

University Policy: Freedom of Expression and Expressive Conduct

Policy Category: AU Community

Subject: Freedom of Expression and Expressive Conduct in the University Community

Responsible Executive: Provost and Chief Academic Officer

Offices Responsible for Review of this Policy: Office of Campus Life; Office of the Provost; Office of Finance and Treasurer; Office of People & External Affairs

Supplemental Documents: N/A

Related University Policies: Discrimination and Non-Title IX Sexual Misconduct Policy, Title IX Sexual Harassment Policy, Lobbying and Political Activities Policy, Posting Materials Policy, Social Media Guidelines, Amplified Sound, Event Scheduling Policy, Student Conduct Code, Staff Personnel Policies, Faculty Manual

I. SCOPE

This policy establishes protections for freedom of expression and dissent for all members of the University Community, sets forth the limitations on those protections, and clarifies the extent to which Community members are expected to consider the impact of their expressive conduct on others within and external to the University community.

II. POLICY STATEMENT

American University is committed to protecting free expression for all members of its community. Protections for free expression play an essential role in creating space for individuals to practice the ethos of inquiry, which is fundamental to the mission of a university. Accordingly, the establishment and implementation of University policies and procedures must be guided by this spirit and informed by these values. Each member of this community balances their right to free inquiry with their responsibility to be open to listening and learning, to respect the rights of others, and to acknowledge each person's human dignity. Through this balance, the University creates and maintains an environment that can advance knowledge, foster intellectual curiosity, encourage creative expression, build community, and empower lives of purpose, service, and leadership.

Rights of free expression at American University and the broader community are not without limits and come with responsibilities. Expression that violates law or University policy, threatens the health and physical safety of others, or disrupts classes, operations, or University-sponsored events is not protected. In addition, the University's broad commitment to freedom of expression in an inclusive community means different things in different settings.

A. Free Expression in Academic Inquiry

1. Academic Freedom

The commitment to protecting freedom of expression extends to faculty regardless of employment status, staff, and students and includes journalism and creative work as well as academic scholarship. Academic freedom, as defined in Section III, is a fundamental part of the University's broader commitment to free expression and is best understood as a community value, essential to the purpose of a university.

2. Journalism

In keeping with this fundamental commitment to free expression, the University respects the rights of professional and student journalists and news organizations associated with the University to pursue their journalistic missions without outside interference and in accordance with recognized standards of journalistic excellence.

3. Creative Work

To protect the freedom of individual expression that is vital to creative work the University respects the rights of artists, writers, performers, students, and others associated with the University to pursue their creative expression without outside interference or limitation. If audience members find creative work disturbing, they are encouraged to take advantage of opportunities to give expression to their own reactions in venues made available such as classes, public events, talkbacks at performances, and the like, rather than to seek the suppression or alteration of the creative work.

B. Free Expression in the Classroom

The classroom is a particularly important place to practice University values of free inquiry and seeking truth, integrity, excellence, community, and impact. The role of the teachers is to help all students practice these values within the context of the specific topic of the class. Effective teaching requires two important elements: first, creating an inclusive environment that invites all students, with diverse experiences and views, to participate and second, asking students to engage with academic inquiry, which may require confronting challenging materials and ideas.

C. Free Expression in Community Life

Members of the AU community retain their rights to free expression within the campus community and in non-University settings, including on their personal social media accounts. The University takes seriously its commitment to community, human dignity, and inclusive excellence and expects our community members to engage with each other in ways consistent with these values in a spirit of mutual respect. All members of the community have the responsibility to use expression in ways consistent with the University's shared values of community, inquiry, human dignity, and inclusive excellence in all venues, including social media, and the University only prohibits Expressive Conduct as specifically set forth in Section IV.B below.

D. Free Expression and Invited Speakers

University officials, departments, programs, and recognized campus groups have wide latitude for selecting individuals and groups as Invited Speakers, as defined in Section III, and the University does not restrict Invited Speakers based on content. However, the University does reserve the right to place conditions on speakers and events in accord with the considerations listed in Section IV.B.1 and 3 below.

E. Free Expression, Dissent, and Campus Protest

Freedom of Expression necessarily includes the freedom to engage in dissent including non-disruptive counter-speech or protest. In an academic environment, community members should be encouraged to question, be critical thinkers, and form their own opinions and this may take the form of dissent. The right of dissent does not include a right to silence the protected speech of others. Dissenters have the responsibility to respect the rights of others to communicate and listen. Additionally, the University has long recognized the right to protest and demonstrate, which includes the responsibility not to disrupt the University's operations or endanger the safety of others.

III. DEFINITIONS

A. *Academic Freedom*: a concept based on the principle that scholarly activity related to the expression of ideas may not be subject to official interference or otherwise inhibited in a manner that disrupts intellectual inquiry or the pursuit of knowledge. Academic freedom applies to all faculty, regardless of employment status, in research and publication, journalism, creative expression, teaching, internal criticism, shared governance, and while participating in public debate, and is further defined in the [Faculty Manual](#).

B. *Expressive Conduct*: verbal or non-verbal behavior or activity that communicates a message, belief, thought or feeling, or otherwise communicates meaning, including but not limited to speaking, literature distribution, demonstrations, rallies, displays or signs, vigils, petition circulation, marches, association, and other campus assemblies or activism.

C. *Invited Speakers*: individuals or groups of individuals who are not members of the University Community whose presence on campus is sponsored, organized or otherwise facilitated by a faculty or staff member, department, program, recognized campus group, or other University official in accordance with appropriate University Policy, for the purpose of engaging in Expressive Conduct, including musical performers and visual artists.

D. *University Community (or "Community")*: American University students, faculty, staff, volunteers, and contract workers.

IV. POLICY

The right to free expression recognized by this policy is accompanied by a set of responsibilities, consistent with University values, that each Community member shall uphold.

A. Community Members' Rights to Free Expression

Each member of the American University community is entitled to a living, working, and learning environment that allows for free inquiry and seeking truth

based on respect for human dignity. Free expression is integrally related to free inquiry and truth seeking and university community members demonstrate respect for free expression by accepting the responsibilities attendant to it.

B. Limitations on the Right to Free Expression

All Community Members have the responsibility to use expression in ways consistent with our shared values of community, inquiry, human dignity, and inclusive excellence. For this reason, the University recognizes the following limitations to its general protection of Expressive Conduct:

1. General exceptions

- a) Expressive conduct that threatens or endangers the health or physical safety of any person;
- b) Expressive conduct that violates law or incites the imminent violation of law;
- c) Expressive conduct that violates the [Discrimination and Non-Title IX Sexual Misconduct Policy](#) or the [Title IX Sexual Harassment Policy](#);
- d) Expressive conduct that violates any University policy, including but not limited to the [Student Conduct Code](#), [Staff Personnel Policies](#), and [Faculty Manual](#).

2. Responsibilities in the Classroom

- a) Faculty members have a responsibility to establish and maintain appropriate ground rules for classroom interactions so that all students may participate in class activities in an inclusive environment;
- b) Faculty members have broad freedom to teach and interact with students in accordance with the principles set forth in this policy and have the authority to choose texts, creative pieces, and classroom materials, including those that may be challenging or difficult, so long as those choices are made thoughtfully and are consistent with relevant learning outcomes;
- c) Students are expected to engage in academic inquiry, which may require confronting challenging materials and ideas.
- d) Given the nature of the classroom as a place for academic inquiry, faculty should not engage in political organizing for a political candidate, party, or other advocacy group in class.

3. Responsibilities for Inviting Speakers

- a) University officials, departments, or organizations that sponsor Invited Speakers are expected to make informed invitations consistent with the University's educational mission by planning carefully to create thoughtful, educational, and engaging experiences for those in attendance;
- b) The official, department, or recognized campus group hosting an

Invited Speaker must: act in accordance with the [Event Scheduling Policy](#) and all other policies addressing the time, place, and manner of expression;

- c) A member of department or group leadership must be present at the event to ensure that Invited Speakers comply with relevant policies.

4. Responsibilities related to Counter-Speech and Protest

Freedom of expression necessarily includes the freedom to engage in dissent including non-disruptive counter-speech or protest. The University protects counter-speech and protest so long as the Community member engaging in the speech and protest does not:

- a. substantially disrupt or interfere with classes, operations, or other University-sponsored programs or disrupt the protected expression of other members of the community or invited guests;
- b. create a volume of sound that prevents members of the University from conducting their normal activities;
- c. obstruct pedestrian or vehicular traffic on campus;
- d. obstruct or restrict the free movement of persons in any part of property owned or leased by the University;
- e. interfere with the normal use of offices, classrooms, and other facilities or obstruct the orderly operations of the University;
- f. damage University property or the property of others, or contribute to property damage.

C. Rights of the University

While committed to the principles of academic freedom and freedom of expression, the University itself need not remain neutral regarding ideas or beliefs expressed on campus. Further, the University enjoys its own freedom to respond or communicate the institution's values and principles.

V. EFFECTIVE DATE AND REVISIONS:

This Policy is revised effective August 29, 2022.

This Policy was approved October 26, 1982 and amended in January 2016.