



Bipartisan Policy Center

# **Campus Free Expression: A New Roadmap**

**ACADEMIC LEADERS TASK FORCE ON  
CAMPUS FREE EXPRESSION**

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**November 2021**

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## ACADEMIC LEADERS TASK FORCE ON CAMPUS FREE EXPRESSION

### **Jim Douglas (Co-Chair)**

Executive in Residence, Middlebury College  
Former Governor of Vermont

### **Chris Gregoire (Co-Chair)**

CEO, Challenge Seattle  
Former Governor of Washington

### **Ronald A. Crutcher**

President Emeritus,  
University of Richmond

### **Daniel Cullen**

Professor of Philosophy,  
Rhodes College

### **Ross Irwin**

COO, BridgeUSA

### **William A. Keyes, IV**

President, Institute for  
Responsible Citizenship

### **Walter M. Kimbrough**

President, Dillard University

### **Linda A. Livingstone**

President, Baylor University

### **Wallace Loh**

Immediate Past President,  
University of Maryland

### **John A. Nunes**

President, Concordia College-New York

### **Carol A. Sumner**

Chief Diversity Officer and Vice  
President of Diversity, Equity &  
Inclusion, Texas Tech University

### **Lori S. White**

President, DePauw University

---

## STAFF

### **Steven F. Hayward**

Lecturer, UC Berkeley School of Law  
BPC Consultant

### **Jacqueline Pfeffer Merrill**

Director, Campus Free  
Expression Project

### **Marley Whittle**

Project Assistant

### **G. William Hoagland**

Senior Vice President

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## DISCLAIMER

This report is the product of BPC's Academic Leaders Task Force on Campus Free Expression. The findings and recommendations expressed herein are those solely of the task force, though no member may be satisfied with every individual recommendation in the report. The contents of this report do not necessarily represent the views or opinions of the Bipartisan Policy Center's founders or its board of directors, nor the views or opinions of any organization associated with individual members of the task force.

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# Letter From the Co-Chairs

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America is suffering a crisis of confidence in many of its leading institutions. Among the important institutions whose trust among the public has sharply fallen in recent years is higher education. How did this happen to one of our previously most esteemed institutions?

We believe a major cause is the erosion of a campus culture of free expression and open inquiry.

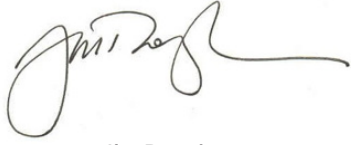
Beyond the well-publicized scenes of speakers “shouted down” and a few instances of serious violence, recent surveys have found that the overall campus climate of open exchange of ideas has eroded. Many students and even faculty self-censor, while controversies over faculty research and extramural statements have created uncertainty about the boundaries of academic freedom.

Moreover, the decline in confidence in higher education institutions has taken on a partisan edge, mirroring the wider polarization of America. We cannot afford for higher education to become another scene of deep partisan division. As a country, we must be better at robustly and respectfully debating difficult issues across the political spectrum, and college campuses have an essential role in achieving this civic goal.

That’s why we asked the Bipartisan Policy Center to convene the Academic Leaders Task Force on Campus Free Expression, which we have co-chaired. Members of the task force each have distinguished records of leadership on free expression, and include civic leaders, a recent college graduate, as well as presidents and academic leaders who serve or have served at public and private colleges, land-grant universities, secular and religious colleges, Hispanic-Serving Institutions, Historically Black Colleges and Universities, research institutions, liberal arts colleges, and a faith-based liberal arts college with an emphasis on service professions.

Over the last year, the task force has discussed why attempts to foster a free expression culture have become increasingly difficult, as well as what has worked to establish a culture of open inquiry, frank discussion, and viewpoint diversity. We met virtually every few weeks to deliberate about trends on our nation’s campuses; discuss articles, surveys, and reports on free expression issues; and to hear from a panel of students. We have outlined the most difficult challenges and laid out specific recommendations for college presidents and senior leadership teams, trustees, faculty, athletic directors and coaches, and student affairs staff.

We believe that these recommendations, especially when pursued as a campuswide strategy, can do much to strengthen free expression and open inquiry, bolster confidence in our nation's colleges and universities, and prepare Generation Z as citizens and civic leaders.

A handwritten signature in black ink, appearing to read "Jim Douglas", with a long horizontal flourish extending to the right.

Jim Douglas  
Co-chair

A handwritten signature in black ink, appearing to read "Chris Gregoire", written in a cursive style.

Chris Gregoire  
Co-chair

# Executive Summary

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Two core principles of higher education—academic freedom and free expression—are undergoing a period of great stress. There is overwhelming survey research and other evidence that the intellectual climate on many college and university campuses is being constrained. Faculty are deterred from exploring certain subjects and expressing candid opinions even off campus; students are self-censoring; outside speakers are disinvited and events are being canceled. Social media has become a megaphone that amplifies campus controversies, increasing their intensity and visibility, compressing time frames for a leadership response, and leading to investigation and sanctioning of faculty and students. The traditional understanding of free speech as a liberalizing force is itself being called into question.

The chilling of campus speech is having effects beyond the borders of the campus. Rather than alleviating the political polarization in our nation today, the inhibition of campus speech is degrading the civic mission of higher education, which is to maintain our pluralistic democracy by preparing students for civic participation as independent thinkers who can tolerate contrary viewpoints and work constructively with those with whom they have principled disagreements.

**Because the pursuit of knowledge proceeds in many modes, we refer to free expression, not free speech. Speech may be the preeminent mode of inquiry on a college campus, whether it proceeds in the language of mathematics or the language of literary analysis. However, visual art, theatrical performance, nonverbal protest, and much more are also important modes of expression.**

To be successful in upholding their institutional mission amid today's changing social, civic, and political landscape, college leaders need a new roadmap for campus free expression.

The Bipartisan Policy Center convened our task force to explore the factors that have made free expression so fraught and to make recommendations about how to foster a campus culture of robust intellectual exchange, open inquiry, and free expression.

As a task force, we believe each campus needs an approach that fits its unique history, mission, and community. An approach that suits a public flagship university will not

fit a small, denominational campus. Even as principles of academic freedom and free expression apply across campuses, in this period of stress on these principles, each college must examine and affirm these principles through its own processes. That is why, as a task force, we do not endorse specific statements, policies, curricula, or programming, although we are providing a

resource guide of programs and approaches, including those used with success by task force members and other campuses. Our common recommendations are for elements of a free expression strategy, as well as processes for developing and implementing a strategy, in the context of shared governance.

We believe that college leaders must take on four challenges directly:

- First, colleges and universities must address the perceived tension that pits academic freedom and freedom of expression against diversity, equity, and inclusion in creating a respectful learning environment for all. While not ignoring that there may be expression that is hurtful, we believe profoundly that free expression is an essential means to an inclusive campus in addition to being essential to higher education's academic and civic missions.
- Second, colleges and universities should take steps to encourage more viewpoint diversity on campus. Exposing students to a wide range of perspectives and methods of confronting issues is essential for both a well-rounded education and as preparation for the rigors of citizenship in a diverse society.
- Third, colleges and universities should adopt strong policies for the protection of free expression for students and faculty, to forestall hasty or ad hoc responses to controversial expression, and to defend the expression of unorthodox and controversial views.
- Fourth, colleges and universities should elevate the skills and dispositions necessary to academic and civic discourse as a deliberate aim of the collegiate experience. Formal protections for free expression are necessary but insufficient to create a culture of free expression, open

**We believe this moment in the history of American higher education resembles previous moments when social and political flux presented new challenges to upholding a free expression culture. In the early 20th century, the role of the faculty changed as academic fields grew more professionalized. While these developments were positive, the rapid transformation left faculty exposed to threat of dismissal or other sanctions for their research and public statements. In response, the American Association of University Professors was founded and published its *1915 Declaration of Principles on Academic Freedom and Academic Tenure* (revisited in the *1940 Statement of Principles on Academic Freedom and Tenure*, following another period of tremendous stress for the country and for higher education). The tumultuous Civil Rights and Vietnam War era prompted reconsideration of the rights of student protestors, the role of the university, and academic freedom; results of this reconsideration include the *1967 University of Chicago Report on the University's Role in Social and Political Action*, the *1970 Interpretive Comments on the 1940 Statement of Principles on Academic Freedom and Tenure*, and the *1974 Report of the Committee on Freedom of Expression at Yale*. Ours is a similarly powerful moment of political and social change and of new trends in higher education. Looking back on the successes of these previous efforts to find new ways to uphold free expression values, we are confident that colleges can renew their approach to fostering free expression and open inquiry.<sup>1</sup>**

inquiry, and respectful, productive debate on campus and in our country. We have a national civic skills deficit, which colleges and universities have an essential role in remedying. Matriculating students typically need coaching and instruction in these skills and habits of mind, and our aim should be to graduate students who raise the bar for national discourse.

In the next pages, we highlight some of the changes in our social, civic, and political landscape and on campus that prompted the need for a renewed approach to upholding academic freedom, free expression, and open inquiry. We then present our roadmap for engaging all members of the campus community, with recommendations for college presidents and senior leadership teams, trustees, faculty, athletic directors and coaches, and student affairs staff to rejuvenate a culture of free expression.



# Free Expression: A Changing Landscape

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As a task force, we wrestled with the question of why free expression has become so fraught in recent years. The task force focused on several changes in the social, civic, and political landscape and on campus that led to the need for a new roadmap on campus free expression.

We noted three trends that colleges and universities cannot directly affect but that have impact on the culture for free expression and open inquiry:

## Changing patterns of adolescent experience.

At a time when campuses are more diverse than ever, many Generation Z students are less prepared for conversation across differences than students of earlier generations. Today's adolescents are growing up in increasingly homogeneous neighborhoods, where they may know few whose viewpoints, news sources, socioeconomic status, and race differ from their own.<sup>2</sup> At the same time, parents of Generation Z students have actively curated their children's social, academic, and extracurricular experiences, willing to intervene when their children's interactions become contentious or challenging.<sup>3</sup>

## Social media.

Social media has an enormous impact on today's climate for open exchange. As one task force member observed, today's students inhabit a physical campus and a virtual campus—and campus leaders must be attuned to both. Social media silos people into think-alike bubbles, rewards hyperbole and outrage, and does not support nuanced academic reasoning.

For Generation Z, social media is where ideas get discussed, even on residential campuses: 58% of undergraduates report that social and political ideas are mostly discussed through social media, rather than face-to-face.<sup>5</sup> Social media undermines the integrity of classroom experiences, as students wonder whether their classroom comments may be shared on social media.<sup>6</sup> Comparing the experiences of college-bound Generation Z students with those of their Generation X parents, Generation Z spent an hour less per day on face-to-face socializing in high school, meaning that

**“We were in an era when rational dialogue and debate had been abandoned for the high of in-your-face confrontation, with social media as an accelerant.”<sup>14</sup>**

**—Walter Kimbrough**

they are much less practiced in conversation and social interactions—even friendly social interactions—than matriculating students of a generation ago.<sup>7</sup>

### **Affective polarization.**

As a country, we are riven by affective polarization and divisive stereotypes about our political opposites.<sup>8</sup> Too often, today’s conservatives and liberals think that those with different political viewpoints are bad people with the wrong values. This polarization is one of our most urgent national problems, and the polarization off campus makes its way onto campus. A survey of undergraduates at a flagship university found, as is likely true on campuses nationwide, that conservative and liberal students hold divisive stereotypes about each other.<sup>9</sup> And—in a finding that worried the task force—a recent survey suggested that higher education may worsen polarization by increasing the so-called “perception gap,” the tendency to overestimate how many of one’s political opposites hold extreme views.<sup>10</sup>

As a result of these trends, matriculating students are insufficiently equipped to navigate the give-and-take in conversation and disagreement that ultimately sustains dialogue and connection. This portends a breakdown in our community.

While colleges and universities cannot directly affect the above three trends, there are other campus trends that may be addressed more directly:

### **Doubts that free expression and diversity, equity, and inclusion are compatible commitments.**

**Within a university community, respectful disagreement is not a rupture in the community, but a sign that the community is carrying out its core purposes. Universities are where criticisms of and challenges to our most fundamental social, civic, and political institutions and norms should be proposed and debated. Universities must welcome—indeed, encourage—dissent rather than conformity. The conversations and disputes we encounter in a university should unsettle our most basic presuppositions.**

Free expression has become more controversial in recent years. Its central importance to a free society is no longer taken as self-evident. Some observers worry that robust protections for free expression are incompatible with our collective commitments to diversity, equity, and inclusion. Some argue that free expression is a tool of oppression, or that it may inflict psychological and physiological harm.<sup>11</sup> Faced with a perceived trade-off between free expression and inclusion, many assign a higher value to inclusion than free expression.

The doubts that commitments to diversity and inclusion are compatible with free expression are common on campus: 49% of undergraduates say free speech rights conflict with diversity and inclusion occasionally, and 27% say they do so frequently.<sup>12</sup> There are reasons to credit this view: Members of

historically underrepresented groups often report that they do not feel fully accepted or included in the campus community, and that they feel an additional burden of having to raise or respond to issues or campus incidents that make them feel marginalized. Scholarly and classroom discussion of the issues of race, sex, gender, class, poverty, and immigration policy, even if they are conducted with decorum and held to high academic standards, can raise ideas that will be uncomfortable and challenging to the inclusive character of the campus community.

As a task force, we believe that free expression is an essential means to an inclusive campus. It is through discourse that we are able to examine, discuss, and ultimately understand others' experiences, viewpoints, and opinions. While profound disagreements and differences may remain, through respectful, serious conversations the campus can become an inclusive community of learners and knowledge-seekers.<sup>13</sup> There are no simple answers or strategies addressing the perceived tension that pits academic freedom and freedom of expression against diversity, equity, and inclusion. Campuses will need to take some risks, to learn from trial and error, and engage the community actively. In our roadmap, we offer some strategies that we believe will be effective.

### **Decreasing campus viewpoint diversity.**

While campuses have become more diverse in many ways, they have become increasingly ideologically conformist. Universities have always been left-leaning; as forums for critique of our most fundamental social, civic, and political institutions and norms, it would be surprising if universities had a predominately conservative ethos.<sup>15</sup> However, a climate of conformity compromises the civic mission of higher education.

To prepare students for civic life in our pluralistic democracy among conservatives, liberals, and moderates—each of whom represent at least a quarter of the American populace<sup>16</sup>—campuses should create opportunities for students to learn about and converse with those from across the political spectrum.

**"A commitment to free expression must be built on a foundation of inclusion and equity. Diversity is a necessary condition for the coexistence of different ideas and perspectives, and inclusion is a necessary condition for every member of our community to feel welcomed, affirmed, and respected. In the context of freedom of expression, equity means that we develop, sustain, and uphold a clear set of community values, standards, and expectations, such that a commitment to freedom of expression, and to diversity, equity and inclusion, extends to and is lived by, all members of the community—students, faculty, staff, and board members. In a community marked by true inclusion and equity, even fierce debates about a range of differences of opinions and perspectives are not experienced as personal attacks on one's very humanity and sense of well-being and belonging."<sup>14</sup>**

**—Lori S. White**

## **A censorious minority.**

Surveys of undergraduates find that a significant minority are willing to shut down speech: In a national survey of undergraduates, 13% said that it is always or sometimes acceptable to use “violence to stop a speech, protest, or rally”; 39% said it is always or sometimes acceptable to engage in “shouting down speakers or trying to prevent them from talking.”<sup>17</sup> Surveys of faculty in fields such as philosophy and political science as well as other surveys document that a significant minority of faculty admit to a willingness to discriminate against their political opposites in hiring, symposia invitations, grant decisions, and paper reviews, and that the faculty and departmental culture may stifle open debate.<sup>18</sup> Shout-downs of campus speakers, calls to dismiss faculty for controversial research or extramural expression, and social-media frenzies over controversial expression by students or faculty, while driven by a campus minority, curb open inquiry and academic discourse for all.

To prevent a vocal and censorious minority from disrupting everyone else’s opportunity to benefit fully from their collegiate experience—and for the country to benefit from robust institutions of higher education that advance the frontiers of knowledge and prepare the next generation for citizenship—it is necessary to defend academic and expressive freedoms vigorously when they are threatened on campus.

## **Widespread self-censorship.**

One national survey found 63% of students agreed that “the climate on my campus prevents some people from saying things they believe because others might find them offensive,” noting that the percentage of students with that perception has risen in recent years.<sup>19</sup> The survey at a flagship university mentioned above also found students across the political spectrum self-censor, and a substantial percentage report doing so on multiple occasions in a single course.<sup>20</sup> Faculty also self-censor in the classroom, in their choice of research topics, and around their faculty colleagues.<sup>21</sup>

To address self-censorship and the stifling of classroom and quad debate, colleges must deliberately assist students in developing skills for spirited, productive academic discourse in an atmosphere of humility, grace, patience, and mutual respect.

\* \* \*

These are the background factors in the social, civic, and political landscape and on campus that make a new free expression roadmap necessary. While the core principles of academic freedom and free expression are unchanged, these factors require campus leaders to find new pathways to uphold these principles today. We now turn to our roadmap, including a leadership strategy for a deliberate, iterative approach to free expression that engages all members of the campus community, from students to faculty, student affairs staff, athletic directors and coaches, trustees, and the presidential leadership team.

# Free Expression: The Roadmap

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A robust campus free expression culture begins with the active and high-profile involvement of the president, as well as top administrators and trustees. When the president and senior administration speak about free expression and model respectful engagement with a wide range of viewpoints, it empowers others in the community to do the same.

Leadership on academic freedom and free expression is not confined to presidents and other top university leaders, but depends on creating an institutional environment where the virtues of intellectual clarity and rigor, empathy, respect, and humility are continually fostered in the activities and life of the university.<sup>22</sup> Trust among the community is essential; within any university community, controversial expression will provoke strong and divergent responses among stakeholders, testing the community but also creating new opportunities to affirm its commitment to free expression and open inquiry.

A successful roadmap on free expression honors the campus' norms of shared governance. Each element of the campus community has an essential role in fostering a free expression culture, including the president and administrative leadership team, trustees, faculty, staff, students, alumni, and donors.

Since 2015, many campuses have adopted a free expression statement. On our task force, some thought that these statements were valuable for signaling the centrality of free expression to the collegiate mission and creating a philosophic or campus culture framework for the development of campus strategies, policies, programs, and curricula; others thought that having free expression strategies, policies, programs, and curricula were sufficient. Our task force often came back to “disagree with the argument, not the person” as a principle that could serve as a summary statement of our deliberations about what was essential to a free expression culture. Two task force members, Wallace Loh and Ronald Crutcher, had roles in statements written to suit their campus' community: The University of Maryland took the approach of adopting a Statement on University Values along with a Statement of Free Speech Values; the University of Richmond adopted a Statement on Free Expression that includes an explicit statement of its right to express an opinion about ideas and beliefs expressed on campus. These statements were adopted after multistage processes that included forums and meetings, so that students, faculty, staff, and administrators could have input on the statements. This had the benefit of creating a sense that these statements belong to the campus community rather than being adopted from an external or generic model. These statements are included in Appendix I.

# The Presidential Leadership Team

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The objective of the leadership team should be to build confidence in a fair, consistent, and principled approach to free expression. The work of the leadership team cannot be passive, or rest exclusively upon policy statements, resolutions, or guidelines. The effort should begin with the team articulating an explicit and campus-specific strategy on free expression that addresses the perceived tension between diversity, equity, inclusion, and free expression.

Leaders must make a case that it is possible to achieve a campus culture in which free expression *helps* the cause of diversity, equity, and inclusion by building student resiliency and understanding of the range of perspectives, opinions, and experiences of others; by creating opportunities for discussion about issues where students believe academic freedom, free expression, diversity, equity, and inclusion are in tension; and by fostering a sense of inclusion in an academic community of learning and inquiry.

Addressing the perceived tension between diversity, equity, inclusion, and free expression is an essential rhetorical and strategic task for campus leaders.

## **Make use of case studies and tabletop exercises.**

A successful free expression strategy includes the articulation of principles; envisions what a robust culture of open inquiry and free expression would be like in a particular campus community; and identifies priority areas for strengthening or clarifying policies, programs, and curricula. One way of developing a strategy is through discussion of case studies of free expression controversies on other campuses and hypothetical scenarios in the form of tabletop exercises. In Appendix II of this report, we have included a sample of tabletop exercises.

Case studies and tabletop exercises help to identify—prior to conflict or crisis—the various reputational, fiscal, and community pressures that may be faced when controversial expression must be defended, institutional resources that are available or that must be developed, and how to assign responsibility for developing programs, policies, and curricula that foster a respectful free expression culture for all. These exercises can help the leadership team to articulate the campus' commitment to free expression and academic freedom principles with messages that resonate with its unique community, and to develop a decision-making process that will be seen as fair even by those who dissent from its outcome. Task force members said that speaking about how their college or university had demonstrated its commitment to free



expression in the Civil Rights era or had hosted controversial speakers in decades past helped create a sense of an enduring institutional tradition.

Tabletop exercises should be included as regular aspects of leadership retreats and discussions, to refresh returning members, involve those new to the leadership team, and analyze how the campus strategy has functioned in practice. A successful free expression strategy is iterative, reviewing what has worked and what policies, programs, and curricula may be improved, clarified, or added. Once a leadership team has developed its free expression strategy, it is essential to support that approach with an appropriate allocation in the budget for implementation and campus programming.

### **Spend leadership capital to model free expression, viewpoint diversity, and inclusion.**

We believe that presidents and the leadership teams should speak about free expression and open inquiry, not only on occasions such as the convocation address but also in their regular interactions by modeling how to engage with different viewpoints. They should not shy away from preemptively discussing topics and issues that often provoke campus controversies.

Presidents and their leadership teams should consider taking responsibility for identifying gaps in the range of viewpoints heard on campus and taking steps to fill them. This requires being willing to make a judgment about what worthwhile viewpoints are insufficiently represented on campus. Some task force members have filled viewpoint gaps through speaker series directed by the office of the president, and by participating and hosting symposia, panels, and other events that bring divergent viewpoints into conversation. Hearing from those who hold divergent viewpoints on the same stage or hearing a guest speaker whose views are academically credible but outside the mainstream of that campus presents students and the community with models of respectful disagreement too seldom seen in today's civic discourse.

The president and other senior campus leaders should convene or attend gatherings of campus groups that include

**Task force members have used the office of the president to host speaker series to bring diverse viewpoints to campus: Ronald Crutcher at the University of Richmond hosted the Sharp Viewpoint Series, pairing political and thought leaders with different views, as well as Spider Talks, with interviews of faculty about their research; Walter Kimbrough at Dillard University hosts Brain Food with intellectuals, activists, and artists; Linda Livingstone at Baylor University hosts the Baylor Conversation Series with speakers who explore timely topics within the context of a Christian community; and John Nunes at Concordia College-New York hosts Books & Coffee for conversations with authors. At DePauw University, the Ubben Lecture Series brings diverse leaders from around the world to deliver lectures, open to the public, on contemporary issues.<sup>23</sup>**

campus Republicans, Democrats, and other political clubs; campus religious and interfaith groups; and other clubs with divergent viewpoints. Additionally, the office of the president and the administration may budget to support campus institutes, schools, departments, and faculty to convene events that address contemporary social and political issues and bring representatives of important viewpoints to campus.

One important component of addressing self-censorship and bolstering success in the university's civic mission is increasing diversity among its faculty and scholars, including viewpoint diversity and diversity of groups historically underrepresented on the faculty. Faculty are hired for their disciplinary expertise, teaching, and other potential contributions to the campus academic experience, not their political

**A few words on the First Amendment.** When many people think about protecting free expression, they think of the First Amendment. The First Amendment indeed protects essential freedoms of expression in our society from government interference.

However, as a task force, our focus has been on values, the collegiate mission, and campus ethos, not the law. In the public square, the First Amendment rightly protects expression that is vile, hateful, deliberately provocative, poorly argued, and even patently untrue. When we choose to join a campus community—whether by accepting an offer to matriculate as a student, or an offer to be a faculty member, staff, administrator, or trustee—we choose to join a community of teaching, learning, and scholarship. As members of campus communities, we should choose to speak and to act in ways that inform, that question, that meet disciplinary standards of evidence, that are truthful or offered in pursuit of the truth, and that affirm the opportunities of others in the community to do the same. The content of the First Amendment includes limited guidance for these value-laden choices about how to speak and act.

However, for two reasons, the First Amendment is essential to campus free expression considerations. Most obviously, the First Amendment is legally binding on public higher education institutions (and on private institutions in California). As we have seen in recent years when provocateurs have used the First Amendment to access public campuses, it can be used as a cudgel to require accommodation of expression that seeks to give the imprimatur of a campus setting to ideas that in fact undermine the campus ethos. Public institutions must be ready when the First Amendment requires them to accommodate such expression.

Additionally, the First Amendment is important because among the purposes of higher education is preparing graduates to enter a public square where it will be the operative standard. We need to cultivate the inner strength and intellectual clarity in our students to be ready to make thoughtful contributions to our civic affairs and to counter ideas with which they disagree and even which they find deeply offensive.



orientation. However, on campuses where the viewpoint is predominately liberal, or on campuses where the viewpoint is predominately conservative, steps must be taken to enhance viewpoint diversity.<sup>24</sup>

**Be ready to act with confidence, clarity, and due speed when the inevitable campus free expression controversy occurs.**

Controversy is inevitable in an intellectual community at the forefront of new scholarship and that encourages intellectually lively classrooms. On social media, controversial expression is often filtered through a narrow ideological prism and can go viral, attracting regional and even national media and compressing the time frame for deciding on a leadership response. A persistent trait of campus speech incidents that generate national headlines is that administrators and faculty are reacting to sudden controversies, often leading to hasty or ad hoc decisions; these headline-generating events have an outsized impact on shaping unfavorable public impressions of a particular campus and of higher education more generally. But while controversy is inevitable, crisis is not.

The key is preparation. The leadership team can be ready, as much as possible, with a clear, consistent, and fair response. The prior use of case studies and tabletop exercises can help avoid hasty and reactive decision-making; such exercises can help to identify what institutional response (if any) is required, which stakeholder groups should be involved, what decision points must be reached, and who should hold authority to make those decisions. Decisions at these key moments send important messages about the university's commitments to free expression and dissent; however, reacting with unreflective appeals to free speech rights can be seen as dismissing the valid concerns of minoritized groups on campus.

If there is an institutional response, it must include a communications strategy that ensures a consistent message, acknowledges stakeholders, identifies a spokesperson, and assures that the spokesperson has the backing of the institution. In the case of controversial speech or expression by a student or faculty, it may be necessary both explicitly to affirm the university's commitment to the freedom to express even highly controversial views and to use the university's

**Engage the campus community when controversy occurs.** When a private racist and sexist email message sent by a student was made public, University of Maryland President Wallace Loh took to social media to address campus community concerns. The email message was protected by the First Amendment but was deeply hurtful to many. President Loh announced and held a live Twitter chat, in which he discussed the requirement to protect expression while acknowledging and addressing the consequences of hateful speech.<sup>25</sup>

own free expression rights to affirm its commitment to values, procedures, or community members, if those have been impugned.

There should also be clear guidelines about what kinds of circumstances would be sufficient to trigger a formal investigation of expression by a member of the campus community, and policies for such investigations, including what due process rights students and faculty are entitled to receive, a standard timeline for review and decision, and the potential outcomes of investigations. This timeline for review and decision should be short, barring extraordinary circumstances. Protracted and murky investigations can seem like punishments in themselves.

**Allowing a controversial event or speech does not imply that the institution endorses the speaker's views.**

When the University of Richmond Law School's Federalist Society invited transgender movement critic Ryan T. Anderson to speak on campus, there were complaints from some students and faculty and calls to disinvite the speaker. The law school dean issued a statement that the university upholds principles of robust discussion and that it does not require student groups to vet speakers with the administration, and President Ronald Crutcher insisted that the school would not cancel the event, although he found the speaker's views offensive. Anderson's speech was met with protesters; during the event, a faculty member offered a rebuttal to Anderson's remarks.<sup>28</sup>

Guest speakers have been at the center of several free expression controversies. Task force members distinguished between controversial speakers, whose views had been sanctioned by peer review, service in public office, or are otherwise of academic merit, and extremist speakers, who deny the fundamental equality of all. In general, guest speakers serve the campus community by bringing the opportunity to discuss and debate; controversial and academically credible speakers may serve this purpose especially well. A thorough major events policy, readily available to students, faculty, and staff, that includes accommodation for protest and counter-events can forestall the use of the heckler's veto.<sup>26</sup> On comparatively rare occasions, public colleges and universities have been obliged, in some cases after legal action or with short notice, to host extremist speakers who assert that members of some groups are inherently inferior to others; these are cases of being forced to host speech that does not meet the standards of academic discourse and violates the fundamental assumption of the campus

community that there must be no arbitrary barriers, such as race, religion, or sex, to participation in the community of knowledge-seekers. In these situations, college leaders must find ways to honor their First Amendment obligations while affirming the equality of all members of the campus community.<sup>27</sup>

## **Take a data-driven approach to campus culture.**

Institutional campus climate surveys of students, staff, and faculty provide useful snapshots of the campus culture on a wide range of concerns and topics. Such surveys must have a sound methodology; focus groups to delve into preliminary survey findings are important. It is also important to roll out the survey to the campus community in ways that build trust and ultimately empower campus leadership to respond to the results in meaningful ways for the campus culture. A campus climate survey should include questions on culture for free expression and viewpoint diversity, including questions about how comfortable it is to express a view that others might find objectionable in class and in other campus settings; to what degree concerns about comments being shared by peers on social media discourage expression; and how diverse the range of viewpoints on campus is.<sup>29</sup>

## **Consider the range of social and political issues within which to take an institutional position.**

The leadership team must consider the range of issues on which the university will take an institutional position. Private universities have greater freedom than public universities to take an explicit position on social and political issues. If a policy or legislative proposal directly affects the operation of the university, in town-gown matters or at the state or federal level, it is clearly appropriate for a university to take a position. But beyond such issues, university practices vary.

Some colleges and universities uphold institutional neutrality, declining to comment on issues that do not have immediate campus impact, prioritizing the role of the university as a neutral forum for debate and the risks to chilling the fullest range of expression on those issues by faculty, students, and staff who may feel uncomfortable putting themselves at odds with their school.<sup>30</sup> Other colleges and universities hold that the school should be a neutral forum on most issues, but on select, important social and political issues, should speak with an institutional voice.<sup>31</sup> Every denominational university, by definition, upholds its creedal texts, values, and commitments on which it is adamantly not neutral; yet, denominational institutions strive for ethical reflection, ongoing interpretation, and theological engagement relative to their particular confession of faith; contemporary social and political issues are occasions for such reflection.

On our task force, members hold varying opinions about the range of issues appropriate for an institutional position. While universities will reach different conclusions, we think it is important for university leaders to anticipate what would fall within the range appropriate for their school. University forums, speakers, panels, and campus events that bring multiple viewpoints on contentious issues demonstrate seriousness of purpose in

the university's civic mission and alertness to contemporary social and political concerns even without the university taking an official stance.

### **Offer regional and national thought leadership on free expression.**

We believe that it is important for presidents and their leadership teams to support each other on free expression issues. For example, college leaders might consider a statement on the threats to academic freedom and free expression from legislative or executive action on curricular matters or matters of open inquiry and scholarship. Likewise, college leaders might offer public or private support for presidents and other leaders of campuses who are confronting a controversy for defending the academic freedom of a faculty member or the expressive rights of students.

Presidents should offer leadership on free expression not only on their campuses but also regionally and nationally. Controversies over free expression have contributed to an erosion in public trust in colleges and universities.<sup>32</sup> While this erosion of trust may be based on a distorted picture of what actually happens on campuses, it undermines willingness to support higher education institutions and reduces confidence in academic expertise. As a task force, we believe that it is vitally important for colleges and universities not only to do more, but to be seen doing so by the citizenry, elected officials, donors, parents, and alumni. Leaders should seek opportunities to speak about the importance of free expression for their academic mission and our civic health. They should talk specifically about their strategies to support free expression and open exchange.

Task force members also spoke to the value of their firsthand experiences working with local school systems to strengthen the skills of respectful conversation and open inquiry among primary and secondary students, and with regional business leaders who seek to create respectful workplaces, and who increasingly see the ability to work with a diversity of colleagues and clients as an essential workplace-readiness skill.

# Trustees

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While trustees often regard their role primarily in fiduciary and organizational terms, with considerable variation between public and private colleges, they can also play an important role in securing the collegiate values of free expression, academic freedom, and a respectful campus culture for students, faculty, and staff. Trustees should consider issuing their own public resolutions affirming the college's free expression policies. When controversies occur, trustees can play an essential role in supporting the leadership team as they defend the freedom of a community member to engage in unorthodox and controversial expression. Trustees may also consider it part of their oversight role to pay attention to campus climate. One way to do so may be through supporting well-designed campus climate surveys, including the climate for intellectual diversity and free expression. Boards should consider orientation programs for incoming trustees that include background and philosophical discussion of free expression and academic freedom and tabletop exercises.

## **Trustees can provide essential support for leadership teams during free expression crises.**

When white supremacist David Duke qualified to participate in the 2016 debate among candidates for a Louisiana U.S. Senate seat to be held on the campus of Dillard University, an HBCU, Dillard President Walter Kimbrough was pressured to refuse to host the debate. The school's board of trustees backed his decision to host the debate as planned. While the event was controversial, the campus leadership was united in its approach to free expression.<sup>33</sup>

# Faculty

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While the president and the leadership team set the tone for the entire campus, the faculty is also intimately involved in free expression and academic freedom policy. As scholars, faculty depend on academic freedom to advance new theories and arguments. As classroom teachers, faculty serve as the most important guides and models of respectful discourse, empathy, and intellectual humility, as well as being responsible for setting curricula and learning objectives for students. As department members, faculty make hiring and promotion recommendations that cumulatively shape the ideological and demographic diversity of the faculty. The faculty are the daily face of university policy on campus.

Faculty teach skills of academic discourse so that students learn to have conversations with others whose starting premises are very different, agree on what counts as germane evidence for a claim, and respectfully hear out and find common ground with others, even if important disagreements remain. These skills of academic discourse are very closely related to the skills of civic discourse that are so important in a pluralistic liberal democracy, and it is the faculty who are most charged with preparing graduates for engaged, thoughtful citizenship as independent thinkers.

Beyond the classroom, the shared governance role of the faculty requires that they be free to speak about campus matters. Beyond the campus, faculty are equal to all other citizens, and free to engage in extramural statements and activities. At a time when many higher education institutions increasingly rely on contingent faculty, it is important for colleges and universities to respect the academic and expressive freedoms of all faculty.

There are several affirmative steps campuses can take to enhance and protect the free expression of faculty. Above all, barring clear violations of standards in the faculty handbook, faculty should be assured that they have the support of administrators and campus leadership.

## **Support academic freedom in the classroom.**

Contrary to a common trope that faculty use the classroom to promote their own ideology, students report that their professors are “open-minded and encouraging of participation from students across the political spectrum.”<sup>34</sup> However, several recent trends among students have contributed to a climate of self-censorship and chilled discourse. The task force heard that, too often, faculty—especially untenured and contingent faculty—refrained from assigning topics and texts, or raising certain ideas in class discussion, for fear of upsetting some students, even when they thought the omitted material

would enrich the class. These faculty concerns are justified by increasingly frequent investigations and sanctions for classroom speech or assignments.<sup>35</sup> Of course, students should speak up in class or during faculty's office hours when they think a professor has said or done something offensive—and to speak with another college office when they feel uncomfortable speaking to the professor. However, faculty members should enjoy the support of their department chairs, deans, and senior administrators to exercise their academic freedom in managing their classes. A student concern can often be addressed fully with a substantive conversation rather than a formal complaint.

Faculty are also worried about the impact of self-censorship and social media on their classrooms. Today, most students carry a video recording device in their pocket capable of creating clips that can be used to embarrass a professor or a student.<sup>36</sup> This undermines trust and the sense that the classroom is a special, semiprivate space where—even if students or the professor discuss what they heard in class later with others—while the class is meeting, the conversation is limited to those in the room. Faculty may consider adding statements on their syllabi about the importance of respectful disagreement, giving others' views a hearing, and acceptable use of social media with regard to classroom discussions.<sup>37</sup> Faculty leading seminars and classes small enough for discussion may set aside time at the beginning of the semester to discuss and establish agreed-upon class norms.<sup>38</sup>

Creating a respectful learning environment for students requires artful management of the classroom and pedagogical skills that are refined with long classroom experience. Some of these skills can be conveyed to new faculty members. Campus institutes on teaching and learning or seminars at the schoolwide or department level can support faculty in developing additional ways to teach material, develop syllabi, and structure classroom experiences that encourage all students to be confident that their questions, views, and perspectives will enjoy a fair hearing in a respectful environment.

### **Build free expression and viewpoint diversity into the curriculum.**

Faculty set curricula and departmental learning outcomes that can help build a classroom and department culture supportive of open inquiry. Department learning outcomes, especially for first- and second-year students, should build the skills of robust academic debate and analyzing multiple perspectives.<sup>39</sup> They should include being able to outline and defend multiple viewpoints within the discipline and, especially for humanities and social science subjects, major lines of argument and critique from conservative and liberal perspectives, among others.

In addition to setting curricula and learning objectives, departments may offer team-taught courses pairing faculty of different viewpoints or



**“Not only are we polarized but people in the various bubbles only interact with people in those bubbles and, worse than that, they’ve vilified people in the other bubbles. But I see that as a tremendous opportunity for us in higher education to do what I think was one of the things we have been called on to do, and that is to educate our future citizens to be effective and engaged participants in the democratic society.”<sup>41</sup>**

**—Ronald A. Crutcher**

disciplines, who model how to debate in a civil and productive fashion.<sup>40</sup> In these days of tight budgets, it may be a stretch for many campuses to pay two faculty for a single course. One budget-conscious alternative is to invite faculty with different viewpoints to team-teach a few class meetings within a course.

We also noted the significant role general education plays in equipping graduates with broad knowledge to contextualize current issues and the confidence to participate as citizens in civic and policy debates. Faculty members whose university service includes reviewing or revising general education programs and requirements have an essential role in shaping the education that will prepare students to engage thoughtfully in civic affairs. With that in view, the task force was mindful of the importance of general education encompassing—as much as possible—history, fine arts, humanities, and the social sciences, as well as mathematics and physical science courses that deepen students’ appreciation for the scientific method.

### **Teach methodology and epistemology early in departmental curricula.**

The task force heard evidence that students often prioritize knowledge that comes from identity and firsthand (or “lived”) experience. While these are important sources of insight, we heard that students’ tendency to elevate such perspectives over knowledge developed on other bases can have a deleterious impact on classroom discourse, particularly when it comes to some of the most fraught topics of our time, such as race, class, sex, and gender—topics that are aspects of nearly every social science and humanities course.

Because of the priority placed on experience and identity, students sometimes ask student peers from historically underrepresented groups to speak as a representative of that group, as though identity should determine how someone participates and what he or she says in academic discourse. On other occasions, students may self-censor because they fear being seen as improperly speaking beyond their own experience or identity.<sup>42</sup> On yet other occasions, students are called out by peers for speaking beyond their experience or identity.



Faculty cannot accomplish their classroom purposes of creating a community of equal knowledge-seekers if students do not see themselves and each other as being qualified to venture an academic opinion and to participate in every class and quad conversation. Therefore, we recommend epistemological and methodological discussions in first-year forums and that they be built into departmental learning objectives for early courses in majors to teach how to present academic opinions based on disciplinary standards of evidence, so that students are neither unfairly burdened with expectations to speak nor excluded because of their experience and identity.

### **Graduate faculty must prepare graduate students on issues of free expression.**

While most free expression programs focus on undergraduates, it is important to pay attention to graduate students.<sup>43</sup> Graduate students are fledgling researchers and first-time teaching assistants and instructors learning how to manage classrooms, draft syllabi and class plans, and elicit student views in class; they are new to the tension of being obliged to refrain from expressing their own opinions when in front of a class as a teaching assistant while being called to make the best case for their views in their graduate seminars and research. Directors of graduate studies and graduate deans should make preparation on academic freedom and free expression an explicit component of the graduate student experience, including in seminars on professional and career development.

### **Support faculty-led centers and institutes.**

Another successful strategy for broadening the academic offerings in ways that support an open campus culture is found in the variety of faculty-led academic centers and institutes on disciplinary subjects as well as topics including constitutionalism, leadership and statesmanship, and ethics. These centers and institutes are platforms for inviting visiting faculty and post-doctoral students to campus for periods of time, and for hosting guest speakers. Through their centers and institutes, many faculty mentor students and offer extracurricular and co-curricular opportunities to engage with academic topics as well as social and political issues. These opportunities introduce students to a yet wider range of views, and model respectful discussion of ideas and viewpoints outside the formal setting of the classroom.

### **Campus free expression and academic freedom policies and philosophy should be a part of new faculty orientation.**

Orientation for new faculty is an opportunity to introduce new members of the faculty to the university's approach to fostering a free expression culture and to inform them about its free expression and academic freedom policies and programs. A panel of faculty who represent a range of political viewpoints can describe the campus approach and

commitment to viewpoint diversity. Free expression and academic freedom policies should also be available in the faculty handbook.

### **Defend academic freedom in scholarship and extramural statements.**

One effect of increasing ideological conformity on campus is the pressure that faculty in some disciplines face to avoid certain politically sensitive research agendas. Recent years have seen the retraction of controversial journal articles.<sup>44</sup> Social media has raised the profile of faculty speech while simultaneously blurring the boundaries between speech as a faculty member and extramural speech.

Faculty peers and the faculty senate can support academic freedom by having specific strategies in place to defend controversial research and statements within the bounds of academic standards and, in the case of extracurricular statements made as citizens, First Amendment freedoms.

# Athletic Directors and Coaches

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College athletes and coaching staff with major Division I sports programs present a unique challenge for campus free expression, and the recent U.S. Supreme Court *NCAA v. Alston* decision and potential changes to regulation of athletes' use of their name, image, and likeness are likely to spur major changes in the college sports landscape in the coming years. Because of the attention that sports teams and their top-performing student athletes can draw, individuals or teams that make statements on social or political issues can garner prominent attention, often leading to pressure from alumni, trustees, and the media. Scholarship athletes in particular are vulnerable to pressures to self-censor. College athletes should not be expected to surrender or abridge their rights of expression. We recommend that athletic directors and team coaches be brought into the process of campus leadership planning around free expression policy, and coaches should affirm the rights of the athletes under their supervision to enjoy their free expression rights in the same manner as all other students.

# Student Affairs

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Student affairs leaders and staff are often those to whom students turn first about free expression issues. They are well-situated to support matriculating students, many of whom are entering a much more demographically diverse community than any they have been part of—for many, the most diverse of which they will ever be part—and who are entering a community where it is possible to try out almost any idea. For students, this should be both exhilarating and exhausting. Student affairs staff can support students during the entrance to their academic community and throughout their college years by emphasizing the skills and dispositions to navigate conversations across difference and disagreement. Because of student affairs staff’s role in supporting a campus free expression culture, discussion of the campus’ free expression policies, programs, and curricula, along with tabletop exercises, should be part of their orientation and ongoing professional education.

## **Campus free expression should be a focus of first-year orientation and at subsequent touchpoints during the first year (and beyond).**

First-year orientation is a not-to-be-missed opportunity to signal the importance universities place on free expression and open inquiry, and the skills and dispositions that support it. As orientation models, task force members recommend the First Amendment Watch at New York University campus speech modules and the Free Speech Project at Georgetown University orientation modules.<sup>45</sup>

While orientation can signal the central place of free expression and open inquiry to students’ academic experience, it takes extended focus throughout the first year in common reading and first-year experience programs to build skills for conversation that will be essential to students’ collegiate experience and preparation for civic life.<sup>46</sup> Students need strategies that will serve them well when they encounter ideas that they find surprising or offensive, including simple verbal strategies such as “help me understand why you see it that way.” They need to develop empathy to listen to others even when opposed to their ideas; respectfulness and commitment to disagree with others’ arguments without impugning them as individuals; humility to give up a long-held position if it does not stand up to scrutiny; perseverance when it is difficult to see the next step in the argument or project; courage to make an argument when they know others will disagree; and, in practical matters, willingness to compromise and work constructively with those with whom one has principled disagreement.

Task force members recommend the OpenMind platform, the Heterodox Academy *All Minus One* booklet, and the Better Arguments Project approach to build these skills and habits of mind.<sup>47</sup> Since many students doubt that free expression is compatible with diversity, equity, and inclusion, first-year programming can teach about the ways in which free expression has advanced the interests of underrepresented and minoritized communities, from the Women’s Suffrage and Civil Rights Movements to the #MeToo and racial justice movements of recent years.

**Let students know their rights to express opinions and protest are supported and provide guidelines for that expression.**

Students and other members of the campus community should be encouraged to participate in expressive activities and protest as part of their collegiate experience and as preparation for engaged citizenship in the public square. Students should be provided with detailed guidance about what expressive activities will not disrupt the educational and research activities of the campus, so student handbooks should include clear, easy-to-reference guidelines for protest and counter-protest, inviting speakers, planning events, tabling, distributing literature, chalking, and sit-ins (or “camping”). Guidelines should be detailed: For example, literature may be posted on certain bulletin boards and handed out but not left unattended; that amplified sound is not allowed or must not exceed a certain level; and placards may be held up during a speech if they do not exceed a specified size. There should also be guidance

**Attending to student mental health supports a free expression culture.**

An additional complicating factor in fostering a free expression culture is the mental health of the student body. For the nation as a whole, the spectrum of mental health issues is expanding, with better diagnostic screens and treatment options. This changing scene presents special challenges for higher education, as an increasing number of students suffer from loneliness, anxiety, depression, and other mental health stressors. For many, the isolation during the COVID-19 pandemic has aggravated their symptoms, and these effects may linger after the pandemic ends.

Mental health issues can undermine students’ ability to put forward their own line of thinking confidently and to dispute ideas with which they disagree or find offensive. Students sometimes report that they feel anxious or unsafe because of expression they encounter on campus. As educators, our responsibility is not to make ideas safe for students, but to prepare students so they feel safe to confront ideas with which they disagree. It is important to address student mental health concerns and to assure students that they can develop the resiliency to confront and dispute ideas that they find wrong, or even heinous. Many colleges and universities have substantially expanded their mental health counseling resources in recent years, and there may be a need for many colleges to integrate the leadership of campus counseling services with the leadership teams overseeing free expression policy.

about respecting others' expression; for example, not using the heckler's veto or vandalizing others' literature, posters, and chalking.<sup>48</sup>

### **Encourage students to exercise and respect associational and religious freedoms in clubs, student organizations, student government, and other campus groups.**

Student clubs and organizations have been a source of controversy on account of exclusive qualifications that some clubs require for membership (e.g., denominational religious affiliation or sexual orientation). Disagreements about all-comers policies—whether a student group may limit its membership or leadership roles to those with certain characteristics, or exclude those with certain characteristics—have led to legal action and court cases.

**Student affairs leaders have a key role in fostering a free expression culture.** DePauw University was notified in fall 2021 by Campus Ministry USA, a group that practices what it terms “confrontational evangelism,” that a preacher from the group planned a campus visit. Visits by preachers from this group had led to disruptive confrontations in the past at DePauw and other campuses. In advance of the visit, the vice president of student affairs sent a note to students, reminding them that even uninvited speakers have a right to speak on public streets running through campus. The student government organized a protest that included T-shirts and buttons with the message “share love, not hate” and free tacos and ice cream. Student Affairs staff, the Demonstration Response Team, and other staff worked with student leaders to ensure that this was an occasion to affirm campus commitments to free expression, diversity, and inclusion.

Aside from legal restrictions such as Title IX and other civil rights laws, we believe colleges and universities should allow maximum latitude for students to enjoy the fellowship of those who share a faith, identity, or social and political ideas. When students associate with like-minded peers, they create a space that bolsters their resilience for the intellectual rough-and-tumble of the classroom and the quad, where their ideas and creeds may be questioned, and where they will study, work, and play alongside those whose experiences and identities may be very different from their own. Student affairs staff should work with student governments, which, on many campuses, have a role in conferring formal recognition and oversight of student groups, in educating student government and organization leaders about how to respect the expressive freedoms of student organizations.

### **Make students and student leaders partners in free expression programming.**

Leaders of student organizations, such as BridgeUSA chapters, are important partners for student affairs staff in leading discussions and events for their student peers about free expression and open exchange. Students themselves must be engaged in fostering a robust free expression campus culture.

# Conclusion

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The emphasis on practical recommendations in this report should not lull us into underestimating the challenges of maintaining academic freedom and free expression, or what is at stake if we fail to do so. Today, academic freedom and free expression are under stress, undermining colleges' and universities' ability to fulfill their academic and civic missions, which in turn is eroding public trust in higher education institutions.

We are confident that this may be a period of renewal of academic freedom and free expression. We offer these core conclusions and recommendations:

1. College leaders should use leadership capital to support a culture of free expression, including by publicly affirming that disagreement and viewpoint diversity are healthy in an academic and civic community.
2. Every college's approach to fostering a free expression culture should be tailored to its unique history, mission, and community.
3. At a time when some doubt that commitments to free expression are compatible with commitments to diversity, equity, and inclusion, leaders should make the case that freedom of expression is ultimately a liberalizing and inclusive force. At the same time, university leaders must remember that students need to feel fully included in the campus community before they feel safe to confront ideas with which they disagree. A free expression culture depends on trust and a respectful learning environment for all.
4. Since presidents and their leadership teams, trustees, faculty, athletics leaders, staff, and students all contribute to a free expression culture, we recommend that universities develop programming for all these elements of the campus community.
5. Controversies about free expression are inevitable, and it is essential to be ready with a decision-making process for a clear, consistent, and fair response, and to defend expression of unorthodox and controversial views. The use of tabletop exercises can prepare college leaders, staff, and faculty for controversies.
6. Formal protections for controversial expression are necessary, but insufficient, for open inquiry and free expression. Robust intellectual exchange is ultimately a matter of culture, and depends on the virtues of intellectual clarity, rigor, empathy, respect, and humility, and on widespread community trust.
7. In addition to their academic mission, colleges and universities have a civic mission to prepare graduates to be independent thinkers, engage in respectful and productive discourse, find practical compromise with those with whom they have principled disagreements, and maintain the institutions of our pluralistic democracy.

# Appendix I: Statements on Campus Free Expression

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The University of Maryland and the University of Richmond in recent years adopted free expression statements. They are two of the more than 80 colleges and universities that have adopted freedom of expression statements, beginning with the University of Chicago's adoption of the Chicago Principles in 2015.<sup>49</sup>

The University of Maryland's Statement on University Values and Statement of Free Speech Values were adopted in 2018 after approval of the university's president and the University Senate. These statements were among the recommendations of the President/Senate Inclusion and Respect Task Force, which was co-chaired by the senior associate vice president of student affairs and a dean. In the course of its work, the President/Senate Inclusion and Respect Task Force held three public forums, invited comment through an online form, and consulted with numerous campus constituencies and broadly with faculty, staff, students, and administrators.<sup>50</sup>

The University of Richmond's Statement on Free Expression was adopted by its board of trustees in 2020.<sup>51</sup> The president appointed a University Task Force on Free Expression, following a 2019 campus speaker series on free expression and conversation across difference. The task force drafted a statement, which was presented for comment at forums for faculty, staff, and students; comments could also be submitted through an online form. In light of those comments, the task force revised its draft. The statement was then adopted by the board of trustees.

These statements, and the task forces and deliberative processes that led to their adoption, are offered as examples for those whose campuses are considering the adoption of a free expression statement.



# University of Maryland Statements on University Values and Free Speech Values

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## Statement on University Values

### Values Statement

The University of Maryland (UMD) is a community of individuals living and working together to support and advance the educational and research mission of the institution. We aspire to become a community that is: United, Respectful, Secure and Safe, Inclusive, Accountable, and Empowered and Open to Growth.

### United

We are diverse but have much in common. Members of the UMD community foster a sense of belonging based on acceptance and a unity of purpose.

We strive toward overlapping goals, sharing resources, and spending some of the most significant and productive times of our lives together in a common space. To that extent we depend on one another and are our best selves when we support one another. Accordingly, our actions are guided not only by what is good for self but also by what is good for all.

### Respectful

Members of the UMD community interact with others in ways that promote feelings of respect. All members of the UMD community are valued equally and deserving of respect without regard to their status, their educational attainment or their social position. We reject denigration of any member through words or actions and resist stereotyping of members that undermines personal dignity through slurs, slights, insults or other acts that disparage individuals or groups.

### Secure and Safe

Members of the UMD community refrain from injustice, violence, harassment, intimidation, and aggression. We do all that is possible to protect and defend members of the UMD community from anyone who would harm them physically or psychologically. We promote individual agency and responsibility in contributing to personal safety, avoidance of harm and staving off the effects of insults, slander, intimidation, or symbolic intimidation of violence.

## **Inclusive**

The UMD community strives to achieve the highest levels of excellence in our work and our studies that accrue through inclusive practices. We recognize that as a thriving and striving community, the success of our institution and our members is dependent on how well we value, include, and engage all members. This belief must be actively and consistently embedded in every aspect and practice of the UMD community.

## **Accountable**

All members of the UMD community are equally responsible and committed to uphold the University's values to the best of their ability, as well as hold the rest of the UMD community to those responsibilities. We must be transparent in our mistakes, and learn to reflect and continue to strive toward inclusive excellence.

## **Empowered and Open to Growth**

Members of the UMD community embrace learning as essential for bettering ourselves as individuals and as a community. We encourage and assist one another to become our best selves.

## **Statement on Free Speech Values**

The primary purpose of a university is to discover and disseminate knowledge through teaching, research, and service. To fulfill these functions, a free exchange of ideas is necessary not only within its walls but with the world beyond. The history of intellectual discovery and growth clearly demonstrates the need for freedom; the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable. Whenever someone is deprived of the right to state unmentionable views, others are necessarily deprived of the right to listen to and evaluate those views. Few institutions in our society have this same central purpose. It follows that a university must protect and guarantee intellectual and academic freedom. To do so it must promote an environment in which any and all ideas are presented. Through open exchange, vigorous debate, and rational discernment, the campus community can evaluate ideas.

Every member of the campus community has an obligation to support the right of free expression at the university, and to refrain from actions that reduce intellectual discussion. No member shall prevent such expression, which is protected under the constitutions of the United States and the State of Maryland.

The University does not have a speech code. History shows that marginalized communities have successfully promoted their interests because of the right to express their views. In fact, marginalized communities have been silenced by speech codes and other regulations against "offensive" speech.

In addition to the obligation to promote and protect free expression, individuals assume further responsibilities as members of the university. The campus expects each individual community member to consider the harm that may result from the use of slurs or disparaging epithets intended to malign, for example, another's race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability. While legal protections for free expression may sometimes supersede the values of civility and mutual respect, members of the university community should weigh these values carefully in exercising their fundamental right to free expression.

The University values and embraces the ideals of freedom of inquiry, freedom of thought and freedom of expression, all of which must be sustained in a community of scholars. While these freedoms protect controversial ideas and differing views, and sometimes offensive and hurtful words and symbols, they do not protect conduct that violates criminal law or university policy.

# University of Richmond

## Statement on Free Expression

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### **Institutional Mission**

The University of Richmond is committed to the production and dissemination of knowledge through open inquiry and “the promotion of a vibrant intellectual community that encourages thoughtful disagreement and the vigorous exchange of ideas.”<sup>a</sup> The University believes that “respectful engagement with a broad diversity of perspectives and experiences [is] essential to intellectual growth,”<sup>b</sup> and that members of the University community can build understanding and empathy by engaging with different points of view. The University’s commitment to fostering a diverse, inclusive community demands an equally strong commitment to freedom of expression. The ability to speak freely, debate vigorously, and engage deeply with differing viewpoints is essential to the University’s mission of advancing knowledge and preparing students to flourish in a complex world. Freedom of expression enables the University community—students, faculty, and staff—to express their deeply held convictions, opinions, ideas, and matters of conscience and engage in vigorous debate, criticism, and counter-speech.

### **Rights of Free Expression**

The University promotes and protects the freedom of expression for all members of its community. At the University of Richmond, speech may not be suppressed, nor speakers disinvited, simply because the ideas put forth are thought by some or even by most members of the University community to be unwelcome or deeply offensive. The University recognizes that on occasion some members of the community may strongly disagree with the speech of others, or may view the expression of certain ideas as harmful. On these occasions, it is for the members of the University community to respond by openly and vigorously contesting the ideas that they oppose, not by seeking to suppress speech. The broad protection of freedom of expression is particularly necessary for speakers and messages that challenge authority or the status quo, which frequently have been the target of censorship efforts.

<sup>a</sup> The University of Richmond’s Code of Organizational Ethics and Integrity, p.2 (Values of the University; Pursuit of Knowledge).<sup>52</sup>

<sup>b</sup> The University of Richmond’s Code of Organizational Ethics and Integrity, p.2 (Values of the University; Inclusivity and Equity).<sup>53</sup>

### **Limits of Free Expression**

Freedom of expression at the University of Richmond is not without limits. The University may restrict expression that incites imminent lawless action, falsely defames a specific individual, or which targets a specific individual or individuals with threats or harassment. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt classes, operations, or university-sponsored events. But these narrow exceptions must never be used in a manner that is inconsistent with the University's foundational commitment to a completely free and open discussion of ideas.

### **Rights of Non-Disruptive Protest**

Freedom of expression necessarily includes the freedom to engage in non-disruptive counter-speech or protest. Members of the University community are free to contest ideas expressed on campus and to criticize speakers who have been invited to present their views. In so protesting, however, members of this community may not obstruct or otherwise interfere with the freedom of others to invite speakers or engage in their own permitted acts of expression. The University of Richmond is committed not only to promoting the lively and fearless freedom of debate and deliberation, but also to protecting that freedom when others attempt to restrict it. It is an essential part of the University's educational mission to educate members of the University community about these fundamental principles, and to foster the community's ability to engage in debate and deliberation in an effective and responsible manner.

### **Rights of the University**

Although committed to the principles of academic freedom and freedom of expression, the University itself need not remain neutral in regard to ideas or beliefs expressed on campus. The University enjoys its own freedom to respond or communicate the institution's values and principles.

# Appendix II: Tabletop Exercises

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College campuses are places where the most fundamental questions are asked and the most long-standing and settled opinions may be challenged. It is inevitable and desirable that there be profound disagreement among community members. However, controversial expression can erupt into crisis, disrupting the research, teaching, and civic activities of a campus community.

Tabletop exercises—discussions of hypothetical dilemmas and controversies—are invaluable opportunities for leadership teams, trustees, faculty, and staff to prepare for inevitable free expression controversies. Such exercises allow teams to anticipate issues that may present themselves, to weigh alternative responses and key decision points, to identify responsible offices and stakeholders, and to formulate messages. The use of tabletop exercises can help to create a decision-making process that, when an actual controversy arises, will be seen as fair even by those who disagree with the outcome. Tabletop exercises also allow leaders to identify pathways and programs to better prepare the campus community for controversial expression.

Tabletop exercises may be included as components of annual retreats and standing meetings; orientation programs for administrators, trustees, staff, and faculty; and meetings focused on free expression.

Below, we offer a sample of such exercises. We offer these scenarios without questions or suggested responses to leave your conversations as open-ended and wide-ranging as possible.

### **Student writes blog post that offends.**

A sophomore, writing on her own blog unaffiliated with the university, writes, “sex and gender are biological facts, not choices; you cannot change from being a man to a woman or vice versa.” Other students see the blog post and start circulating screenshots of the post, which the student then takes down. The Student Government Association (SGA) discusses the blog post at its next meeting, attended by over 100 students, and by a vote of 17 to 3 passes a resolution condemning the post as transphobic and hateful. The student newspaper reports on the blog post and the SGA vote.

The story is picked up on social media, some calling this an instance of “cancel culture” and others condemning the student and her views, saying the university should do more to discipline her.

Meanwhile, a transgender student who shares a discussion section in a course with the blog post author asks the professor to move the author to another discussion section, saying it is not possible to feel safe in a room with a transphobic student.

### **Student capstone project sparks controversy.**

For his senior capstone project, a theater arts major proposes directing Joshua Schmidt’s *Adding Machine: A Musical*, an award-winning adaptation of the Elmer Rice 1923 play of the same name. The play and musical are critical of capitalism and racism, and portray characters who make racist comments. The student’s proposal is approved by his advisor. The student recruits students to perform, and the musical goes into production; the performance is scheduled, with a panel to follow immediately after the performance with student actors, the student director, and a professor from the English department about the musical and its content. The musical and panel are advertised on campus with a warning: “This musical portrays racism and white supremacy.”

A week before the performance, the dean of student affairs contacts the senior’s advisor, asking about the content of the musical, as some students have reported discomfort with “a racist musical being allowed on campus.” The advisor outlines the plan for a panel discussion after the play and invites the dean to attend a rehearsal later that day, which he does. At the end of the rehearsal, the dean states that he is concerned about the potential impact of the play on students from marginalized communities and will deliberate with others on the leadership team.

Overnight, the student newspaper publishes an article titled, “Racist Musical is Senior’s Capstone.” The article is widely shared on social media with calls for the performance to be canceled and criticism of the student’s advisor for approving the capstone project.

## **Student athletes and assistant coach take a knee.**

At a homecoming football game, the stadium stands are full, with alumni, students, faculty, staff, town residents, as well as several trustees. During the national anthem, several players lock arms and take a knee. They are joined by an assistant coach. As they do, some in the audience hiss and boo.

Even as the game is underway, the university starts to receive angry phone calls and email messages from alumni and others, including a message from a local major donor addressed to the school's president, calling the protesting players unpatriotic and demanding that the players be disciplined. On social media, images of the players and assistant coach start trending, with some posts decrying the protest and others praising it. The state senator whose district includes the university tweets, "Students and coach disrespect the flag while taxpayers foot the bill for their education and salary—disgraceful."

Social media posts indicate students are planning to gather and kneel in the main quad the next afternoon. A trustee in attendance at the game receives email messages from classmates, including one who has given a major gift and has the capacity to give another, asking whether the university will discipline the players and assistant coach.

## **First-year student hangs flag in dorm room to objections of suitemate.**

During move-in, a matriculating student hangs an Israeli flag in her room while a suitemate looks on. The suitemate seeks out the resident advisor who is overseeing the move-in and complains that an Israeli flag is a symbol of Zionism and racism, and requests that the RA tell the student to remove the flag. The RA asks the student who has hung the flag about it. The student says it is a symbol of her Jewish faith, and that she plans to keep the flag displayed despite being aware that others are talking about it. The RA tells the student who complained that the suitemate may choose what to display in her own room.

The complaining student goes to the Office of Residential Life and demands that the student with the Israeli flag be moved to another suite. The Office of Residential Life handbook includes guidance that "residence halls are homes for students, and students should choose decorations that support an inclusive residential community for all." Meanwhile, the student who hung the flag has spoken to her parents, and her parents call to complain that their daughter is being made to feel unwelcome.



### **Faculty member reads racial epithet aloud in class.**

A faculty member in a political science course assigned the Rev. Martin Luther King Jr.'s *Letter from Birmingham Jail*. During the class meeting, the professor reads parts of the letter aloud, including a section that includes a racial epithet. A student immediately objects, and other students join in supporting the student's objections. The professor defends himself, saying that the epithet was in Dr. King's writing, not his own word choice. The professor tries to resume the discussion, but several students say the conversation cannot continue until the professor apologizes, which he refuses to do, repeating that the epithet is not his own. When some students reply that the discussion cannot continue without an apology, the professor resolves the situation by ending the class meeting 15 minutes early. The next scheduled class meeting is two days hence.

Later that day, several students from the class, including the student who made the initial objection, visit the dean's office. They demand that if the professor does not apologize, he must be replaced for the remainder of the semester.

Meanwhile, students start sharing social media posts about the incident, and the Office of University Communications receives a call from a local television station, asking for comment.

### **Faculty member declines to write a letter of recommendation.**

A faculty member is approached by a student at the end of a class meeting to ask if the professor would write a letter of recommendation for a summer internship. The student has been an active participant in class discussions and has performed well on assignments and tests. The professor readily agrees and asks the student to send information about how to submit the letter.

When the professor receives an email message from the student with the information, the professor sees that the student is applying for an internship with a pro-life organization. The professor responds that she would gladly write a letter of recommendation for an internship with another organization, but she will not support an application for an internship at an "anti-woman organization."

The student forwards the professor's email message to the department chair, alleging that she is being discriminated against. When the department chair asks the professor for her side of the story, the professor responds that her academic freedom allows her not to write a letter of recommendation to an organization she deeply opposes.

Meanwhile, the student's father contacts the dean of students, saying that their daughter is being discriminated against because of the family's Christian faith.

Alternative scenario: The student is applying for an internship at Planned Parenthood and the faculty member, after initially agreeing to write the letter, says that she is pro-life and declines to write the letter of recommendation on religious and academic freedom grounds.

## **Speaker invitation leads to controversy.**

A faculty member in the philosophy department invites a bioethicist to address the students in her course, “Contemporary Moral Issues,” one of several invited speakers over the term. The bioethicist has published articles arguing that it is ethical for a woman to abort a fetus diagnosed with a birth defect and to practice infanticide on infants with birth defects.

Students from Disability Awareness Advocates (DAA), a registered student organization, visit the Office of Student Life and insist the invitation to the bioethicist must be rescinded, saying it creates a hostile environment for disabled students, potentially including students in the class. The students say that if the invitation is not revoked, they may need to take further steps, without being specific about what those may be. A member of DAA publishes an op-ed in the student newspaper, writing, “It shouldn’t be acceptable to invite to campus someone who would have exterminated me.”

The professor says that she understands that the bioethicist is controversial, but it is up to her to set the syllabus and invite speakers. She notes that the bioethicist has published his views in peer-reviewed academic journals.

## **Faculty social media post.**

An untenured but full-time faculty member, who is assistant director of the university’s honors program, posted on her personal Twitter account—not affiliated with the university—the following: “My campus is open and classes being held on #Juneteenth but closed on #July4. Celebrating #WhitePrivilege and no regard for Black faculty/students/staff.”

The tweet leads to many retweets and replies, many agreeing with the professor and others calling her unpatriotic. The story is picked up by the local news, and the higher education press contacts the university for comment. A major donor writes an email message to the provost: “A professor who disrespects the Founders should not be on the staff of the school’s honors program.” A Change.org petition calling on the university to make Juneteenth a school holiday quickly garners hundreds of signatures from students as well as faculty.

Alternative scenario: The professor’s tweet does not mention the university, but states: “I will celebrate #Juneteenth but not #July4. Juneteenth = Freedom / July4 = WhitePrivilege,” but otherwise the events unfold as described.

### **Faculty public commentary.**

A faculty member publishes an article in a general audience magazine about childhood outcomes, including high school diploma attainment, school suspensions, juvenile arrests, and teenage pregnancies. In the findings section, the author writes: “Single-parent households are correlated with adverse childhood outcomes. Therefore, public policy should aim to encourage household formation prior to pregnancy.”

On Twitter, scholars from other institutions criticize the article for promoting a traditional family structure, alleging that this promotes bias against single-parent households, and some call for the professor’s censure by his professional association. Students hear of the controversy through social media and demand that the faculty member not be allowed to teach classes on this topic.

### **Faculty research.**

A faculty member publishes an article in a peer-reviewed journal, arguing that data suggests race-conscious admissions harm students by placing them in academic settings where they do not have the background to succeed. The article concludes: “Universities’ admissions policies must be neutral to race and ethnicity and evaluate candidates on their individual merits.”

Students read the article and lead a social media campaign criticizing the professor and the university. They argue that the faculty member is biased against minoritized students and cannot be trusted to assess them fairly. They demand that the faculty member be removed from the graduate admissions committee and that students not be required to take classes with the faculty member. However, the faculty member is a regular instructor for one of the required classes for the major.

# Endnotes

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can be expressed freely on campus”; at one school, a majority of conservatives disagreed, while nearly half of moderates and liberals disagreed. Only at one school did a majority of students of all three above-mentioned political orientations agree that “unpopular opinions may be expressed freely,” but even at that school, significant minorities disagreed. Another study based on surveys of students at 26 institutions found 17% were dissatisfied to some degree with the atmosphere for political differences on their campus, while 32% were neutral; see N.M. Cesar-Davis, *Research Brief, 2018 Diverse Learning Environments*, Higher Education Research Institute at UCLA, 2019. Available at <https://www.heri.ucla.edu/briefs/DLE/DLE-2018-Brief.pdf>; see also infographic, which shows only about three-fifths of students were satisfied with the atmosphere for discussion of religious differences and sexual orientation. *Campus Conversations*, Higher Education Research Institute, n.d., accessed November 2, 2021. Available at: <https://www.heri.ucla.edu/infographics/DLE-2018-Infographic.pdf>.

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