

UNIVERSITY OF DENVER STATEMENT OF POLICY AND PRINCIPLES ON FREEDOM OF EXPRESSION

Approved by the University of Denver Faculty Senate May 19, 2017

I. Introduction

As a private institution of higher learning, the University of Denver has historically and consistently dedicated itself to supporting the most fundamental goals of higher education, including establishing a community that promotes a culture of robust debate and open dialogue about a wide range of issues across a number of different campus venues. An essential element of promoting these values is the facilitation of free expression on campus to the fullest extent reasonably possible. The American university is the quintessential marketplace of ideas. Academic discourse and higher order learning cannot take place in an environment in which individuals are not at liberty to express their thoughts and ideas, however controversial or provocative.¹ Indeed, free speech protection is most necessary for controversial or non-mainstream speakers and messages, which are far more likely to be the target of censorship efforts than popular expression.

The central importance of freedom of expression to the academy is reflected in the University's statements of [Vision, Values, Mission, and Goals](#). The University's statement identifies "excellence, innovation, engagement, integrity and inclusiveness" as our key values. Properly understood, a commitment to freedom of expression supports all of these values; indeed, none of them can truly be practiced without it. Neither can the University pursue its three core goals of promoting community, learning, and scholarship absent a commitment to freedom of expression. Freedom of expression is crucial to the mission of the University of Denver.

In order to advance these principles, the University of Denver is committed to free-ranging inquiry on all matters and must ensure that all community members have the broadest ability to think, speak, write, listen, and challenge, which are each essential components of learning. Except in those circumstances in which limitations on such freedoms are necessary to maintain the functioning of the University, the University shall respect and support the exercise of these freedoms.

To claim that freedom of expression is crucial to our values and goals is not, however, to ignore the fact that a commitment to speech can create considerable tension within those same values and goals. For example, as recent events across the country and on our own campus have shown, a commitment to freedom of expression and a commitment to the value of inclusiveness do not always or easily align.

stewardship of the community's opportunities for free exchange of ideas and beliefs, speech and inclusiveness need not be in direct conflict. The University has demonstrated its commitment to inclusive excellence through numerous policies and the creation of institutional structures to advance that commitment, but heretofore has not adopted a policy of freedom of expression. The University therefore recognizes that, in a society confronting social, racial, gender, religious, economic, and other inequalities, where historically some voices and some communities have been marginalized, excluded, or silenced, a commitment to free speech must, at the same time, include a strong commitment to inclusiveness. The University is therefore especially committed to insuring that community members from groups that have been marginalized and lack privilege feel equally welcome to participate in discourse and receive divergent information.

To those ends, the Faculty Senate adopts this statement of policy and principles on freedom of expression; and shall appoint a University Committee to promote free expression, as defined by

protests that virtually shut down the entire campus. Recent incidents in reaction to Berkeley's invitation of conservative speakers may suggest that the University has come full circle with the potential shutting down of conservative, rather than liberal, expression in the current era.

Like the University of California's administrators, leaders at the University of Denver have not always met their highest aspirations in protecting freedom of expression. In May 1970, DU students organized a protest in the wake of National Guard officers' shootings of four students at Kent State University. The DU students focused on the United States' recent invasion of Cambodia, formed an Ad Hoc Committee to End the War, and called for a two-day student strike, asking fellow students to walk out of their classes in protest. As protest efforts failed and Chancellor Maurice Mitchell refused to acknowledge the validity of any strike, students began to build tents and other temporary structures, forming what became known as "Woodstock West," occupying a large part of what was then the campus green. After unconfirmed reports that many of the Woodstock West "residents" were not students, Chancellor Mitchell called in the Colorado National Guard and local law enforcement agencies. Officers of the Denver Police and Colorado State Patrol removed all protestors and arrested many of them. Barriers were built around the encampment area and maintenance crews tore down the temporary "village" the students had constructed.

More recent speech controversies involving the University of Denver have involved, among other things: student protests of the appearance of former President George W. Bush at a downtown event sponsored by the Korbel School of International Studies in 2013; continuing debates over the University's decision to discontinue use of the "Boone" mascot; and the recent incidents involving messages posted on the Driscoll wall (sometimes mistakenly referred to as "the free speech wall.").

Across the nation, free speech issues have emerged on college campuses concerning reactions to controversial speakers invited to campus; the devotion of some place on campuses as "safe spaces;" questions about the use of "trigger warnings" in various educational contexts; concerns about potentially offensive remarks posted by university community members on various social media platforms; and the regulation of communication on open forums such as the Driscoll wall.

These are but some of many incidents involving freedom of expression at this University and on other college campuses over the past 60 years. They are formative events to the extent that they shaped a view that freedom of speech on college campuses plays a central role in our

- The First Amendment to the United States Constitution forbids the government from “abridging the freedom of speech.”
- Although private universities are not the government, an essential and historic function of higher learning institutions is the promotion of open, robust, and rigorous discourse about the most important and difficult issues of our times. Freedom of expression is essential to the search for moral, aesthetic, and philosophical truth, the creation of knowledge, the people’s ability to engage in democracy, and for individuals to be autonomous, free-thinking human beings.
- Freedom of speech is almost always invoked by groups that represent a minority viewpoint. Indeed, the history of free speech in the United States is about preventing powerful actors from excluding the voices of marginalized groups. Not surprisingly, free speech has been a cornerstone of many important social movements from the civil rights movement to the women’s movement to the LGBT rights movement.
- There is a natural impulse by those in the majority to want to suppress minority viewpoints. The restriction of speech because of the speaker’s viewpoint or the content of the speech is therefore presumptively disfavored.
- At different points in history, there has sometimes been an impulse by universities to restrict speech from those with more progressive viewpoints, and at other times there has been an equally strong impulse to censor those with conservative viewpoints. It is for this very reason that one of the central tenets of freedom of expression is that those in positions of power, such as the governments or universities, must take a position of neutrality with regard to the viewpoint of speakers who are under their power. The University is free to express its own views on issues and should use its powerful voice when others engage in speech that is not representative of the University's values; but in doing so the University

- In addition, one theory for protecting freedom of speech is that doing so allows productive outlets for persons with non-mainstream views to promote their ideas, hopefully preventing them from engaging in conduct that might cause more tangible harm.

- Thus, all members of the University community shall be free to criticize and contest views

to insuring that those who have been marginalized and lack privilege feel equally welcome to participate in discourse and receive divergent information. I