

American University Working Group on Free Expression

Convenors:

Acting Provost Vicky Wilkins and Thomas W. Merrill, Chair of the Faculty Senate

Rationale:

In the 2021-22 academic year, American University's Working Group on Free Expression convened to review AU's policies on Free Expression, Protest, and Dissent and help draft a new [Policy on Free Expression and Expressive Conduct](#) and [Statement of Values on Free Expression](#) (approved by the Faculty Senate in May 2022).

The University community is strongly committed to the Free Expression and Expressive Conduct Policy and the Statement of Values of Free Expression with regard to faculty, students, and staff. However, in recent months there have been controversies in universities across the nation about the appropriate balance between the university's commitment to free expression and academic freedom, on the one hand, and the university's commitment to fostering an inclusive learning and living environment for all students, on the other. American University's commitment to inclusivity is reaffirmed in President Burwell's November 21, 2023 message to the community, ["Actions on Campus Safety, Climate, and Educational Opportunities,"](#) which discusses the university's efforts to address antisemitism, Islamophobia, and other forms of hate and bigotry, and in President Burwell's January 25, 2024 message, ["Taking Immediate Actions to Support Safety and Sense of Belonging,"](#) which announced or clarified university policies on indoor protests, student organizations, and postering.

Guiding Questions:

With this context in mind, Acting Provost Vicky Wilkins and the leadership of the Faculty Senate are convening a Working Group on Free Expression to discuss and offer guidance to the university community on the application of the Freedom of Expression policy in specific contexts. The Working Group has not been asked to reconsider the Policy or the Statement of Values. However, several thorny questions around free expression have arisen that would benefit from conversation and deliberation among faculty and staff. President Burwell's January 25 message states that the policies announced there will be in effect during the Spring 2024 semester and that the university will review those policies at the conclusion of the academic year, seeking input from members of the community. The Working Group on Free Expression will be one way in which members of the community can discuss and offer feedback on those policies.

The Working Group is therefore being asked to consider and offer guidance on these questions and other that may arise:

1. How do the new policies on protest, student organizations, and postering intersect with the letter and the spirit of the University Policy of Free Expression and Expressive Conduct and AU's Statement of Values on Free Expression?

2. How should we balance the rights of free expression held by faculty, students, staff, and other members of the community as individuals with the obligations that come from with positions where an individual represents the university in an official capacity or is perceived as speaking on behalf of the university? What guidance or policies should be considered for official social media accounts of university entities (e.g., schools, colleges, departments, administrative units, centers, etc.) and their potential use for communicating positions?
3. How can the university's institutional voice be better defined and understood? When should the university make public statements on national or international issues? How can we delineate between the defined set of voices that speak on behalf of the entire institution and the free expression of individual community members and help clarify that individual expression does not represent a university position?
4. What should university policies on [posting](#), [chalking](#), and [event scheduling](#) be, in the light of our Free Expression policy?
5. AU's Free Expression policy explicitly recognizes the right of community members to engage in protests as long as those protests do not "substantially disrupt" university operations (Section IV.B.4). What constitutes substantial disruption of university operations?
6. How can we ensure that our Free Expression Policy is applied consistently and fairly across groups and individuals?
7. What can the University do to protect members of the community from doxxing and online harassment?
8. How should the university community promote an inclusive culture that aligns with our academic mission and our Free Expression policy?

Charge

Acting Provost Wilkins and the leadership of the Faculty Senate therefore charge the members of the Working Group on Free Expression with addressing these questions. Specifically, the group is charged with:

1. Considering and discussing the policy issues raised by questions listed above and others that may arise in light of the Policy on Free Expression and Expressive Conduct.
2. Clarifying and offering recommendations to the Provost and members of the community on these issues, to the extent possible.
3. Engaging with faculty, staff, students, and student groups to gain student insights and views on these issues.
4. Educating all parts of the community about AU's policies and values on free expression, including faculty, students, staff, and the Board of Trustees through public panel discussions and small group meetings.

Expected Deliverables and Timeline:

The Working Group began its work the week of January 29th and will meet 4 to 5 times in the spring 2024 semester. The Working Group is expected to produce a memo or short report explaining the views of the group by the end of that semester. In cases of disagreement between members of the group, the report should convey the range of opinions on the issue. If appropriate, the Working Group may recommend policy changes to the Provost, in accord with

the Free Expression Policy and Statement of Values. The Working Group's Report and recommendations must be shared with the Provost, the Faculty Senate, and the community.

Membership

The membership includes both some members of the 2021-22 Working Group on Free Expression and new members. The group includes both faculty and staff and members of the community with expertise relevant to the current conversation. These colleagues have agreed to serve on the Working Group:

- Thomas W. Merrill, SPA and Chair of the Faculty Senate (Co-chair)
- Regina Curran, Director of Cyberpolicy, OIT (Co-chair)
- Mohammed Abunimer, Professor, SIS
- Lisa Leff, Professor, CAS, and Director, United States Holocaust Memorial Museum
- Lauren Strauss, CAS and Director of Jewish Studies
- Sara Clarke Kaplan, CAS and Director of the Antiracist Research and Policy Center
- Lara Schwartz, Senior Professorial Lecturer, SPA
- Leena Jayaswal, Interim Dean, SOC
- Jeffrey Brown, Interim AVP for Student Affairs
- Amanda Taylor, AVP for Diversity, Equity, and Inclusion
- Ayana Wilson, Director of Center for Student Involvement
- Kernysha Rowe, Assistant Dean of Students, Student Conduct and Conflict Resolution Services
- Morgan Redmond, Associate Director, Kay Spiritual Life Center
- Elizabeth Deal, AVP for Community and Internal Communication, University Communications

Other members of the community are encouraged to reach out to the members of the Working Group to share thoughts and experiences relevant to our work.