

Campus Wide Listening Session
“Free speech rights for university faculty”
February 29, 2024

What we heard

CHALLENGES AND CONCERNS

Student perspective

- A new student to UofL came across the free speech area while she was moving across the campus and let a staff person know. That staff person had a conversation with them about how their experience was, whether they felt threatened or safe, how close to it where they. They responded that they were a little far. Having a bigger campus, some were not aware that this was going on. It was interesting that one part of campus the volume can be at fever pitch, there are other parts of campus where they just have no idea. So, getting that news was surprising to someone who's not there as it is to those who have experienced it.
- There's confusion about what students are experiencing and how it doesn't align with UofL's proclaimed values at times.
- Some students come into the cultural center, traumatized, upset.
- Some of the narratives that they hear from students is that there's usually a disappointment that there are not faculty/staff or administrators out there supporting students.
- A lot of comments about how UofL is getting all these awards about being LGBTQ friendly and has the most diversity, yet they don't feel like the university is standing up in a way that demonstrates/represent the university value.
- Some students feel almost emboldened when they are given the space to answer back. Others feel the opposite. Students sometimes have different opinions.

Faculty/Staff perspective

- protecting free speech and community wellbeing is one of the important things that we really tried to do in the classroom, train critical thinkers who can articulate their thoughts, their ideas, their opinions clearly, but also respectfully and with a mindfulness that our society is diverse and that that diversity is the richness of the society in which we live in.
- One faculty member heard about a protest taking place and sent out an email to students saying, the campus belonged to them as well and they should flaunt their presence if they felt like it, taking ownership of where they belonged in the campus.
- Other faculty after class went to go and check out the protests to see what was going on to make sure they were not exposing students to something that could cause fear or traumatic experience.
- As a faculty member, it's important to create the space for students to talk about this and at the same time be honest and tell students that they themselves don't always know exactly what goes on in these demonstrations, groups, communities and so it's important for students to voice their needs.

- As faculty, staff, students, we need to keep our eyes, our ears open about what is going on in the campus community so we are all on the same page, then we can make the choices or take action.
- There are wonderful faculty here at U of L that have the safety and the wellbeing of students as the most important value, it's one of those cardinal principles that really guides us.

RECOMMENDATIONS

Training and Education

- Talk to students about the right to free speech, tell students what options they have when they go near the free speech area and to make sure students feel like they belong, feel supported, valued and seen.
- Recommend in the cardinal core classes to really discuss free speech, how we translate what we're learning into our action as citizens, as community members, but also as advocates for the rights of certain groups, certain constituencies. Acknowledging the balancing act is difficult.
- We must be honest enough with those students we serve to say we lead with care and support and my office may be a safe space or this suite may be a safe space, but we cannot shut the speakers down. The 1st amendment protects provocative and potentially hurtful speech.
- We can't let student think that the university made a mistake somehow in letting these speakers on campus. Rather we should inform them before events take place so they can think how to counter that speech.
- Creating spaces to talk about free speech where everybody can really say what they think and learn what a savvy free speech campus is.

RESOURCES

- UofL is unique in that we have a limited public forum for external speakers only, they must register five days in advance if they want to speak or distribute literature, and there's a limited public forum location on Belknap campus that we designate they can go to. We do not have a similar space on the HSC. Public sidewalks are the exception to that rule. We can not ask speaker to give notice if they are on public sidewalks.
- David Parrot offered to create an electronic toolbox for faculty and staff about the 1st amendment, but he recommended that it coincide with some kind of presentation.
- He also wanted it known that orientation is not the best place to educate students on first amendment rights and issues. He suggested a group that meets monthly on issues that are occurring in classrooms on our own campus and that we see regionally and nationally and talk through strategies. Proactively embed this in education at all levels, so people have the information before they need it.

1st Amendment Free Speech

- Public Universities are governed by the state and therefore university employees are state actors and shall make no law abridging the freedom of speech.
- And so those of us who work at public universities are constrained from impinging on free speech and out of that First Amendment free speech comes things like academic freedom. things like tenure and the ability for our academic colleagues to research, topics that might be threatening to people. Those things are protected by the 1st amendment.
- Faculty have constitutional protections of free speech on topics within their classrooms or research.
- Students have even more freedoms of speech. However, they can't be disruptive. Meaning they cannot stand up while someone is lecturing or interfere with a faculty member speaking in class.
- Staff have the least academic freedom of speech. You are not protected to talk about policy matters in a public way.
- Counter speech doctrine gets at the question, how do we combat speech that we don't like?
 - Justice Louis Brandeis, in a 1927 case, wrote something called the Counter Speech Doctrine. When you're faced with speech you don't like, the remedy isn't to squash the speech. The remedy is to get more speech into the equation. Bring to bear counter information to what is being put out so that would allow people to form their own opinion.
 - Teaching students how to think critically, not what to think. That means look at an idea and decide to embrace it, to reject it, to study it more, to find its infirmities, to find its strengths and weaknesses. It's not our job to protect them from ideas, but to help them think broadly.

Hecklers Veto – What it means.

- You can't veto somebody's speech because others may be upset.
- A group can't use speech or some something else to try to drown out the speaker. I.e., try to beat a drum, or yell to drown the other speaker out.