

To speak, OR not to speak?

A case study on free speech and event protocols

MEET THE TEAM

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AGENDA FOR THE MEETING

- ★ Core Members and Charge of the Committee
- ★ Overview of the Law
- ★ Free Speech vs Offensive Speech
- ★ Overview of the Institution
- ★ Institutional Policies
- ★ Best Practices at Peer Institutions
- ★ The Impact on Students
- ★ Strategic Plan and Moving Forward
- ★ References

CORE MEMBERS OF THE COMMITTEE

Dean of Students

Received the charge by the VPSA to put this committee together to look at current policy and guidelines.

Dean of Diversity and Inclusion

Our institution is committed to creating and maintaining an inclusive environment for the members of it's campus community.

Director of Equal Opportunity Programs

Our institution is committed to protecting students and employees from discrimination consistent with the protected classes of the university.

General Counsel

Our institution recognizes that there are specific legalities in all speech situations and is committed to ensuring our university policies and contracts comply with federal and state laws.

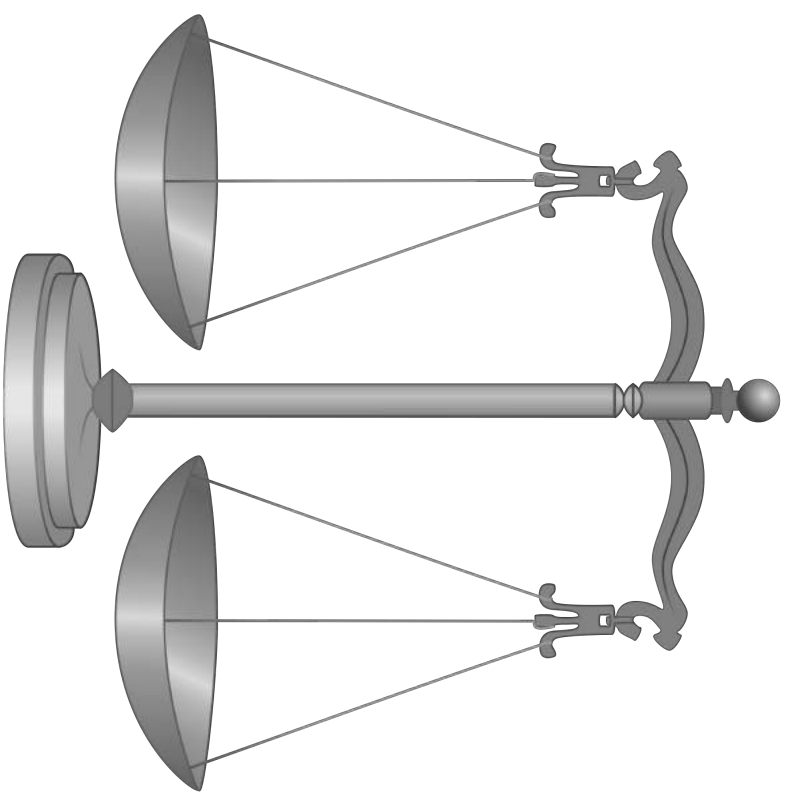
THE CHARGE OF THE COMMITTEE

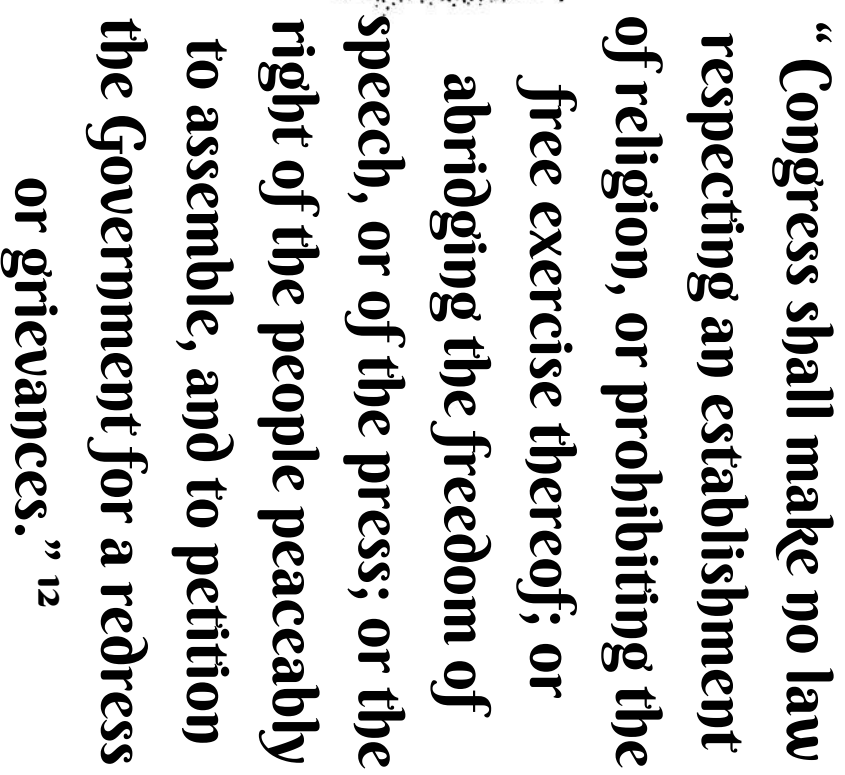
- ★ Review guidelines for speakers on campus
- ★ NOT to limit free speech
- ★ Look at policy to ensure an event runs smoothly and safety is considered

Let's begin
by looking
at the law

OVERVIEW OF THE LAW

- ★ Freedom of speech
- ★ Limitations on speech
- ★ Hate speech (vs. offensive speech)
- ★ Types of forums





“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress or grievances.”¹²

First Amendment

- ★ Speech is assumed to be constitutional unless it poses a “clear and present danger.”

To understand speakers on campus we must understand what the law says about speech- this includes speech of outside guests, our students, and ourselves.

“...the proudest boast of our free speech jurisprudence is that we protect the freedom to express “the thought that we hate.””¹⁴

- Supreme Court Justice Samuel Alito-



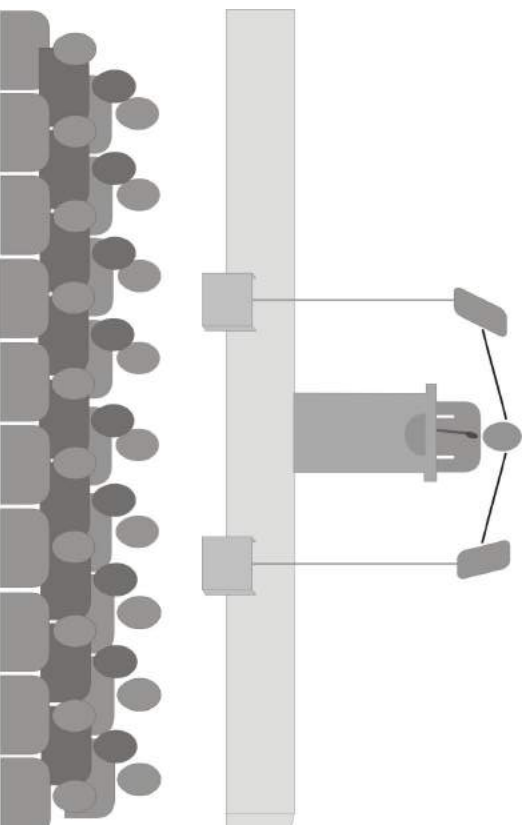
HATE SPEECH VS. OFFENSIVE SPEECH

- ★ The American Bar Association defines hate speech, “speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits.”¹
- ★ Hate speech, *fighting words*, are “words without social value, directed to specific individuals, that would provoke a reasonable member of the group about whom the words are spoken.”¹ Purpose **is not** to communicate ideas or information. It may degrade the intellectual environment of the campus, thus harming the entire academic community.

All speech that we do not like is not necessarily considered to be “hate speech.”

HATE SPEECH IS FREE SPEECH EXCEPT UNDER THESE CIRCUMSTANCES

- ★ Hate speech combined with nonspeech actions such as property destruction, physical assault may be prohibited.
- ★ Regulating because of time, place, and manner restrictions are permissible.



- ★ True threat (intimidations) or fighting words, obscenity, incitement or private defamation.
- ★ Private areas may be protected because of student personal privacy.
- ★ Discriminatory speech that violates Title VII.

WHY?

As administrators we must guide our students with a mindset that allows expression for the speakers, audiences and onlookers. All have speech rights and our policies can help guide and inform students in these rights. As we work with students on events and speech rights we must be mindful of the circumstances listed above.

TYPES OF FORUMS

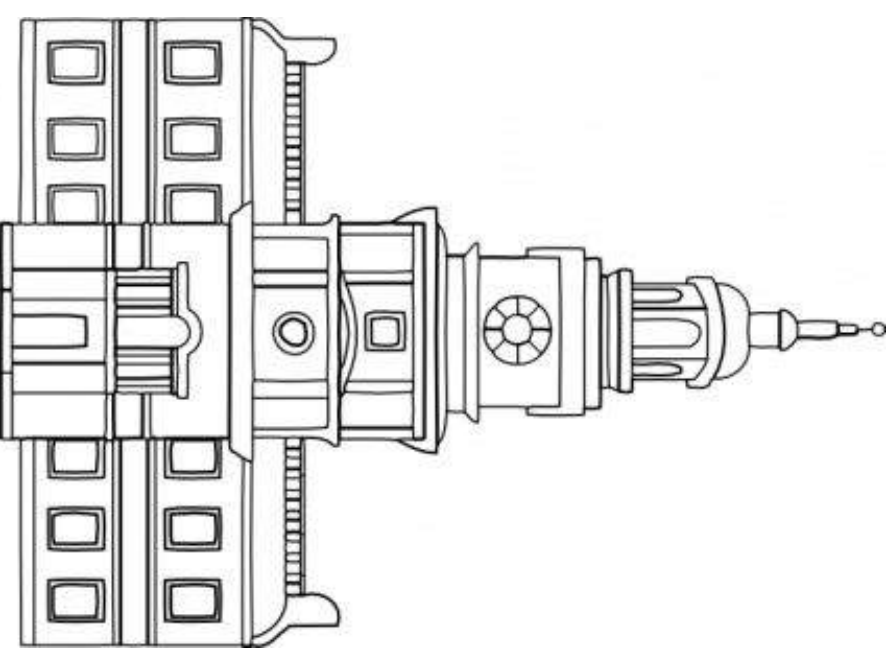
Non-public Forum: Facility is not designated for indiscriminate expressive activity by general public and is limited to use by selected individual speakers. Must demonstrate reasonableness and viewpoint neutrality.

Traditional Public Forum: Open to all persons, such as streets or parks which are held in trust for use of the public and for purposes of assembly, for communication between citizens and for discussion of public questions.

Limited or “Designated” Public Forum: Created when public property is intentionally opened by the state for indiscriminate use by the public as a place for expressive activity; may limit use to achieve compelling state interest.

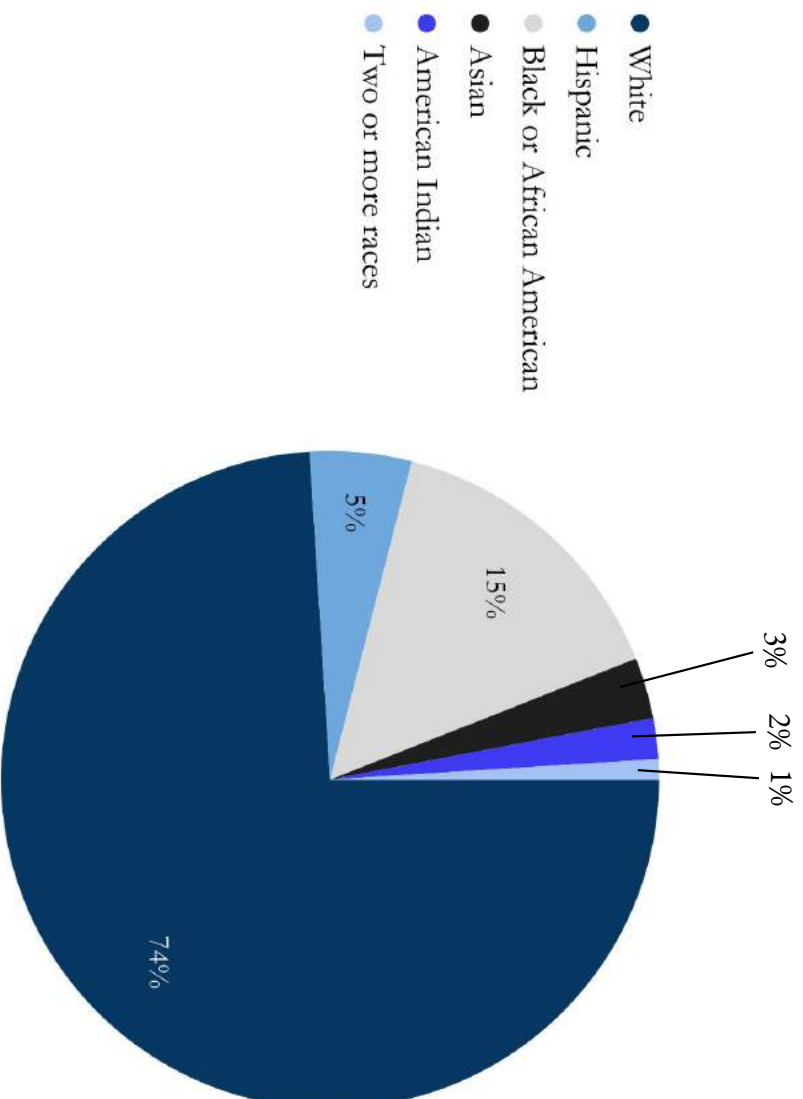
STATE OF THE INSTITUTION

- ★ Institution at a glance
- ★ Key principles
- ★ Existing Policy
- ★ Policy Analysis
- ★ Best Practices
- ★ Policy Amendments



INSTITUTION AT A GLANCE

- ★ Public Institution
- ★ Research Institution
- ★ 34,000 Undergraduate Students
- ★ Majority out-of-state students
- ★ Urban Campus



AT OUR INSTITUTION WE:

- ★ Encourage students to invite speakers and presenters to campus that will contribute to educational practices and open inquiry.
- ★ Uphold academic freedom and free speech on-campus to promote the awareness of diverse ideas and beliefs.
- ★ Foster a healthy learning environment that will challenge students and contribute to the institution's goal of fostering mindful, engaged, and active citizens.
- ★ Establish Time, Place and Manner Restrictions in some areas of campus:
 - ★ Small Scale: Quiet hours in residence halls restricts loud speech to promote academic success.
 - ★ Large Scale: If a speaker wants to present during finals week, in the library, the university is bound to uphold principles that student organizations do not meet during this time frame, therefore an event restriction must be held appropriate.

EXISTING RELATED POLICIES

- ★ Have a trained faculty sponsor approve of guest speaker and submit an application to the Office of Student Involvement.
- ★ The student organization must make a space reservation through the University's online system a minimum of 6 weeks prior to the event:
 - Subject to approval based on date and time demands.
 - Space is subject to restrictions on use of amplified sound.
- ★ A visiting speaker contract must be completed a minimum of 6 weeks prior to the date of event:
 - By negotiating and agreeing to a speaker contract, the student organization agrees to take responsibility of payment and or accommodations of the speaker.
 - The student organization accepts the possibility of event closure in the case of clear and present danger to the university or the local community.
- ★ University Police/ University Staff may relocate or remove those that show any verbal or nonverbal action to cause a threat of injury to those in attendance.

THE ANALYSIS OF THE POLICIES

- ★ Doesn't account for:
 - Use of allocated student activity fees.
 - Attendance size for events.
 - Newly developed spaces.
- ★ No clear definition of time, place and manner restrictions.
- ★ Team is not in place to handle reports of bias or concern.
- ★ Positive influence of faculty sponsorship.
- ★ Positive student ownership and faculty collaboration over their events.



THROUGH THE LENS OF THEORY

★ Chickering's Seven Vectors ⁸

- **Summary:** Students are developing in their identity, intellectual and interpersonal competence, purpose, independence, acceptance of the differences of others, understanding values and developing their identity.
- **Theory to practice:** These areas of development are influenced by a university. Not all students are fully developed in these areas and we need to be aware of the stage the student is in. Some students will be planning or attending events at different levels of development and we must put into place structure which will allow their identity to flourish at our institution. Through reflection and educational immersion we can help students mature in these areas.

★ Baxter Magolda's Theory of Self-Authorship ⁸

- **Summary:** Students go through stages of formulas, being at a crossroads, becoming the author of one's life, and building an internal foundation as the key phases students go through in their path to self-authorship.
- **Theory to practice:** These phases are not a sequential roadmap. Students will be developing at their own pace and can revisit these stages as they create their own life story. We can assist students through empowering them to author their lives and ask them questions that guide them in self-reflection and authorship. Creating a clear roadmap for students who are developing their leadership skills or attending events that inform the direction of their life story is our opportunity as we revisit these policies.

BEST PRACTICES ACROSS PEER INSTITUTIONS

“

It is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. ⁵

- Peer Institution

”

“

...the university may impose reasonable restrictions on the time, place, and manner of speech for the purpose of assuring that the members of our community are able to learn, teach, and conduct research...and that invited speakers can speak without deliberate disruption. ⁹

- Peer Institution

”

POLICY AMENDMENTS

- ★ The student organization must make a space reservation through the University's online system a minimum of 6 week prior to the event:
 - Subject to approval based on date and time demands.
 - Space is subject to restrictions on use of amplified sound.
- ★ The student organization must make a space reservation through the University's online system a minimum of 6 weeks prior to the event, **proposals are considered in the order they are received.**
 - Subject to approval based on date and time demands, **consistent with our university's time, place, and manner restrictions.**
 - **For events with over 200 students in attendance, student groups must follow the University Events Protocol Section 9:3.4 (i.e. security officer present).**
 - Space is subject to restrictions on use of amplified sound, **including in newly developed indoor and outdoor spaces on campus.**

WHY?

To ensure to all students events are held to the same standard of safety, regardless of content or purpose of the event.

POLICY AMENDMENTS

- ★ A visiting speaker contract must be completed a minimum of 6 weeks prior to the date of event.
 - By negotiating and agreeing to a speaker contract, the student organization agrees to take responsibility of payment and or accommodations of the speaker.
 - The student organization accepts the possibility of event closure in the case of clear and present danger to the university or the local community.



- ★ A visiting speaker contract must be completed a minimum of 6 weeks prior to the date of event, **if requesting student activity funds students must go before the Student Government Treasurer and follow necessary guidelines.**
 - **By abiding by a speaker contract**, the student organization agrees to take responsibility of payment and/or accommodations of the speaker.
 - **Student organization officers will be required to attend a business informational session at the start of each semester to learn and understand all university event and funding policies.**
 - The student organization accepts the possibility of event closure in the case of clear and present danger to the university or the local community **as determined by university crisis management team.**

WHY?
To ensure ethical use of funds
for speakers and events
occurring on campus.

POLICY AMENDMENTS

- ★ A team will be assembled to evaluate concerns and possible infringements, on all parties involved, in freedom of expression events. The Office of Student Involvement is charged with leading the efforts of the team, but representation must include at least one person from each division of campus. The team will review the event when a formal report is made by a member of the campus community. Once a report is made the team will investigate the allegations to determine the best course of action.

WHY?

“The effectiveness of any educational policy or practice is directly related to the capacity of that policy or practice to increase student involvement.” - Astin ⁸

“These policy developments allow our students to be at the forefront of these critical topics, it is our responsibility to equip them with the knowledge and opportunities to be active and engaged members of our community and the greater society.”

- VPSA Albert Longbottom

STRATEGIC PLAN MOVING FORWARD

- ★ Build a training for student organization leaders that educates them about campus policies on speech, events, use of funds and their rights.
- ★ Update training for faculty advisors, with new policies and findings, to ensure that they are accurately advising students about their rights and the campus policies.
- ★ Revisit campus policies every three years to ensure policies are up to date with campus developments, precedent of relevant case law, and policy changes at peer institutions.
- ★ Provide venues and forums for students to engage in dialogue about “hot topic issues.”

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