FREE SPEECH AND THE INCLUSIVE CAMPUS

HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

ONE WAY TO HOLD A DELIBERATIVE FORUM

1
Review ground rules. Introduce the issue to be deliberated.

2
Ask people to describe how the issue has affected them or their families.

3
Consider each option one at a time. Allow equal time for each. Which option is attractive? What about the drawbacks?

4
Review the conversation as a group. What areas of common ground were apparent? Just as important: What tensions and trade-offs were most difficult?

GROUND RULES FOR A FORUM

- Focus on the options.
- Listen to other voices. Listening is as important as speaking.
- Consider each approach fairly, looking at its benefits and its trade-offs.
- Everyone is encouraged to participate. No one or two individuals should dominate the conversation.
- It's okay to disagree, but do so with curiosity, not hostility. Learning more about how others think is one of the most interesting parts of a forum.
- Keep an open mind. Avoid coming to conclusions until we've deliberated on all the options.

If your group has additional ground rules, please discuss them! Before engaging in dialogue, does everyone agree to follow these ground rules and to hold each other accountable to them?

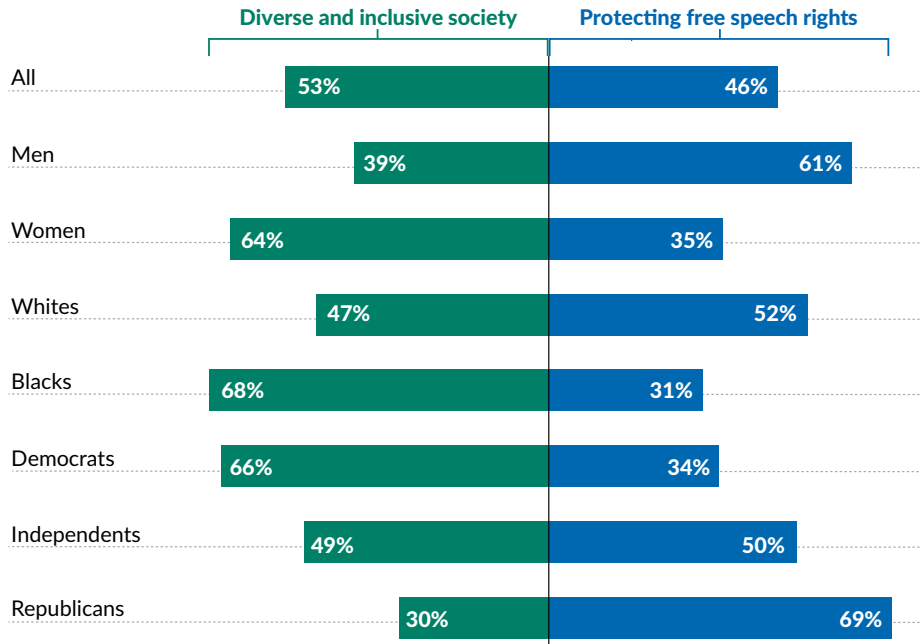# FREE SPEECH AND THE INCLUSIVE CAMPUS

HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

The United States is becoming increasingly diverse and more polarized as we struggle to address complex public problems such as immigration, health care, economic inequality, and America's role in the world (Pew Research Center, 2017). As public trust in our political system waivers, U.S. college campuses are grappling with issues of inclusion, diversity, and freedom of speech (Rainie, Keeter, & Perrin, 2019). Conversations about free speech on campus are often framed in opposition to diversity and inclusion and have spawned controversies, protests, and even violence. In 2017, a much-cited survey of more than 3,000 college students conducted by Gallup and the John S. and James L. Knight Foundation presented diversity and inclusion as directly opposite free speech, asking students which issues they felt were more important; 53% chose inclusion and 46% chose free speech (see Figure 1; Knight Foundation, 2018). In today's contentious and divided political environment, what should colleges and universities do to meet the roles and responsibilities of higher education to foster the campus community we want?

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

1

FIGURE 1. Diversity and Inclusion versus Free Speech

If you had to choose, which do you think is more important?

	Diverse and inclusive society	Protecting free speech rights
All	53%	46%
Men	39%	61%
Women	64%	35%
Whites	47%	52%
Blacks	68%	31%
Democrats	66%	34%
Independents	49%	50%
Republicans	30%	69%

Note. Data adapted from *Free Expression on Campus: What College Students Think About First Amendment Issues*, by Knight Foundation, 2018, p. 9 (https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/248/original/Knight_Foundation_Free_Expression_on_Campus_2017.pdf). Copyright © 2018 Gallup Inc. Percentages may not add to 100% due to rounding.

FRAMING QUESTIONS

» Are free speech and an inclusive campus in opposition to each other? Do we have to give up one to have the other?

» How do we balance the rights of individuals with the responsibilities of the institution?

» Is this the campus community we want? What is the role of institutional leaders versus individuals in creating or changing campus culture?

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

2

This guide presents three options for deliberation about difficult problems regarding free speech and inclusion—for which there are no perfect solutions. Each option offers advantages as well as drawbacks, and each reflects different ways of understanding what is at stake, forcing us to think about what matters most to us.

OPTION 1   **Prioritize student safety and well-being.**

OPTION 2   **Affirm the educational value of intellectual curiosity and engaging with ideas across difference.**

OPTION 3   **Uphold the ideals of free speech.**

The research involved in developing this guide included interviews and conversations with campus stakeholders who have multiple perspectives; the initial drafts were reviewed by individuals with direct experience in student affairs and higher education.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

3

Prioritize **student safety** and **well-being**.

This position asserts campuses are responsible first and foremost for protecting student safety and well-being. Campus personnel have a duty to protect students, faculty, and staff from harassment and discrimination and from the impact of harmful speech. People who hold this position believe it is the institution's primary responsibility to protect student safety—both actual and perceived—and physical and psychological well-being, no matter the cost. Threats to safety can disrupt learning and should be curbed when necessary to protect students from harm.

To promote student well-being, institutional policies and procedures should be fair and equitable. This options values freedom of expression equally for all populations; however, rather than assuming the status quo is already fair and equitable, this option acknowledges how historical power imbalances may have resulted in unequal and prejudicial processes, particularly for historically marginalized populations. Correcting that historical imbalance may require prioritizing these populations' voices and expression on campus while not creating new inequalities or barriers for other groups.

Proponents of this approach argue administrators should heavily weigh the impact of offensive speech on minority groups on campus and intentionally cultivate the expression of countervoices. Existing policies and procedures regarding campus expression must be scrutinized, with a focus on fairness and equity, and thoroughly revised by a diverse group of faculty, staff, and students.

People who hold this position also believe classroom and curricular topics should be approached with caution and sensitivity to the impact they may have on historically marginalized groups.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

4

Questions and Considerations
for Deliberation

As more students from socioeconomically diverse backgrounds enroll in college, institutions are challenged by the need not only to recruit and retain new and historically marginalized populations but also to create a safe and supportive environment for the academic success and personal growth of all students. Unfortunately, data collected by the Federal Bureau of Investigation show racially and ethnicity motivated hate crimes[1] have increased on college campuses in recent years (Bauman, 2018).

?

How should we respond to racism and hate within the campus community to ensure student safety?

In cultivating a safe campus community, should colleges and universities develop policies and procedures to address pressures from speakers or groups with no formal affiliation with the institution to use the campus space, particularly when some outside groups' presence and message make certain student groups feel unsafe?

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1. The definition of *hate crimes* is provided in 28 U.S.C. § 534: "[C]rimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property" (Federal Bureau of Investigation, 2017).

> *It is the institution's primary responsibility to protect student safety—both actual and perceived—and physical and psychological well-being, no matter the cost.*

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
Institutions should spare no expense to ensure safety.	⚠ Institutions cannot guarantee the safety of students and may inadvertently increase institutional liability for harm.
Institutions should create policies that uplift historically marginalized voices and dismantle traditional authority structures.	⚠ Such policies may underscore the perception student affairs disproportionately supports a left-leaning agenda and may create another authority structure that limits dissent and opposing viewpoints.
Faculty and staff should provide campus workshops, cultural literacy training, and programming on historical structures and power dynamics.	⚠ Programming may inadvertently increase conflict, resurface historical trauma, and put historically marginalized students at risk.
States should require institutions to create policies that penalize those who disrupt expressive activity or do not follow campus policies.	⚠ Students, faculty, and staff may self-censor in order to avoid punishment or sanctions, creating a chilling effect on campus.
Faculty, staff, and students should create safe, ideological spaces on campus for specific student populations (e.g., LGBTQIA students, student veterans, first-generation students).	⚠ Students may choose to isolate themselves within these spaces, limiting opportunities for cross-cultural engagement.
Institutional leaders should encourage faculty to consider the impact of curricula on students and issue trigger warnings as necessary.	⚠ Faculty may alter their delivery and instruction to eliminate potentially valuable and necessary content.

A Primary **Drawback**

⚠ **Campuses would prioritize safety at all costs.** If a campus prioritizes safety, budgetary, or other concerns, student organizations, campus departments, and stakeholders might not invite speakers with controversial opinions, which may limit freedom of expression or opportunities for learning. It is also plausible speakers might turn down invitations.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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"
How should we respond to racism and hate within the campus community to ensure student safety?
"

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

7

2 Affirm the **educational value** of **intellectual curiosity** and **engaging** with ideas across **difference**.

This position asserts the primary role of higher education is to stimulate intellectual curiosity and build students' capacity and skills to engage meaningfully in conversations across difference. People who hold this position believe learning often requires discomfort. Instead of limiting that discomfort, we should embrace it and guide students through interpreting their feelings, thoughts, and experiences when they are exposed to ideas that make them uncomfortable. Institutions should invest in support services, campus safety, and guest speaker protocols to encourage student engagement across difference. Through exposure to a range of viewpoints, students learn to question their assumptions and biases, clarify their own values, develop their own ideas, and cultivate a sense of agency in responding to those with whom they disagree.

People who hold this view see exposure to diverse perspectives as a key civic learning outcome, providing students the opportunity to engage in critical thinking and reflection. Part of our role as educators, in this view, is to support students in processing, reflecting, and responding to ideas or speech with which they disagree in order to build their civic skills, voice, and agency. As we broaden access to higher education to include more diverse students, we have a responsibility to serve those students and to meet their needs; we also have responsibilities under federal law to ensure freedom from harassment and discrimination— and freedom from a hostile learning environment that interferes with learning. People who hold this position believe no topic is off limits as long as it contributes to student learning. Censoring offensive speech or leaving scientifically disproven theory out of the educational process only narrows the inquisitive mind. Students need exposure to all theories and all speech in order to learn to think critically and analytically within the discomfort of an unpredictable world.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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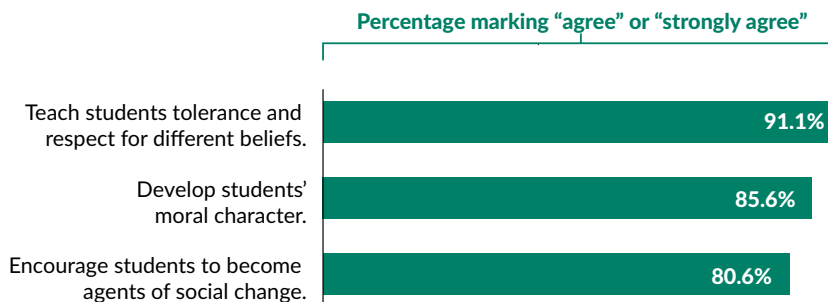# Questions and Considerations
for Deliberation

In surveys conducted by the Pew Research Center (2019), Americans reported they find it increasingly difficult to talk and listen across difference. On campus, these differences are exacerbated as more students from historically underrepresented groups enroll in college. Due to demographic shifts across the country, the increasingly knowledge-based economy will require these students to complete at least some college training (Lumina Foundation, n.d.).

? Colleges and universities struggle to develop students into intellectually curious and critical thinkers. Data from the University of California, Los Angeles's Higher Education Research Institute show more than 90% of faculty feel it is their role to teach students tolerance and respect for different beliefs (see Figure 2; Stolzenberg et al., 2019). Freedom of speech and expression provide the academic liberty necessary for higher education to meet its goal of developing the next generation of critical thinkers and problem solvers. Because one size does not fit all, the freedom to challenge and test assumptions and critical theories is essential for developing differentiated learning paths that are flexible and responsive to individual student and faculty learning needs. Conservative voices, however, argue that faculty themselves tend to hold—and espouse—more liberal ideologies, which can make students with different beliefs hesitant to speak up. What should colleges and universities do to encourage freedom in the classroom as well as flexible and responsive critical thinking?

FIGURE 2. Faculty Roles in Undergraduate Education

To what extent do you agree it is your role to do the following:

Percentage marking "agree" or "strongly agree"

Teach students tolerance and respect for different beliefs.	91.1%
Develop students' moral character.	85.6%
Encourage students to become agents of social change.	80.6%

Note. Data adapted from *Undergraduate Teaching Faculty: The HERI Faculty Survey 2016–2017*, by E. B. Stolzenberg et al., 2019, p. 57. Copyright © Regents of the University of California.

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> *Higher education and employers must work together to prepare students for real-world success.*
> *— Jamie Merisotis, President and CEO, Lumina Foundation*

Excerpt From **Lumina Foundation's Big Goal**

"Today's employers want to hire graduates with a broad array of knowledge and skills—not just specific content knowledge but transferable skills such as critical thinking and the ability to solve unscripted problems and communicate effectively," said Jamie Merisotis, Lumina's president and CEO. "Higher education and employers must work together to prepare students for real-world success."

Perhaps the clearest evidence of the need to increase higher education attainment is the fact employers cannot find people with the needed skills to fill all of their job openings, much less those that will be created in the future. In a 2014 survey, a third of employers cited "lack of technical competencies/hard skills" as their main difficulty in filling jobs—up from just 22% in 2011. For example, in the manufacturing sector, in which advanced manufacturing techniques are dramatically increasing the demand for postsecondary skills, two-thirds of manufacturers reported "moderate to severe" shortages of qualified workers in 2011. The same issue is a growing problem in the health care industry.

When employers can't find people with the skills and credentials they need, the economy, as a whole, suffers. Available evidence suggests our nation's inability to match jobs to people with the right skills is a major explanation for why employment rates have not improved as quickly as they should have in today's economic recovery.

Note. Adapted from "Why is the Goal So Urgent?" by Lumina Foundation, n.d., (https://www.luminafoundation.org/lumina-goal#goal-urgent). Adapted with permission.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
Institutional leaders, including students, faculty, and staff, should create space for educationally meaningful diverse perspectives to be heard on campus.	▲ Some perspectives may directly or indirectly affect learning or cause harm to students.
Faculty should be neutral arbiters of ideas and encourage students to engage with ideas they find uncomfortable.	▲ Historically marginalized faculty, staff, and students may be vulnerable and expected to carry a heavier burden to represent minority perspectives, potentially damaging their personal and professional development and increasing potential for physical and psychological harm.
Institutional leaders should promote demographic diversity as a way to broaden conversations and viewpoints on campus.	▲ Historically marginalized individuals may become tokenized and bear an undue burden to develop culturally competent students, faculty, and staff.
Faculty and staff should provide students with expected learning outcomes, counternarratives, and fact-checking for speakers, which can promote students' critical thinking and reflection.	▲ Students whose educational environment has been adversely affected by offensive speech may need more immediate action and care; they may not be in an emotional or psychological place conducive to learning until a sense of safety is restored.
Faculty and staff should create programming that enables students to engage productively with diverse perspectives while developing their own voice and agency.	▲ Programming may not reach those most likely to benefit from it. If students aren't ready to engage, programming may be insufficient.
Institutional leaders, faculty, and staff should invite speakers to campus based on their potential to contribute to the overall learning of the campus community.	▲ Some speakers may be prohibited if they are deemed by an institution to lack factual truth or evidence.

A Primary **Drawback**

⚠ **Students could be exposed to ideas that may be harmful.** Faculty and staff may not have the capacity to meet the needs of all students or colleagues, especially individuals from historically marginalized groups.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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3

Uphold the ideals of free speech.

This position asserts institutions should welcome free speech in all its forms, as the university was created to be a marketplace of ideas. Campus environments should welcome public debate and provide space for diverse opinions and ideas—even when they are potentially controversial and/or offensive.

Throughout history, free speech has been used to give voice to minority perspectives. It plays a vital role in ensuring dissenting voices have the opportunity to be heard. As such, free speech cannot be neglected or ignored, even when it may be offensive and potentially harmful.

Higher education in the United States plays a distinct role in the fabric of our democracy; therefore, it should represent the diversity of opinion inherent in our broader society. The role of higher education institutions in this view is not to filter opinion but to provide space for public forums and exchange of ideas. Institutions have a responsibility neither to prevent speakers from appearing nor from preventing those who oppose the views presented from protesting. The response to potentially offensive speech is more speech, not regulations on speech or speakers beyond minimal time, place, and manner restrictions. These civic skills are a primary part of the public role of higher education, one that safeguards our democracy.

Students, faculty, and staff all have rights to free expression that should be protected. Faculty should enjoy strong academic freedom to pursue research even if the topic might be offensive or distasteful. Students, faculty, and staff who express opinions, including political opinions, that are in disagreement with an institution's stated values should not be punished or sanctioned.

People who hold this view believe institutions should have clear policies for accessing campus spaces within time, place, and manner guidelines that are easy for students, external community members, and outside groups to understand and navigate. In doing so, the university affirms the rights of students and others to disagree with the institution, creates the opportunity for vibrant exchange of ideas, and introduces students to broad and diverse viewpoints.

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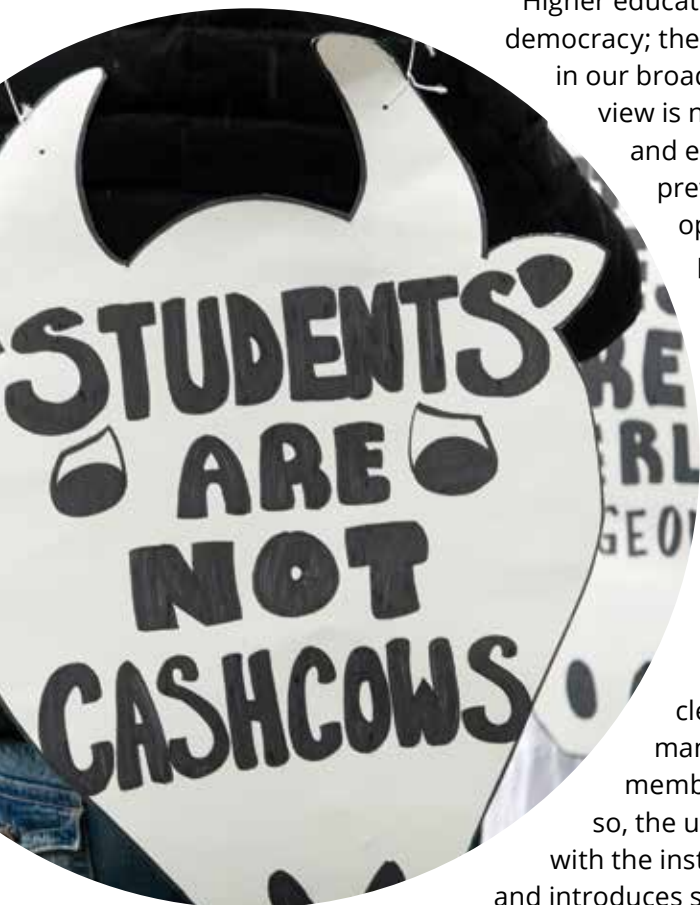
Time, **Place**, and **Manner**

The U.S. Supreme Court allows educational institutions, including colleges and universities, to apply "time, place, and manner" limitations on speech, including on campus speakers and demonstrators (*Cox v. New Hampshire*, 1941; *McCullen v. Coakley*, 2014; *Perry Education Association v. Perry Local Educators' Association*, 1983; *Ward v. Rock Against Racism*, 1989). The purpose of such restrictions is to regulate speech without impeding constitutionally protected speech. The U.S. Supreme Court requires these limitations not be favorable to one perspective or another, serve a significant government interest, be narrowly tailored to achieve that interest, and offer alternative options for speech. Public institutions, which are funded by taxpayer dollars, are considered government entities and, as such, are restricted from impeding speech beyond the narrow contours of time, place, and manner (*Perry Education Association v. Perry Local Educators' Association*, 1983).

Restrictions on time may include designations on the duration, frequency, or time(s) that such activities can occur. However, the courts have affirmed time restrictions placed on speech must be reasonable. Public colleges and universities that restrict speakers or demonstrators from hosting events on campus during the daytime, for example, face the risk of violating reasonable time restrictions on campus. However, colleges and universities have used the time restriction to articulate campus demonstrations cannot take place after midnight.

Limitations on place might include specifications regarding the areas of a campus that can be used for free speech, including areas of a campus that require a reservation. Public institutions must ensure any restrictions on access to certain campus property ensure content neutrality, serve a significant government interest, be narrowly tailored to achieve that interest, and provide ample alternatives.

Manner restrictions do not limit content but instead relate to the form of communication used to express certain views, such as control of volume so as to not affect the ability for a regularly scheduled class to convene.

Note. Reprinted from *The First Amendment and the Inclusive Campus: Effective Strategies for Leaders in Student Affairs*, by A. Morse, 2018, pp. 5–6, (https://www.naspa.org/files/dmfile/NASPA_Policy_and_Practice_Issue_3_Free_Speech_DOWNLOAD.pdf). Copyright © 2018 NASPA. Reprinted with permission.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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Questions and **Considerations**
for Deliberation

In 2014 the University of Chicago convened the Committee on Freedom of Expression, charged with "articulating the University's overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University's community." The resulting report has become known as "The Chicago Principles" and has been lauded by advocates for freedom of speech and expression as "the gold standard," although critics argue it ignores centuries of structural racism that privileges the voices of white students over all others (Knight Foundation, 2019; PEN America, 2019). Other colleges and universities, worried about becoming the next focal point for controversy, have similarly developed task forces and statements on freedom of speech and expression. For example, in response to growing concerns, Winona State University (Minnesota) drafted a lengthy values statement on "Free Speech and Academic Freedom," which concludes with the following: "We aspire to be a community of learners improving our world. Free speech and free inquiry are crucial to that work." How should colleges and universities provide the academic freedom needed for lifelong learning? How should colleges and universities prepare for the questions and contests between academic freedom and structural discrimination?

In 2016 the University of Chicago again made headlines, this time when Dr. John "Jay" Ellison, dean of students, sent a letter to the incoming class of 2020 deriding trigger warnings and safe spaces. At that time, trigger warnings and safe spaces were becoming increasingly referenced in the campus context, bringing the debate regarding their use into the public eye. Trigger warnings proactively alert students, faculty, and staff who might have adverse reactions to sensitive topics. Safe spaces are often a means to create as ideal an environment as possible (such as through the use of trigger warnings) to best engage in triggering issues. A 2017 NASPA report examined the history of safe spaces and trigger warnings, documenting their pedagogical value (Ali, 2017). Research by the Interfaith Youth Core bolsters the importance of students feeling supported in their own worldview in order to be more likely to appreciate the views and values of others (Rockenbach et al., 2018). How do campus cultures understand trigger warnings and microaggressions, which can include statements, actions, or incidents regarded as instances of indirect, subtle, or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority? Where are safe spaces allowed, and for whom?

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
▶ States should require institutions to eliminate free speech zones, designated locations where individuals can register to secure time for expressive activity; all public spaces on campus should be open to free speech.	▲ Unexpected or unknown speech or speakers may disrupt educational or academic environments or target students with hateful speech while they are trying to engage in activities of daily living.
▶ Institutional leadership should place emphasis on unrestricted academic freedom in research and in the classroom.	▲ Faculty may espouse ideological perspectives or attitudes students find offensive, yet students must remain enrolled or engaged in that environment due to academic requirements.
▶ Instead of regulating offensive speech, faculty, staff, and students should create responsive acts of creative expression to give voice to the impact of offensive speech on students and on campus.	▲ Instead of the university speaking on a group's behalf, this option may put the onus on groups harmed to speak for themselves. They may face harassment or risk direct clashes with offending speakers.
▶ Institutions should allow any speakers on campus, no matter who or what they represent.	▲ The university may be seen as endorsing or condoning an unpopular or offensive message. This may damage the university's reputation or affect funding streams.
▶ Those who disagree with speech should be free to protest or object without institutionally imposed restrictions.	▲ Outside groups may take advantage of the freedom of the marketplace of ideas to overwhelm a speaker they disagree with and drown them out.

A Primary **Drawback**

⚠ **Open access does not automatically equate to equal opportunity.** Promoting the uninhibited marketplace of ideas may benefit only historically privileged groups whose members already enjoy voice, power, and agency. This option may reinforce or worsen barriers for historically marginalized groups.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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Closing **Reflections**

Creating the campus community we want may require changes that affect everyone. Forums like this one can help our community think carefully about what matters most to us and what kinds of decisions and actions we can each take to enable our community and campus to thrive. Before ending the forum, take some time to revisit the central questions this issue guide raises. Acting on the ideas and proposals presented here will bring about changes that affect all of us, in every city and town, at every higher education institution, and none of them is guaranteed to produce the results we want. It is important to think carefully about the implications of the ideas presented here—to consider how they could improve our politics and, equally important, how they might misfire and make our problems worse.

» Should institutions spare no expense to provide resources to ensure safety, or is the possibility of students still being harmed or for institutional liability to increase too high?

» Should institutional leaders actively create space for educationally meaningful diverse perspectives to be heard on campus, or would some perspectives be too damaging to individuals and the learning environment?

» Should states require institutions to eliminate free speech zones (i.e., designated locations where individuals can register to secure time for expressive activity), or do free speech zones prevent possible disruption from unexpected or unknown speech or speakers or the possibility individual students may be targeted?

» Should states require institutions to create policies that punish those who disrupt expressive activity or do not follow campus policies, or would this create a chilling effect on campus?

Now that you have had a chance to participate in a forum on this issue, we encourage you to pause and reflect before moving forward. You might consider:

» Where do we agree?

» What are some of the tensions we experienced?

» Where do we need to talk more?

» Who else should we hear from?

» How do the ideas and options in this guide affect what we do as individuals, as student affairs professionals, and as members of our campus communities?

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

16

1

Prioritize **student safety** and **well-being**.

What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
▸ Institutions should spare no expense to ensure safety.	▲ Institutions cannot guarantee the safety of students and may inadvertently increase institutional liability for harm.
▸ Institutions should create policies that uplift historically marginalized voices and dismantle traditional authority structures.	▲ Such policies may underscore the perception student affairs disproportionately supports a left-leaning agenda and may create another authority structure that limits dissent and opposing viewpoints.
▸ Faculty and staff should provide campus workshops, cultural literacy training, and programming on historical structures and power dynamics.	▲ Programming may inadvertently increase conflict, resurface historical trauma, and put historically marginalized students at risk.
▸ States should require institutions to create policies that penalize those who disrupt expressive activity or do not follow campus policies.	▲ Students, faculty, and staff may self-censor in order to avoid punishment or sanctions, creating a chilling effect on campus.
▸ Faculty, staff, and students should create safe, ideological spaces on campus for specific student populations (e.g., LGBTQIA students, student veterans, first-generation students).	▲ Students may choose to isolate themselves within these spaces, limiting opportunities for cross-cultural engagement.
▸ Institutional leaders should encourage faculty to consider the impact of curricula on students and issue trigger warnings as necessary.	▲ Faculty may alter their delivery and instruction to eliminate potentially valuable and necessary content.

This position asserts campuses are responsible first and foremost for protecting student safety and well-being. Campus personnel have a duty to protect students, faculty, and staff from harassment and discrimination and from the impact of harmful speech. People who hold this position believe it is the institution's primary responsibility to protect student safety—both actual and perceived—and physical and psychological well-being, no matter the cost. Threats to safety can disrupt learning and should be curbed when necessary to protect students from harm.

⚠
A Primary **Drawback**

Campuses would prioritize safety at all costs. If a campus prioritizes safety, budgetary, or other concerns, student organizations, campus departments, and stakeholders might not invite speakers with controversial opinions, which may limit freedom of expression or opportunities for learning. It is also plausible speakers might turn down invitations.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

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2

Affirm the **educational value** of **intellectual curiosity** and **engaging** with **ideas across difference**.

What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
Institutional leaders, including students, faculty, and staff, should create space for educationally meaningful diverse perspectives to be heard on campus.	▲ Some perspectives may directly or indirectly affect learning or cause harm to students.
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Institutional leaders should promote demographic diversity as a way to broaden conversations and viewpoints on campus.	▲ Historically marginalized individuals may become tokenized and bear an undue burden to develop culturally competent students, faculty, and staff.
Faculty and staff should provide students with expected learning outcomes, counternarratives, and fact-checking for speakers, which can promote students' critical thinking and reflection.	▲ Students whose educational environment has been adversely affected by offensive speech may need more immediate action and care; they may not be in an emotional or psychological place conducive to learning until a sense of safety is restored.
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A Primary **Drawback**

Students could be exposed to ideas that may be harmful. Faculty and staff may not have the capacity to meet the needs of all students or colleagues, especially individuals from historically marginalized groups.

FREE SPEECH AND THE INCLUSIVE CAMPUS: HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

18

Uphold the ideals of free speech.

What We **Should Do**

Examples of what could be done:	Some consequences and trade-offs to consider:
▶ States should require institutions to eliminate free speech zones, designated locations where individuals can register to secure time for expressive activity; all public spaces on campus should be open to free speech.	▲ Unexpected or unknown speech or speakers may disrupt educational or academic environments or target students with hateful speech while they are trying to engage in activities of daily living.
▶ Institutional leadership should place emphasis on unrestricted academic freedom in research and in the classroom.	▲ Faculty may espouse ideological perspectives or attitudes that students find offensive, yet students must remain enrolled or engaged in that environment due to academic requirements.
▶ Instead of regulating offensive speech, faculty, staff, and students should create responsive acts of creative expression to give voice to the impact of offensive speech on students and on campus.	▲ Instead of the university speaking on a group's behalf, this option may put the onus on groups harmed to speak for themselves. They may face harassment or risk direct clashes with offending speakers.
▶ Institutions should allow any speakers on campus, no matter who or what they represent.	▲ The university may be seen as endorsing or condoning an unpopular or offensive message. This may damage the university's reputation or affect funding streams.
▶ Those who disagree with speech should be free to protest or object without institutionally imposed restrictions.	▲ Outside groups may take advantage of the freedom of the marketplace of ideas to overwhelm a speaker they disagree with and drown them out.

This position asserts institutions should welcome free speech in all its forms, as the university was created to be a marketplace of ideas. Campus environments should welcome public debate and provide space for diverse opinions and ideas—even when they are potentially controversial and/or offensive.

⚠ A Primary **Drawback**

Open access does not automatically equate to equal opportunity. Promoting the uninhibited marketplace of ideas may benefit only historically privileged groups whose members already enjoy voice, power, and agency. This option may reinforce or worsen barriers for historically marginalized groups.

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ADDITIONAL RESOURCES

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Forum **Questionnaire**

If you participated in this forum, **please fill out a questionnaire**, which is included in this issue guide or can be accessed online (https://www.naspa.org/project/issue-guides-for-deliberative-dialogue). If you are filling out the enclosed questionnaire, please return the completed form to your moderator or to NASPA, Civic Learning & Democratic Engagement, 111K St. NE, 10th Floor, Washington, DC 20002.

If you moderated this forum, please fill out a Moderator's Report (available at https://www.naspa.org/project/issue-guides-for-deliberative-dialogue).

Acknowledgments

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Postforum Questionnaire

HOW DO WE FOSTER THE CAMPUS COMMUNITY WE WANT?

Now that you've had a chance to participate in a forum on this issue, we'd like to know your thoughts. Anonymous responses will be included in summary reports on the forums and in research to help us better understand how people are thinking about current issues.

1. Do you favor or oppose each of these actions?	Strongly Favor	Somewhat Favor	Somewhat Oppose	Strongly Oppose	Not Sure
a. Institutions should spare no expense to provide resources to ensure safety EVEN IF institutions cannot guarantee the safety of students and may inadvertently increase institutional liability for harm.	○	○	○	○	○
b. Institutional leaders should create space for educationally meaningful diverse perspectives to be heard on campus EVEN IF some perspectives may directly or indirectly affect learning or cause harm to students.	○	○	○	○	○
c. States should require institutions to eliminate free speech zones, designated locations where individuals can register to secure time for expressive activity, EVEN IF unexpected or unknown speech or speakers may disrupt educational or academic environments, or target students with hateful speech while they are trying to engage in activities of daily living.	○	○	○	○	○
d. States should require institutions to create policies that punish those who disrupt expressive activity or do not follow campus policies EVEN IF students, faculty, and staff may self-censor in order to avoid punishment or sanctions, creating a chilling effect on campus.	○	○	○	○	○

2. How much disagreement was there about this issue in your forum?
○ A lot of disagreement   ○ Some disagreement   ○ Hardly any disagreement at all
Why did you answer the way you did?

_____

3. Are you thinking differently about this issue now that you have participated in the forum?
○ Yes   ○ No
If so, how?

_____

4. During the forum, did you talk about aspects of the issues you hadn't considered before?
○ Yes   ○ No
If yes, please explain.

_____

5. What could members of your campus community, working together, do to address this problem?

_____

6. Which option do you prefer?

❍ **Option 1:**
Prioritize student safety and well-being.

❍ **Option 2:**
Affirm the educational value of intellectual curiosity and engaging with ideas across difference.

❍ **Option 3:**
Uphold the ideals of free speech.

❍ I'm not sure.

Why did you answer the way you did?

_____

7. What trade-offs are you willing to make to implement your preferred option?

_____

8. Not including this forum, how many deliberative dialogue forums have you attended?

❍ 0   ❍ 1–3   ❍ 4–6   ❍ 7 or more   ❍ I'm not sure

9. Do you think deliberative dialogue forums like this one would help your campus address other problems or issues?

❍ Yes   ❍ No
If so, for what other topics would you recommend NASPA create issue guides?

_____

10. The following data will help us evaluate the effectiveness of this issue guide. You do not have to respond, but we appreciate your contribution to helping us provide resources and materials that work for all our members.

a. **Role on campus:**

❍ Senior leadership
❍ Student affairs staff
❍ Campus administrative staff

❍ Faculty
❍ Graduate or professional student
❍ Prefer not to answer

❍ Undergraduate student
❍ Community member
❍ Other, please describe:

_____

b. **Age:** _____

c. **Gender:**

❍ Agender
❍ Gender Non-Binary
❍ Genderqueer
❍ Man
❍ Transgender

❍ Transman or Transmasculine
❍ Transwoman or Transfeminine

❍ Woman
❍ Prefer to self-describe:

_____

❍ Prefer not to answer

d. **Race**

❍ American Indian, Alaska Native, Indigenous, or First Nations
❍ Asian, Asian American, or Desi American

❍ Black or African American
❍ Hispanic or Latinx/a/o
❍ Middle Eastern or North African
❍ Multiracial or Biracial
❍ Native Hawai'ian or Other Pacific Islander

❍ White or European American
❍ Prefer to self-describe:

_____

❍ Prefer not to answer

e. **What is your ZIP code?** _____

If you participated in this forum, **please fill out a questionnaire**, which is included in this issue guide or can be accessed online (https://www.naspa. org/ project/issue-guides-for-deliberative-dialogue). If you are filling out the enclosed questionnaire, please return the completed form to your moderator or to NASPA, Civic Learning & Democratic Engagement, 111K St. NE, 10th Floor, Washington, DC 20002.