Florida’s use of law enforcement at recent campus protests and alleged view-point discrimination against Pro-Palestinian dissenters. You claim that some Florida “universities are failing to meet their constitutional and institutional obligations” which include charges “to defend free expression[,] condemn hate, [and] to de-escalate.” I reject the premise of your letter. Florida’s promotion of free expression and civil discourse on our university campuses, as well as the measured use of law enforcement in response to the current unrest is the proper discharge of our constitutional and institutional duties and serves as a model for the nation.

In the State University System of Florida, free expression, civil discourse and observance of the First Amendment are paramount. In recognition of these values, in 2018, the Florida Legislature enacted the “Campus Free Expression Act” expressly protecting the right to free speech activities at universities.¹ The following year, as coordinated by the Board of Governors for the State University System of Florida, “the presidents of Florida’s twelve public universities, adopted a ‘Statement of Free Expression.’”²

In 2021, to further “promote and support civil discourse”, the Board of Governors established a “Civil Discourse Initiative.”³ The following year, the Florida Legislature enacted legislation directing the Board of Governors to “require each state university to conduct” an annual survey to measure “the extent to which competing ideas and perspectives are presented and members of the university community, including students, . . . feel free to express their beliefs and viewpoints on

¹ § 1004.097, Fla. Stat. (2018); *see also* Civil Discourse Final Report, Florida Board of Governors, p. 1 (2022) (available at: https://www.flbog.edu/wp-content/uploads/2022/01/SPC_09_Civil-Discourse_Final_CE.pdf).

² Civil Discourse Final Report, Florida Board of Governors, p. 1 (2022).

³ *Id.*

campus. . .”⁴

Finally, as of last year, in further recognition of the value of “open discussion and debate of contested public policy issues from diverse perspectives . . .” each state university must have an Office of Public Policy Events to organize debates and group forums with opposing sides and a diversity of perspectives on the “most widely discussed public policy issues of the day.”⁵

Florida’s individual universities likewise recognize and promote free expression and civil discourse on campus through institutional initiatives, commitments, and implementation of the aforementioned legislation.⁶

Notwithstanding Florida’s appreciation for free expression, Florida is a law-and-order state. Florida’s institutions will not turn a blind eye on unlawful activities or behavior that violates university policy. Your letter points to “35 arrests of student protesters across the state, including at the University of Florida, University of South Florida, University of North Florida, and Florida State University” and claims “bringing in local or state law enforcement in response to peaceful protests threatens student and community safety and has a chilling effect on expression.” However, merely calling a protest “peaceful” does not make it so.

At UF, those arrested “refused to comply with rules after being given multiple days, warnings and opportunities to do so by UF Police,” and included a protestor who spat on a law enforcement officer.⁷ At USF, “75 to 100 protesters arrived at the Tampa college campus . . . with wood shields, umbrellas and tents . . .” It appeared protesters “were erecting new tents in violation of the school’s rules . . . and Protesters were given until 5 p.m. to disperse. Linking arms and chanting ‘Hold the line,’ they were locked in a standoff with police.”⁸ Alarmingly, at least one non-student protestor was found with a gun.⁹ When the USF group was given a deadline to disperse, they failed to

⁴ § 1001.706, Fla. Stat. (2022).

⁵ § 1001.93, Fla. Stat. (2023).

⁶ See e.g. Free Expression at FSU, last accessed on May 7, 2024 (available at: <https://sga.fsu.edu/PDF/FreedomofExpression.pdf>); UWF Civil Discourse and Free Expression, last accessed on May 7, 2024 (available at: <https://uwf.edu/offices/human-resources/civil-discourse-and-free-expression/>); New College Hosting Socratic Stage Dialogue Series Event Featuring Dr. Stanley Fish and Dr. Mark Bauerlein: “Free Speech, Academic Freedom, And Political Expression”, last accessed on May 8, 2024 (available at: <https://www.ncf.edu/news/new-college-hosting-socratic-stage-dialogue-series-event-featuring-dr-stanley-fish-and-dr-mark-bauerlein-free-speech-academic-freedom-and-political-expression/>).

⁷ Zoey Thomas, “Police arrest 9 pro-Palestine protestors on UF campus,” April 29, 2024 (available at: <https://www.alligator.org/article/2024/04/police-arrest-9-pro-palestine-protestors-on-uf-campus>).

⁸ Divya Kumar, Justin Garcia, and Sam Ogozalek, “Police use tear gas on pro-Palestinian protesters at USF in Tampa,” updated May 1, 2024 (available at: <https://www.tampabay.com/news/breaking-news/2024/04/30/live-updates-student-protest-standoff-with-police-usf-tampa-campus/>)

⁹ Louis Casiano, “Group of 10 anti-Israel protesters arrested at University of South Florida, including one with gun: police,” May 1, 2024 (available at: <https://www.foxnews.com/us/group-10-anti-israel-protesters-arrested-university-south-florida-including-one-gun-police>).

comply.¹⁰ At UNF and FSU, protesters were arrested for trespass after multiple warnings.¹¹ It follows that failure to follow the law, university regulation, or arming oneself is a far cry from peaceful protest.

Thanks to the leadership of Governor Ron DeSantis and the coordination between universities and state and local law enforcement, our institutions used de-escalation strategies which maintained safety for the students and community at large, while also ensuring campus activities (like classes, finals, and commencement) remained uninterrupted—a feat institutions in other states are unable to boast.

Moreover, your viewpoint discrimination claim is untenable. The unlawful protests and disobedience are uniformly from pro-Palestinian dissenters. There are no allegations of protesters with opposing viewpoints assembling and causing unrest or being treated favorably or differently. Instead, institutions have maintained that protests and free expression are allowed, so long as it is done pursuant to law and university regulation.

Thus, the State University System of Florida has a demonstrated practice of upholding free expression and civil discourse while recognizing the boundaries of free speech and unapologetically partnering with law enforcement to maintain safety and order on our campuses.

In doing so, Florida institutions have faithfully discharged their constitutional and institutional duties. To do otherwise is a disservice to Florida students and the State. And while Florida is the #1 ranked higher education system in the country, Florida now also leads as a model for other states that face challenges of unrest on their college campuses. I trust this insight will prove useful to you as a resource going forward.

Kindest regards,



Ray Rodrigues
Chancellor
State University System of Florida

¹⁰ *Id.*

¹¹ Dan Scanlan, “UNF explains arrests of pro-Palestinian protesters,” May 3, 2024, (available at: <https://jaxtoday.org/2024/05/03/unf-explains-arrests-of-pro-palestinian-protesters/>); Chasity Maynard, Jamiya Coleman, Sam Thomas and WCTV Staff Protestors handcuffed, arrested at FSU amid nationwide demonstrations against Israel-Hamas War,” Updated May 1, 2024 (available at: <https://www.wctv.tv/2024/04/30/protester-reportedly-handcuffed-florida-state-amid-nationwide-demonstrations-against-israel-hamas-war/>).