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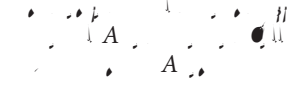
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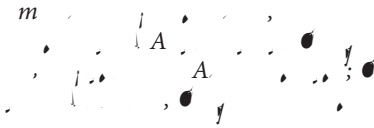
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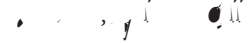
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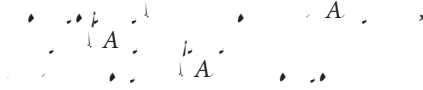
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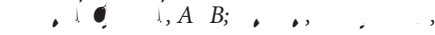
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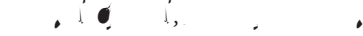
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In July 2017, the Association of Governing Boards of Universities and Colleges (AGB) convened a group of presidents, board members, campus general counsel, student affairs officers, scholars, and representatives of faculty and students to discuss freedom of speech on campus, an issue that has captured the interest of the nation and has attracted high-profile media attention. The discussion led to

the release of a report titled "Campus Free Speech: A Call for Action" (AGB, 2017).



In addition, today's students hold various views on the proper boundaries of freedom of speech; for example, some racial, ethnic, and religious minority and LGBTQ students question whether traditional principles of free speech address their concerns about campus civility and personal safety. College and university presidents have devoted considerable time and attention to communicating with students about their concerns and about the challenge of finding a proper balance. In addressing this challenge, it is essential for institutional leaders to establish and implement policies in support of freedom of speech that further their institution's values and mission. Policies should support the expression of diverse views and opinions, even in those instances when speech may be intentionally unsettling or provocative, in accordance with the academic ideal of freedom of thought and expression and the robust exchange of ideas.

To provide some clarity about the tensions that emerge as colleges and universities navigate the sometimes complex and uncertain issues related to freedom of speech on campus, AGB developed a set of guidelines for governing boards and institutional leaders:

- 1.

Twenty- first-century higher education exists in a volatile environment. Concerns

Because of the relationship between freedom of speech and the fundamental values of higher education, the integrity of the educational missions and the public reputations of colleges and universities are at stake. Governing boards, which bear fiduciary responsibility for higher education institutions, must have a clear understanding of the cultural concerns, legal and educational mission-based responsibilities, and nuances of issues related to freedom of speech on campus. Other important matters—campus civility, nondiscrimination, diver-

Campus protests related to freedom of speech, disruptions of controversial speakers, and on-campus presentations and protests sponsored by outside groups have attracted extensive news coverage in recent years, exacerbating the decline in higher education's public standing in some quarters. Governing boards are ultimately accountable for ensuring, through policy and support for effective institutional leadership, a campus environment that is supportive of learning.

is includes supporting policies that help make clear the distinctions b7(i) 2 30(f)(1) - (h) 4

- ‡ La` fcahV[S^ebVS] V[e V[edgbfW adbdMWFV Tk efgVWfe Xa_ SbbVS] Y on campus;
- ‡ Xg` V[Y aXa` ŽUS_ bge SbbVS` U[e aXbdahaUS[hWbVS] V[e Tk ba^f[US^S` V ideological groups not a liated with the college or university;
- ‡ SYdV[hWgeWaxaUS^_ W[S fa XgWfZdSfe aXUS_ bge h[a^WUW]` dVba` eW to free speech issues;
- ‡ XWVS`S` V eSfWahWd _ WfS^eUbgf[k aXXdWbWZ a` US_ bgež

With regard to governmental involvement, the chairman of the US Senate Judiciary Committee publicly criticized college and university presidents for

dialogue and debate is an educational ideal. This is central to preparing students to be engaged citizens.

College and university governing boards must recognize their responsibility to be informed about these competing tensions and to work closely with their presidents, faculty leaders, compliance officers, and legal counsel to address them. Boards should understand the risks that are present, the scope of policies designed to protect freedom of speech in the classroom and across the campus, and their own responsibility to ensure the safety of the campus and those who inhabit it.

property, or the nearby community is among the more challenging aspects of balancing free speech rights with the obligation to protect a campus and its inhabitants. Administrators, campus security personnel, and others on campus are often left with few options and little opportunity to plan, especially where outside groups are allowed to book campus space without limits or information about their intentions. Most campus leaders will default to protecting the rights of speech, while being prepared to protect campus assets. Board members need to be aware of competing values and the pressures on those who are expected to make difficult decisions (often under significant time pressures and with incomplete or imperfect information) or react to situations that might actually be out of their direct control.

‡ 5a^WV S V g` [hVef[Ve SdWaT [YSFW fa bdWVf S V dV Wk ZSce_ Wf based on protected classifications such as sex, race, religion, and ethnicity. However, an institution's obligation to prevent and remedy harassment does not give it broad authority to prohibit or punish speech that might be offensive to some individuals or groups but that does not rise to the level of harassment as defined by law.

‡ : [YZWgUS[a` [e[fg[a` e_ Sk UZaaeVfa dVd[Uf ZWF_ WVSVb`SUVad manner of speech so long as the restrictions are unrelated to the speech's anticipated content. Campus space can be made available for the expression of views that may be controversial or provocative, consistent with a uniformly applied campus policy and subject to the resolution of safety and resource usage concerns—e.g., the number of participants in the available space, the availability of security personnel, and avoidance of substantial disruption of institutional operations.

‡ 4aScVe` WV S UVSd g` WdFS V[Y aX]Wk fVd_ e ad Ua` UWfe VZ7 fd[YVd warnings, safe spaces, and free speech zones—and how they are used and experienced on campus.

2. Governing boards should understand and recognize the alignment between freedom of speech and academic freedom.

The link between freedom of speech and academic freedom may be difficult to discern. From the principle of academic freedom are derived the rights of members of the faculty to teach, publish, conduct research, and otherwise communicate ideas—including ideas that might be considered inconvenient or even offensive to some internal or external stakeholders. With the rise of social media, there have been more frequent attacks on faculty from external groups or stakeholders and increased pressure

on governing boards to take action against those faculty. Boards should not respond to this external pressure, but instead refer such matters to the institution's president or legal counsel.

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dialogue regarding these concerns. Setting campus tone and culture starts at the top. Open conversation between presidents and those students who are committed to airing alternative opinions can go a long way in establishing trust and respect for institutional policy, even when consensus may be difficult to achieve. Boards should respect and champion the process of engagement by their president with students and other stakeholders who feel at risk because of campus speech policy and its application (or non-application) in particular situations.

While many issues related to freedom of speech on campus may be seen by the broader community as reflective of a debate about inherent rights and values, some issues that may be less visible also need the attention of leadership. For example, students who feel intimidated in their classrooms to express viewpoints perceived as inconsistent with the opinions of other students and the professor may seek relief from institutional academic leaders and departmental leadership. Boards, perhaps through a committee on student affairs, can provide support for faculty training in ensuring open and civil dialogue in the classroom. Students must be able to express their ideas and opinions inside and outside the classroom (within reasonable, content-neutral limitations), yet they should not presume that the institution will or should protect them from exposure to ideas that might be uncomfortable or even offensive.

Ultimately, all institutional leaders should clearly communicate to students the essential nature of freedom of speech on campus and across society, while respecting the personal difficulties that students may face as a consequence of harmful speech or hateful expression. Presidents, while important



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The issues surrounding freedom of speech in higher education today are sensitive and volatile. No college or university wants its above-the-fold moment to be about a campus speech incident gone awry. Setting and implementing effective policy in support of long-held values is a core governing board responsibility, and boards—in collaboration with the president whom they hire and support—need to pay attention as the circumstances and legal developments that clarify freedom of speech continue to evolve.

The challenge for higher education and its leadership is how best to address the tensions associated with a campus's expectations of an almost unlimited exchange of ideas. Board members bear responsibility for fostering a campus culture that protects the integrity of their institution's commitment to openness, scholarship, and the educational mission. Meeting this responsibility is not easy, but it goes to the very essence of the academic enterprise.

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‡ I ZW VaVe fZWTaScV dM[M fZW[ef[fgf[a` ie ad ekefW_ ie ba^U[Ve a` freedom of speech? Are these policies reviewed as part of the orientation of new board members?

‡ 6 aVe fZWahM [Y TaScV ZShWS ba^Uk fZSf WWSVe d[ba` eT[f[k for implementing institutional policies related to freedom of speech to the president of the institution or system? Is there a clear decision-making process in place related to issues of freedom of speech?

‡ 6 aVe fZWahM [Y TaScV U[Sc k g` W[erS V fZW[Sc[a` eZ[b TV[W[freedom of speech and academic freedom?

‡ : ai a W[X[Sf S^4 VaVe fZW[ef[fgf[a` ie bde[VWfi YW[Sc^Uag` eW ad other senior sta inform the board about speci c events related to campus freedom of speech protests or disruptions?

‡ : ai aXW VaVe fZWTaScV V[eUge fZW[Sc[age d[e] eE [U[gv[Y financial, reputational, and security risks—associated with campus

