A Note from the Co-Chairs of the Expressive Speech Working Group
July 15, 2020

Much has happened since the Expressive Speech Working Group finalized our report. This summer, citizens across the United States have been protesting police brutality, the murders of African Americans, and systemic racism and discrimination. Meanwhile, the COVID-19 pandemic has disproportionately affected communities of color, laying bare longstanding disparities and injustices. Intense political polarization shows no signs of abating as we hurtle toward the upcoming presidential election. Respectful inter-group dialogue may seem especially difficult to achieve at the moment, but it is undeniably one of the most urgent tasks that we face today.

As recently as July 7, a new and intense expressive speech debate has been sparked by a "Letter on Justice and Open Debate" published in Harper's Magazine. The Harper Letter opposes what is often referred to as "cancel culture." Its signatories support the recent anti-racist protests for social justice but express concern over a "new moral attitude that tends to weaken our norms of open debate in favor of ideological conformity… and is spreading an intolerance of opposing views and counter-speech." The Letter's detractors have identified the signatories as predominantly white, cisgender, privileged individuals who fail to acknowledge how marginalized voices have long been silenced in journalism and publishing. The very meaning and objectives of expressive speech are being fervently debated.

We sincerely hope that the Working Group's report will help members of the campus community contribute to these debates. The document underscores the importance of including a diversity of voices and perspectives in any discussion, listening attentively, treating all members of the community with generosity and dignity, and disagreeing without delegitimizing and escalating. The report also defends our right to engage in robust, free expression. Our campus must be a place where ideas are expressed freely and openly and dissent is welcomed. In addition to affirming principles and institutional values, the report provides a number of concrete recommendations geared toward student speech. Steps are already being taken to review current policies, achieve greater transparency and clarity in our institutional practices, and generate meaningful opportunities for students to engage in expressive speech. It is a propitious moment for this work, as Rhodes welcomes new leaders to campus, reconfigures existing leadership teams, and implements our Strategic Plan.

We are all responsible for safeguarding expressive speech while also removing obstacles that prevent members of our community from fully participating in expressive speech. We are grateful for the opportunity to support Rhodes in this important work, and we look forward to productive dialogue with our dedicated faculty, students, staff, alumni, and trustees.

Respectfully submitted,

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Report to President Hass from the Expressive Speech Working Group
May 2020

Introduction

Every learning community must safeguard free speech while also finding ways to engage in respectful, civil dialogue. President Hass convened the Expressive Speech Working Group in Spring 2019 at the request of the Rhodes Student Government (RSG). In a unanimous resolution, RSG sought to ensure that Rhodes is fostering freedom of expression and providing guidance to students on how to engage in productive dialogue about controversial issues.

Much of the impetus for the formation of the Expressive Speech Working Group were tensions that arose among students after the presidential election of November 2016. A timeline of key events provides context for RSG's resolutions and President Hass's decision to establish the working group in March 2019:

- 2016 – Sociopolitical changes after the 2016 presidential elections heighten concerns over expressive speech, political organizing, student rights and responsibilities, and efforts to limit or suppress speech.

- 2018 – The Student Senate passes a resolution asking for the reversal of a new policy created by the Office of Student Life establishing "a strong emphasis on approving speakers and guests on campus in order to protect the safety and rights of all students."

- 2018 – At two Senate Town Hall meetings, students note that expressive speech issues in the campus political climate stand with diversity and inclusion as the two top campus issues.

- 2019 – The Student Senate, in consultation with President Hass, passes a resolution asking for the creation of a committee focused on improving speech policies.[1] This results in President Hass establishing the working group, announced on March 1.

The Working Group began this work with the understanding that we all value free speech, especially in an institution of higher learning whose primary reason for being is to advance knowledge through open inquiry. Rather than ask "*why* free speech" or question its inherent value, we tried to center our discussions on *how* to support students in their exercise of speech.[2] The secretary and CEO of the Phi Beta Kappa Society urges us to resist framing this debate in dichotomous terms:

> There is enormous pressure on students, faculty, and other stakeholders to select from an impoverished choice set: either to restrict the expression of others and self-censor …, or to

[1] Related RSG documents are available in a shared BOX folder titled "supplementary materials," available here: https://rhodes.app.box.com/folder/103681139258.
[2] The Working Group's charge and membership are included in the Appendices.

> vulgarize expression in the name of unfettered debate. It is essential that we reject this false dichotomy and find a way to embrace both robust free expression and civil, respectful discourse on our campuses (Lawrence 2018).

Given that the College's strategic plan envisions a campus where everyone feels a sense of belonging, our most pressing challenge is to safeguard expressive speech while also creating an inclusive environment conducive to learning for all students. We can rise to this challenge by ensuring the inclusion of a wide diversity of voices, listening attentively and respectfully, approaching others with generosity and dignity, engaging with difficult material, supporting our arguments with evidence, and subjecting our own ideas and commitments to scrutiny. Our committee considers these to be skills that all members of the community can cultivate and refine over time.

Guiding Principles

Free speech and academic freedom are central to the core mission of the modern college or university, which is to generate and disseminate knowledge (Chemerinksy and Gillman 2018; Whittington 2018).[3] Higher education aims to advance knowledge and understanding and serve the public by contributing expertise, ideas, and innovation (Schwartz and Ritter 2019). Limiting the expression of ideas would undermine these essential goals. Indeed, many of the scholars cited in this report believe that institutions of higher education only command respect when they uphold these values and the related values of curiosity, discovery, dissent, and rigor (e.g., Whittington 2018).

Higher education also prepares students to think critically and independently so they can "encounter the broad range of ideas and intellectual disputes they will meet as citizens" (Downs, Waldner, and Chamlee-Wright 2017, 11; see also Roth 2019). Colleges and universities cannot adequately perform this task if they become spaces where people "avoid exposure to new or challenging ideas," difficult subjects, or controversy (Chemerinksy and Gillman 2018, 74; Whittington 2018). As W.E.B Du Bois observed, "Education must not simply teach work – it must teach life" (Provenzo 2002). Engagement with diverse perspectives prepares undergraduates for meaningful and productive lives; it is vital to their development as citizens of a democracy.

Diversity comes in many forms, including race, gender, gender identity and expression, ethnicity, national origin, religion, sexual orientation, age, socio-economic background, physical ability and disability, neurodiversity, and student and faculty intellectual and political beliefs. Inclusion recognizes and embraces the need for all members of the community to have a sense of ownership in the institution and a place of belonging.

Higher education provides many opportunities for us to speak across these differences. The college campus should be a place "where ideas can range free, dissent is welcomed, and

[3] In this way, free speech is "constitutive" of the American university; it is not merely imposed from the "outside" by the First Amendment (Whittington 2018, 29).

settled wisdom is reconsidered" in light of new facts and reasoned judgments (PEN America 2017). It is a space where we question others' views as well as our own views (Downs, Waldner, and Chamlee-Wright 2017; Schwartz and Ritter 2019). We are wary of granting people the authority to decide which speech should be permitted. Administrators, faculty, students, alumni, donors – we are all fallible individuals. Echoing John Stuart Mill's classically liberal arguments, scholars warn us against assuming that our certainty is equivalent to absolute certainty (Whittington 2018). We must humbly admit that we could be wrong and that others have something to offer (Whittington 2018, 39; see also Downs, Waldner, and Chamlee-Wright 2017 and Roth 2019). Free speech has always existed in tension with other public goods, including morality, privacy, and security; it has frequently entailed real harms and risks (Chemerinksy and Gillman 2018). But we must be "exceedingly cautious about empowering any official to play the role of the censor" (Whittington 2018, 30). This delicate balance highlights the need for and the meaning of civil discourse, which we address below.

Scholarly Perspectives

Protected speech and hate speech

The First Amendment only applies legally to public institutions. However, free-speech advocates such as Chemerinksy and Gillman (2018) insist that both public and private institutions should respect academic freedom. Neither one should censor or punish speech merely because a person or group considers it offensive or hateful. The speech must instead meet the legal criteria for harassment, true threats, or other speech acts **not** protected by the First Amendment. For example, true threats entail a "reasonable" person fearing for their safety and focus on protection from physical harm (not from emotional injury). Additionally, the mere presence of offensive speech does not amount to discriminatory harassment, defined as unwelcome, discriminatory conduct that is directed at an individual on the basis of gender, race, or another protected status and that is so severe and pervasive that it takes away from one's educational experience (Chemerinksy and Gillman 2018).[4]

To illustrate, spouting hateful things to a general audience is protected, but sending a group text to African Americans with threats of lynching could be regarded as harassment or a true threat (Chemerinksy and Gillman 2018). Likewise, a "racial epithet, when screamed at another student in a menacing manner, or a Confederate flag, when brandished on the lawn of a black student fraternity to terrorize them, is no longer protected expression" (Lawrence 2017). Speech on the internet and social media is held to the same standards as speech transmitted via other means. Indeed, the Supreme Court has ruled that an educational institution can be held liable if it is "deliberately indifferent" toward harassment of students (Chemerinksy and Gillman 2018, 145).

[4] See the federal regulations adopted by the Equal Employment Opportunity Commission, which identify five elements that must be met for a claim of hostile workplace harassment (e.g., the conduct is unwelcome, directed against an individual based on his or her sex, and has the purpose or effect of interfering with a person's education (Chemerinksy and Gillman 2018, 118).

Hate speech deliberately seeks to abuse, insult, demean, or threaten. Hate speech adds nothing of value to the marketplace of ideas (Chemerinksy and Gillman 2018). Racial slurs and personal invectives are not valuable additions to scholarly inquiry (Whittington 2018). And when victims of hateful speech are silenced, their voices are lost from debates, further impoverishing dialogue (Chemerinksy and Gillman 2018). In the words of James Baldwin, "We can disagree and still love each other, unless your disagreement is rooted in my oppression and denial of my humanity and right to exist."[5]

Hate speech can cause psychological, physical, and emotional harm. It can lead to physical violence, as well. Susan Benesch proposes five guidelines for determining when hate speech becomes dangerous speech: there is a powerful and influential speaker; there is a vulnerable, impressionable audience with grievances or fear that the speaker can tap into; the speech act is clearly seen as a call to violence; the social or historical context is "propitious" for violence; and there is a sole or primary news source or other medium through which the speech is disseminated (cited in Garton Ash 2016, 135). Scholars have emphasized racist speech as a special category given its intimate connections with "violence and degradation" (Whittington 2018, 82). Law professors such as Richard Delgado, Mari Matsuda and Charles Lawrence III have argued extensively against racist hate speech; other scholars regard hate speech as a form of discursive violence rather than a form of expression.[6]

More than 350 institutions adopted hate speech codes in the 1990s, but these did not fare well in the courts. Every court that considered one of the codes declared it unconstitutional between 1989 and 1995, although the Supreme Court has not yet specifically ruled on whether colleges or universities can prohibit hate speech (Chemerinksy and Gillman 2018, 82). Some institutions of higher learning have used the "fighting-words" exception to the First Amendment as a basis for hate speech codes. Fighting words are words that threaten injury or incite a breach of the peace. The fact that many types of ideas may cause emotional injury to audiences raises concerns that the government could have almost unlimited power to restrict speech (Chemerinksy and Gillman 2018).

The University of Michigan adopted a code in 1988 after horrifically racist flyers, broadcasts, and other forms of speech targeted African-American students. The code prohibited a broad array of behaviors and speech besides hateful slurs and intimidation. A federal judge struck it down on the grounds of an overly broad and vague definition of prohibited speech; it was "impossible to discern any limitation" of the policy's reach (Chemerinksy and Gillman 2018, 101; see also Whittington 2018). Professor Henry Louis Gates Jr. observed that under Michigan's code, more than twenty African-American students were charged by whites with racist speech; no racist speech by whites was punished (Chemerinksy and Gillman 2018). Overly flexible policies such as this one have given administrators significant leeway in determining which forms of student speech (including classroom speech) were demeaning or offensive (Whittington 2018, 89). Meanwhile, students were not necessarily being offered guidance to help them navigate the new rules.

[5] We gratefully acknowledge Chaplain Beatrix Weil, who brought this quotation to our attention.
[6] See Gerrard (2019) for a critique of how discursive violence has changed campus culture.

Private institutions can regulate hate speech, because they are not bound by the First Amendment.[7] However, some scholars question their ability to overcome the obstacles encountered by public institutions, including applying hate speech exceptions to free speech "strictly" and in a "limited" way (Whittington 2018, 87). The primary challenge is figuring out how to regulate speech without censoring ideas that could be perceived as demeaning or insulting, thereby stifling speech and inter-group dialogue. Moreover, debates over what is oppressive and demeaning are not settled. Chemerinksy and Gillman (2018) cite the hypothetical example of a Christian student who expresses support for traditional, heterosexual marriage. This could lead to LGBTQ students feeling demeaned and lodging a complaint. The Christian student might counter that this complaint demeans their religious identity. An "endless succession of claims and counterclaims" could ensue (2018, 105). "We gain the most for good ideas," Whittington observes, "if we demonstrate why bad ideas are mistaken rather than treat them as taboo" (2018, 94). In short, we should encourage more speech rather than less speech. At its core inclusion should involve addition rather than subtraction. Redrawing acceptable parameters for speech leads to the suppression of speech.

Contemporary trends on college and university campuses

Compared to previous generations of college students, contemporary undergraduates are more inclined to trust the university to regulate speech (Gallup 2020; Roth 2019). In contrast, their elders "have an instinctive distrust of efforts by authorities to suppress speech" and can recollect a time when college administrators tried hard to restrict it (Chemerinksy and Gillman 2018, 11).[8] Younger generations have become increasingly aware of the obstacles that historically underrepresented groups encounter in higher education, sensitized to the potential harms of intolerant speech, and supportive of protecting one another against those forms of speech (Chemerinksy and Gillman 2018).[9] According to Chemerinksy and Gillman (2018), some members of this generation lack awareness of past efforts to silence or stifle civil rights activists, antiwar protestors, marginalized communities, and iconoclasts. They lack firsthand experience using free speech to protect dissenters and vulnerable groups while advancing policy goals such

[7] In 1995, Stanford's student conduct code was found to be in violation of a California Statute, the Leonard Law, which prohibits institutions of higher education from making or enforcing a rule that disciplines students solely for speech used off campus, which is protected by the First Amendment (Chemerinksy and Gillman 2018).

[8] Chemerinksy and Gillman are thinking specifically of developments in the 1960s and 70s, including anti-Vietnam War demonstrations, the tragic events at Kent State, and the Berkeley Free Speech Movement, which demanded the rights of students to engage in political speech and organizing on campus.

[9] Some observers of this generational shift have derided today's youth as overly sensitive "snowflakes," coddled, thin-skinned, and vindictive (e.g., Lukianoff and Haidt 2015). Lukianoff and Haidt (2015) propose potential consequences of "coddling" students and accommodating their concerns. They refer to a tendency toward "vindictive protectiveness" that may engender "pathological" ways of thinking, a limited ability to get along with future coworkers, a reliance on litigation to resolve workplace conflicts, and other worrisome outcomes (quoted in Chemerinksy and Gillman 2018, 18). To the extent that those being criticized are first-generation students, religious or racial and ethnic minorities – or other students who have proven themselves capable of overcoming almost daily challenges on many campuses – it seems especially unfair to characterize them as "fragile" flowers (Chemerinksy and Gillman 2018; Roth 2019).

as desegregation. Roth observes that some students are suspicious that free speech is often used to advance conservative agendas at the national level. They therefore reject any "acontextual appeal to pure principle and want to know more about the ideologies or goals of those who make such appeals" (2019, 91).

Institutions of higher learning have adopted policies that restrict or punish speech that is seen as creating a hostile environment, particularly for people who have traditionally faced marginalization or discrimination. They have used anti-harassment law as a basis for sanctioning faculty speech that is protected yet perceived as controversial or offensive. Students, alumni, donors, and elected officials have sometimes demanded punitive measures. Speech – especially the expression of political views – has often been used to demonstrate a faculty member's "unfitness" for their position (Chemerinksy and Gillman 2018). Faculty have been threatened with dismissal or censure for "extramural" speech they have exercised as private citizens (in op-eds, at rallies, or on social media) (Whittington 2018, 150). Some students have called for tenured faculty to be fired and challenged the procedures governing faculty hiring and reviews. Student speech has also been the subject of increased regulatory and disciplinary actions.

National survey data collected in 2015 found that 72% of students supported disciplinary action against "any student or faculty member on campus who uses language that is considered racist, sexist, homophobic or otherwise offensive" (Chemerinksy and Gillman 2018, 9). A survey administered in 2018 to 4,407 full-time college students enrolled in four-year degree programs revealed different views stemming (in part) from gender, race, sexual orientation, political affiliation, and religion (Knight Foundation 2019). More than six in 10 African-American students, 49 percent of Latinx students, and 42 percent of white students agreed that promoting an inclusive society that welcomes diverse groups is more important than protecting free speech. Seventy-one percent of men favored protecting free speech over inclusivity, whereas 41 percent of women held this view. A majority of Jewish students and members of East Asian religions (such as Hinduism or Buddhism) agreed that promoting an inclusive society is more important than protecting free speech. In contrast, a majority of Catholic, Mormon, white evangelical Protestant, and white mainline Protestant students said protecting free speech is more important than promoting inclusivity. Sixty-two percent of white students agreed with the status quo position that hate speech should be protected speech, while 52 percent of Latinx students and 48 percent of African-American students agree. Sixty-four percent of students identifying as heterosexual thought hate speech should be protected; 35 percent of students identifying as gay and lesbian shared that view.

Some students at liberal arts institutions have decried what they perceive as free speech "absolutism." To illustrate, the president of Williams College recently convened students, faculty, and administrators to look into revising expressive speech policies. Approximately one-half of the faculty endorsed a petition calling for the adoption of the Chicago principles, which are articulated in the University of Chicago's "Report of the Committee on Freedom of Expression." According to the report, "it is not the proper role of the university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable or even deeply offensive. Although the university greatly values civility, and although all members of the university community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off

discussion of ideas" (Bauer-Wolf 2019).[10] An unspecified number of students responded by forming a coalition and critiquing the petition as prioritizing "the protection of ideas over the protection of people" (Bauer-Wolf 2019). Allowing "deeply offensive" speech would "inevitably imperil marginalized students," they concluded. In an op-ed in the student newspaper, members of the coalition asserted that faculty were using free speech arguments as "cover" for their anxiety surrounding more diverse student and faculty bodies. They rejected calls for "rational" dialogue on prejudice: "oppression can't be fixed with rational debate because oppression is not rational" (Bauer-Wolf 2019). In a letter, students wrote that free speech had been "co-opted by right-wing and liberal parties as a discursive cover for racism, xenophobia, sexism, anti-semitism, homophobia, transphobia, ableism, and classism." Liberalism suggests that "dehumanizing ideas can be fixed with logic and therefore need to be debated;" but "dehumanization cannot be discussed away" (Gerrard 2019).[11]

Students at various institutions have concluded that speech should be used primarily to support marginalized communities. Some undergraduates at Pomona College argued that free speech had become a "tool appropriated by hegemonic institutions" with the goal of perpetuating "systems of domination" (Whittington 2018, 134). They were protesting a conservative speaker's visit at nearby Claremont McKenna College.

A number of faculty and administrators have also pushed back against the perceived arrogance and insensitivity of free-speech advocates. Ulrich Baer, for example, challenges the notion that free speech is an "absolute good that leads to the truth" (Baer 2017). Speech acts can "invalidate the humanity of some people," which is contrary to the common good. Baer cites a report issued by Yale University warning that "requiring someone in public debate to defend their human worth" violates a community's "obligation to assure all of its members equal access to public speech." Baer goes on to suggest:

> Some things are unmentionable and undebatable, but not because they offend the sensibilities of the sheltered young. Some topics, such as claims that some human beings are by definition inferior to others, or illegal or unworthy of legal standing, are not open to debate because such people cannot debate them on the same terms.

Baer concludes, "the parameters of public speech must be continually redrawn to accommodate those who previously had no standing." He challenges us to think about historically marginalized and disenfranchised groups and their experiences with speech. He calls for dialogue on how best to create conditions for speech that serves the common good. These are laudable activities. However, many scholars remain unconvinced that certain ideas should be deemed "unmentionable" or "not open to debate." Who is tasked with making such decisions and

[10] The Chicago Committee on Freedom of Expression report states that members of the campus community should have the "broadest possible latitude to speak, write, listen, challenge and learn" (quoted in Downs, Waldner, and Chamlee-Wright 2017, 30). It mentions some limitations on free speech, including speech that violates the law, is threatening, harassing or defamatory, or contrary to privacy or confidentiality. A copy can be found in a shared BOX folder titled "supplementary materials," available here: https://rhodes.app.box.com/folder/103681139258

[11] Some students engaged in disruptive protest during a meeting. They contended that "free speech harms;" they also shouted down white, male professors, who needed to "sit down" and "acknowledge their privilege" (Bauer-Wolf 2019).

redrawing the permissible "parameters" of allowed speech? To whom should we entrust such decisions? After all, the most dangerously totalitarian political leaders and movements have limited speech to realize their vision of the "common good." Additionally, policy debates often entail claims about the legal status, human worth, and dignity of another person – an unborn fetus or an unaccompanied child migrant, for instance. How might we delineate the boundaries of acceptable speech on such issues?

Considering these (and other) challenges, most free-speech advocates have rejected these arguments and their policy implications. They have resisted calls for more policing and punishment of campus speech. It is true that free expression "exacts a cost on a community," a cost that is not shouldered equally by all its members; but this is not a sound reason to suppress free speech (Lawrence 2018; Lawrence and Marimow 2017).

What we can do is to identify the factors that hinder the ability of some students to fully participate in expressive speech on our campus, such as unpopular political views, "entrenched biases," prejudices, unequal access, and physical impediments faced by students with disabilities (PEN America 2017). Moreover, education and sensitization of all community members can help. Learning norms of civility in expression, discussed in the following section, is crucial.

Civility

"A right to offend does not mean a duty to offend," Garton Ash suggests (2016, 241).[12] The author calls for "robust civility," which entails strong norms of civility, namely, living virtuously as citizens together in peace, doing our best to respect others, showing goodwill toward those with differing views, and valuing human dignity. There is widespread agreement that campus leaders should strive to create a climate that protects robust, free speech and promotes civility. According to Lawrence (2018), three principles should guide these efforts: 1) Be generous. Let us not assume the worst about each other, particularly those with whom we disagree; 2) Disagree without delegitimizing others; 3) Look for common ground even in the midst of disagreement. Voice disagreement "in a way that fosters dialogue rather than escalates tension" (PEN America 2017).[13] Expressing a view and then failing to listen to opposing perspectives is not enough. David R. Harris, president of Union College, challenges us to foster "conditions for hearing and learning from diverse perspectives" (Harris 2019). Success is measured by increased understanding of different views and reconsideration of one's own views after this exposure.

Similarly, the Institute for Civility in Government understands civility as "disagreeing without disrespect, seeking common ground as a starting point for dialogue about difference, listening past one's preconceptions, and teaching others to do the same" (Downs, Waldner, and

[12] Robust civility also entails frank, open dialogue, which he distinguishes from self-censorship and overly cautious debate (Garton Ash 2016, 212).

[13] According to Roth, "Listening seriously to others and trying to understand why they hold the views they do without immediately judging those views -- this is at the core of pragmatic liberal education" (2019, 122).

Chamlee-Wright 2017, 12). The Project on Civil Discourse at American University identifies civil discourse as truthful and productive. Proponents push students to take responsibility for their own development as speakers and listeners – "building their voice" – by setting goals to speak up in class, receive criticism, and attend a talk by someone whose views they do not share. "Listening thoughtfully, like reading critically or speaking persuasively, is an acquired skill. It's also a critical part of civil, intellectually rigorous conversation" (Schwartz and Ritter 2019). In short, we must support students "using their voices productively, truthfully, and in a manner that serves their goals" (Schwartz and Ritter 2019).

Learning how to respectfully engage in civil dialogue with people who have different views and life experiences has taken on a greater urgency in the current political climate. In this moment of polarized politics, incivility and hostility toward one another have increased (Rauch (2018; Roth 2019). Katherine Cramer, professor of political science at the University of Wisconsin-Madison, co-founded the Local Voices Network, which aims to give underserved communities a chance to speak and be heard. Civility and open-mindedness are key components as people gather to discuss climate change, economics, and other topics. "It isn't about persuasion. The hope is not that when people have this opportunity to hear each other's stories, that they change their minds. It's that they see each other as human beings and better understand themselves," Cramer says (Conklin 2020).[14]

Keith Whittington ably summarizes the meaning and function of civility in academic discourse:

> The demand for respect is … a two way street. Demands for 'civility' and 'good order' can become tools to censor and suppress, but they are also important values in society in general and in a university in particular. We should strive to address each other with civility, and we should recognize that passion can often get in the way of reason. The ultimate goal of a university community is to foster an environment in which competing perspectives can be laid bare, heard, and assessed. Recognizing the equal dignity of each member of the community entails a willingness to listen, but also a willingness to engage in dialogue. We should all strive to be charitable and generous in tolerating those occasions when passion gets the better of us and our words are not chosen as carefully as they should have been. It is inevitable that when ideas are taken seriously and held with conviction, they will sometimes be expressed strongly, and even too strongly. Just as the listener should strive to be forgiving when the speaker oversteps the bounds of civility, so the speaker should strive to be diligent in observing the bounds of civility and trying to stay within them. Being uncivil does not make one unworthy of being heard, but it might make one less likely to be listened to. We try to be civil to one another not because we need to demonstrate that we are worthy of being heard, but because civility breeds dialogue, mutual respect, and ultimately the productive exchange of ideas" (2018, 97-98).

[14] Amy Chua, Mark Lilla, and Jonathan Rauch have published studies on polarization, ever-narrowing group identities, "tribalism" on both the left and the right, and sentiments of group victimhood –including among white Americans.

Speakers and events on campus

Speaking engagements on campuses have tested civility and generated significant controversy in recent years. The media have extensively covered incidents of campuses trying to silence or prevent speech.[16] For example, students were angered by Rutgers' decision to invite former Secretary of State Condoleezza Rice to give a commencement address. President Obama tried to persuade graduates that political differences were not a sound reason for not listening to someone like Dr. Rice:

> If you disagree with somebody, bring them in and ask them tough questions…. If somebody has got a bad or offensive idea, prove it wrong. Engage it. Debate it. Stand up for what you believe in. Don't be scared to take somebody on. Don't feel like you got to shut your ears off because you're too fragile and somebody might offend your sensibilities…. Use your logic and reason and words. And by doing so, you'll strengthen your own position, and you'll hone your arguments. And maybe you'll learn something and realize that you don't know everything. And you may have a new understanding not only about what your opponents believe but maybe what you believe. Either way, you win. And more importantly, our democracy wins (quoted in Chemerinksy and Gillman 2018, 73-74).

Students and activists sought to prevent an ACLU attorney from speaking at William and Mary and the director of *Boys Don't Cry* from talking during a screening of the film at Reed College. Protestors from Students for Justice in Palestine blocked the entrances to an auditorium where Students Supporting Israel planned to show a film about the Israeli Defense Force (Chemerinksy and Gillman 2018; Whittington 2018). The Zionist Organization of America filed a complaint with the Department of Education's Office of Civil Rights (OCR) alleging that speakers invited by pro-Palestinian groups and Muslim student organizations were creating a hostile environment for Jewish students at the University of California, Irvine. The OCR interprets institutions' obligations to ensure a nondiscriminatory learning environment in accordance with Title VI and Title IX. Chemerinksy and Gillman observe that it has at times conveyed a "sense that the expression of offensive ideas is a form of harassment," which can lead to investigations of individuals whose speech acts have created a "discriminatory learning environment" (2018, 15). The investigation found that the University had not failed to respond to students' complaints and added, "in the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience" (Chemerinksy and Gillman 2018, 16). The authors are clearly troubled by the fact that the expression of ideas was sufficient to launch an investigation. The First Amendment prohibits the government from equating harassment with the "mere expression of views, words, symbols or thoughts that some person finds offensive" (Chemerinksy and Gillman 2018, 17).

In 2016, some supporters of Donald Trump were chalking political messages on campuses, including "Build the Wall," prompting calls for disciplinary action. Build the Wall, in

[16] The watchdog group FIRE found that only 11 speakers were disinvited from addressing college audiences in 2018, a "minuscule" fraction of the total number of speakers who speak each year on campuses (Bollinger 2019).

their view, was not "just" a controversial policy proposal; it made Latinx, migrant, and other students feel vulnerable and aggrieved. Students at Emory and Wesleyan expressed concern that the chalkings and an op-ed critical of Black Lives Matter in the school newspaper made them feel unsafe and uncomfortable on campus (Chemerinksy and Gillman 2018, 138). At the University of Michigan, the pro-Trump chalkings included (among other messages) "#StopIslam." Hundreds of faculty constructively responded with counter-speech denouncing expressions of disrespect for members of the community. Campus authorities called the messages "repugnant" while recognizing the students' right to express themselves (Chemerinksy and Gillman 2018, 148).

Fears of violent confrontation on campuses, which sometimes include people who are not part of the campus community, are not unfounded. In 2017, students at Middlebury College protested the visit of Charles Murray, a conservative social scientist. Activists occupied the lecture venue and engaged in loud chanting and clapping, making it impossible for him to speak over the din (Whittington 2018). Middlebury canceled the lecture, and Murray was transported elsewhere to do a webcast. Protestors followed and set off fire alarms. Professor Allison Stanger was injured when protestors attacked her and Murray as they exited the building. That same year, alt-right figure Milo Yiannopoulos was scheduled to speak at Berkeley. After rioting, fires, and chaos, the event was cancelled.[18] In the contemporary US, violence is a legitimate concern; outside agitators are trying to foment confrontation on and off campus; and the cost of providing security has skyrocketed. As Chemerinksy and Gillman remind us, "People do not enter campuses in large groups equipped with bats, helmets, shields, masks, pepper spray, and body armor to listen to a lecture. There is no constitutional right to bring guns or other weapons to a rally" (2018, xiii-xiv). We cannot allow angry mobs to either incite violence or silence speakers in our communities.

Whittington wonders why campuses invite extremist provocateurs in the first place. Why not bring guests who have something more intellectually substantive to offer? Is Ann Coulter really the most thoughtful option on the right of the political spectrum? David Duke, former Ku Klux Klan Grand Wizard, is "part of the world," but why should a campus give him a platform and a "prominence" he has not earned (Whittington 2018, 133)?[19]

Free-speech advocates prefer more speech to less speech, as noted previously. They urge us to permit other people to engage with ideas with which we disagree (Whittington 2018). They

[18] 2017 will also be remembered for the tragic events that unfolded in Charlottesville. White nationalist Richard Spencer planned to speak at a right-wing rally. On the eve of the rally, torch-bearing white nationalists marched on the University of Virginia campus, where they were met with counter-protestors. Violence erupted. The next day, they returned, heavily armed and ready for a fight. James Alex Fields Jr. murdered Heather Heyer. Spencer continued to speak at other campuses, including the University of Florida, Auburn, and Michigan State (Chemerinksy and Gillman 2018).

[19] In the United Kingdom and other countries, campuses have adopted "no platform" policies barring individuals (or groups) with racist or fascist views from attending or speaking at functions sponsored by the National Union of Students. However, critics of these policies are quick to point out that students have invoked them to prevent speech by feminists, human rights activists, and other potential guests (Chemerinksy and Gillman 2018). Speech that is controversial – but probably not hateful or hurtful – is being limited.

also welcome counter-speech. It follows, then, that faculty and administrators can speak out forcefully against especially hurtful speech. Campus leaders should not be expected to respond to (or condemn) every speech act on campus that individuals or groups find offensive (Chemerinksy and Gillman 2018). However, they can reassure students and the entire campus community by articulating the institution's values of inclusion, decency, and dignity (Lawrence 2018). Leaders should defend the speaker's right of expression "while stating firmly and unequivocally that the speaker's views are inconsistent with the values of the institution" (Lawrence and Marimow 2017; see also PEN America 2017).

Chemerinksy and Gillman (2018) have created a checklist for campus leaders to help them prepare for possible controversies surrounding speaking events:

1. Articulate and disseminate a clear statement of the fundamental importance of protecting free expression and create opportunities for members of the campus community to learn more about free speech.
2. Clarify in advance that the institution will support the presence on campus of individuals who hold dissenting or controversial views.
3. Develop rules for approving events that are clear and easy to find, and will be applied equally regardless of the viewpoint of a speaker or sponsoring group.
4. Ensure the safety of all, including the protection of the speaker's rights.
5. Publicize clear rules that prohibit disrupting the speech of others during authorized campus events, and provide for disciplinary measures when appropriate.
6. Take all steps necessary, short of prohibiting the expression of ideas, to create and maintain inclusive and nondiscriminatory learning environments for all students (2018, xiv-xv).

The fifth item deserves particular attention. The heckler's veto entails restricting an individual's speech because we find it controversial or objectionable and preventing others from hearing that message. The repertoire of protest behaviors has always included obstruction. Although protestors sometimes use speech (chants, shouting, etc.) during these acts, their main purpose is to limit speech (Whittington 2018).[20] Counter-speech is the preferred response. Critics can engage in counter-speech during the question-and-answer period after the lecture, for instance. They can sponsor a subsequent event that offers alternative perspectives. Students can publish op-eds or share their views on social media. Protestors can organize a demonstration near (but not inside) the lecture venue. Each of these approaches would be more consistent with free speech principles (Whittington 2018; see also Lawrence 2018).

Because protests are such important spaces for expressive speech, it is worthwhile to briefly expand on this topic. College students won the right to engage in political speech and organizing on campus in hard-fought battles during the 1960s and 70s. Today's students should

[20] Whittington (2018) argues that that students who stage a silent walkout during a speaking engagement are expressing dissent without completely disrupting the event, though their unwillingness to listen still troubles him. This occurred when Vice President Pence spoke during Notre Dame's commencement in 2017.

be able to enjoy this right. Campuses should be generous in allowing space to be used for peaceful demonstrations. Campus leaders should expect some undergraduates to select protests as a way to articulate grievances, new ideas, and proposals for change. They should not be surprised when some protestors choose to convey their concerns or demands using discourse that is not "palatable" to others, especially powerholders (Whittington 2018, 97).

Campuses cannot prevent protestors from having a meaningful opportunity to express their views, but they can certainly impose time, place, and manner restrictions on protests to prevent disruption to normal campus activities. Campuses can restrict speech to certain areas or times as long as the rules they devise are not so restrictive that people are unlikely to have a real opportunity to get their point across and decisions are not based on the content of the speech.

Disruptions are also part of the repertoire of non-violent, contentious politics. An example is students occupying a building or other space on campus without permission. They then try to force the hand of the administration to meet their demands (Whittington 2018). To illustrate, students occupied an administrative building at the Ohio State University in 2016. Campus officials told the protestors they would be arrested and expelled if they remained due to violations of university policies and student codes of conduct. Alternatively, administrators can choose to accommodate these types of occupations by not enforcing their own rules. Regardless of the administration's response, scholars such as Whittington (2018) are less inclined to defend these acts of protest on the basis of free speech. Justifications for direct actions are more likely to be found in arguments in favor of civil disobedience being necessary to bring about justice. And if students break "unjust" laws or rules, they must accept the penalties, as civil rights activists did before them.

Of course, many contemporary movements rely more on online activism than on these types of face-to-face and direct actions (Gladwell 2010). The following section addresses social media. The omnipresence of the internet and social media in people's lives has reshaped understandings of expressive speech.

Social media

Students use social media to discuss, debate, and build community. Social media can also be used to bully, shame, objectify, harass, incite, invade privacy, and disseminate ugly ideas widely, quickly, and sometimes anonymously.[21] Platforms such as Yik Yak "make students think immediately of the harms, not the benefits, of speech" (Chemerinksy and Gillman 2018, 14). Calls for disciplinary actions have proliferated. In 2016, for instance, students called for the resignation of a student leader at the University of Houston simply for posting an "All Lives Matter" Tweet after police officers were killed in Dallas. In 2015, a student at Colorado College was suspended for posting on Yik Yak that Black women matter, "they're just not hot" (Chemerinksy and Gillman 2018, 7). Also in 2015, a student at the University of Tulsa was

[21] Online expressive speech can affect women and communities of color differently than other groups. It is everyone's responsibility to foster an online culture where people can participate without fear or threat of unwarranted abuse, harassment, lies, trolling, and bullying (Stop Online Violence Against Women 2020). We are grateful to Professor Amy Jasperson for bringing this resource to our attention.

suspended when his spouse posted criticism of other students and staff related to theater performance on Facebook. A student at Texas Christian University was suspended for posting on social media about ISIS, terrorism, and related themes and being found in violation of the Student Conduct Code prohibiting infliction of bodily or emotional harm.

The principles of free speech apply whether speech is transmitted through old-fashioned or modern means. To reiterate a point made earlier, campus officials can punish speech acts on the internet and social media if they constitute a true threat or is harassment directed at another member of the campus community (Chemerinksy and Gillman 2018). Chemerinksy and Gillman recommend that all campuses should have both a professional zone of free expression, characterized by an obligation of "responsible" discourse and conduct in accordance with formal education and scholarly environments, and a larger free speech zone, where members of the campus community can say things that would not be allowed in the classroom or other "core education and research environments" without fear of punishment (2018, 77). The larger free speech zone includes social media. Therefore, faculty or students who make controversial or even offensive statements on Twitter or other platforms but "otherwise meet professional standards" and behave responsibly should not be officially sanctioned because of the speech.[22] Whittington likewise observes that scholarly speech is not "free" in the sense of "anything goes" due to these professional obligations; however, campuses are also sites of more "freewheeling" debates and exchanges, which take place outside of the "decorum of the seminar room" (2018, 7).

Safe spaces on campus

We all crave a challenging yet welcoming and supportive environment in which to learn and work. This is especially salient for a residential campus. We can think about a "thin" version of the safe space, which emphasizes civility, respect, and tolerance for everyone in the campus community (Whittington 2018, 71). In contrast, the "thick" version underscores solidarity, comfort, and emotional support based on shared social and other identities (2018, 71). The second category includes physical spaces on campus where like-minded folks or those who have shared experiences enjoy their right to associate. Such places are hardly new. Indeed, it is hard to imagine a campus without a vigorous associational life (Chemerinksy and Gillman 2018; Whittington 2018). At times, faculty and students may need to "disengage from intellectual battles and seek refuge" among friends and colleagues to prevent emotional exhaustion (Whittington 2018, 71).

People who frequent such spaces cannot expect them to be devoid of debate and disagreement, though. Given the diversity of students found within any group, we should not view them as places that are "safe from" potentially disagreeable ideas. Nor can the broader

[22] According to the AAUP 1940 Statement of Principles on Academic Freedom and Tenure, instructors at colleges and universities are citizens as well as members of the profession and officers of an institution of higher education. When they speak or write as citizens, they should be free from institutional discipline or censorship but also mindful that they have a special obligation as a member of the community to be accurate, respectful, and clear that they are not speaking for their institution (Chemerinksy and Gillman 2018, 79).

campus be considered a space that shelters students from ideas they find troubling. Students often find cherished beliefs, ethical stances, or aspects of their identities challenged during college; facing these challenges and being exposed to diverse perspectives may be profoundly unsettling and uncomfortable (Roth 2019; Whittington 2018). To reiterate, feeling aggrieved cannot be considered grounds for punishing the expression of speech; nor can such expression be considered "harassment" per extant legal principles.

Classroom speech

Like other spaces on campus, classrooms cannot reasonably be expected to provide safe haven **from** disagreeable ideas. On a good day, classroom experiences make students feel "safe **to**" speak up and share their views (Chemerinksy and Gillman 2018, 138). Classes should be amenable to scholarly inquiry, civil and respectful debate, and exploration; students should feel welcome to make mistakes and participate fully without fear of reprisals from fellow students or professors in the form of low grades, bullying, or ostracism. Roth concludes similarly that a campus should be a "safe-enough" place where our ways of thinking are tested and we can explore differences without fear (2019, 124).

Unfortunately, there is reason to believe that students are increasingly resorting to self-censorship during class discussions. While we lack reliable data on the subject, social stigma is a powerful force: students seem anxious that their peers may label, shun, or cyber-bully them for expressing unpopular views. Furthermore, students take a big risk if they play devil's advocate and/or give voice to views that they themselves may not endorse as a way of advancing a discussion. Data collected at the University of North Carolina at Chapel Hill revealed that students were more concerned about facing censure from their peers than from their professors while voicing political views in class (Larson, McNeilly, and Ryan 2020; see also Friedersdorf 2020). Students across the ideological spectrum reported engaging in self-censorship, though conservative students did so in greater numbers: almost 68% censored themselves, while 24% of self-identified liberals did so. Some respondents harbored negative stereotypes about students with whom they disagree and were not amenable to socializing with people holding opposing political views.

Trigger warnings can be used to prepare students for engaging with course materials (such as readings or films) that may resonate or hit close to home. Faculty should be free to choose whether to use such warnings. However, campuses should not require their use, as this would interfere with instructors' academic freedom in deciding how to best educate students (Chemerinksy and Gillman 2018). Faculty are the best judges of the pedagogical value of the materials they assign. They may also want to consider the extent to which trigger warnings bias the conversation towards minimizing risks of harm (Whittington 2018). It is unclear whether they encourage students to simply avoid difficult materials, topics on a syllabus, or perhaps entire courses.[24]

[24] Whittington (2018) has reservations about trigger warnings. When the term is de-linked from the specific, clinically diagnosed condition of PTSD, it becomes an expansive, all-encompassing reference to challenging subjects. He resists the move toward labeling some course materials as dangerous and

Expressive Speech Policy

Before reviewing the current student policies at Rhodes related to expressive speech, the policy team endeavored to take a broader view of expressive speech policies at other colleges. Specifically, we researched policies at the 70 liberal arts colleges and universities that are member institutions of CLAC, the Consortium of Liberal Arts Colleges (https://www.liberalarts.org).

In reviewing the publicly available information from each of the CLAC institutions' websites, we found much of the available expressive speech policy information in three distinct types of documents: Handbook entries, public statements, social media guidelines and other related policies; expressive speech policies; and other policies and approaches.

1) Handbook entries, public statements, social media guidelines and other related policies

More than half of the liberal arts institutions we researched addressed issues of expressive speech through their institutions' various official Handbooks or through published statements of commitment and support for expressive or free speech (Table 1). A number of institutions have also published social media guidelines and a range of policies covering discrimination and bias. Several schools addressed expressive speech through policies governing how speaker events and protests are handled. Some individual schools were inclined to specifically address expression of political opinion (Skidmore) and to document it specifically in the Honor Code (Amherst).

Table 1

Handbooks – student, faculty, employee or academic	20
Published statements of support, commitment, student rights & responsibilities	18
Social Media Guidelines and Policies	9
Discrimination, Bias, Equity, Harassment policies	7
Guidelines for Demonstrations and Protest	5
Expression of Political Opinion Policy	1
Community Standard/Honor Code (specifically mentioned as part of Honor Code)	1

2) Expressive speech policies

Several schools have more specific expressive speech policies (Table 2), and these documents could be distinguished by the establishment of policy details beyond a foundational commitment of support for expressive speech on campus. These policies were more detailed in terms of policy approval date and approving body, responsible office, last review, and last revision. Some elucidated particular details on scope and procedures, including conduct standards and prohibited activities that might result in obstruction, interference, damage, or impeding traffic. The most structured examples were evident in the expressive speech policies from Colorado College and Middlebury College.

harmful and shares concerns voiced by the American Association of University Professors that we are prioritizing comfort over "intellectual engagement" (2018, 65).

Table 2

Freedom of Expression Policy	Colorado College
Freedom of Expression Policy	Gettysburg College
Public Inquiry and Freedom of Expression Policy	Connecticut College
Expressive Freedom and Responsibility Policy	Haverford College
Freedom of Expression and Disorderly Behavior Policy	Kalamazoo College
Freedom of Expression for Faculty and Students	Kenyon College
Policy on Open Expression	Middlebury College

3) Other approaches and policies

In exploring the ways in which schools dealt with expressive speech, we found a variety of approaches and policies that did not fit neatly into a statement of support for expressive speech or a specific speech policy (Table 3). However, these resources clearly address campus behaviors related to dialogue and could provide novel approaches for support and management of expressive speech on campus.

Table 3

Norms of Community Living (Hampshire College), Statement of Community Principles (Hobart and William Smith), Statement of Community (Allegheny, Mt. Holyoke), Community Commitments (Sewanee University of the South)
Freedom of Speech 101 Toolkit (Lawrence University)
Webpage dedicated to Open Expression/Speech and Inclusion resources (Middlebury)
Task Force on Public Dialogue and Report 2018 (Pomona); Task Force on Academic Freedom and Freedom of Expression and Report (Colgate University)
Highlighted within Mission, Goals, Guiding Principles, Values: Free Inquiry and Free Expression (St. Olaf); Freedom of Expression and Academic Freedom (Denison), Freedom of Speech and Expression as a Civil Right (Grinnell)
Student Bill of Rights (Skidmore)
Information Technology Acceptable Usage Policy (Albion), Website Policy (Bryn Mawr)
Presidential Address (Ian McEwan, Dickinson); President's Letter to the Community (Mark Burstein , Lawrence Univ.) Presidential remarks to Board of Trustees (William L. Fox, St. Lawrence); President's Letter to Community regarding Intellectual Freedom (Elizabeth Bradley, Vassar)

We could find no online mention of expressive or free speech statements or policies in the case of the following liberal arts colleges: Beloit, Bucknell, College of Wooster, Davidson, DePauw, Earlham, Holy Cross, Lake Forest, Luther College, Manhattan, Oberlin, Occidental, and Wheaton (MA).

Rhodes has several existing policies related to expressive speech, harassment, and the use of social media, included here:

- Current Rhodes policies
  - Rhodes Expressive Speech Policy (Student Handbook)
  - Rhodes Social Media Policy (College Handbook)
  - Related: Bias Education Response Systems (BERS)

- Related policies and institutional commitments
  - Honor code
    - *As a member of the Rhodes community, I pledge I will not lie, cheat, or steal, and that I will report any such violation that I may witness.*
  - Statement on Commitment to Diversity
    - *… We are committed to providing an open learning environment. Freedom of thought, a civil exchange of ideas, and an appreciation of diverse perspectives are fundamental characteristics of a community that is committed to critical inquiry. …*
  - Social Regulations code
    - *As a member of the Rhodes community, I pledge to respect my fellow students, faculty, staff and their property. I will treat others as I would be treated and their property as I would my own.*
  - Vision statement
    - *Rhodes College aspires to graduate students with a lifelong passion for learning, a compassion for others and the ability to translate academic study and person concern into effective leadership and action in their communities and the world.*

The Exercise of Expressive Speech at Rhodes College

Developments on campus, 2017-2019

As noted previously, student concerns about speech culminated in the creation of this Working Group. RSG minutes and other documents spanning 2017-2019 provide evidence of different – and sometimes conflicting – expectations surrounding expressive speech on our campus.[25] In August 2018, the Student Activities Coordinator of Student Life notified students of a new policy changing the process whereby invited speakers or guests were screened and approved. The measures, which included screening guests through the Student Activities office,

[25] Related RSG documents are available in a shared BOX folder titled "supplementary materials," available here: https://rhodes.app.box.com/folder/103681139258. We gratefully acknowledge Alex Schramkowski ('20) for providing these materials.

were being taken to "protect the safety and rights of all students." Student leaders wondered if the process would be content-neutral. In the absence of a clear policy, a Student Life staff member said that the administration preferred a case-by-case approach to speaker clearance. When asked for scenarios in which the administration would not approve a guest, the staff member responded, "Anybody that would seem to threaten the emotional safety or state of the student body, or anyone that does not reflect the values of the college." Administration wanted to be aware of "what people coming on to campus may believe or say" and aware of "students' safety… This process is not meant to be a denial, but a conversation about 'what does this person's presence on campus mean'."

Students responded with a resolution, passed in 2018, calling for a reversal of the policy. It stated that the policies would inhibit student organizations' planning by requiring them to submit speakers' names four weeks in advance; the policies were not seen as "equitable" to all student groups; and students had not been included in the decision-making process.

That same year, during a well-attended Senate Town Hall meeting, students were asked whether the administration succeeds at promoting constructive political discourse on campus. Some students expressed the view that the administration tried to "play it safe." Attendees also expressed concern that historically marginalized people are often at the center of conversations about the political climate, an "uncomfortable" place to be. Others noted that students were not taking full advantage of opportunities to discuss politics.

Another incident related to guest speakers led to the 2019 resolution calling for an expressive speech committee. The Lecture Board invited members of the editorial board of the satirical newspaper, *The Onion,* to visit campus. The event was planned to take place two weeks after the 2018 midterm elections. The administration, remembering student clashes in the wake of the 2016 presidential election, recommended that the guests avoid commentary on the midterm elections. The Dean of Students described political satire about the elections as potentially "emotional" and cautioned students not to "play with fire." Students, especially the event's organizers, perceived this move as an attempt to censor speech. The visitors avoided political commentary due to the direct pressure from the administration.

Following the resolution's adoption, a liaison from the administration met with members of the Senate to confirm that the president had received the resolution, to open up the lines of communication between RSG and administrators, and to go over existing policies in the Student Handbook that granted the administration authority to make decisions about events when these are "planned and implemented without care." They also noted that the college "reserves the right to establish at any time that an event or a speaker diminishes the community." In summary, concerns over students' safety combined with a fear of political content had a stifling effect on speech. A national election is a vital component of American democracy, and students should be encouraged to participate in relevant debates and exercise their citizenship rights to the fullest extent.

Student perspectives

The Working Group reached out to students involved in various organizations and activities on campus. Promising anonymity and confidentiality, we asked them to share experiences engaging in expressive speech with other students on campus, especially within the context of student organizations. We were especially interested in learning about the extent to which students feel welcome, included, listened to, and able to speak across differences. In this section we include some of the reflections that were shared.

General comments: One student asked how Rhodes could make expressive speech issues "real" and salient for students. She inquired, "how do we get students to care about speech? Professors, in my experience, work hard to create a safe environment for dissenting views. That becomes lost when students, for whatever reason, don't care to speak. I don't know if it's apathy or fear of retaliation – I suspect some combination of the two."[26]

A different student similarly wondered why some students who claim to support free speech and open dialogue "refuse to come into a conversation with a willingness to actually consider other viewpoints."[27]

A junior wrote, "Speech intended to cause harm, such as hate speech, should be prohibited, but I think there is definitely a difference between speech *intended* to cause harm and speech that is harmful. It's simply unrealistic to try to eliminate all harmful speech from a campus because this is a space to share ideas, and many people may disagree or be ignorant about the harm their words could cause. Instead of responding to harmful speech by silencing it, I think the most productive thing to do is engage and point out how that speech is harmful. This way we can educate those whose speech is harmful …; we can push students to recognize their own positions of privilege."[28]

Conservative students feeling silenced: A senior shared, "I can't possibly go through and detail every instance in which I feel my or others' right to free speech was infringed upon because there have frankly been too many instances. I've even noticed myself go from being an outspoken person freshman year to afraid to say anything remotely political out loud while on campus as a senior." The student also describes a sensitivity and inclusivity training session led by a staff member, who shared expectations for members of the Rhodes community. Referring to the College's social regulations, the staff member asked, "Can you sign those documents and be a supporter of Donald Trump? No." The student interpreted this to mean, "If you support Donald Trump, you cannot be respectful of others and cannot be a member of the Rhodes community." The student wondered how an individual employed by Rhodes could say that under the guise of inclusivity and whether they would "serve people they disagree with." The student also noted

[26] Personal correspondence with Amy Risley, 2/4/2020.
[27] Personal correspondence with Amy Risley, 2/21/2020.
[28] Personal correspondence with Amy Risley, 2/21/2020. One student voiced general concerns over freedom of the student press and the editorial independence of *The Sou'wester*; our group was not able to follow up on those concerns (Email correspondence with Co-Chairs, 4/16/2019).

that this seemed to be a challenge on the Student Life side; they had "never had any issues" like this with any professor.[29]

Space spaces: "Because minority students often carry the burden of pointing out the harm caused by speech and working to change that, it is necessary to have spaces for those students to just take a break. I also think safe spaces can function to make students who otherwise feel isolated feel more welcome." She observes, "as a lesbian … I often feel alienated by campus culture, and I feel that I consistently have to point out harmful speech or ideas. I understand the need to engage with that speech and those ideas in order to attempt to educate others or help change perspectives, but I also need space to decompress. It's exhausting to put myself in a position that leaves me feeling isolated." The student sees value in "spaces for students who are otherwise consistently engaging in critical discourse where they can decompress and be reminded of their community and humanity in an otherwise marginalizing campus culture."[30]

Classroom speech: A student who experienced "a life-changing trauma" during their freshman year endorses trigger warnings and maintains that they do not prevent students from "doing the work." The "warnings provide an opportunity for me to prepare myself emotionally for content that might trigger me. It allows me to get into a headspace where I am able to do the work assigned." They "function as a way to alert students to potentially disturbing material so they can prepare themselves to engage with that material. In my opinion, therefore, trigger warnings actually help facilitate learning."[31]

A student questioned a professor's choice to not include readings by women scholars and texts about women on the course syllabus. The course lacked a "full, diverse array of perspectives and experiences." The student approached the professor privately and suggested creating more inclusive syllabi in the future. The student recognizes the professor's "right to choose not to talk about women. However, I now feel a burden in the class to make sure I am acknowledging and seeking out the perspectives of women in order to help educate myself and those around me. I do not necessarily think there should be regulations on what professors do or do not include on their syllabi, but … professors should be willing to take criticism about their failures to include diverse perspectives" – something this particular faculty member seemed unwilling to do.[32]

Dialogue on religion: A student, speaking on behalf of several peers, observed, "There have been many instances in which Muslim students have felt disrespected and attacked by professors in class." They shared experiences of being asked to call out extremism and fundamentalism and hold other Muslims "accountable" for espousing such views. Being put into

[29] Personal correspondence with Amy Risley, 2/20/2020. The employee mentioned here is no longer working at the College.
[30] Personal correspondence with Amy Risley, 2/21/2020.
[31] Personal correspondence with Amy Risley, 2/21/2020.
[32] Personal correspondence with Amy Risley, 2/21/2020.

the position of "defending" their religion – and religion more broadly – takes its toll.[33] Some students felt that certain faculty were dismissive of *all* religious faiths; these perceptions hindered productive discussion.[34]

A student shared their disappointment that fellow students "feel, act, or look uncomfortable when their peers are expressing their differing religious beliefs. I think unintentionally majority groups and individuals do silence or overpower minority views and voices, sadly…. I do see or feel changes in people when a conversation begins or gets heated about a religion in the context of another religion or practice."[35] Ideally, the climate will improve going forward due to the efforts of our Chaplain, the presence of Hillel and the Interfaith Lounge, and welcoming, ecumenical spaces like worship nights.

More data (and more statistically representative data) on free speech at Rhodes are urgently needed. Although we are hesitant to draw inferences from the students' comments we received, we can advance a few propositions for further testing. First, some students are eager to engage in difficult dialogues and exercise their right to speech on campus, while others are far more reluctant to do so. Second, a wide variety of students have reported feeling marginalized or silenced at one time or another. Third, students seem to lack a shared understanding of expressive speech – how it is defined and used, why it is essential to the mission of the college or university, etc.

Student survey data

HEDS Diversity and Equity Campus Climate Survey

The Higher Education Data Sharing (HEDS) Diversity and Equity Campus Climate Survey was administered in April 2019 at Rhodes College to all faculty, staff, and students, along with 52 other, predominantly undergraduate, institutions. Response rates for the survey varied across different groups and were on par compared to peer institutions:

[33] Personal correspondence with Amy Risley, 3/1/2020.
[34] Personal correspondence with Amy Risley, 3/1/2020. Instructors at other liberal arts colleges have observed reluctance on the part of students to discuss religion during class (Roth 2019).
[35] Email correspondence with Amy Risley, 2/10/2020.

Number of Responses by Group*		
	Rhodes	
	n	*Response Rate*
Respondents by Role		
Students	322	*17%*
Faculty	116	*46%*
Staff	154	*46%*
Respondents by Gender		
Men	220	*19%*
Women	353	*25%*
Respondents by Race/Ethnicity		
Asian	25	*19%*
Black or African American	79	*25%*
White	402	*23%*
Hispanic or Latino/a	31	*24%*
Not a U.S. citizen or permanent resident	21	*21%*
Two or more races	23	*22%*
Unknown/Undisclosed	8	*26%*

** Responses are reported in aggregates to maintain anonymity of respondents.*

The survey asked several questions about the campus climate for diversity and equity, including questions related to interactions, level of comfort with interactions, and impact of interactions with diverse groups. We have used the following response data from students to provide evidential baselines. The next survey is planned to be administered in the Spring of 2022.

According to the HEDS Campus Climate Survey for Diversity and Equity, administered in Spring 2019, when asked "To what extent do you agree that diversity on campus improves experiences and interactions within the classroom, the workplace, and the overall community?", 85% of students agreed, 10% neither agreed nor disagreed, and 5% did not agree with the statement. Among those students who agreed, 63% strongly agreed that diversity on campus improves experiences and interactions within the classroom, the workplace, and the overall community. This figure was slightly higher than the percentage (58%) of undergraduates who strongly agreed at other small institutions.

Students were also asked, "In the last year, about how often have you interacted with the following people while at Rhodes?" and "How comfortable are you interacting with the following people?" for the following groups of people:

- People who have a racial and/or ethnic identity other than your own
- People from a socioeconomic background other than your own
- People who have a sexual orientation other than your own

- People whose gender differs from yours
- People for whom English is not their native language
- People from a religious background other than your own
- People with a disability
- People who are undocumented immigrants
- People from a country other than your own
- People who hold a political affiliation, philosophy, or view that differs from yours
- People who are significantly older or younger than you

High levels of interaction for this survey refers to daily or weekly, while high levels of comfort include very comfortable and somewhat comfortable.

Among the groups of people above, students reported quite a bit of variance among high levels of interaction - ranging from 29% who reported having high levels of interaction with 'people who are undocumented immigrants' to 98% reporting high levels of interaction with 'people who have a racial and/or ethnic identity other than your own' and 'people whose gender differs from your own'.

In terms of how comfortable those interactions were, students reported high levels of comfort (>90%) for every group except 'people who are undocumented immigrants' (87%) and 'people who hold a political affiliation, philosophy, or view that differs from yours' (77%). Because high levels of comfortable interactions were the lowest, we explored the within-group differences by demographic categories.

In the chart below, you can see the differences between the reported high levels of interaction and high levels of comfort with 'people who hold a political affiliation, philosophy, or view that differs from yours'. The only subgroup that reported higher levels of comfort than interaction was international students. Among all undergraduate student respondents, there was a -6% difference between those who reported high levels of interaction and those who reported high levels of comfort with 'people who hold a political affiliation, philosophy, or view that differs from yours'. Subgroups whose difference were higher than the overall undergraduate difference (-6%) were:

- Men (-10%)
- Non-binary (-38%)
- U.S. Persons of Color (-10%)
- Far left (-13%)
- Conservative (-23%)

It should be noted that these groups are not mutually exclusive and intersectional analysis was omitted in order to protect the anonymity of respondents.

	People who hold a political affiliation, philosophy, or view that differs from yours			
	#	High Levels of Interaction	High Levels of Comfort	% Difference
Undergraduate Students	321	83%	77%	-6%
Respondents by Gender				
Men	107	91%	81%	-10%
Women	205	79%	76%	-3%
Non-binary	8	88%	50%	-38%
Respondents by Race/Ethnicity (Broad Categories)				
U.S. White	195	84%	79%	-5%
U.S. Persons of Color	108	81%	71%	-10%
International	16	87%	94%	7%
Respondents by Orientation (Broad Categories)				
Heterosexual	231	86%	80%	-6%
LGB+	89	75%	69%	-6%
Respondents by Political Affiliation				
Far left	29	79%	66%	-13%
Liberal	161	79%	77%	-2%
Middle-of-the-road	92	88%	84%	-4%
Conservative	38	89%	66%	-23%
Far right	1	100%	100%	0%

When students were asked, “Which activities influenced your support for diversity and equity?”, the most impactful activity was community service. 83% of all respondents said it had a “great deal of impact” or “some impact” on their support for diversity and equity. This is excellent news given Rhodes’ well-deserved, national reputation as a service-learning and community-engaged institution.

Senior Exit Survey

The Senior Exit survey is conducted annually and is a requirement for each graduating senior to gather contact information, future plans, and experiences with academics and campus services. We included this information in the report because the response rate is 99%.

In 2019, questions were appended to ask students about their sense of inclusion and community. Specifically, students were asked to indicate their satisfaction with the following aspects of student life:

- Climate for ethnic/racial diversity on campus
- Social life on campus
- Sense of community on campus
- Sense of community where you live
- Feeling of security on campus

On average, seniors reported higher satisfaction with social life, security, the sense of community on campus, and the sense of community where they live than with the climate for ethnic/racial diversity on campus. Moreover, students of color were less satisfied than white students across the board. African-American students tended to report lower satisfaction than other students of color.

BERS data

The Bias Education Response System (BERS) was adopted in 2016 as an educative tool for addressing the bias that Rhodes faculty, staff and students experience. [36] Community members are able to report bias-related incidents and microaggressive behaviors. 65% of the incidents submitted between August 2016 and May 2019 involved students experiencing bias by other students. Students reported flyers with racial and sexual stereotypes, homophobic and culturally offensive social media posts and images, written or verbal slurs, and unfair treatment, for example. The two most commonly cited reasons why students had been targeted were race or ethnicity (53%) and sex (13%).

[36] Additional information about BERS and definitions of terms such as bias, microaggressions, etc. are available at: https://express.rhodes.edu/reporting/bers. Data from the Campus Climate Survey, Senior Exit survey, and other sources are available in a shared BOX folder titled "supplementary materials," available here: https://rhodes.app.box.com/folder/103681139258

Recommendations

For all the reasons given throughout this report, the Working Group strongly believes that our campus should be a place where ideas are expressed as freely as possible and dissent is welcomed. We caution against entrusting administrators or other individuals with the task of regulating speech. We endorse the following principles articulated by Lawrence and Marimow (2017):

> On our campuses – public and private – free speech is presumed to be protected. To be sure, there are limits on this presumption, such as actual threats and words that are clearly intended to threaten or instill direct and immediate fear. Otherwise, it's the duty of college leaders to provide for the broadest forms of discussion, debate, and expression.
>
> Free expression can impose a cost on the members of a campus community. We must be sensitive to the fact that this cost is not shouldered equally by all members of the community. Although this is not a reason to suppress free speech, it is an important factor in shaping how campus communities should respond to the speech.
>
> When confronted with hateful speech, campus leaders can defend the speaker's right of expression while stating firmly and unequivocally that the speaker's views are inconsistent with the values of the institution. To be sure, this is an option that should be exercised cautiously and infrequently. A university president should not make it practice of calling the "balls and strikes" on free expression. But there are occasions that demand it, and when they arise, presidents, deans, and campus leaders should respond forcefully.

The recommendations of the Working Group include both top-down and bottom-up approaches. Top-down efforts entail institutions, policies, and appropriate regulations of expressive speech as well as a forceful statement of principles to guide these. Bottom-up approaches speak more to the campus culture. Albert Einstein once said, "Laws alone cannot secure freedom of expression; … there must be a spirit of tolerance in the entire population" (quoted in Chemerinksy and Gillman 2018, 70). On campuses, this spirit must be constantly recreated and renewed, because new students arrive each year and faculty and staff come and go.

Student Life is tasked with the challenging, day-to-day work of protecting free speech while also promoting inclusivity. Staff must make decisions pertaining to expressive speech, work closely with students who are planning events, listen to aggrieved students, and enforce campus rules. They work daily to make sure all students feel welcome and maintain our high retention rates. As one staff member observed, "we're the ones who have to deal with the fallout when free speech results in suffering among our students." Additionally, they are on the front lines when controversial speakers visit campus; they usually field calls from angry community partners and members of the general public who challenge the decision to host an event in the first place.[37] Articulating our principles and clarifying policies will assist Student Life, guide the student body, and facilitate better dialogue among faculty, students, and the administration.

[37] Personal correspondence with Amy Risley, 2/7/2020. The staff member remarked that fostering a sense of belonging often aligns with our mission of being a place of "academic exploration and freedom;" however, at other times these will come into conflict.

Campus statement of principles

We need a statement that articulates Rhodes' commitment to creating an environment in which diverse viewpoints and freedom of expression flourish. We should underscore the importance of diversity, inclusivity, and civility and declare that hate speech, properly defined, is inimical to our institutional values. These principles should be in place before controversies arise. We must remind both incoming and current students that college is a place where we engage with diverse viewpoints, challenging ideas, and intellectual debates. We subject our own views and others' views to scrutiny and hone our critical thinking skills. Elon University's "Commitment to the Values of Freedom of Expression and Inclusivity" is an example of the type of statement Rhodes should draft. Although our committee does not endorse the statement in its entirety, we appreciate its insistence that all community members listen "openly to understand the perspectives of others" and contend with "discomfiting" ideas.[38]

It is essential that students are directly involved in the drafting of this statement. Consultation with RSG will be necessary. Students must be given the opportunity to exercise their free speech rights during this process.

Toolkit and resource page

Some institutions have created online expressive speech "toolkits" or resource pages. These are useful starting points for raising awareness and educating members of the community. Examples can be found here:

http://www.middlebury.edu/about/open-expression/speech-inclusion-resources

https://www.lawrence.edu/info/offices/diversity-and-inclusion/resources/get-educated/freedom-of-speech-101-toolkit

Resources are also available to instructors who wish to be more intentional and explicit about free speech norms. Some may want to state their commitment to safeguarding free expression on their syllabi and/or address these issues during class (e.g., Larson, McNeilly, and Ryan 2020).

Policies, regulations and institutional reforms

We should respect the free speech zone mentioned previously. "A campus **can't** engage in content-based **discrimination** against faculty, students, or other speakers or writers who seek to express themselves outside the professional educational context" (Chemerinksy and Gillman 2018, 131, emphasis added).[39] For the most part, Rhodes' social media policy aligns with these

[38] The full version of the statement has been included in the Appendices.
[39] "A campus **can** engage in content-based **evaluation** of faculty and students who are operating within the professional educational context, as long as this evaluation is based on professional standards or peer

views. Additionally, Rhodes' expressive speech policy outlines reasonable time, place, and manner restrictions on campus speech. We strongly recommend that these policies be applied in an evenhanded, content-neutral (and politically neutral) manner. It is also important to avoid an overly restrictive implementation of policy. General (content-neutral) regulations can and should govern on-campus expression by identifying permissible, generously-defined areas for flyers, posters, chalkings, etc. They should protect residence halls as spaces of rest and retreat (for instance, not providing bulletin boards in hallways or prohibiting people from slipping flyers under doors of dorm rooms) (Chemerinksy and Gillman 2018). The college can deny requests for events that clearly pose enormous logistical or security challenges and expenditures. They must disallow or punish disruption of speaking events, commencement, or other activities.[40]

Administrators should complete Chemerinksy and Gillman's (2018) above-mentioned checklist to prepare for potentially controversial events. They recommend clarifying that the institution will support the presence of people with dissenting or controversial views, developing clear rules for approving events that will be applied in an evenhanded way, and ensuring everyone's physical safety, among other steps (see page 12 for the full list).

Clayton and Huff (2018) recommend approaching programming in a way that upholds shared governance and involves numerous stakeholders. And, as noted previously, campus leaders, faculty, and students must be prepared to condemn hateful expression even when it is protected speech. Indeed, we all share this obligation: "All of us must speak out to condemn hateful expression" (Lawrence and Marimow 2017).

Rhodes currently lacks a student-led lecture board, which was dissolved through a student vote. RAB is now tasked with this in addition to planning socials and various other activities. The procedures for vetting potential speakers are unclear at the moment. In practice, students are finding them overly cumbersome and restrictive. Campus leaders need to ensure the "effective and efficient use" of campus resources and provide students access to these resources (Whittington 2018, 138). The campus should continue to make resources available for events that promote civic engagement, celebrate cultural diversity, and foster intellectual engagement.

Rhodes has a robust associational and intellectual life that should be preserved. Over the course of just two or three weeks during Spring 2020, student groups, departments, programs, and offices on campus hosted a number of events that tackled challenging issues. 100-year-old Holocaust survivor Sam Weinreich, originally from Lodz, Poland, shared his story with a standing-room-only crowd. Students for Justice in Palestine invited the National Policy Director of American Muslims for Palestine to speak on the Trump Administration's proposed peace deal, the so-called "Deal of the Century." The International Studies Department sponsored a talk on President Trump's Family Separation policy. The "Pizza and Politics" series held an event on Iran. The Political Science Department hosted Professor David Barker, who discussed deeply rooted partisanship in the US in his lecture on "One Nation Two Realities - Dueling Facts in

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assessments of the quality of scholarship or teaching (Chemerinksy and Gillman 2018, 132, emphasis added).

[40] Some Rhodes students object to the existing requirements for reserving spaces on campus, finding them overly burdensome. They also voice concerns that posters, chalking, signs, advertisements, and displays are subject to the "not socially offensive" standard (Email correspondence with Co-Chairs, 11/23/2019).

American Democracy." The Gender and Sexuality Alliance (GSA) and South Asian Cultural Advocacy (SACA) organized a "Queering Desi" event about sexual identity and expression. An LGBTQIA+ affirmation party also took place.[41]

Our campus would benefit from better communication of existing policies and norms, ensuring that policies are explicit and available (as opposed to "unwritten" or undocumented practices), and more open discussion and consultation with students when policies are under review or revision. Such measures would help avoid some of the confusion and friction described in previous sections of the report.

Inclusivity initiatives

The free expression and exchange of ideas is the defining feature of colleges and universities. It is what makes us unique among all the institutions in modern society. In ways consistent with this foundational purpose, all members of the campus community are responsible for creating an inclusive, respectful, and welcoming environment. The entire community should continue to receive training on diversity and inclusivity, harms associated with structural inequalities and discrimination, negative effects of explicit and implicit bias, the institution's legal obligations to create nondiscriminatory work and learning environments, and reporting requirements for when discriminatory incidents occur (Chemerinksy and Gillman 2018). We are all responsible for identifying and eliminating obstacles that prevent students from fully participating in expressive speech.

For this reason, we commend the RSG for adopting a policy to create a student body committed to diversity and equity issues. We applaud the ongoing efforts of Dr. Sherry Turner, Vice President of Strategic Initiatives, to implement the AACU's Inclusive Excellence Model and ensure that our campus efforts to create a greater sense of belonging and inclusion are comprehensive and extend beyond "islands of excellence." These efforts should be data-driven and based on BERS, Campus Climate surveys, senior exit surveys, and other sources. Fostering intergroup dialogue should be a priority. Many students arrive at Rhodes with a relative lack of experience with diversity and inclusion. For some, Rhodes is the most diverse community of which they have been a member. We also need to be mindful of the different stages of identity development (racial/ethnic, gender identity, religious, political, etc.) through which people progress. We need to support community members who are likely to differ in their level of awareness of themselves and others.

[41] Some students object to the publicity used to promote campus events. During spring 2019, students advertised a live surgery viewing with posters depicting graphic images of "bodies being sliced open and operated on." A student "found these images incredibly disturbing" and was "upset" that someone else had forced passersby to look at surgery – "something I would never have to encounter in 'the real world' unless I chose to, and those posters took my choice away." Graphic images that can disturb and trigger students should include a trigger warning. When approached, the organizer responded defensively, so the student approached Student Life staff. "I don't think my request that graphic images not be displayed impedes free speech on campus, although it is a form of censorship." (Personal correspondence with Amy Risley, 2/21/2020).

Existing research demonstrates that a sense of belonging to an academic community helps predict student success (Georgetown University 2020). Indeed, students of all backgrounds – not only students from marginalized groups – flourish. Rhodes faculty recently created a working group on inclusive pedagogies with support from the Office of Faculty Development. They will lead research and advocacy efforts to devise strategies for mentoring an increasingly diverse student population. Of particular importance are the experiences of students of color, students with high financial need, international students, students of faith, LGBT+ students, first-generation college students, and students confronting accessibility challenges. One of their goals is to support faculty and staff in the work they do to create a "deep culture of inclusion and belonging at Rhodes." Ideally, "obstacles facing students from marginalized backgrounds are widely understood, anticipated and addressed at a broad institutional level rather than through the voluntary efforts (often unrecognized) of individual faculty." (A full description is included in the Appendices). Instructors and students can hopefully work together to create a supportive environment in which everyone enjoys equal access to learning and exposure to a wide range of perspectives.[43]

Proposal for a deliberative body, the 'Rhodes Union'[44]

As a scholarly community, we necessarily learn in relation to one another: no individual can learn alone. Accordingly, there are at least two opportunities a college or university must provide to all members. First is the opportunity to challenge preexisting, established, or conventional knowledge. This is the hallmark of any scholarly pursuit: to refute and argue against. Secondly, as a community, we must engage with each other. We cannot limit our public discourse to friend groups and the like-minded and shut down – or disengage from – those who disagree with our beliefs, nor can we suppress our disagreements. To invigorate and renew our commitment to free, unfettered speech and civic engagement within the context of a scholarly community, we propose a deliberative and/or debate society. Rhodes offers students countless opportunities to engage with one another, but these opportunities are largely based on shared interests or viewpoints. Rhodes needs a forum in which community members come together to discuss the social, intellectual, moral, political, and civic problems we face. As noted previously, this is especially urgent in a time of political polarization and civic disengagement.

[43] Some scholars support more critical and emancipatory pedagogies. bell hooks (2003), for example, urges us to work continuously to "undermine all the socialization that leads us to behave in ways that perpetuate domination" stemming from patriarchy, racism and other oppressive forces (2003, 36). Education is a means to restore and build community, and we teach with love, care, respect, trust, and commitment.

[44] We gratefully acknowledge Matthew Kenny (Class of 2022), who proposed and named this body. Working Group member and alumnus, Mike Cody, offered the following recollection: "I was an original member of the Advisory Committee for the Dilemma Program in 1966 and remained a member throughout the life of the series. Each year I introduced many of the speakers and hung out with characters from Allen Ginsburg to Ralph Nader and Walter Mondale" (Email correspondence with Amy Risley and José Rodriguez, 4/29/2020).

Rhodes put a similar idea into practice beginning in 1966: students organized a program titled Dilemma with the goal of creating a space for intellectual inquiry. Each year, they invited prominent speakers to campus for a three-day symposium on a topic of importance. In the February 2, 1984 edition of *The Sou'wester*, one of Dilemma's creators described the goal "to collect leaders from many fields to discuss their ideas with students and citizens of Memphis." He observed, "There were lectures, seminars, and informal gatherings and the impact was significant. For weeks, people discussed the issues presented that weekend. Dilemma had created an excitement about ideas; it had touched the college and the Memphis community in a way that no other event had." With topics ranging from the Southern identity, technological progress, and American ethics, Dilemma brought the campus together to spark debate and discussion.

We do not need to simply revive the Dilemma program or recreate its symposium format. But we can create a campus-wide forum in which members of the Rhodes community engage, deliberate, and debate with one another. Relevant models are found in the Oxbridge debate societies, such as Oxford Union or Cambridge Union, Intelligence Squared debates, and other forms of public deliberation. The benefits would include preparing students to be engaged and empowered citizens who can talk through and solve problems. The forum would serve as a testing ground for new ideas and a welcoming arena in which community members can openly disagree in a structured environment than facilitates civility, respect, and inclusivity. Perhaps most importantly, it would bring the campus together to celebrate our diversity of viewpoint and opinion, encourage greater understanding, and cultivate further intellectual curiosity about the current issues.

First Year Experience

First Year Seminar has undergone a much-needed process of revision during 2019-20.[45] The FYS steering committee is motivated by the concept of "brave spaces," the idea that students should expect to be challenged during the learning process and become more resilient. The Working Group supports this approach. The revised course should help incoming students learn how to respectfully engage in expressive speech, speak across differences, and cultivate the habits/skills of citizenship. We also hope that students will be better prepared in FYS to become members of an academic and intellectual community that values inquiry, debate, academic honesty, and the other values discussed in this report. A training module on free inquiry should be included in the FYS. Such a module could build on the insights of Chemerinksy and Gillman (2018), PEN America (2017), and similar resources. Training of first-years would strive to familiarize students with norms of academic inquiry and civil intellectual exchange; it could also

[45] We gratefully acknowledge Dr. Elizabeth Thomas for joining us during a February 2020 meeting to share information on recent enhancements to the First Year Seminar and for sharing her syllabi, which are available in a shared BOX folder titled "supplementary materials:" https://rhodes.app.box.com/folder/103681139258. The learning objectives for the course are: learn about resources and develop skills and habits to flourish at Rhodes; develop a sense of belonging at Rhodes; and engage as active citizens within local and global communities. The Fall Semester emphasizes flourishing at a liberal arts college and getting to know Rhodes and Memphis. During the Spring, students work in teams to investigate a local initiative or community partner that addresses a global issue or concern (e.g., sustainability, educational justice, migration and refugees, transportation, food access).

teach them how to become critical "readers" of (and respectful contributors to) the social media in which they are immersed.

Ideally, these topics would also be folded into Welcome Week (and possibly Open Rhodes), which prime students for subsequent experiences in FYS. Beyond the first year, "refresher" activities and programming could help students practice these skills.

Outside resources

National programs and outside organizations that promote dialogue can also help us introduce free speech principles, norms, and skills to incoming first-years. As each new class arrives at Rhodes, it is vital that we offer them the tools and resources necessary to engage in the intellectually diverse community that is essential to the liberal arts experience. More broadly, national programs can support the entire campus community's efforts to engage in respectful, civil dialogue.

Thus far, some individual members of the working group (but not the group as a whole) have looked into the following national programs and found them to be worthy of further consideration:

- Facing History and Ourselves is a respected nonprofit whose mission is "to engage students of diverse backgrounds in an examination of racism, prejudice, and antisemitism in order to promote the development of a more humane and informed citizenry. By studying the historical development of the Holocaust and other examples of genocide, students make the essential connection between history and the moral choices they confront in their own lives." (https://www.facinghistory.org).

  Content from Facing History and Ourselves has already been integrated into the FYS. Specifically, it is used in the training of student assistants and in class discussions to equip student with skills in facilitating dialogue.

- Braver Angels, endorsed by Jonathan Rauch of the Brookings Institution, is a grassroots effort to de-polarize communities through structured interactions that emphasize listening, examining stereotypes, seeing the "humanity and positive intentions on the other side," and "relearning" how to communicate and connect as citizens (Rauch 2018) (https://braverangels.org/our-story/#how-we-started).

- OpenMind is an interactive educational platform designed to de-polarize and encourage mutual understanding across differences, with an emphasis on intellectual humility and open-mindedness (https://openmindplatform.org/academic/). It seeks to equip students with the skills needed for civil and constructive dialogue. It is evidence-based, drawing from social and moral psychology, customizable, and (for the time being) free. OpenMind is seeking partners interested in using the platform for orientation and/or first-year experience programs.

We had hoped to spend time during Spring 2020 consulting with representatives of these organizations, investigating other promising programs, and deliberating as a group. In the wake of the Covid-19 pandemic, we were unable to complete these steps. We therefore recommend a more comprehensive and in-depth review of national programs. The following working group members have graciously volunteered to continue this important work beginning in Summer 2020:

- Dan Cullen, Professor of Political Science
- Sherry Turner, Vice President of Strategic Initiatives
- Beatrix Weil, Chaplain
- Alice Berry, Class of 2021

This team will prioritize Rhodes' most urgent needs, consider the available alternatives, examine the specific aspects of national programs that might benefit our campus, and determine which members of the community they could engage (and at which stages). The chosen program(s) will ideally be tailored to our own interests and needs.

Additional recommendations

- Rhodes could pursue further involvement in Project Pericles' Periclean Faculty Leadership (PFL) Program™. This faculty leadership and course development program is dedicated to incorporating civil dialogue, civic engagement, and social responsibility into the curriculum.

- Rhodes should carefully consider the extent to which the different educational experiences and backgrounds are shaping expectations for vigorous classroom discussion and debates. This is especially relevant to our international students' comfort levels in class. A student from Vietnam shared the sense of anger and disappointment they sometimes feel after class. To refrain from speaking can be a way to "show respect, and it is the first form of self-protection. In quietness, no one judges, no one gets offended, and everyone is happy." The student describes being "awed by the difference between US students and Asian students" in self-expression; "I want to be like them. I want to be amazing" and say "something that can change someone."[46]

- We strongly urge Rhodes to collect data on the daily experiences of our students and their views on free speech and civil dialogue in the classroom, their ability to express political views openly in campus settings, their toleration of views that they do not hold (and the people holding those views), etc. An interdisciplinary team of faculty recently collected relevant data at the University of North Carolina at Chapel Hill (Larson, McNeilly, and Ryan 2020). The administration should make resources available to faculty and staff to collect and analyze data using both quantitative (e.g., survey) and qualitative (e.g., focus groups) methods.

[46] Email correspondence with Amy Risley, 2/16/2020.

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APPENDIX: Expressive Speech Working Group Charge and Membership

Expressive Speech Working Group Charge from President Hass
March 1, 2019

The working group will:
· Review current student policies related to expressive speech, harassment, and the use of social media.
· Review the ways these policies function in relation to our institutional statements of value and mission, including our honor code, our statement on diversity, our social regulation code, and our vision statement.
· Review the ways we communicate expectations for both free speech and respectful dialogue.
· Review national debates and identify ways that other campuses have addressed these issues.
· Review national educational programs designed to encourage the development of the skills needed to foster genuine dialogue. Recommend two for the college to consider implementing. (Examples of relevant national programs include Openmind.org, Difficult Dialogues, Facing History, and Fearless Dialogues)
· Provide a written report to me, including recommendations for positive change, by the end of the semester.

Membership:

Amy Risley, Co-Chair and Professor of International Studies
José Rodriguez, Co-Chair and Chief Information Officer
Mike Cody, Alumnus
Sherry Turner, Vice President of Strategic Initiatives
Beatrix Weil, Chaplain
Alice Berry, Class of 2021
Matthew Kenny, Class of 2022
Timothy Nelson, Class of 2020
Alex Schramkowski, Class of 2020
Laura Taylor, Asst. Professor of Education
Mike Nelson, Professor of Political Science
Dan Cullen, Professor of Political Science

The co-chairs established five research teams to focus on specific areas of expressive speech on campus:

Expressive Speech Policy
Expressive Speech in Scholarship
Expressive Speech in the Classroom
Expressive Speech in Media and Social Media
Campus Climate and Norms

APPENDIX: Definitions of Key Terms

Freedom of expression is an American constitutional right and a principle that is central to an open and engaged institution of learning. It must be established by meaningful and consistent policies and remedies for its infringement, or there is no freedom. **Tolerance**—the willingness to permit the free expression of ideas, beliefs, and values that may be at odds with your own, rooted in a climate of mutual respect—is an essential characteristic of a campus climate that promotes this principle. With respect to engagement, **civility** is an essential response, but it is also an element of campus culture. Civility is not the opposite of passion. Conversations, discussions, debates, protests, and demonstrations do not need to be passive or unduly constrained in the name of civility, although they must respect the rights and safety of those who participate and those who do not. Tolerance and civility are at the heart of true freedom of expression.

Academic freedom recognizes the right of faculty members to conduct research and publish results without interference, instruct students in subject matter according to their own professional judgment, and to express themselves freely as citizens and not as representatives of the institution.

Diversity is a part of the value proposition for the institution and for higher education because of its demonstrated educational benefits for all students. Diversity comes in many forms, including: race, gender, gender identity and expression, ethnicity, national origin, religion, sexual orientation, age, socio-economic background, physical ability and disability, neurodiversity, and student and faculty intellectual and political beliefs. Diversity also includes beliefs and practices that are strongly held by some religiously affiliated colleges and universities but that may differ from those of other higher education institutions. Diversity is not merely about demographics but also about campus climate, culture, and norms. Institutions cannot merely claim to be diverse. Rather, diversity is a dynamic institutional choice whose scope and characteristics will vary over time and place and circumstance.

Diversity without **inclusion** is only a metric. Inclusion recognizes and embraces the need for all members of the institutional community to have a sense of ownership in the institution and a place of belonging. It requires sustained and intentional institutional commitment and action. Tolerance is passive and may be a starting point. Inclusion is active and reflects the continuing character of a campus. An inclusive **campus climate** is manifested by the ideas, policies, actions, and shared culture of its governing body, chief executive, administration, faculty, students, alumni, and local community. Respect and civility, even in a clash of passionately expressed beliefs and values, are essential to the ability of a college or university to thrive and sustain over generations.

Source: Association of Governing Boards of Universities and Colleges (2016).

APPENDIX: Brief History of Free Speech in the United States and in Higher Education

For much of US history, censorship and punishment of speech were routine. Speech was suppressed in the name of public morality, security, etc. (Espionage Act of 1917, Sedition Act of 1918, the Red Scare and Palmer Raids targeting leftists, for instance). From 1919 onward, Supreme Court Justices Holmes and Brandeis issued a series of dissenting opinions that articulated an entirely different understanding of speech rights. Famously arguing in *Abrams v. United States* that "the best test of truth is the power of the thought to get itself accepted in the competition of the market…" (Chemerinksy and Gillman 2018, 38). The government's fears that certain ideas would have dangerous or bad outcomes was not enough to justify limiting speech. (The exception: an "imminent threat" of danger or emergency, like falsely yelling "fire" in a crowded theater). The remedy was "more speech," not "enforced silence" Brandeis later wrote in another dissenting opinion (*Whitney v. California*) (Chemerinksy and Gillman 2018, 40).

From the 1930s to the 1970s, new ways of thinking about expressive speech were embraced. In 1937, Supreme Court Justice Cardozo characterized freedom of speech as "the matrix, the indispensable condition, of nearly every other form of freedom" (Chemerinksy and Gillman 2018, 41). By the late 1960s, the Court had embraced the dissenting views of Holmes and Brandeis and overturned some decisions (e.g., *Whitney v. California*). Progress was uneven, and the setbacks (McCarthyism is a glaring example) were dramatic. Yet the beneficiaries of these changes were often dissenters and social change advocates, including radicals and reformers, civil rights activists, labor organizers, antiwar protestors, and countercultural artists. All sorts of individuals benefited from the twentieth-century "revolution in free speech rights" -- not only those considered "progressive" (Chemerinksy and Gillman 2018, 46). Still, the authors find it necessary to underscore the progress that resulted from empowering previously marginalized groups to speak up; this is very different from suppressing speech with the goal of protecting vulnerable groups.

We cannot identify a "golden age" for free speech on campuses in the United States (Whittington 2018, 51). The concept has always been contested, and each generation has had to grapple with free-speech controversies. The purpose of higher education for many institutions following the Enlightenment has been to create "disciplined free thinkers who seek new knowledge and are willing to challenge received wisdom if that's where facts and reason take them" (Chemerinksy and Gillman 2018, 51). This type of institution values curiosity, discovery, dissent, rigor, and expertise. We can contrast this purpose with indoctrination. If this were the main objective, then freedom of speech would not be needed since the point would merely be to reveal known truths to students (disciples). People wanting to "maintain a closed mind and a stubborn orthodoxy" find little of interest on a college campus, but those "who wish to keep an open mind and have their ideas and commitments tested and strengthened will find joy" (Whittington 2018, 19).

The move toward freedom of thought and expression gained momentum in the late 19th and early 20th centuries. Members of the public and the political establishment worried about faculty who expressed unpopular or unconventional views, leading to a spate of faculty firings and resignations (and threats of removal). In response, the American Association of University Professor (AAUP) was founded in 1915. Under the leadership of philosopher John Dewey, the AAUP drafted Principles on Academic Freedom and Academic Tenure, which identified the university as an "intellectual experiment station, where new ideas may germinate..." – including ideas not completely tolerated in broader society (Chemerinksy and Gillman 2018, 60; Whittington 2018). Faculty had the right to express themselves without fear of repercussions. Importantly, they were also expected to maintain high standards of "professional character" and "scientific integrity" (Chemerinksy and Gillman 2018, 65).

An especially repressive Cold-War climate gave way to increased toleration of political dissent and challenges to mainstream views of gender, race, ethnicity, class, and much more in Academe. The political unrest of the 1960s tested the commitment of campuses to free speech, but those experiences resulted in important documents on freedom of expression, such as the report authored in 1974 by a committee (led by historian C. Vann Woodward) at Yale (Whittington 2018). More recently, a faculty committee at the University of Chicago led by law professor Geoffrey Stone, published principles of free expression on campuses. The document concluded, "It is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive" (quoted in Whittington 2018, 55). All members of the community should promote "a lively and fearless freedom of debate and deliberation" (2018, 56).

Many scholars continue to believe that the modern university only commands respect when its members embrace norms of academic freedom and a willingness to subject all ideas to debate and scrutiny (Chemerinksy and Gillman 2018). Today, institutions of higher education often underscore the freedom of both faculty and students to express a wide range of views while also ensuring that this work accords with professional standards governing scholarly inquiry (Chemerinksy and Gillman 2018; Whittington 2018).

APPENDIX: Elon University's Commitment to the Values of Freedom of Expression and Inclusivity

As expressed in our university mission statement, Elon University "embraces its founders' vision of an academic community that transforms mind, body, and spirit and encourages freedom of thought and liberty of conscience" with a commitment to "foster respect for human differences." The University encourages open, ongoing intellectual engagement and debate through mutually respectful interactions that preserve the openness of public dialogue, animate the academic freedom central to the enterprise of higher education, appreciate human dignity and difference, and reflect the shared tenets of honor codes that guide good practice across colleges and universities. An environment that encourages diverse views and the free exchange of ideas is vital to the Elon University mission and, indeed, the aims of higher learning.

Elon's mission highlights both freedom of expression and inclusion as cornerstones of a dynamic academic community, and as necessary for holistic student development in a student- and learning-centered educational environment. The exchange of ideas and the safety and well-being of the Elon community are both essential elements of a rich intellectual community.

Nurturing both freedom of expression and inclusion, Elon is committed to creating and sustaining a strong campus community, wherein each member critically examines multiple ideas and perspectives about the issues that matter most to our campus, community, and world. We foster a campus community that embraces an exchange of ideas, with thoughtful discussion, ongoing dialogue, and respectful debate that is both robust and free from harassment.

The marketplace of ideas works best when multiple voices speak and are heard, when serious ideas are taken seriously, and when impassioned responses are coupled with reason. This can be difficult and nuanced, for free speech is not without consequence and may include the condemnation of ideas or social isolation due to the expression of ideas that others view as damaging. The advancement of knowledge arises out of a crucible of difference, wherein risk and challenge are essential.

While embracing an open exchange of ideas, we also acknowledge and expect all within our community to act in ways that acknowledge that words have impact, and that impact is differential and contextual, influenced by societal structures, life experiences, backgrounds, and identities. We abhor and rebuke speech that disenfranchises, denigrates, and dehumanizes. Targeted harassment, threats, and speech that creates a hostile learning environment have no place at Elon.

There are inherent responsibilities that accompany membership in an academic community committed to the advancement of knowledge and open inquiry. These responsibilities include acknowledging the impact of one's speech, listening openly to understand the perspectives of others, affording respect and dignity to all, contending with challenging and discomfiting ideas, being thorough in one's own inquiries, and actively engaging when speech threatens to harm others. These values are inscribed in the pillars of Elon's honor code: honesty, integrity, responsibility, and respect. By assuming and acting on these responsibilities, each and all of us participate in sustaining the values of the academy and creating a healthy academic community reflective of dissenting views supportive of personal transformation.

Difficult conversations challenge members of our community to be logical in our arguments, capable of respectfully seeing things from others' perspectives, careful about what we say and how we say it, committed to the advancement of knowledge and understanding, open to change in one's own views and actions, and resilient in the face of adversity. The learning that takes place through a robust exchange of ideas and the skills of democracy that are sharpened through such exchanges are essential to our future success, individually and collectively.

APPENDIX: Working Group on Inclusive Pedagogy and Multicultural Mentoring (IPMM) Statement of Purpose, Dec. 1, 2019

This working group will bring together faculty and staff to promote strategies of teaching and mentoring that recognize the broad range of experiences and backgrounds and the distinct needs and perspectives of students on the Rhodes College campus. Our aim is to support faculty and staff colleagues in the work they do to create a deep culture of inclusion and belonging at Rhodes. While broadly focused, we seek to bring into clearer view the often neglected experience of students of color, students with high financial need, international students, students of faith, LGBT+ students, first-generation college students, and students with accessibility concerns. Many faculty emerge from their graduate programs having had little opportunity to study the praxis of teaching, advising, and mentoring, and our broad goal is to help develop resources to support all faculty in this work. We seek to promote a more just campus, where obstacles facing students from marginalized backgrounds are widely understood, anticipated and addressed at a broad institutional level rather than through the voluntary efforts (often unrecognized) of individual faculty.

The Rhodes Strategic Plan 2020-2030 includes as one of its four major goals the promotion of a "culture of belonging" across the campus. A "sense of belonging", the plan notes, is crucial "so that students have a stable foundation from which to be challenged and to learn and to lead." The plan commits to promoting a diverse faculty and staff, and while providing "enhanced mentoring and professional development to ensure that faculty and staff are equipped with both the skills and the knowledge to support the needs of a changing student body." This Working Group comes together in support of these strategic goals. It will consult with the Office of Academic Affairs, working with the Office of Faculty Development to develop resources, programming, and other opportunities for study to Rhodes faculty and staff. As programmatic or structural proposals take shape, it will consult with relevant faculty committees and advocate via regular channels of faculty and shared governance.

In the 2019-20 academic year, the Working Group will meet on a monthly basis and undertake the following:

1. Consider a workshop or other pilot programming on mentoring students from marginalized & minority backgrounds.
2. Explore use of student data and consult with relevant student groups to determine areas of greatest need.
3. Consult with the Office of Faculty Development about relevant programming, speakers, workshops etc.
4. Consult with the Office of Faculty Development about resources for faculty on inclusive pedagogies and effective mentoring for a diverse student population.
5. Develop benchmarks for measuring the impact of the group's work.