

1 To: Members of the Stetson University Community
2 From: Task Force on Free Expression and Academic Freedom
3 RE: Statement of Principles of Free Expression

4 The principle of free expression is at the heart of many of the most contested and challenging issues facing
5 our society today. Whether through questions of race or religion, politics or privilege, our institutions of
6 higher education, by virtue of their concurrent academic and civic missions, have a responsibility to
7 safeguard and promote the often difficult but necessary discourse that builds our collective capacity for
8 intellectual honesty and effective decision-making.

9 It is because of the salience of these concerns in our present circumstances and the responsibility of our
10 founding mission that we articulate this Statement on Principles of Free Expression.

11 **Process**

12 When developing language that is intended to translate the University's mission and values into University-
13 wide guidance on a topic as pervasive as free expression, the process by which the language is developed
14 becomes as important as the language itself. Through the development and gradual rollout of this Statement,
15 an effort has been made to ensure that the Statement takes into consideration the views and concerns of the
16 many constituencies of the various campuses of the Stetson community, including faculty, staff, students,
17 and even visitors.

18 The process to develop this Statement began in summer 2017 when President Wendy Libby commissioned
19 a review of benchmarks and best-practices related to the development of such statements and policies by
20 other institutions. Following this review, in December 2017, the President convened the "Stetson Task
21 Force on Free Expression and Academic Freedom," charged to develop a university statement affirming
22 academic freedom and norms of civil discourse. The group was formed from the DeLand/Celebration
23 Faculty Senate "Policies and Procedures" committee, supplemented with selected professional staff and
24 faculty. Members include:

- 25 ▪ Cecil Chik, Director of Diversity and Inclusion
- 26 ▪ Chris Ferguson, Professor of Psychology
- 27 ▪ Melinda Hall, Assistant Professor of Philosophy
- 28 ▪ Eric Kurlander, Professor of History, co-chair
- 29 ▪ Peter Lake, Professor of Law
- 30 ▪ John Rasp, Associate Professor of Statistics, co-chair
- 31 ▪ Kevin Winchell, Associate Director of Community Engagement
- 32 ▪ John York, Associate Professor of Chemistry

33 After several months reviewing benchmarks and best practices and examining statements and policies from
34 schools like Stetson, such as Drake University, as well as national research and liberal arts institutions,
35 including the University of Chicago, Middlebury College, Stanford University, and Franklin & Marshall
36 College, the committee completed this penultimate draft. We now seek further comment from a cross-
37 section of University stakeholders, in particular the College of Law, the Faculty Senate, the Administrative
38 Council, the Staff Advisory Council, and the Student Government Association. We hope to submit a final
39 version for approval by the Board of Trustees at their May 2018 meeting.

40 **Challenges**

1 The central challenge in articulating a statement concerning principles of free expression is to do so in a
2 way that does not ignore the ways in which such freedom can silence marginalized groups and individuals,
3 while also not ignoring the ways in which protections for marginalized groups and individuals can chill
4 expression. In considering this challenge, we found a selection from the University of Chicago to be
5 instructive: “the University has a solemn responsibility not only to promote a lively and fearless freedom
6 of debate and deliberation, but also to protect that freedom when others attempt to restrict it.” Indeed, we
7 relied heavily upon the statement on academic freedom produced by the University of Chicago.

8 As a private university, Stetson has wide latitude to institute policies that are far more stringent or far more
9 relaxed than the protections enumerated in the First Amendment of the United States Constitution. To some
10 degree, though, this committee feels that such a choice – between the freedom of expression and the need
11 for inclusion – is a false dichotomy. Expression is having a voice and inclusion is the power to use that
12 voice in a community. Having a voice matters not if one hasn’t the power to use it; and, having the power
13 to use it matters not if one hasn’t a voice to use.

14 As such, this Statement concerns itself exclusively and intentionally with giving our community members
15 a voice to express themselves – that is, it concerns itself with affirming our principles of free expression.
16 However, we are sensitive to the need for inclusion, which is why it is important to note that this Statement
17 does not exist in a vacuum; rather, it is part of a larger ecology of discourse that, collectively, seeks to
18 empower all voices to maximize inclusion. In order to facilitate this ecology of discourse we have systems
19 (see below) in place to remedy situations where one person’s freedoms are exercised in a way that impede
20 upon another’s and therefore exclude that person from fully participating in our community.

21 Prominent in facilitating this ecology of discourse are those frameworks governing expressions that are
22 simply unlawful or against policy. In this vein, expressions of sex discrimination and/or sexual misconduct
23 are governed by Title IX; expressions of threats of violence or harassment, libel/slander, threatening speech,
24 substantial invasions of privacy or violations of confidentiality agreements, and substantial impingements
25 upon the functioning of the University are governed by federal law; and expressions that violate University
26 policies are governed by the Code of Community Standards, Law School honor and discipline codes, and
27 Human Resources. If found responsible or guilty for such transgressions, there are legal repercussions or
28 sanctions. These measures enhance the freedom of expression through their protections of individuals’
29 rights from transgression.

30 Less visible, though still critical, in this ecology of discourse are those incidents that cause harm but do so
31 without violating laws or policies. At this time, the Deland campus Bias Education and Response Team
32 (BERT) and the College of Law Student Support and Emergency Team (SSET) serve the role of collecting
33 and sharing feedback in order to improve awareness of biases. No judgment of responsibility or guilt is ever
34 made for such incidents; the focus is entirely on better understanding intentions and impacts so that
35 individuals can communicate better. These measures enhance the freedom of expression through their
36 ability to create opportunities for more and better speech.

37 Further, this exhortation for inclusion within the context of free expression is evident in these passages
38 embedded in our Statement: “Stetson depends upon the free flow of diverse ideas for its community and
39 many members to flourish.” “Teaching, learning, and research fundamentally require a challenging
40 environment in which ideas are strongly debated, and wide variety in thought is encouraged.” “[We]
41 guarantee all members of our community, whether students, faculty, staff, or alumni, the broadest possible
42 latitude to teach, learn, conduct research, read, listen, and dialogue without interference.”

43 This work – grounded in the University’s mission and values, created through a collaborative and
44 transparent process, grappling with the tensions between expression and inclusion – represents a timeless

1 and relevant addition to the University’s guiding documents. It is expected that this Statement, carrying the
2 force of our mission and values, will be referenced for fidelity with all current and forthcoming University
3 policies and procedures in order to ensure that no member of the Stetson community’s freedom of
4 expression is infringed upon.

5 We are asking you, as members of the Stetson community, to read the following proposed statement, and
6 to discuss it at your upcoming meeting. The Task Force will consider your input (and that of other
7 constituencies) in revising the document.

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2 **Stetson University**

3 **Statement of Principles of Free Expression**

4 **Preamble**

5 At Stetson University, we teach, learn, and conduct research together in the classroom and in the
6 many spaces, physical and virtual, that we share. The University’s mission is “to provide an
7 excellent education in a creative community where learning and values meet, and to foster in
8 students the qualities of mind and heart that will prepare them to reach their full potential as
9 informed citizens of local communities and the world.” To achieve this mission, our University
10 protects and supports free expression, including the freedom of inquiry and speech, academic
11 freedom, freedom of assembly and association, and freedom to publish. This is a statement of
12 principles to guide the University as it moves forward in formulating policy and addressing
13 specific situations that might arise from time to time. Therefore, we affirm the following principles
14 of free expression.

15 **Statement**

16 The ability to engage in open inquiry, scientific investigation, and critical discourse is central to
17 the mission of academia. Academic institutions are positioned to create new knowledge as well as
18 to challenge previously held beliefs about science, history, culture, and politics. The ability to
19 teach, to question, and to produce data shielded from political, social and cultural pressures
20 depends on a strong commitment to freedom of expression. As such, we proclaim our commitment
21 to free expression and to open inquiry as a fundamental value of our institution.

22 We define speech broadly, to include all forms of expression. These forms of expression include
23 political speech, organized and casual; artistic expressions, including electronic media; discussions
24 of social views, including those related to gender, class, race, religion, and sexual orientation, or
25 other matters of identity and belief; religious expression; scientific inquiry; historical analyses;
26 critiques of government; scientific studies; art; scholarship; and criticisms of the university itself.
27 These protections are extended to our community members both on and off campus. This list is not
28 meant to be exhaustive, but it is meant to give a sense of the diversity of ways and contexts in
29 which the members of the University community express themselves.

30 We provide members of our community, including students, faculty, staff, and alumni, the broadest
31 possible latitude to teach, learn, conduct research, read, listen, and dialogue without interference.
32 our University respects community members’ efforts to investigate, debate, and dialogue on
33 matters of interest, including those matters that might be deemed controversial, aside from a
34 narrow range of circumstances articulated in published University policies and necessary for the
35 conduct of the University’s day-to-day operations. The political opinions of individual donors or
36 alumni, however, should not be invoked as a reason to chill academic freedom or expression.

37 We understand that this commitment to free expression necessarily opens our community to
38 discomfort and debate. However, we believe that exposure to challenging views, even those

1 viewed by some as offensive, is an important part of personal growth and education. The best
2 insights are achieved through dialogue which is civil, intellectual, and respectful of differing
3 views. However, without protection for expression that might be deemed objectionable, offensive,
4 or challenging, free expression as a value has little meaning. Therefore, perceptions of incivility
5 should not be used as justification to impinge upon the rights of free expression of our community.

6 Our commitment does not include expression that violates the law or otherwise violates University
7 policy, including violence and threats of violence, unlawful harassment, defamation, invasions of
8 privacy, violations of confidentiality agreements, or expression that otherwise interferes with the
9 functioning of the University, including expression that prevents others from accessing learning
10 opportunities. The University may reasonably regulate the time, place, and manner of expression
11 so the operations of the University are not impacted. The University may require anyone who visits
12 our campus to abide by the policies, rules, and regulations of the University. However, these
13 limitations are intended to be narrowly interpreted and implemented and should not be enforced
14 so as to restrict our community members' abilities to produce and access speech.

15 We adhere to the principle that debate and dialogue should not be suppressed because some
16 members of our University community or individuals outside the University consider such views
17 to be uncomfortable; politically harmful, controversial, or incorrect; offensive; or pernicious.
18 Expressed views are open to criticism, debate, and condemnation. Open debate and dialogue is a
19 natural part of the marketplace of ideas. Hence, attempts to suppress or punish protected expression
20 or speakers are anathema to the free expression necessary for intellectual and cultural growth.
21 Teaching our members how to strategically, intellectually, and collegially debate challenging ideas
22 is part of the mission of our University.

23 Stetson University supports the rights of individuals, including those of marginalized groups, to
24 express their individuality. Recognizing that significant asymmetries of power can undermine
25 these rights, we see this statement as protecting members of the community from such
26 asymmetries.

27 Finally, we call on the members of our University community to engage responsibly in expression
28 in a manner that does not impede the ability of individuals to express themselves or to listen to the
29 expressions of others. We also call on our community members to listen actively, to evaluate, and
30 to understand ideas of others in a manner that upholds our commitment to fostering qualities of
31 the mind and heart in an informed citizenry. Our community members should not engage in
32 behaviors that inhibit, chill, drown out, or silence the expressions of others, nor impede the ability
33 to listen to the expressions of others.