

The report and statement below regarding free speech at the University of Connecticut was unanimously approved by the University Senate in March 2017 and was endorsed as the university's official statement on the issue by President Susan Herbst at that time. It has been reaffirmed by President Thomas Katsouleas.

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## **Report of the Task Force on Free Speech and Civility The University of Connecticut**

### *Preface*

The Senate Executive Committee of the University Senate convened this Task Force to consider current University policies regarding free speech and civility. The Task Force has concluded that the University would benefit from an overall policy on free speech and civility that would provide guidance to administration, students, staff and faculty in applying existing standards.

Constitutional protections for free speech and expression apply to university environments just as they do elsewhere. Yet there have been worrisome examples in which free speech has been challenged or interfered with by university officials and non-university actors at several campuses nationwide. Such challenges are worrisome because of their potential negative impact on academic freedom, which protects the right of individual academics and academic bodies to pursue research and teaching in their areas of expertise, as they deem fit, free from political or other non-academic influences.

But such challenges are also worrying because of their negative impact on freedom of expression more generally. Free speech, as a fundamental right, goes beyond the scope of academic freedom, protecting not just choices in teaching and research but also the freedom to speak one's mind without fear of sanction. At the same time, although speech may not in general be restricted, there is nevertheless a specific duty to create and maintain an environment conducive to learning and which reflects the commitments we have to one another as members of a community.

For these reasons, the Task Force takes note of existing community standards and policies that both protect freedom of expression and also allow the University to limit speech when permitted by law in order to protect public safety and the rights of others. The purpose of this proposed policy is to suggest a framework in which these fundamental values can be understood in relation to one another.

These principles as they are applied in particular contexts, may raise follow-up questions that will require further discussion. We believe this is as it should be, and some of these questions may include the impact of free speech applied within the classroom environment, or how freedom of expression is viewed across non-academic activities.

### *Statement*

Freedom of speech and expression are fundamental to the advancement of knowledge, and the University has been and will continue to be a forum for the full expression of and engagement with ideas. All members of the University community enjoy constitutionally protected freedom of speech. Although some ideas and opinions may invoke strong feelings or be uncomfortable for some, many forms of public discourse—from political debate to artistic activity or public protest—will be controversial or even designed to provoke. It is essential that debate surrounding discussion of difficult and controversial subjects is a key component of life at a university. Debate that challenges students, faculty and staff to reexamine their own positions contributes to a robust intellectual and cultural environment.

The University is firmly committed to respecting and protecting the freedom of all members of the University community to share opinions and ideas without interference to the fullest extent permitted under law. This commitment derives from its educational mission as well as its role as a state institution bound by federal and state law. It extends even to expression, ideas, or discussion that some members of the University community may believe wrong or even repugnant. The University endorses in this respect the approach of the University of Chicago's Committee on Freedom of Expression, which emphasized, "It is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive."

This does not mean, however, that all expression is permitted without any limitation. As the University of Chicago statement also affirmed, "The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish." The University of Connecticut is permitted to, and will, limit expression in order to protect public safety and the rights of others. This includes expression that is defamatory, threatening, or invades individual privacy. Protected speech may also be reasonably regulated as to the time, place, and manner of the expression.

Further, the University emphasizes that freedoms also come with responsibilities. Each member of the University community owes to all other members of the community the responsibility to exercise his or her freedom to speak with concern and care for how others may experience this speech. This in no way should be understood to limit or discourage the exercise of the expressive freedoms described above or to restrict in any way the atmosphere of free and open dialogue to which the University is committed. Membership in this community does, however, mean that we must be aware of the potential social consequences of expression that relies on negative stereotypes or abusive language that has concrete material consequences or silences those to whom the speech is addressed. Free speech is not free when it is used to silence others.

Speech and expression can impact the material reality of both individuals and communities. The negative physical, emotional, and economic consequences of speech can also be experienced unequally. Part of our responsibility as members of the University community is to attend to how others experience our speech. In a university

setting, one of the most important purposes of free speech is to create an equitable space in which all may enter and grow as a part of a community of intellectuals, and this can only be done if we ensure that in exercising our freedoms, we do not obstruct the rights of others.

The responsibility to be aware of these potential social and material consequences of speech means that speakers should be open to dialogue. They should attempt where possible to find ways to engage with those who might contest their ideas, and they should seek to convey their ideas in a manner that promotes and fosters a climate of mutual respect. While these are not legal requirements, we believe these are moral and institutional obligations we have by virtue of our membership in this community. Those obligations include a duty to be aware that words matter.

The University is committed to providing resources for those who seek to engage in such dialogue. The broad protection the University and federal and state law affords to speech means there will inevitably be speech on campus that some community members find objectionable and offensive, and which negatively affects them. When this speech occurs, the University seeks to promote opportunities for those affected by the speech to address the speakers.

There are several ways in which this may be achieved. First, opportunities or programs to discuss or present alternative views can be made available so that a discussion of competing ideas can take place. This supports Justice Brandeis's assertion, that "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, *the remedy to be applied is more speech, not enforced silence.*" (Whitney v California, 1927) Second, community members who are negatively affected should have an opportunity to meet with community members who are speakers or program planners to share their perspectives about the speech and its consequences. These opportunities for sharing are not meant to necessarily result in mutual understanding but to provide a forum so that community members can express how they are affected or hear how their speech is affecting the others in the University.

A chief function of a university is to pursue and disseminate knowledge. To fulfill that function, the University of Connecticut has a fundamental commitment to protect speech and expression, establish an atmosphere where open and constructive dialogue can take place, and to ensure that all members of the University community are aware of the responsibilities that come with being a part of that community.

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