

1.19 STATEMENT AND POLICY ON SPEECH, EXPRESSION AND CIVIL DISCOURSE

I. Reason for Policy

Saint Louis University's (SLU's) commitment to freedom of expression, consistent with its Catholic, Jesuit heritage and its status as a research university, is detailed in its Statement on Speech, Expression and Civility (<https://www.slu.edu/speech-expression-civility/statement-of-philosophy.php>). This policy, and its supporting procedures, details how the philosophy expressed in the *Statement* will be promoted and facilitated in the daily life of the SLU community. The focus of the policy is on creating an environment for learning that embraces diverse opinions across political and ideological spectrums and encourages civil discourse while assuring that the legitimate concerns of the institution for reverence toward diversity, safety of its community and security of the campus environment are met.

II. Policy Statement

III. Facilitating Free Speech

A. Basic Tenets

Saint Louis University welcomes diversity of thought and lively debate on the variety of issues that energize an academic community's search for truth. The University recognizes that facilitating free expression is not always tidy and may even be controversial. However, it also recognizes that providing opportunities for such expression is fundamental to its role as an academic institution, and, in particular, as a Catholic, Jesuit University dedicated to the pursuit of truth for the greater glory of God and for the service of humanity. The University is therefore strongly committed to providing an environment wherein even the thorniest of matters can be explored openly and argued productively. The University neither dictates nor censors content. It does, however, have a responsibility to members of its community to assure that speech and expressive activities do not infringe on their safety or impede institutional functions.

This policy complements but does not address the scope of other policies like the University's *Bias-Related Incident Protocol* or the University's *Harassment Policy*. If speech and expressive activities during the events covered by this policy give rise to reports of bias, hate, or harassment, then these two policies provide the mechanisms for addressing the allegations. If appropriate, the Reporting Concerns of Misconduct Policy (https://slu.policystat.com/policy/token_access/28ef4f56-c298-4781-af41-cc5f6a982d3e/) may also apply.

IV. The Responsibilities of Sponsorship

A. Any individual member of the SLU community or organization of Students, faculty, or staff formally recognized by the University through its usual procedures for such recognition can sponsor an event that presents speakers or performers in a University venue. With such sponsorship comes responsibility for organizing, conducting, and evaluating an event, and accountability for an event's consistency with this policy and all other applicable University policies. The sponsor's responsibilities include:

- Selection of speakers or performers.
 - Informing speakers or performers of the University's commitment to civil discourse and the potential for a presentation of alternative views. (See also Section 2.2.5 below)
 - Identifying an appropriate campus venue for the event. Please note: Sponsors must explicitly consider whether the speaker should present in any of SLU's sacred spaces (e.g., College Church, residence hall chapels, etc.), sponsors should consult with the VP for Mission and Identity as appropriate.
 - Identifying funds required to support the event, including speaker/performer fees and other costs such as venue charges or security costs, if applicable to the event. (If the costs of an event are being met in whole or in part, in cash or in kind, by an organization outside the University, the outside organization is responsible for costs incurred by the University in proportion to its financial contribution to the event.)
 - Responding to contacts (calls, emails, etc.) concerning an event, speaker or performer before and after an event in a timely and responsible fashion.
 - Helping assess the potential for disruptive behavior or protests related to the event and proposing a plan for dealing with the same. (See Section 2.3)
 - Following all established University policies and procedures related to contracting, scheduling, and use of facilities.
 - Maintaining to the fullest extent possible a safe environment.
- B. Failure to meet any of these responsibilities may result in the sponsor losing the ability to invite outside speakers and performers for a defined period of time.
- C. The University may offer consultative assistance and guidance to assist sponsors in planning and presenting events covered under this policy.

V. Organizing an Approved Event

A. Basic Tenets

Responsibility for planning and managing an event is shared between the sponsor and the appropriate University entities that manage space, catering, security, finance, and other functions that support event success.

B. Venue Considerations

Providing appropriate interior or exterior space for a University sponsor's events to promote dialogue and open exchange of views is an obligation freely accepted by the University. Accordingly, although a sponsor's access to University venues may be limited by considerations of event size, timing, and access, it will not be limited as a way of controlling content of an event. Events held inside a University venue will require advance planning and registration. Outdoor expressive events can be held in any publicly accessible spaces on the campus provided the event does not obstruct access to the campus by pedestrians or vehicles, or to University buildings, or interfere with normal University functions. Unless known to the organizers 24 hours before the event that an external speaker(s) will participate, advance approval is not required. Outdoor expressive events are, however, subject to intervention by the University when they involve any of the legal or safety concerns detailed in Section 2.3 of this policy.

C. Access Considerations

Public Events are open to the general public. Attendees may be subject to screening to determine compliance with University policies concerning possession of firearms, alcohol, or other proscribed items

on University property. Attendees at University Events are required to show an approved SLU identification at the entrance or at any time when requested to do so by a University official or security personnel.

D. Event Publicity

Public Events open to those not affiliated with the University can be publicized to the larger community through any appropriate means, whereas University Events should be publicized only on the campus, and publicity should include the following statement: "This is a University event limited to the SLU community, and admission to the event will require presentation of a valid SLU identification." In publicizing any event, the sponsor will clearly indicate in all materials and media that "The views expressed by speakers, presenters, or others who participate in this program do not imply approval or endorsement by the sponsoring group or by Saint Louis University."

E. Alternative Views and Discourse

The University recognizes that there are multiple perspectives on many of the issues that may be the subject of a sponsored event and that such ideological diversity, and its free expression, is fundamental to the search for truth. The presentation of such alternative views at sponsored events is therefore encouraged in efforts to advance the University's commitment to civil discourse and free expression. This presentation provides an opportunity for those who may disagree with the subject matter of a specific event to engage in a form of dialogue with the speaker or performer as well as those hosting and attending the event. Such opportunities for presentation should be planned and approved in advance, to the extent possible, and may be expressed during a moderated question and answer period, by a respondent speaker or panel at the time of or after the event, in a separate opportunity for such response following an event, or in written materials distributed prior to, or at the event.

F. Catholic Identity

As a Catholic, Jesuit institution, the University is mindful of the social and moral teachings of the Catholic Church, but has no intention of censoring speech or dictating content. In some instances, the University's senior administration may determine that it is important to offer a perspective in accordance with the University's Catholic, Jesuit identity if the subject matter of a speech, performance, or presentation is clearly contrary to moral and social teachings of the Catholic Church. This perspective may be presented in a variety of ways and may either be a part of the event itself or presented at another time or place. If sharing a Catholic perspective is to be a part of the event itself, the form and implementation will be coordinated with the event sponsor and Responsible Official (RO).

G. Communications

The sponsor is responsible for receiving and responding to pre- and post-event communications such as calls, letters, and emails whether such are supportive or critical of the event. The response should include the rationale for the sponsor's choices regarding the event as well as the sponsor's view of the value the event brought to the SLU community.

H. Event Review

Following a public or University event as defined in this policy, the sponsor is encouraged to prepare a brief report detailing those things that went well and any problems experienced. In particular, the sponsor's comments on the application of this policy and the related procedures to their experience would be useful. The report will be provided to the Speech, Expression, and Civil Discourse Committee (SECDC) as a part of its monitoring responsibility.

I. Political Campaigns

Pursuant to the University's tax-exempt status under Section 501(c)(3), the University has a robust *Statement on Political Activities*; that

Statement is hereby incorporated into this larger policy on speech on campus. Sponsors must consider that the University, as a tax-exempt entity, is prohibited by law from participating or intervening, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office at any level; and from supporting particular candidates, political parties, or substantial activity that attempts to influence legislation. This prohibition extends to political fundraising and traditional political rallies, and any event involving an elected official, political candidate, or surrogate must be educational in nature and approved in advance by the RO and University Counsel. Compliance with these legal requirements does not mean the University will either promote or suppress expression across the spectrum of political thought represented in its diverse community. Information about Political Activities on campus can be found at: <https://www.slu.edu/life-at-slu/student-involvement/student-organization-resources/docs/political-involvement-and-activities.pdf>.

VI. Managing an Approved Event

- A. Responsibility for managing an event is shared between the sponsor and the University. A representative of the sponsor will set the context for the event. Prior to introducing the speaker or performer, the sponsor's representative will address the University's commitment to civil discourse and freedom of expression and urge attendees to comply in the interests of a fruitful exchange of views. If a presentation of Alternative Views on the speaker's or performer's content is to be a part of the event program, the representative will provide information as to how this will occur.
- B. If deemed necessary for an event, a Designated University Official (DUO) will be present. The DUO is responsible for assuring the event proceeds in a manner consistent with this policy and that supports the speaker's or performer's right to be heard and the audience's right to see and hear the speech or performance. Management of events that engender conflict or stimulate demonstrations or protests is discussed in Section 2.4.
- C. In the event the speech or performance is interrupted to the extent the speaker or performer's ability to be heard is compromised, the sponsor's representative should be the first person to intervene and attempt to bring the event back on track. Intervention techniques for the sponsor may include:
 1. reminding attendees of the civil discourse commitment;
 2. restating the opportunity for Alternative Views and Discourse, if provided; or
 3. recessing the event for a time certain to re-establish control. Response to disruption will be coordinated with the DUO assigned to the event who has the authority to intervene.
- D. In general, the DUO will not intervene in the event unless requested by the sponsor's representative or if the event crosses the threshold to involve a legal or safety concern, that is, activity that:
 - Is illegal or represents imminent threat of causing violence or illegal action; or
 - Advocates the physical harm, coercion, intimidation, or other invasions of personal rights or individuals within the University community; or
 - Advocates damage or destruction or seizure of University buildings or other property; or
 - Involves activity that disrupts or obstructs the functions of the University or imminently threatens such disruption or obstruction.

A potential sequence of intervening actions on part of the DUO could be as follows:

- Providing verbal warnings to the disrupting party
- Requesting removal of persons who present a significant disruption to the event
- Authorizing security action, in potential conjunction with Department of Public Safety (DPS)
- Suspending or bringing the event to a recess
- Terminating the event

VII. Managing Conflict

A. Basic Tenets

Although the University values and promotes civil discourse as the best approach to examining different positions on controversial issues, it recognizes that many issues involve passionately-held opposing viewpoints that engender conflict. The University supports the right of members of its community to freely express their disagreement with any speaker or performer, provided that such expression neither impairs the speaker's or performer's free speech ability to be heard, nor represents an imminent threat to the safety and security to any members of the SLU community or interferes with the normal functioning of the University. The University's policy is to facilitate an exchange of views on issues, even when that exchange may be contentious. The University reserves the right to act, however, whenever necessary to maintain a safe and secure environment for its community. Restrictive action on a speech or performance should be taken sparingly when there is a clear and foreseeable threat to the safety and the orderly functioning of the University's academic and business functions. The remainder of Section 2.4 contains further detail.

B. Anticipatory Actions

Event sponsors and designated University officials have a joint responsibility for assessing whether a proposed speaker or performer is likely to be considered offensive or harmful by individuals or groups within the SLU community. For those instances where an individual or group in the SLU community is likely to be aggrieved by a speaker or performer, it is strongly encouraged that a conversation take place in advance involving University officials, the sponsor, and aggrieved parties to examine and consider potential impacts and concerns. As a part of the discussion, potential for the presentation of Alternative Views or other demonstrations of dissent from a speaker or performer's views should at least be considered.

When considering an event request, particular attention will be given to whether or not the proposed speaker or performer espouses positions that denigrate or attack marginalized individuals or groups, or those who experience structural discrimination and systemic injustice in our society. In such situations, the University must consider the impact a speaker or performer may have on the individual or group and take appropriate supportive actions. These actions may include publicly rejecting or condemning some ideas and beliefs promulgated by the proposed speaker or performer, as well as providing care and concern for vulnerable individuals, as dictated by the circumstances in a specific situation.

In instances where a proposed speaker or performer has a track record of creating controversy or taking position(s) in conflict with the traditions and values of the University as set out in the **Statement**, or advocating actions that raise concerns for safety, the RO will notify

the sponsor of the specific concerns raised by the invitation. The RO will work with the sponsor to assess the potential risk posed by the proposed speaker or performer(s) and develop a plan of action to address such risks. The RO may consult as needed with the SECDC and/or with subject matter experts. Following review, the RO will provide guidance to the sponsor concerning the location, structure and timing of the event, as well as the consideration of Alternative Views (see Section 2.2.5).

Speakers or performers invited by an academic department, although not connected to a particular class or curriculum, and members of the SLU community (i.e., faculty, staff and students) who are presenting or performing on campus are excluded from the requirements set forth in this Section 2.4.2.

C. Basis for Rejecting a Proposed Event or Rescinding an Invitation to a Speaker or Performer

While a decision to reject a proposed event or rescind an invitation to a speaker or performer is the last and least preferred option, in rare instances an event request may be rejected by the RO if it is concluded that the speaker or performer advocacy of any actions or positions are deliberately intended to incite violence against any group, to threaten imminently the safety of any of its members, to promote the violation of law, or are deemed likely to constitute a clear, present, and significant risk to the orderly implementation of the University's activities and its obligation to maintain a safe environment for its community and its members.

At Saint Louis University, the safety of our community means that individuals are not subject to physical harm, coercion, direct threat or intimidation, or other invasions of their personal rights. Factors to be considered in this determination include:

- Background information about the speaker's/performer's positions, works, published speeches, etc.
- Whether the track record of the speaker or performer in other settings has been marked with any violence, direct and targeted safety threats, or other civil disruption incompatible with this policy.
- The University's ability to ensure the safety of those participating and attending an event.
- To maintain a safe environment for the SLU community and to avoid rejecting a proposed event, the RO may stipulate that attendance at the event be limited to members of the sponsoring group (closed university event) or to the SLU Academic community (open university event).

D. Appeal of Decision to Reject a Proposed Event

A sponsor has the right to appeal any decision of the RO to reject or restrict a request to hold a proposed event. The appeal shall be in written or electronic form and submitted to the RO. The appeal should provide a detailed response to the reasons given for disallowing or restricting the event and include a specific request for relief. The RO will consult with the SECDC in considering the appeal. The sponsor has a right to attend any meeting at which the appeal is considered and to be heard as a part of the proceeding. After an appeal meeting, the RO and the SECDC will make recommendations to the President, who has the final authority to uphold or set aside the original decision under appeal. In most instances, the appeal will be decided within 10 working days.

E. Protest of an Event

Protest by members of the University community is a form of expression of free speech that is supported by the University, provided such activities do not violate a speaker or performer's ability to be heard and an audience's ability to see and hear a speech or performance. It is the responsibility of designated University officials and the sponsor, working together, to assess the potential for protest in conjunction with an event and make arrangements for reasonable accommodation of protesters as part of the event plan. When deemed necessary, such arrangements may include reservation of appropriate space(s) adjacent to the event venue for protesters. However, it is not required that protests be limited to a specific location, and all publicly accessible spaces on the campus are available for protest, provided that such activities do not violate this or other University policies.

VIII. Scope

This policy applies to those who comprise the SLU community—Students, faculty and staff and their organizations, including SLU Madrid—both when an outside speaker or performer is invited to a public event or a University event as defined herein, or when a member of the University community or organization presents a speech or performance outside the classroom or not as a part of the curriculum for an academic course. The expectation for civil discourse at events and activities is governed by this policy and extends equally to the SLU community and to those guests and visitors in attendance who are not members of the SLU community.

- This policy does not apply
- to speakers invited to address a class as a part of the curriculum;
- to convocations such as commencement; or
- to speakers and performers in designated University venues when such venues have been rented to unaffiliated organizations, either for-profit or not-for-profit.

Such rental arrangements are subject to other University approved policies, which are generally consistent with this policy.

IX. Procedures

SLU Madrid guest speaker procedure

Additional information about booking a guest speaker can be found on the SLU Madrid website (<https://plantilla.madrid.slu.edu/index/index/p/52/>).

X. Sanctions

All members of the SLU community are accountable for their actions in maintaining an environment of open and civil exchanges of ideas. Students violating this policy will be subject to the disciplinary procedures under the University's *Code of Community Standards*. Faculty and staff violations will be handled in accord with the *SLU Faculty Manual* (*St. Louis Campus*) and Human Resources policies.

XI. Responsibilities

Assuring compliance with this policy is the responsibility of the RO for the sponsor's area and, ultimately, the President. The implementation of the policy will be reviewed periodically by the SECDC. In carrying out that responsibility, the functions of the committee include

- developing guidelines as needed to implement this policy;
- monitoring of the effectiveness of the policy and procedures in achieving their intent;
- proposing amendments to the policy and procedures when needed; and
- periodically communicating and maintaining transparency with the SLU community concerning the effectiveness of the policy and procedures in supporting the objectives articulated in the *Statement on Speech, Expression and Civility*.

The SECDC also helps develop, publicize, and review appeal procedures.

XII. University Policies Including but Not Limited To

Reporting Concerns of Misconduct Policy (https://slu.policystat.com/policy/token_access/28ef4f56-c298-4781-af41-cc5f6a982d3e/)

Saint Louis University Bias Incident Protocol (<https://www.slu.edu/general-counsel/institutional-equity-diversity/pdf/bias-incident-protocol.pdf>)

Saint Louis University Harassment Policy (<https://slu.policystat.com/policy/11691851/latest/>)

SLU Faculty Manual (St. Louis Campus) (<https://www.slu.edu/provost/policies/faculty-manual/>)

Saint Louis University Statement on Speech, Expression and Civility (<https://www.slu.edu/speech-expression-civility/statement-of-philosophy.php>): This *Civil Discourse, Speech, and Expression Policy* is derived from, and supports, the Saint Louis University Statement on Speech, Expression and Civility which details the values, history, and commitments of the University to freedom of expression. In turn, this policy undergirds the University's procedures for implementing this policy.

Statement on Political Activities

XIII. Definitions

Academic community refers to the Students, faculty, clinicians, and staff of the University.

Alternative Views and Discourse is a planned and approved opportunity for those with alternative viewpoints concerning the content of a speech or performance to express those viewpoints.

Civil discourse is a framework for behavior of all participants, prior to, during, and following a speech or performance on campus. Based on the Ignatian guidelines incorporated in the *Statement*, this policy defines this discourse as that which encourages those involved to:

- focus on the issues rather than on the individual(s) espousing them;
- defend their interpretations using factual information;
- thoughtfully listen to what others say;
- strive to maintain respect for the other while undertaking a serious exchange of views;
- appreciate and understand that passion in presenting views is not incivility;
- seek the sources of disagreements and points of common purpose;

- embody open-mindedness;
- take the time necessary for a full conversation, even if it is inconvenient; and
- avoid violence of any kind.

(Adapted from A Plea for Civil Discourse: Needed, the Academy's Leadership: Andrea Leskes. Liberal Education. Fall 2013, Vol. 99, No. 4)

"Convocation" is any University-wide event which is open to the public and a part of the University Academic Calendar, such as Baccalaureate or Commencement.

"Designated University Official (DUO)" is a University administrator assigned to coordinate any needed University response at any potentially disruptive event.

"Disruptive behavior" is any effort by attendees at an event to prevent a speaker or performer from exercising the right to free speech by interfering with their ability to be heard.

"Organization" refers to a group of SLU community members who have formally aligned around a common purpose or theme, and which has been formally recognized by the University.

"Outside speaker or performer" is an individual or group of individuals not otherwise affiliated with the University invited by a sponsoring organization to speak or perform in a University venue.

"Public Event" is an event at which attendance is open to the general public.

"Publicly-accessible Space" includes all traditionally-public areas on the campus such as walkways, quads, plazas, lawns, and other green spaces.

"Responsible Official (RO)" is the University administrator who has responsibility and is accountable for the sponsor's area, for example: the Vice President for Student Development or designee is the RO in the case of student-sponsored events and the Provost or designee (e.g., a Department Chair) is the RO for faculty-sponsored events.

"Senior University Official" is the President of the University or another official designated by the President for purposes of implementing this policy, either in general or in a specific instance.

"Speech, Expression, and Civil Discourse Committee (SECDC)" is an advisory group appointed by the President of the University, chaired by the Vice President for Student Development (or designee), and charged with periodically reviewing this policy, monitoring its effectiveness, and recommending changes when needed. Upon request, the SECDC also provides advice and recommendations regarding controversial event requests. [see Appendix 1]

"Sponsor" is any individual member of the SLU community or organization of students, faculty, or staff formally recognized by the University through its usual procedures for such recognition.

"University Event" is one at which attendance is limited to members of the sponsoring group (closed university event) or to the SLU Academic community (open university event).

Appendix 1

Speech, Expression and Civil Discourse Committee (SECDC)

Compliance with SLU's SEC policies will be facilitated and monitored by the SECDC appointed by the President and chaired by the Vice President

for Student Development or designee. Membership on the SECDC shall include student, faculty and staff representation, with particular attention focused on ensuring member diversity. The functions of the committee include: • reviewing guidelines as needed to implement this Policy; • monitoring of the effectiveness of the Policy and Procedures in achieving their intent; • proposing amendments to the Policy and Procedures when needed; • periodically communicating with the SLU community concerning the effectiveness of the Policy and Procedures in supporting the objectives articulated in the Statement on Speech, Expression and Civility; and • providing advice and recommendation(s) concerning controversial events when requested by an RO or the President.

XIV. Revision History

Effective Date	Revision Number	Modification
	1.0	New Document
	2.0	Revised Document