8.14: Respect for Freedom of Expression Policy

Responsible Official: SVP and Dean for Campus Life
Administering Division/Department: Campus Life
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8.14.1 Principles

Emory University (“University”) is committed to an environment where the free expression of ideas and open, vigorous debate and speech are valued, promoted, and encouraged. As a community of scholars, we affirm, support, and cherish these freedoms of thought, inquiry, speech, and assembly. Firmly grounded in the principles outlined by the 2011 Taskforce on Dissent, Protest & Community Report, this Policy reaffirms Emory’s unwavering commitment to a community that inspires and supports courageous inquiry through open expression, dissent, and protest, while acknowledging the challenges of the creative tensions associated with courageous inquiry in an ever changing community.

Recognizing that the educational process of our institution necessarily includes various and diverse forms of open expression, the University affirms the rights of members of the Community to assemble and demonstrate peaceably within the limits of this Policy. Simultaneously, the University affirms the right of others to pursue their normal activities and to be protected from physical injury or property damage.
Emory University also affirms values of diversity, inclusion, and community. The University Community is diverse -- in race, ethnicity, gender, sexual orientation, background, age, religion, abilities, and in many other ways. The actions of each member have an impact upon the culture of inclusion and respect for which we strive as a community. The University is fundamentally committed to free inquiry, free expression, and the vigorous discussion and debate upon which the advancement of its multifaceted mission depends. Civility and mutual respect are core values in our community, and we ask all members of the Community to weigh these carefully when exercising their fundamental right to free expression.

8.14.2 Applicability, Scope, and Definitions
Emory University Community (“Community”): the following individuals are considered members of the Community for purposes of this Policy:

1. Students, defined as any person pursuing studies at the University including (1) a person not currently enrolled who was enrolled in the preceding fall, spring, or summer, or (2) a person who, while not currently enrolled, was previously enrolled in Emory University and may reasonably seek enrollment at a future date, (3) a person who has applied to and been accepted for admission to Emory University and has accepted an offer of admission or may reasonably be expected to enroll, or (4) a person enrolled in the Emory University Pre-College Program on a credit or non-credit basis.

2. Persons who are employed by Emory University and Emory Healthcare as faculty or staff; persons who are employed by contracted entities to provide a service to Emory University and whose work location is on any of Emory’s multiple campus locations.

3. Trustees of the University and members of Boards of various entities of the University.

4. Alumni of the University when returning to campus or to official University events.

5. Invited guests of the University for events, both on and off campus.

6. Patrons, guests, and those receiving the services of Emory Healthcare or other businesses, such as Continuing Education, of Emory University.

Meetings and Events (“Meetings” or “Events”): gatherings of members of the Community in a location specifically reserved for that purpose. Events are generally considered to be public. Meetings are generally considered to be private.

Dissent (“Dissent”): the fundamental right of expression of counterpoint(s) through symbols, speech, expression, satire, flyers or leaflets, action, and other comparable forms of expression. Further, expression that is designed to make a point, regardless of form, shall be protected as long as it does not violate the guidelines of this Policy.

Protest and Demonstration (“Protest” or “Demonstration”): dissent with the goal of change, which may attract attention. For purposes of this Policy, we distinguish between Protest and Demonstration. Demonstrations include an actual gathering of people to bring attention to the cause, such as picketing, rallies, sit-ins, vigils, or similar forms of expression. Protest is a broader term, encompassing demonstrations but also more individual-based forms of dissent such as flyers, t-shirts or arm bands,
and other type activities. Demonstrations and Protests should be managed in the same manner with all
the same rights as other Meetings or Events.

**Internal vs. External Dissent:** The University acknowledges that some protest may be externally
focused, meaning the topic of protest is directed at some broader, external issue. Examples may include
protesting local legislation or global social injustices, among others. The University also acknowledges
that some protest may be internally focused, at leadership of the institution, about decisions made by
faculty or administrators, or toward other members of the Community with whom one disagrees. Both
forms of protest are valued, protected, and affirmed.

**Conflicting Policies:** This Policy is paramount to other policies of the University that may conflict, except
those grounded expressly in local, state, or national law.

### 8.14.3 Committee for Open Expression

The University Senate Standing Committee for Open Expression (hereinafter Committee) is a working
group of community members—faculty, staff, and students—who seek to promote and protect the
rights and responsibilities of community members related to issues and controversies involving speech,
debate, open expression, protest, and other related matters. The Committee’s primary responsibilities
involve educating and advising the Community about rights and responsibilities under this Policy,
investigating alleged infringements of the right of open expression of any member or members of the
University community through mediation and informal conflict resolution rather than formalized
conduct procedures, and generally effectuating the spirit and intent of this Policy.

#### 8.14.3.1 Jurisdiction

The Committee has responsibility for all issues and controversies involving various forms of expression, including but not limited to speech, debate, protest, dissent, and other related matters in accordance with this Policy.

#### 8.14.3.2 Committee Responsibilities

The Committee shall provide advice and counsel to Community members interpreting the Policy and the rights and responsibilities of individuals and groups under it. This advice and counsel includes the following:

- Investigating alleged infringements of the right of members of the Community concerning speech, debate, open expression, protest, dissent, and other related matters, between all members of the Community.
- Provide education and training to the Community about issues of speech, debate, open expression, protest, dissent and other related matters.
- Providing resources and referral to appropriate campus colleagues as necessary.
- Regular review of this Policy and its applicability and recommending changes to the University Senate as necessary.
• Preparing an annual report on the status of the committee’s work for presentation to the University Senate and made available to the Community.
• Other responsibilities as necessary to effectuate this Policy and the Principles contained herein.

8.14.3.3 Composition and Term
The Committee shall consist of 13 members:

• Four Faculty Members, to be named by the Faculty Senate and appointed to staggered two-year terms so that each year two new members are named or reappointed to the Committee.
• Three Staff Members, to be named by the Employee Council and appointed to staggered two-year terms so that each year two new members are named or reappointed to the Committee. At least one of these representatives should include a designee from Emory Healthcare.
• Five student members, two of which are to be named by the College Council, two to be named by the Graduate Student Association, and One at-large member to be appointed by the Student Government Association but who cannot be a member of any student governance organization.
• One representative from the Division of Campus Life, named by the Senior Vice President and Dean for Campus Life.

The appropriate nominating body should make all reasonable efforts to nominate new representatives to the Committee, but nothing in this Policy prohibits members from serving multiple and/or consecutive terms if deemed appropriate from the nominating body.

The Committee Chair will be selected by the members of the Committee for Open Expression, and the Chair shall serve in that role for the duration of his/her term.

Under the advice and consent of this Committee, Oxford College of Emory University may assemble its own Committee to support, promote, and protect Free Expression at Oxford.

8.14.3.4 Committee Procedures
The following procedures are designed to ensure continuity and effectiveness of the Committee:

a. Except as provided with respect to the conflict resolution and mediation function outlined in section 8.14.4, 7 members constitute a quorum. In
order for a quorum to exist, at least one faculty, one staff, and one student representative must be present.

b. The Committee may authorize the creation of subcommittees to act for the Committee in any matter except for proposing changes to the Policy and submitting yearly reports.

c. The Committee or any subcommittee may invite other Community members to provide consultative services to the Committee for their areas of expertise. The opinions of invited members are non-binding and only serve to help inform the Committee in its decision-making.

d. The Committee shall respect the privacy of individuals and shall maintain the right to declare its proceedings confidential.

i. If a person appearing before the Committee requests confidentiality, the Committee will consider that request and notify the individual of the decision before the scheduled testimony.

ii. Committee minutes may be declared confidential by the overall Committee or by the Chair of the Committee or subcommittee subject to review by the overall Committee.

iii. All minutes and materials deemed confidential shall be clearly marked and shall be accompanied by a warning against unauthorized disclosure.

8.14.4 Filing Alleged Infringements to the Committee for Open Expression

The University seeks to promote actively free and open expression within our Community. As such, this Policy enumerates an investigation procedure for those members who believe their rights under this Policy have been violated. An initial complaint may be submitted to the Committee for review through the Committee’s website, through the Division of Campus Life, or through other channels as the Committee deems appropriate.

8.14.4.1 Hearing Panel

The Committee will appoint a three member panel to investigate the incident. The Committee shall consider any potential conflicts of interest when appointing this panel.

8.14.4.2 Investigations

Investigations as conducted by this Panel may include:

- Collection of written statements from involved parties.
- Informal interviews of involved parties.
- Informal interviews of topical experts for additional perspective.
- Other information as needed.
8.14.4.3  Findings
When a complaint is submitted and to the greatest extent possible, the Committee will seek to resolve the conflict and mediate the situation between the parties pursuant to Section 8.14.4.

This Committee, however, has no disciplinary authority because of its role protecting and promoting Free Expression. Actions that violate other Community expectations such as the Undergraduate Code of Conduct, the conduct expectations of the graduate and professional schools, or any other appropriate University policy, may be referred to the appropriate body.

8.14.4.4  Authority
This Committee, when it finds violations of University policy and promotion of Free Expression, will submit advisory opinions to the President, the Senior Vice President and Dean for Campus Life, and the University Senate for review.

8.14.5  Community Responsibilities
8.14.5.1  Awareness of Community Responsibilities
Each member of the Community is expected to know and follow this Policy. A person who violates these standards, or other policies of the University in course of open expression, may be held accountable for that conduct. Any member of the Community who is in doubt as to the propriety of planned conduct may obtain an advisory opinion from the Committee for Open Expression in advance of the event.

8.14.5.2  Freedom of Speech and Freedom of Expression: Joint Standards
The right to dissent is the complement of the right to speak, but these rights may conflict at certain times. The University promotes simultaneous, but not disruptive, dissent. As such, a speaker is entitled to communicate a message to an audience during an allotted time, and the audience is entitled to hear the message and see the speaker during that time. A dissenter must not substantially interfere with the speaker’s ability to communicate or the audience’s ability to hear, see, or question the speaker. Dissent outside of a Meeting, Protest, or Demonstration shall not impede access to the meeting nor substantially interfere with the communication inside.

8.14.5.3  Standards for Scheduling Meetings, Protests, and Events for both Indoor and Outdoor Locations
It is the policy of the University to protect voluntary assembly and to make its facilities available for assembly. The University shall establish standards for scheduling events and meetings. These standards should be published or provided to any member of the Community. Such standards must be
reasonable and not require excessive limitations when not warranted, and it is the responsibility of administrators of space on campus to ensure policies and procedures promote free and open expression. Reservations shall not be denied to any member of the Community based on content of the Meeting, Event, or Dissent.

The Committee for Open Expression should be consulted whenever possible before denying a request for use of a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space.

8.14.5.4 Violation of Community Responsibilities
Community members, in the course of their actions, violate this Policy if:

a. They unreasonably or without just cause infringe on the rights of other Community members to engage in free and open expression, protest, and dissent.

b. Cause substantial disruption to a Meeting or Event that impedes on the rights of attendees to that Meeting or Event, including excessive noise, continually interrupting a speaker, or preventing an audience from seeing/engaging with a speaker during a Meeting or Event.

c. Create undue hardship that substantially impedes on a Community members’ right to open expression, such as unreasonable space reservation or usage policies.

8.14.5.5 Violation of Other Policies that relate to Open Expression
Community members in the course of their actions violate other policies of the University (such as the Undergraduate Student Code of Conduct, Codes of Conduct in the Graduate and Professional schools, and others that can be found at www.policies.emory.edu) and are no longer operating within the spirit of Free and Open Expression at Emory if:

a. They interfere unreasonably with the activities or rights of other persons. Factors that may be considered in determining whether conduct is reasonable include the time of day, size of audience, noise level, and general tenor of a Meeting, Event, or Demonstration are.

b. They interfere unreasonably with the general operations of the University.

c. They hold meetings, events, or demonstrations under circumstances where
the health or safety of persons is endangered.

d. They knowingly interfere with unimpeded movement in a University location. Examples may include preventing access to a building, or blocking any entrances or exits that cause safety concerns.

e. They cause injury to persons or property or threaten to cause such injury.

f. They use or threaten violence or force.

g. They cause harassment, as outlined by Emory University’s Equal Opportunity and Discriminatory Harrassment Policy (weblink) or Sexual Misconduct Policy (weblink).

h. They violate reasonable noise levels, as defined as sound above the DeKalb County noise guidelines. The general rule is sound shall not exceed 80 decibels (A weighted) ten feet away from and directly in front of the source, amplifier, or speaker when the latter is within 50 feet of a building between the hours of 7:01 a.m. until 10:59 p.m. Between 11:00 p.m. and 7:00 a.m., sound shall not exceed 60 decibels (A weighted).

8.14.5.6 Locations on Campus that are available for demonstrations

There are many locations on campus especially conducive to demonstrations, protests, and other forms of dissent. A comprehensive list of these spaces can be obtained in the Dobbs University Center’s Meeting Services, who can assist with reservations of most space on campus or assist in connecting with owners of other spaces.

Locations generally not available to demonstrations include the following:

a. Private offices, research laboratories or associated facilities, and computer centers.

b. Offices, museums, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law, or by existing University policy such as educational records, student-related or personnel-related records, or financial records.

c. Classrooms, seminar rooms, auditoriums, meeting rooms, or outdoor spaces in which classes, events, or private meetings are being held or are scheduled.

d. Outdoor and indoor locations when the free flow of traffic, both vehicular
and pedestrian, will be unreasonably impeded; entrances or exits to private offices, classrooms, and meeting spaces are blocked; or undue health and safety risk to members of the Community is created.

e. Hospitals, healthcare service providers, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.

8.14.5.7 *Demonstrations in Space that has not been reserved*

For purposes of Demonstrations, Meetings, or Events, most all of campus requires reservations from official student organizations, offices, departments, and others. Requirements to reserve space should not be unreasonable in terms of time frame, requirements, or costs to the group wishing to host the event. No group or organization should be denied use of a space on campus because of the content of the Meeting, Event, or Demonstration.

We acknowledge as a Community, though, that sometimes impromptu dissent and protest is pivotal to the achieve Principles of this Policy. To encourage such impromptu dissent, the Committee for Open Expression shall demonstrate this affirmative commitment by working with those involved to reserve space where the protest or dissent can be continued. Unless the impromptu protest unreasonably interferes with prior scheduled meetings, events, or essential operations of the University, the Committee shall ensure the protest continues until it should otherwise be relocated to allow for prior scheduled activities.

8.14.5.8 *Nonpersonal Protests such as flyers, signs, displays, etc.*

For purposes of expression by nonpersonal display such as flyers, signs, or displays, persons expressing themselves should follow all applicable flyer posting policies and banner reservation rules; however, these requirements should not be unreasonable in terms of access, time frame, requirements, or costs to the group. No flyers should be denied because of the content of the flyer, sign, or display within the limits of the law.

8.14.6 *Promotion and Dissemination of this Policy*

The Committee for Open Expression shall partner with the Senior Vice-President and Dean for Campus Life to:

- Promote this Policy through educational efforts to the Emory Community, at least annually.
• Conduct proactive educational opportunities to encourage and promote open expression, dissent, and protest.
• Educate members of the Community actively participating in dissent or protest of their rights and responsibilities.

8.14.7 Administration and Enforcement
It is the responsibility of the Senior Vice President and Dean of Campus Life (hereafter referred to simply as the “Vice President”) to protect and maintain the right of open expression under these Guidelines. This procedure is outlined as a transparent process for enforcing safety and other University policies while protecting the Community’s rights to free and open expression.

8.14.7.1 Procedures

a. Observation of meetings, events or demonstrations, when deemed necessary by the Vice President to protect and maintain open expression, shall be the responsibility of the Vice President, who may delegate such responsibility. This delegate shall have full authority to act in the name of the Vice President under these Guidelines. References to the Vice President include his or her designee.

b. Except in emergencies, the Vice President’s authority under these Guidelines shall not be delegated to employees of the Emory Police Department. The role of public safety personnel at a meeting, event or demonstration is defined below, in Section 8.14.7.1.j. Emergencies, for purposes of this clause, are defined as situations that include any of the following: imminent serious bodily harm; serious threat; imminent life threatening behavior; reckless disregard for human life; or threat to life, limb or property.

c. The observer (Vice President or delegate) shall identify himself or herself to those responsible for the meeting or event or to the leaders of the demonstration.

d. The Vice President shall attempt to inform the chair of the Committee for Open Expression of meetings, events or demonstrations to which an observer will be sent. The chair may designate a member or members of the Committee to accompany and advise the observer. Such a Committee representative shall also be identified to those responsible for the meeting or event or to the leaders of the demonstration.

e. Any observer who attends a meeting, event or demonstration shall reasonably attempt to respect the privacy of those involved.
f. The Vice President is responsible for enforcing Section XXX and may instruct anyone whose behavior is violating or threatens to violate these Guidelines to modify or terminate such behavior. The instruction shall include notice that failure or refusal to comply is a further violation according to Section XXX of these Guidelines. However, an instruction or warning by the Vice President is not a prerequisite for a finding that a violation has occurred.

g. When the Vice President declares that an individual or a group has violated the Guidelines, he or she may request to examine their University or other identification. The hosts of invited guests may also be asked to provide their University identification.

i. Failure to comply with this request is a violation of the Guidelines.

ii. In the event that any person(s) are deemed by the Vice President or his designee to have violated the Guidelines and such person(s) refuse to show University or other identification, the Vice President has the authority to make reasonable efforts to identify the individuals. The Vice President is not authorized to photograph or take video of individuals where a reasonable expectation of privacy exists.

h. In carrying out this responsibility for safeguarding the right of open expression, the Vice President shall obtain the advice and recommendation of the Committee for Open Expression whenever feasible.

i. The Vice President may request members of the Emory Police Department to attend meetings, events or demonstrations to help protect the open expression of those involved.

j. Emory Police Department personnel also may attend meetings, events or demonstrations when requested to do so by the person or group responsible for the event, when prominent public figures are involved, or when the Chief of Police or delegate determines that there exists an imminent danger of violence at the event. They may or may not be clearly identifiable as law enforcement.

k. Terminating a meeting, event or demonstration by force is a most serious step, as this action may exacerbate existing tensions and may lead to personal injury and property damage.

l. Avoidance of injury to persons by the continuation of a meeting, event or demonstration is a key factor in determining whether it should be forcibly
terminated. Property damage and significant interference with educational processes are also factors to be considered and may be of sufficient magnitude to warrant forcible termination.

m. Whenever possible, the Vice President should consult with the Committee for Open Expression before taking action against those involved in a meeting, event or demonstration or calling for police action.

n. When a meeting, event or demonstration is forcibly terminated, a full statement of the circumstances leading to the incident shall be publicized by the Vice President within the University.

8.14.7.2 Violations of Other University Policy

The Committee for Open Expression is not an investigatory committee related to conduct of Community members. As such, all Community violations shall be handled in the following manner:

a. Cases involving undergraduate students are referred to the Office of Student Conduct who investigates the event and decides what disciplinary proceedings, if any, to pursue.

b. Cases involving graduate or professional students are referred to the established disciplinary body of the school in which the student is enrolled.

c. Cases involving faculty are referred to the appropriate Dean or to the Provost.

d. Cases involving University, including Healthcare, staff or administrators are referred to that individual’s supervisor or any other person with supervisory responsibility over that individual.

e. Cases involving trustees and associate trustees of the University and members of the Boards of Overseers or other bodies advisory to the University are referred to the Executive Committee of the Trustees.

8.14.8 Related Links

- 2011 Taskforce on Dissent, Protest & Community Report
- Undergraduate Student Code of Conduct
- Meeting Services Space Reservation Policies
- Graduate/Professional School Codes – To Be Added
8.14.9 Contact Information

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<th>Subject</th>
<th>Contact</th>
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<td>404.727.4364</td>
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<td>Administration of Policy</td>
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<td>Student Organization Support</td>
<td>Office of Student Leadership &amp; Service</td>
<td>404.727.6169</td>
<td><a href="mailto:osls@emory.edu">osls@emory.edu</a></td>
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<td>Conduct related questions or sanctions</td>
<td>Office of Student Conduct</td>
<td>404.727.7190</td>
<td><a href="mailto:conduct@emory.edu">conduct@emory.edu</a></td>
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<td>Space Reservations</td>
<td>Meeting Services</td>
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8.14.10 Revision History

- Version Published on: April 18, 2013 *(Complete Revision)*
- Version Published on: January 2009 *(Original Publication)*