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Southwestern Legal Foundation Challenges Rutgers' Bias Reporting System

(Oct. 4, 2022) New Brunswick, NJ: As part of its latest campaign tackling unconstitutional policies on college campuses, [Southwestern Legal Foundation](#) (SLF) sent a [letter](#) to [Rutgers University](#) demanding that it revise its unconstitutional [bias reporting system](#). The bias reporting system involves a series of policies where Rutgers encourages students to report each other for perceived bias incidents.

What is a bias incident? According to Rutgers, it is speech that, based on community consensus, is motivated by hatred. How does the University reach a consensus? It doesn't say.

In its letter, SLF explains that even if there is near total consensus that something is hate speech, it does not matter. It is a fundamental principle in our nation that hate speech is protected by the First Amendment. In this day and age, where students readily cancel each other for any seemingly wrong move, colleges must protect hate speech more than ever.

"The problem with bias reporting systems is that they give students the power to silence each other," explains Director of SLF's [1A Project](#), [Cece O'Leary](#). "If students feel hurt or offended by their classmates' words, they report their classmates to administrators, who can then punish the speakers. But the college experience should be the opposite, where universities welcome diverse views—even controversial ones."

SLF Litigation Director [Braden Boucek](#) states, "Rutgers may think it is doing the right thing by only taking action once a majority of students agree speech seems offensive. But what it fails to recognize is that the First Amendment exists to protect against that very thing. The Bill of Rights ensures that the tyranny of the majority does not run roughshod over the rights of others, especially forcing everyone to share the same point of view."

SLF demands that Rutgers remove the bias reporting system or revise its policies sufficiently to ensure that all views on campus are protected.