

Free Speech *and* Academic Freedom

Common Campus Scenarios Involving the Freedom of Speech

In the Classroom

First Amendment rights also have implications inside the classroom. Instructors should limit topics to those that are related to the academic discipline of the course; however, an instructor should not restrict speech or assign grades based upon viewpoints. They may also place time limits on class discussions and require that written or oral communication conform to academic standards.

Speakers

A primary mission of higher education is to facilitate and protect the free exchange of ideas. One common way to execute this mission is via speakers discussing a variety of topics and issues. Individuals who disagree with the speaker have the right to demonstrate their differing opinion consistent with established policies (BGSU Freedom of Expression Policy 3341-2-45). Blocking access to a speaker or preventing the speaker from being able to deliver their message is not permitted.

The University can only regulate the time, place, and manner of free speech and expressive activities to ensure that normal operations of the institution are not interrupted.

Social Media

Social media provides a mechanism for information to be broadly shared – sometimes even anonymously. Some content may even be offensive; however, the University must adhere to the First Amendment, which may not allow the institution to censor the message.

Guidelines for Dealing with Disruptive Students in Academic Settings

Prevention

Each instructor should prepare their students, either via the course syllabus or verbally during the first class period or both, regarding the expectations the instructor has related to the standards for the course. This includes parameters on class decorum, how discussions will be conducted, etc. Furthermore, a statement should be made indicating that the Student Code will be followed if misconduct, both academic and non-academic, occurs within the class. Each academic unit should supplement these guidelines with specific preventative measures appropriate to the unit.

Disruption Within Class Period

If a student becomes disruptive (e.g., refuses to quit talking; blocks an entry way; throws things; uses profane, intimidating, or abusive language; repeatedly interrupts others' speech;

moves within the classroom in a manner that disturbs the learning environment) an instructor should first request compliance from the student. If compliance is not received, the instructor may dismiss the student for the remainder for the class period. The student is expected to accede to this request and may subsequently grieve this action using procedures established within each unit. If the student fails to leave after being directed to do so, the instructor should enlist the support of other University personnel (faculty members, academic administrators, and as a last resort, campus police) to help resolve the situation. Physical force, including touching, should never occur/ be used. The instructor must judge, based on the nature of the disruption, whether the class period can continue once the disruptive student departs. The instructor should contact the Office of the Dean of Students if there are concerns about the offending student's participation in future classes.

An instructor should use their best judgment to cancel a class and immediately report the event to their department chair or school director. Incidents of possible misconduct, harassment, discrimination, etc. should be reported to See It. Hear It. Report It. at bgsu.edu/report-incident.html.

STATE OF OHIO PUBLIC POLICY PRINCIPLES OF STUDENT FREE SPEECH – O.R.C. 3345.0215

- Students have a fundamental constitutional right to free speech.
- A state institution must be committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue.
- A state institution must be committed to maintaining a campus as marketplace of ideas for students and faculty in which the free exchange of ideas is not suppressed because the ideas put forth are thought by some or most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- It is for individual students and faculty to make judgements about ideas for themselves, and to act on those judgements by openly and vigorously contesting the ideas they oppose and not by seeking to suppress free speech.
- It is not the proper role of a state institution 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 a state institution should greatly value civility and mutual respect, concerns about civility and respect must not be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- Although students and faculty are free to state their views about and contest the views expressed on campus, and to state their views about and contest speakers who are invited to express their views on campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To that end, a state institution has a responsibility to promote lively and fearless freedom of debate and deliberation and protect that freedom.
- A state institution must be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by students and faculty, who must remain free to inquire, study, evaluate, and gain new understanding.
- The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in areas of their competence.

Managing Difficult Classroom Discussions*

Teaching controversial subjects is an inherent part of some courses and disciplines. Topics including, but not limited to, race, culture, ethnicity, gender identity/expression, political ideology/issues, race, religion and sexuality can come up in many fields, and any course dealing with politicized/partisan issues (e.g., gun control, evolution/intelligent design) presents an opportunity for disagreement and conflict to arise spontaneously in class discussions. How we manage those discussions, however, can greatly impact how useful the conversations are to our instructional goals, and what sort of impact they have on the dynamics of the class and students. The suggestions below largely focus on pre-planned discussions, but many of the techniques can also be applied to discussions that pop up unexpectedly.

PREPARING FOR DISCUSSIONS

In situations where you know you will be addressing a controversial topic, you can prepare for the discussion in ways that set the stage for success.

Consider possible sources of student views.

On many issues, students' viewpoints may be influenced by family members, connected to religious/spiritual/moral beliefs, or wrapped up in their personal identities, so a challenge to an idea may be seen as a personal challenge as well. Also keep in mind that it is common for the impact of a tense or challenging dialogue to be felt deeply by students not directly involved in the dialogue. Please realize that what is deemed as simply "offensive" to privileged identities may be experienced as an attack by marginalized person. It is important to be prepared to acknowledge perceived harm in the moment and show a willingness to provide support afterward in order to maintain trust within the classroom. Being aware of these deeper origins of student opinions – both for you and their classmates – may be useful in approaching delicate conversations.

Lead with your goals.

Contextualize the discussion within your class and disciplinary contexts. Be clear with your students why you are having this conversation and what learning outcomes you expect. Be ready to reiterate these goals during the discussion, and ask the students to redirect the conversation in ways that return to these goals.

Provide pre-discussion assignments.

Ask students to complete an assignment in advance that helps them understand and articulate their own views, as well as others they have heard. Such pre-discussion homework can help them reflect on those views, understand potential reasons behind them and connect them to disciplinary content in the course. Such activities let them do some more logical thinking in advance, before any emotional barriers get thrown up during a heated discussion.

Prepare students with disciplinary models for thinking.

If you are wanting them to learn how someone in your discipline discusses these matters, be certain to spend time overtly explaining and modeling those disciplinary processes, and make sure the discussion practices those models, prompting students as needed. For example, is there a certain type/level of evidence that you expect them to apply to their reasoning? Are there certain theories/concepts that you want them to apply to their arguments?

Establish some discussion guidelines.

Work with students to establish a set of guidelines for class discussion; their input is important here so that the rules are part of the classroom community, not just rules you impose. Some possible guidelines include:

- Listen respectfully, without interrupting
- Allow everyone the opportunity to speak
- Criticize ideas, not individuals or groups
- Avoid inflammatory language, including name-calling
- Ask questions when you don't understand; don't assume you know others' thinking or motivations
- Don't expect any individuals to speak on behalf of their gender, race, ethnic group, class, status, etc. (or the groups we perceive them to be a part of).

Warm up first.

Consider dealing first with some less complex or emotionally charged topics, rather than just jumping into a very heated issue. Have a reflective discussion about how that discussion went, so students can learn how to handle the discussion and build trust with their classmates.

DURING CLASS

Provide a framework and starting point.

Prepare some questions to get the conversation started, balancing the needs for both focus and openness in responses. Avoid questions that seem like there is one right answer. In some cases, it works well to ask not for their own opinions, per se, but a sharing of what opinions they have

heard about that topic; such an approach allows you to get the "lay of the land" without anyone feeling too exposed from the start.

Actively manage the discussion.

Be ready to prompt students as needed for follow-up, additional explanation or evidence. Be ready to remind students of the discussion guidelines, and let them practice re-stating comments as needed. And be ready to steer the conversation back to the stated goals of the discussion.

Address the difficulty.

If there is some hesitancy in the conversation, consider asking why it is difficult to discuss, and be ready to reassert any course or disciplinary framework that will help people respond. Admitting your own discomfort in addressing such issues can make students more comfortable with their own discomfort, especially if you explain or model how you understand it.

Provide structured opportunities for reflection and input.

Consider how you can structure opportunities for everyone to stop, think and reflect, particularly when the conversation lags or becomes contentious. Ask students to write for a few moments, share answers with a neighbor, and come back to the broader discussion with that new focus. Sometimes a short writing break is useful in defusing tension and refocusing the conversation.

Be ready to defer the conversation.

If the conversation gets too heated or off topic, you may want to reach some sort of closure to the immediate discussion and defer the conversation to another class period, for which everyone can prepare. Be certain to explain the purpose of this deferral, and give students some resource or assignment that will help them prepare to discuss the topic in a more meaningful way within the context of the course and discipline. This is particularly useful in situations where the conversation was spontaneous, not planned.

Stay a neutral facilitator whenever possible.

Consider the impact of sharing your own opinions on an issue, knowing that your views may conflict with those of your students and could discourage them from participating in the conversation. If you do share your own ideas, be sure to elaborate on your thinking process enough to model the disciplinary thinking you want them to do, not necessarily the outcome.

Continued on page 3.

PROBLEMS WITH DISCUSSIONS*

Getting Started

Students are often reluctant to get down to work in a discussion. Students are more likely to join in discussion if you divide them into pairs or small groups and assign a specific discussion question. After a few minutes of small group discussion, ask several groups to report out their ideas to the entire class. This often helps to get discussion going because students have had a chance to “try out” their ideas on their peers. Alternatively, give students time to write individually before opening up a discussion; they are much more likely to speak up if they have some notes to speak from. Further, by allowing for this kind of pre-discussion activity, you will be able to ask more complex and interesting questions. At the same time, you will be promoting equity in the conversation, allowing everyone in the class to gather his or her thoughts before speaking rather than privileging the bold or the entitled, who can otherwise dominate the discussion.

Attendance

Despite the fact that discussion section participation is a requirement for many introductory courses, students may believe that their attendance is not mandatory since the teaching assistant (TA) rather than the professor is in charge. This may embolden students to skip this component of the course to

avoid uncomfortable or difficult discussion topics and experiences. Therefore, you may want to devise a way to structure required assignments, projects or presentations into your sections so that section participation will be a part of the final course grade. If students know that the TA has some responsibility for determining their grades, that TA will have considerably more authority in the classroom or in any interactions with students.

Losing Control

One fear about discussion is the possibility that the discussion will be too enthusiastic or not remain civil. Develop ground rules as a class. Gently, students can be reminded that behavior X (e.g., interrupting, blatantly ignoring the conversation, showing disrespect) is not appropriate in the context of the rules the class agreed on. If no rules have been established, or if the inappropriate behavior doesn't seem to fit under the rules, you should address it immediately. Otherwise, you send a message to the students that such behavior is acceptable. Often, simply walking toward the student(s) will resolve the problem, as they will see that you are paying attention. Sometimes, however, you will need to address the problem directly. Try not to get rattled – take a deep breath, allow some silence and then respond. This gives you some time to plan a

response that models for the students how to handle a difficult situation. Remember: Never shame or humiliate a student, and don't take student remarks personally – although an attack may seem personal, it may be directed at authority figures in general rather than at you in particular. However, if student comments are directed at you as the focus of their ire, refer to the earlier subsection Disruption Within Class Period.

Discussion Monopolizers

If the same students answer all the time, you might say, “Let's hear from someone else.” Then don't call on students who have already spoken. Do not allow one student to speak for an inordinate amount of class time. Take that person aside and ask them to limit comments in class. If the student does not respond to this hint, tell them an exact number of times they will be allowed to respond in class, and do not call on them after that number has been reached in any class period.

Controversial Topics

If you teach charged topics, prepare students for discussing them. The Center for Faculty Excellence and Division of Diversity and Belonging are excellent resources.

*Source: Indiana University

Continued from page 1.

FOLLOW-UP

Synthesize the discussion.

Leave some time at the end of class for people to synthesize what they heard, particularly in terms of how it relates back to course concepts and the activity's stated goals. Or consider giving students a follow-up assignment outside of class that asks them to do this synthesis and reflection, both for their own benefit and for you to assess how useful the activity was. Part of the purpose here can be to give students a way to process any cognitive (or emotional) dissonance they may have encountered during the discussion.

Reflect on the conversation dynamics.

Ask student what they would have liked to have done differently in the conversation — either a reflection on the whole group's behavior or (perhaps more importantly) on how they participated. You might remind them of any frameworks or guidelines as a structure for their reflections. In some cases, it might be worth giving the group a second chance at a discussion.

Share relevant resources as needed.

If you think some students may need assistance processing a difficult discussion, and who may need emotional or psychological support, make sure they know about campus resources available to them.

U.S. CONSTITUTION, FIRST AMENDMENT

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise, thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble, and to petition the Government for a redress of grievances.

Ohio Revised Code, Forming Open and Robust University Minds Act (FORUM Act)

“[N]o state institution of higher education ... shall prohibit any individual from engaging in noncommercial expressive activity on campus, so long as the individual's conduct is lawful and does not materially and substantially disrupt the functioning of the institution.

CAMPUS RESOURCES

Division of Diversity and Belonging	419-372-7100
Counseling Center	419-372-2081
Office of the Dean of Students	419-372-2843
Firelands Office of the Dean	419-372-0710
Office of Human Resources	419-372-8421