

Background Brief Free Speech

A number of high-profile incidents involving controversial speakers on college campuses in recent years has focused the attention of lawmakers on the idea of a crisis of free speech in higher education. The fact that public institutions of higher education are considered government actors held to the strictures of the First Amendment complicates matters, though there are many threads to the conversations around threads to speech on college campuses and not all of them apply to constitutional rights. This brief will review some of those threads and provide examples from some of the most common legislation that has been introduced or considered in 2017 and 2018 relating to campus speech.

Generally, legislation – either at the state or federal level – to regulate institutional actions related to speech on campus in the name of protecting free speech risks creating a chilling effect on speech. Today's young adults¹ are the product both of anti-bullying campaigns – designed to counter the negative effects of ridicule and speech among children by speaking out and speaking up – and of our post-9/11 security culture – where they were taught to speak up if they saw something suspicious. They are intimately aware of the intricacies of engaging in conversation and speech on controversial issues, perhaps more so than those adults they are looking to for guidance in how to do so successfully. Recent portrayals of the so-called crisis of free speech on college campuses are often framed as pitting free speech in opposition to equity and diversity, though instead of looking to hide from new ideas, today's students seem to be looking for ways to engage with them directly in ways that engender respect for all participants, if not all opinions. Rather than impose external conditions and restrictions on institutions and students as we work to establish both meaningful protections for those who have experienced past trauma and create spaces for open and honest discourse on fraught topics, our institutions of higher education should be allowed the freedom to establish guidelines and rules for deliberation appropriate for their communities within our already established free speech case law. Oversight by external actors to ensure that rights are not infringed is appropriate, however interference by those actors without understanding of the nuance of campus culture risks doing more harm than good.

¹ <https://www.insidehighered.com/views/2018/06/18/middlebury-professor-surveys-student-attitudes-about-free-speech-opinion#.WygXfvPFiVI.twitter>

Time, Place, and Manner

The U.S. Supreme Court allows educational institutions, including colleges and universities, to apply “time, place, and manner²” limitations on speech, including on campus speakers and demonstrators (*Cox v. New Hampshire*, 1941³; *McCullen v. Coakley*, 2014⁴; *Perry Education Association v. Perry Local Educators’ Association*, 1983⁵; *Ward v. Rock Against Racism*, 1989⁶). The purpose of time, place, and manner restrictions is to regulate speech without impeding constitutionally protected speech. The U.S. Supreme Court requires that 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 length, frequency, or time(s) [of day] that such activities can occur. However, the courts have affirmed that 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 that 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 that 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.

² This Time, Place, and Manner section was originally written by Andrew Q. Morse and published in *The First Amendment and the Inclusive Campus: Effective Strategies for Leaders in Student Affairs*, Issue 3 of the NASPA Policy and Practice Series, May 2018; the full brief is available here:

<https://www.naspa.org/rpi/reports/the-first-amendment-and-the-inclusive-campus-effective-strategies-for-leade>

³ *Cox v. New Hampshire*, 312 U.S. 569 (1941): <http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-cox-v-new-hampshire>

⁴ *McCullen v. Coakley*, 573 U.S. (2014): <https://www.law.cornell.edu/supremecourt/text/12-1168>

⁵ *Perry Education Association v. Perry Local Educators’ Association*, 460 U.S. 37, 45 (1983): <https://caselaw.findlaw.com/us-supreme-court/460/37.html>

⁶ *Ward v. Rock Against Racism*, 491 U.S. 781 (1989): <https://www.law.cornell.edu/supremecourt/text/408/104>



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.

Free Speech Zones and the CAFE Act

The practice of designating free speech zones, first used⁷ on college campuses during the protests against the US involvement in the Vietnam War, has grown increasingly controversial. Proponents argue that free speech zones are a constitutionally valid application of the time, place, and manner allowance provided in *Ward v. Rock Against Racism* and that they ensure that those representing minority or marginalized views on controversial topics will have dedicated and protected space from which to make their voices heard. Opponents, however, assert that policies requiring registration and advance notification create unconstitutional barriers⁸ to the exercise of free speech. Recent court cases^{9,10} have been filed in hopes that the US Supreme Court will make a definitive ruling as to their constitutionality. Under Attorney General Jeff Sessions, the Department of Justice has taken an interest in campus speech cases¹¹, filing statements of interest or otherwise intervening in at least four lawsuits, two of which concern campuses use of free speech zones.

State legislation has been considered in at least nine states in 2018 to ban campus use of free speech zones. Most of the legislation includes some or all language in model legislation supported by the Foundation for Individual Rights in Education called the Campus Free Expression (CAFE) Act¹². Some of the bills, such as Louisiana SB 364¹³, passed by the state legislature and awaiting Governor Edwards' signature, combine restrictions on use of free speech zones with language from the Forming Open and Robust University Minds (FORUM) Act¹⁴, discussed in more detail below, to require institutional policies, communication, and annual reporting. Legislation prohibiting free speech zones on colleges campuses is pending in

⁷ <https://apnews.com/3f7b372306c8403497d48e33dd3f530b/campus-free-speech-zones-face-new-round-scrutiny>

⁸ <https://www.thefire.org/infographic-free-speech-zones-on-americas-campuses-2/>

⁹ <http://www.latimes.com/local/education/la-essential-education-updates-southern-pierce-college-student-files-lawsuit-1490737382-htmllstory.html>

¹⁰ http://adflegal.org/detailspages/blog-details/allianceedge/2016/12/20/when-free-speech-becomes-disorderly-conduct-adf-sues-ga-gwinnett-college?_ga=2.183456678.1616524979.1527885421-912704326.1527885421

¹¹ <https://www.chronicle.com/article/Jeff-Sessions-Justice-Dept/243634>

¹² <https://www.thefire.org/frequently-asked-questions-the-campus-free-expression-cafe-act/>

¹³ <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1073157>

¹⁴ <https://www.alec.org/model-policy/forming-open-and-robust-university-minds-forum-act/>



California (SB 1381¹⁵ / ACA 14¹⁶ and AB 2081¹⁷), and New Hampshire (HB 477¹⁸). Five states considered similar legislation which did not pass: Florida (SB 1234¹⁹ & HB 909²⁰); Illinois (SB 1560²¹); Kansas (SB 340²²); Nebraska (LB 718²³); New York (A 4066²⁴ / S 6126²⁵); and South Dakota (SB 198²⁶ / HB 1073²⁷).

Safe Spaces, Hate Speech, and Structural Inequality

Concerns related to intellectual diversity, sometimes predicated on a belief that colleges and college faculty intentionally or inadvertently cause conservative voices to self-censor, have prompted legislation designed to prohibit institutions and individual faculty from expressing opinions or taking stands on some issues. An optional clause in the FORUM Act¹³ prohibits campus leaders from speaking out or taking action as an institution on “the public policy controversies of the day” and several states considered legislation in 2018 that either requires or recommends that faculty “should be cautious in expressing personal views in the classroom”. Legislation in this vein, considered and failed in five states²⁸, also frequently prohibits free speech zones on campus and removes the ability of college administrators to disallow speakers invited to campus by any student, faculty, or officially recognized group.

¹⁵ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1381

¹⁶ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180ACA14

¹⁷ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2081

¹⁸ http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2017&v=HI&id=162&txtFormat=html

¹⁹ <https://www.flsenate.gov/Session/Bill/2018/01234>

²⁰ <https://www.flsenate.gov/Session/Bill/2018/00909>

²¹ <http://ilga.gov/legislation/BillStatus.asp?GA=100&SessionID=91&DocTypeID=SB&DocNum=1560>

²² <https://openstates.org/ks/bills/2017-2018/SB340/>

²³ https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34335

²⁴ http://assembly.state.ny.us/leg/?default_fld=&bn=A04066&term=2017&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y

²⁵ http://assembly.state.ny.us/leg/?default_fld=%0D%0A&leg_video=&bn=S+6126&term=2017&Summary=Y&Actions=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y&Text=Y

²⁶ http://sdlegislature.gov/legislative_session/bills/Bill.aspx?Bill=198&Session=2018

²⁷ http://sdlegislature.gov/legislative_session/bills/Bill.aspx?Bill=1073&Session=2018

²⁸ Kentucky (SB 237; <http://www.lrc.ky.gov/record/18RS/sb237.htm>); Minnesota (SF 2469;

<https://www.revisor.mn.gov/bills/bill.php?f=SF2469&y=2018&ssn=0&b=senate> / HF 2726;

<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF2726&ssn=0&y=2017>); Missouri (HB 2423;

<https://house.mo.gov/billtracking/bills181/hlrbillspdf/5874H.01I.pdf> & HB 2284;

<https://house.mo.gov/billtracking/bills161/hlrbillspdf/5049H.01I.pdf>); Oklahoma (SB 1200;

<http://www.oklegislature.gov/BillInfo.aspx?Bill=SB%201200&session=1800>); and South Carolina (S 1085;

<http://www.scstatehouse.gov/billsearch.php?billnumbers=1085&session=122&summary=B>).



While most of the legislation concerning speech on campus has been introduced at the state level²⁹, Congressional legislators have shown increased concern about campus speech as well, holding multiple hearings on the topic in the last year. Most recently, on May 22, 2018, the House Oversight Committee Subcommittees on Healthcare, Benefits, and Administrative Rules and on Intergovernmental Affairs held a joint hearing addressing the topic (Challenges to the Freedom of Speech on College Campuses: Part II³⁰). The witnesses included several higher education faculty members involved in some of the more publicized campus speech incidents and a number of scholars in the field. There was disagreement both among the witnesses and the Committee members as to whether the challenges to speech on college campuses presents a crisis or are simply a matter of a few extreme and highly publicized incidents that are not representative of the typical campus experience. Notably, most of the witnesses seemed to agree that the best remedy to the concerns was not to legislate additional requirements for college campuses, but rather to continue conspicuous oversight so that campuses remain vigilant in protecting the rights of all their students.

It should be noted that while self-censorship may indicate a chilled environment that is unwelcoming to some ideas, it does not necessarily constitute an unlawful restriction on speech. Self-censorship should be as much of a concern when historically marginalized or oppressed populations feel unable to speak as it seems to be when conservative students self-censor, but an individual choosing not to speak for fear of social repercussions is not necessarily the same as a government actor actively prohibiting speech. The use of safe spaces and trigger warnings have become part of the controversy, prompting accusations of coddling students³¹ or shielding them from facing opposing viewpoints³². Contrary to claims by critics, both safe spaces and trigger warnings are pedagogical tools³³ designed to encourage students to engage with potentially offensive or traumatizing content.

²⁹ Senator Orrin Hatch (R-UT) has introduced the Free Right to Expression in Education (FREE) Act ([US S 2394](#)), but the bill has no co-sponsors and appears unlikely to be taken up by Senate leadership. Companion legislation has not been introduced in the House.

³⁰ <https://oversight.house.gov/hearing/challenges-to-the-freedom-of-speech-on-college-campuses-part-ii/>

³¹ http://www.newseuminstitute.org/wp-content/uploads/2017/04/WhitePaper_Herbst_FreeExpressionOnCampus.pdf

³² <https://www.insidehighered.com/views/2017/03/21/easily-caricatured-safe-spaces-can-help-students-learn-essay>

³³ <http://www.jphighered.com/cultivating-safe-spaces-by-utilizing-trigger-warnings/>



NASPA's Policy and Practice brief *Safe Spaces and Brave Spaces: Historical Context and Recommendations for Student Affairs Professionals*³⁴ provides a historical perspective on the use of safe spaces and brave spaces. The brief outlines the ways that these spaces provide both opportunities for historically marginalized or oppressed populations space in which they can freely be themselves and opportunities for students from different backgrounds to engage in critical conversation and discussion on topics on which they disagree:

In fall 2016, University of Chicago Dean of Students John Ellison chose to address what he and many others in higher education felt was a disconcerting trend toward intellectual isolationism on college campuses. He published a letter to incoming students, stating that the university would no longer tolerate the use of trigger warnings or safe spaces: "We [at the University of Chicago] do not condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own" (Grieve, 2016). In contrast, commentary made earlier in the year by Morton Schapiro (2016), president of Northwestern University, resurfaced affirming the value of safe spaces, stating, "I'm an economist, not a sociologist or psychologist, but those experts tell me that students don't fully embrace uncomfortable learning unless they are themselves comfortable. Safe spaces provide that comfort" (para. 10).

Both Ellison and Schapiro used the term safe space as a pivotal part of their messaging; however, a closer look at how each of them used the term reveals key differences. Ellison defined a safe space as a place where students with different ideas can isolate themselves from those who would disagree with them (Grieve, 2016). This kind of space, he claimed, coddles students, meeting them exactly where they are comfortable, without pressing them further (Grieve, 2016). Schapiro (2016) defined a safe space similarly as a space where students of diverse backgrounds can find comfort, but instead he believes that comfort leads to a valuable outcome for students by also creating opportunities for honest dialogue and learning. Both administrative leaders exemplify how a safe space is presented within varying contexts. Ellison identified the kind of safe space, utilized within student support or activist spaces, where historically marginalized students require specific support and attention (Grieve, 2016); Schapiro (2016) identified the kinds of safe spaces fostered in a classroom atmosphere. Both university representatives operate under an assumption that they are referring to the same learning environment, and the debate takes off from here. Both kinds of safe spaces appear on today's college campuses—the kind of safe space allowing marginalized individuals opportunities to retreat from the very real threats and demands they face by their very existence and the kind of space to allow students to process new and uncomfortable ideas productively. This paper explores the various contexts of safe spaces within the higher education community and posits that a fuller understanding of safe spaces, brave spaces, and the differentiation between the two may clarify some of the more resounding misconceptions within the safe space debate.

³⁴ Safe Spaces and Brave Spaces: Historical Context and Recommendations for Student Affairs Professionals;

https://www.naspa.org/images/uploads/main/Policy_and_Practice_No_2_Safe_Brave_Spaces.pdf



The role of structural racism³⁵ in the creation of laws and policies around whose speech and which types of speech are protected on college campuses is largely absent from many conversations around campus free speech. Advocates for historically marginalized communities, however, point out the often-unseen racist underpinnings³⁶ that influences public policy, from the framing of the Bill of Rights through to today. Challenges to the status quo and the pervasive white privilege embedded in US culture were during the 1960s Civil Rights Movement, and still today, are frequently met with violence³⁷ by both civilian and official police representatives³⁸. In light of this, there is room to question whether the doctrines of free speech are in actuality applied equally to all persons, or whether underlying structural racism has resulted in unequal protection.

Intellectual Diversity, Heckler's Vetoes, Sanctions for Disruptions, and Campus Safety

Provocateurs – speakers some accuse of speaking only to incite a reaction rather than to consider or discuss ideas in a free and open dialogue – seem to seek out colleges and universities specifically because they are noted defenders of free speech. These speakers may use institutional concerns about student safety as weapons to attack campus leaders, claiming their efforts to keep the peace equate to unconstitutional stifling of speech. Advocates seeking to defend the humanity of individuals of historically marginalized populations on the basis of their race, gender identity or expression, sexual orientation, or religion are targeted by these provocateurs. Model legislation proposed by the libertarian think-tank The Goldwater Institute in January 2017 (the Goldwater Proposal)³⁹ represents the most concerning response to campuses seeking to ensure both free speech and student and campus safety. In addition to prohibiting campuses from disinviting speakers, the Goldwater Proposal legislatively mandates specific sanctions of suspension or expulsion for students who are found to have “infringed expressive activity” twice. Given that many of those protesting conservative provocateurs are students representing historically marginalized populations, many of which continue to face increased barriers to accessing and completing higher education, this level of proscribed sanctions is especially concerning. Such sanctions may constitute violations of protesting students’ rights to free speech⁴⁰, and have been removed or softened from the final versions of

³⁵ <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3115&context=dlj>

³⁶ <http://www.npr.org/sections/codeswitch/2017/05/03/483264173/hate-speech-and-the-misnomer-of-the-marketplace-of-ideas>

³⁷ <https://www.theatlantic.com/photo/2014/05/1964-civil-rights-battles/100744/>

³⁸ https://www.washingtonpost.com/posteverything/wp/2015/10/01/dont-criticize-black-lives-matter-for-provoking-violence-the-civil-rights-movement-did-too/?utm_term=.b862b111543f

³⁹ <https://goldwaterinstitute.org/article/campus-free-speech-a-legislative-proposal/>

⁴⁰ <https://theconversation.com/new-legislation-may-make-free-speech-on-campus-less-free-77609>



most passed legislation. North Carolina's House Bill 527⁴¹ was the only legislation passed into law in 2017 modeled after the Goldwater Proposal, though it was altered – in ways one author of the Goldwater Proposal considered “weakening”⁴² – to remove the mandatory expulsion sanction for students who disrupt speakers more than once. Legislation following the Goldwater Proposal passed in Arizona (HB 2563⁴³) in 2018, is still pending in California (SB 472⁴⁴), and failed in Minnesota (SF 2451⁴⁵ / HF 3394⁴⁶), Oklahoma (SB 1202⁴⁷), West Virginia (HB 4203⁴⁸), Wisconsin (AB 299⁴⁹ / SB 250⁵⁰ & AB 440⁵¹ / SB 351⁵²), and Wyoming (HB 137⁵³).

Campuses have long been valued in our communities for fostering curiosity and learning, creating space to engage in uncomfortable conversations or wrestle with new ideas. Indeed, it is this very trait of open access and willingness to explore across the political spectrum that has resulted in campuses today becoming the stage – as they were during the Civil Rights Era – upon which our national conversations about race, inequality, and justice play out. Far from squelching free speech and intellectual diversity, campuses across the country host speakers and events on a wide variety of topics and who hold a diversity of views and opinions, challenging attendees to broaden their perspectives and engage in deliberative discourse. The vast majority of this activity occurs without issue or protest. Those few instances where speakers are met with protests, who may themselves be met with counter-protesters, including some who may not be students, make for sensational and memorable headlines. But these are far from the norm on most college campuses. Unfortunately, those few sensational incidents place incredible demands on campuses. When large protests and counter-protests are expected to occur, college and university leaders spend countless hours planning and organizing both campus and community resources to ensure, above all, the safety of their students. In a recent article from the Chronicle of Higher Education⁵⁴, the financial impact of recent incidents at the University of

⁴¹ <http://www.ncleg.net/Sessions/2017/Bills/House/HTML/H527v3.html>

⁴² <http://www.nationalreview.com/corner/450027/north-carolina-campus-free-speech-act-goldwater-proposal>

⁴³ <https://legiscan.com/AZ/bill/HB2563/2018>

⁴⁴ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB472

⁴⁵ <https://www.revisor.mn.gov/bills/bill.php?b=senate&f=sf2451&ssn=0&y=2018>

⁴⁶ <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF%203394&ssn=0&y=2017>

⁴⁷ <http://www.oklegislature.gov/BillInfo.aspx?Bill=SB%201202&session=1800>

⁴⁸ http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb4203%20intr.htm&yr=2018&sesstype=RS&i=4203

⁴⁹ <https://docs.legis.wisconsin.gov/2017/proposals/ab299>

⁵⁰ <https://docs.legis.wisconsin.gov/2017/proposals/reg/sen/bill/sb250>

⁵¹ <https://docs.legis.wisconsin.gov/2017/proposals/reg/asm/bill/ab440>

⁵² <https://docs.legis.wisconsin.gov/2017/proposals/reg/sen/bill/sb351>

⁵³ <http://www.wyoleg.gov/2018/Digest/HB0137.pdf>

⁵⁴ <https://www.chronicle.com/article/The-Costs-of-the-Campus-Speech/240527>



California Berkeley, Evergreen State College, and Middlebury College have been detailed, including the need for significant preparation and training in addition to officer overtime costs and, in the case of Evergreen, the need to reimburse costs for municipal officers needed to ensure safety during the campus-based event. Indeed at the NASPA Annual Meeting in March 2018, campus leaders from around the country cited similar experiences. These costs place a material demand on our campus law enforcement agencies, requiring them to add not only additional person-hours to aid with the immediate event, but also expectations for training and equipment beyond what may normally be required. At a time when our college campuses are increasingly asked to cut costs not seen to be directly related to educating students, these unexpected and sometimes sudden events force college and university leaders to expend resources – in the case of Evergreen, as much as a quarter of a million dollars in unbudgeted expenses – to keep the peace instead of investing in students' educations.

State Legislative Oversight & the FORUM Act

Model state legislation proposed by the controversial conservative organization American Legislative Executive Council (ALEC)⁵⁵ entitled the Forming Open and Robust University Minds (FORUM) Act¹³ provides a means for states to do just as the witnesses a recent Congressional hearing recommend. The FORUM Act requires campuses to establish and communicate appropriate policies and procedures around campus speech incidents and creates an accountability process for institutions to report on free speech issues to their state legislatures or Governors. Two states, Virginia (VA H 344⁵⁶) and Georgia (GA SB 339⁵⁷), enacted versions of the FORUM Act in 2018, though similar attempts failed in five other states: Iowa (SSB 3120⁵⁸ / SF 2344⁵⁹); Oklahoma (HB 3586⁶⁰); South Carolina (H 4440⁶¹); Washington (HB 2324⁶²); and West Virginia (SB 111⁶³). A version of the bill is still pending in California (CA SB 1388⁶⁴), though it failed passage out of committee in April and is unlikely to progress.

⁵⁵ <https://www.theatlantic.com/politics/archive/2012/04/exposing-alec-how-conservative-backed-state-laws-are-all-connected/255869/>

⁵⁶ <http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB344>

⁵⁷ <http://www.legis.ga.gov/Legislation/en-US/display/20172018/SB/339>

⁵⁸ <https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=ssb3120>

⁵⁹ <https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=sf2344>

⁶⁰ <http://www.oklegislature.gov/BillInfo.aspx?Bill=hb3586&Session=1800>

⁶¹ <http://www.scstatehouse.gov/billsearch.php?billnumbers=4440>

⁶² <http://apps2.leg.wa.gov/billsummary?BillNumber=2324&Year=2017&BillNumber=2324&Year=2017>

⁶³ http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SB111%20INTR.htm&yr=2018&sesstype=RS&i=111

⁶⁴ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1388



What Do Student Affairs Professionals Need to Know?

Providing evidence that campus policies and procedures support fair and equitable practices in inviting speakers and appropriate considerations for student and participant safety are essential to re-establishing the public trust in our college campuses as crucial spaces for civil exploration of controversial topics. NASPA's research and policy team fielded a survey in summer 2017 to collect data from our member campuses to provide evidence about the policies and practices our campuses are already using to ensure intellectual diversity and freedom of expression as well as student safety and respect for all individuals. While the scope of the survey was too small to provide a representative picture across the country, even limited evidence may help to quell the overwhelming – and largely anecdotal – concerns raised against our campuses.

Knowing the policy conversations around campus speech is only part of the responsibility of student affairs professionals. Nimble and knowledgeable responses to emerging incidents have long been part of student affairs, though the many tangled threads of the campus speech conversation, as highlighted above, require careful consideration and planning. In November 2017, the NASPA Public Policy Division held a virtual Town Hall discussion on free speech on college campuses⁶⁵ featuring Bobby Woodard, Vice President of Student Affairs at Auburn University, and Allen W. Groves, University Dean of Students at the University of Virginia. Both speakers provided detailed descriptions of recent events on their campuses involving controversial speakers, including their preparations and lessons learned. NASPA is committed to providing the latest information and analysis to our members and in June 2018 released a Policy and Practice brief on *The First Amendment and the Inclusive Campus: Effective Strategies for Leaders in Student Affairs*⁶⁶. This brief offers strategies to address key aspects of managing controversial speakers and demonstrations on college and university campuses. Further, it provides ideas and examples for challenging divisive speech when appropriate; that is, engaging such speech as an opportunity for reflection and action in order to uphold the values and promote the intellectual vitality of our campus communities.

About NASPA

NASPA – Student Affairs Administrators in Higher Education is the leading association for the advancement, health, and sustainability of the student affairs profession. Student affairs is a critical component of the higher education experience, collaborating with colleagues across institutions of higher education to offer students valuable learning opportunities, meaningful social engagements, and safe and inclusive environments. NASPA's Public Policy Agenda is

⁶⁵ <http://www.youtube.com/watch?v=LgowCcMvK4Y&feature=youtu.be>

⁶⁶ <https://www.naspa.org/rpi/reports/the-first-amendment-and-the-inclusive-campus-effective-strategies-for-leade>



grounded in a commitment to ensuring opportunity for all institutional members' students and a belief that higher education is a great benefit to both individuals and society.⁶⁷

⁶⁷ For more information on the National Student Affairs Day of Action, please visit:

<https://www.naspa.org/focus-areas/civic-learning-and-democratic-engagement/national-student-affairs-day-of-action>

