



Policy Title: GE2035 - Affirming Principles of Free Speech for University Students and Faculty

Subject Area: General

Responsible Official(s): Dean of Students

Responsible Office(s): Office of the Provost

Policy Statement

The University of Memphis (“University”) is committed to the freedom of speech and expression for the University community as set forth in the First Amendment of the United States Constitution and Article 1, Section 19, of the Tennessee Constitution.

Definitions

Constitutional time, place and manner restrictions - Restrictions on the time, place, and manner of free speech that do not violate the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience.

Faculty or Faculty Member - Any person, whether or not compensated by the University, and regardless of political affiliation, who is tasked with providing scholarship, academic research or teaching. For the purposes of this policy, faculty includes tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors and those in comparable positions, however titled. For the purposes of this policy, faculty does not include persons whose primary responsibilities are administrative or managerial.

Student - An individual currently enrolled in a course of study at the University; and An organization that is comprised of individuals currently enrolled in a course of study at the University and is registered with the University.

Free Speech - Speech, expression, or assemblies protected by the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays,

or circulating petitions. Free Speech does not include the promotion, sale, or distribution of any product or service.

Procedures

University's General Commitment

The University is committed to maintaining its campus as a marketplace of ideas for all students and faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

Students have a fundamental constitutional right to free speech and the University is committed to giving students the broadest latitude to speak, write, listen, challenge, learn, and discuss any issues, subject to limitations set forth in this policy, state, or federal law.

Students and faculty should make judgments about ideas for themselves, and act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.

While the University greatly values civility and mutual respect, concerns about civility and mutual respect will never be used by the University as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed. The University recognizes that it is not its role to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

Although all students and faculty are free to state their own views about and contest the views expressed on campus, and to state their own views and contest speakers who are invited to express their views on the University's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the University will promote a lively and fearless freedom of debate and deliberation and protect that freedom.

Faculty Responsibilities

Faculty play an integral role in the University's exercise of the principles of free speech. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

Although faculty are free to discuss subjects within areas of their competence in the classroom, they must be cautious in expressing personal views in the classroom and must be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded the statements they make about subjects within areas of their competence. No faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed and comprises a substantial portion of classroom instruction.

What the University Will Do

In recognition of its commitment to the principles of free speech, the University will:

- Provide an atmosphere that is conducive to speculation, experimentation, and creation by all students and faculty, who shall always remain free to inquire, study, evaluate, and gain new understanding.
- Maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students and will not restrict students' free speech only to particular areas of the campus.

Allow all students and faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers.

What the University Will Not Do

In recognition of its commitment to the principles of free speech, the University will not:

- Establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although the University reserves the right by policy to allow members of the University community to reserve certain outdoor spaces in advance;
- Restrict students' free speech only to particular areas of the campus, sometimes known as "free speech zone";
- Deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates;
- Charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech. However, nothing in this Policy requires the University to fund costs associated with student speech or expression; or the anticipated reaction or opposition of listeners to speech. The University will not require a student group to pay fees that are not charged to other student groups.

- Disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public. For the purposes of scheduling usage of institutional property, the University will not show favoritism for or against student groups or guest speakers based on the actual or perceived content of their speech, subject to constitutional time, place, and manner restrictions.

Policy Limitations

Nothing in this Policy shall be construed as prohibiting the University from imposing measures that do not violate the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, including, but not limited to:

- Constitutional time, place and manner restrictions;
- Reasonable and viewpoint-neutral restrictions in nonpublic forums;
- Restricting the use of the University's property to protect the speech and rights of students and faculty and preserve the use of the property for the advancement of the institution's mission;
- Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution; or
- Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.
- Nothing in this Policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

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