



Policy 8.14 Respect for Open Expression Policy

Responsible Official: SVP and Dean for Campus Life

Administering Division/Department: Campus Life

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Overview

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Policy Details

8.14.1 Principles

Emory University (“University”) is committed to an environment where the open expression of ideas and open, vigorous debate and speech are valued, promoted, and encouraged. As a community of scholars, we affirm these freedoms of thought, inquiry, speech, and assembly. Firmly grounded in the principles outlined by the **2011 Taskforce on Dissent, Protest & Community Report (weblink to statement)**, this Policy reaffirms Emory’s unwavering commitment to a community that inspires and supports courageous inquiry through open expression, dissent, and protest, while acknowledging the challenges of the creative tensions associated with courageous inquiry in an ever changing community.

Recognizing that the educational process of our institution necessarily includes various and diverse forms of open expression, the University affirms the rights of members of the Community to assemble and demonstrate peaceably within the limits of this Policy. Simultaneously, the University affirms the right of others to pursue their normal activities and to be protected from injury or property damage, as defined by law.

Emory University also affirms values of diversity, inclusion, and community. The University Community is diverse -- in race, ethnicity, gender, sexual orientation,

background, age, religion, abilities, life experiences, political ideologies, ideas of thought, and in many other ways. The actions of each member have an impact upon the culture of inclusion and respect for which we strive as a community. The University is fundamentally committed to open inquiry, open expression, and the vigorous discussion and debate upon which the advancement of its multifaceted mission depends. Civility and mutual respect are important values in our community; while they do not limit the rights protected by this Policy, we ask all members of the Community to consider these values carefully when exercising their fundamental right to open expression.

8.14.2 Applicability, Scope, and Definitions

Emory University Community (“Community”): the following individuals are considered members of the Community for purposes of this Policy:

1. students, defined as any person pursuing studies at the University, including (1) a person not currently enrolled who was enrolled in the preceding fall, spring, or summer; (2) a person not currently enrolled who was previously enrolled in Emory University and may reasonably seek re-enrollment at a future date; (3) a person who has applied to and been accepted for admission to Emory University and has accepted an offer of admission or may reasonably be expected to enroll; and (4) a person enrolled in the Emory University Pre-College Program on a credit or non-credit basis;
2. persons who are employed by Emory University or Emory Healthcare as faculty or staff, and persons who are employed by contracted entities to provide a service to Emory University and whose work location is on any of Emory’s multiple campus locations;
3. trustees of the University and members of Boards of various entities of the University;
4. alumni of the University when returning to campus or to official University events;
5. invited guests of the University such as guest speakers, panelists, artists, performers, participants, etc. for events, both on and off campus; and
6. patrons, guests, and those receiving the services of Emory Healthcare or other businesses, such as Continuing Education, of Emory University.

Meetings and Events (“Meetings” or “Events”): gatherings of members of the Community in a location specifically reserved for that purpose. Events are generally considered to be public. Meetings are generally considered to be private.

Dissent (“Dissent”): the fundamental right of expression of counterpoint(s) through symbols, speech, expression, satire, flyers or leaflets, action, and other comparable forms of expression.

Protest (“Protest”): dissent with the goal of change, which may attract attention. Protests may include an actual gathering of people to bring attention to

the cause, such as picketing, rallies, sit-ins, vigils, or similar forms of expression. Protest may also include more individually-based forms of Dissent such as posting flyers, wearing t-shirts or arm bands, and other similar actions.

Internal vs. External Dissent: The University acknowledges that some protest may be externally focused, meaning the topic of protest is directed at some broader issue beyond the University. Examples may include protesting local legislation or global social injustices, among others. The University also acknowledges that some protest may be internally focused, directed at the leadership of the institution, at decisions made by faculty or administrators, or toward other members of the Community with whom one disagrees. Both forms of protest are valued, protected, and affirmed.

Nothing in this Policy prevents Emory Healthcare from managing its property with due regard for the unique needs of healthcare delivery. The Senior Vice President and Dean of Campus Life (DCL) is responsible for enforcing this policy. The DCL and their designee may send Open Expression Observers on their behalf during Events to enforce this Policy.

Conflicting Policies: This Policy is paramount to other policies of the University that may conflict, except those grounded expressly in local, state, or national law.

8.14.3 Committee for Open Expression

The University Senate Standing Committee for Open Expression (hereinafter Committee) is a working group of community members—faculty, staff, and students—who seek to *promote* and *protect* the rights and responsibilities of community members related to issues and controversies involving speech, debate, open expression, protest, and other related matters.

8.14.3.1 Jurisdiction

The Committee has responsibility for all issues and controversies involving various forms of expression, including but not limited to speech, debate, Protest, Dissent, and other related matters in accordance with this Policy.

8.14.3.2 Committee Responsibilities

The Committee shall provide advice and counsel to Community members interpreting the Policy and the rights and responsibilities of individuals and groups under it. The Committee shall have the following powers and duties:

- to investigate alleged infringements of the right of members of the Community concerning speech, debate, open expression, Protest, Dissent, and other related matters, between all members of the Community;
- to provide education and training to the Community regarding open expression;
- to provide resources and referral to appropriate campus colleagues as necessary;

- to regularly review this Policy and its applicability, and to recommend changes to the University Senate as necessary;
- to report annually on the status of the Committee's work for presentation to the University Senate, and to make such reports available to the Community; and
- to take other actions as necessary to effectuate this Policy and the principles contained herein.

8.14.3.3 *Composition and Term*

The Committee shall consist of 13 members:

Four Faculty Members should be appointed to staggered two-year terms. At least one faculty should be from one of the Woodruff Health Sciences schools (Medicine, Public Health, Nursing, or Yerkes).

Three Staff Members should be appointed to staggered two-year terms so that each year at least one new member is named or reappointed to the Committee.

Five student members should be appointed to one-year terms. At least two students must be undergraduates and at least two students must be graduate or professional students. All of the graduate or professional students must represent different academic divisions of the institution.

One member of Student Government Association's Constitutional Council, as appointed by the President and confirmed by the SGA Legislature, shall serve a one-year term as an ex officio member of the committee. This ex officio member is not a voting member of the committee and should not count for quorum purposes.

One representative from the Division of Campus Life should also be appointed to a two year term.

The appropriate nominating body (University Senate) should make all reasonable efforts to nominate new representatives to the Committee, but nothing in this Policy prohibits members from serving multiple and/or consecutive terms if deemed appropriate by the nominating body.

The Committee Chair will be nominated by the Committee for Open Expression for appointment by the University Senate Executive Committee.

Under the advice and consent of this Committee, Oxford College of Emory University may assemble its own Committee, which must include students, to support, promote, and protect Open Expression at Oxford.

8.14.3.4 *Committee Procedures*

The following procedures are designed to ensure continuity and effectiveness of the Committee:

- a. Except as provided with respect to the conflict resolution and mediation

function outlined in section 8.14.4, 7 members constitute a quorum. In order for a quorum to exist, at least one faculty, one staff, and one student representative must be present.

b. The Committee may authorize the creation of subcommittees to act for the Committee in any matter except for proposing changes to the Policy and submitting yearly reports. The University Senate must approve the membership of any subcommittees if 1) members of said subcommittees are not current approved Senate members and 2) members of the subcommittees need to cast any actionable votes.

c. The Committee or any subcommittee may invite other Community members to provide consultative services to the Committee for their areas of expertise. The opinions of invited members are non-binding and only serve to help inform the Committee in its decision-making.

d. The Committee shall maintain a spirit of openness and transparency. Under certain conditions, the Committee shall respect the privacy of individuals over transparency to the broader community and shall maintain the right to declare its proceedings confidential.

i. If a person appearing before the Committee requests confidentiality, the Committee will consider that request and notify the individual of the decision before the scheduled testimony.

ii. Committee minutes may be declared confidential by the overall Committee or by the Chair of the Committee or subcommittee subject to review by the overall Committee.

iii. All minutes and materials deemed confidential shall be clearly marked and shall be accompanied by a warning against unauthorized disclosure.

8.14.4 Filing Complaints to the Committee for Open Expression

The University seeks to actively promote open expression within our Community. As such, this Policy enumerates an investigation procedure for those members who believe their rights under this Policy have been violated. When an Event, Meeting, or Protest is occurring, the enforcement of this policy shall follow the guidelines outlined in 8.14.7; however, should a member of the Community believe their open expression has been violated, the Committee shall work to resolve those concerns as outlined in this section. An initial complaint may be submitted to the Committee for review through the Committee's email, through the Division of Campus Life, or through other channels as the Committee deems appropriate.

8.14.4.1 *Hearing Panel*

The Committee will appoint a three member panel from the membership of the Committee to investigate the incident. The Committee shall consider any potential conflicts of interest when appointing this panel.

8.14.4.2 *Investigations*

Investigations as conducted by this Panel may include:

- collection of written statements from involved parties;
- informal interviews of involved parties;
- informal interviews of topical experts for additional perspective; and
- other information as needed.

8.14.4.3 *Findings*

When a complaint is submitted and to the greatest extent possible, the Committee will seek to resolve the conflict and mediate the situation between the parties.

This Committee, however, has no disciplinary authority because of its role protecting and promoting Open Expression. Actions that violate other Community expectations such as the Undergraduate Code of Conduct, the conduct expectations of the graduate and professional schools, or any other appropriate University policy, may be referred to the appropriate body.

8.14.4.4 *Authority*

This Committee, when it finds violations of this Open Expression policy by any member of the Community including those acting in the name of the University, may submit recommendations to the University Senate, the President, the DCL, or any other appropriate person or governing body for review.

8.14.5 Community Responsibilities

Emory University respects the Constitutional rights of free speech and assembly. As such, the only responsibilities outlined in this section that limit the free exercise thereof have been done in a way to ensure maximum open expression and narrowly tailoring exceptions to specific safety or community concerns.

8.14.5.1 *Awareness of Community Responsibilities*

Each member of the Community is expected to know and follow this Policy. A person who violates these standards or other policies of the University in the course of open expression may be held accountable for that conduct. Any member of the Community who is in doubt as to the propriety of planned conduct may seek guidance from the Committee for Open Expression in advance of the Event.

8.14.5.2 *Freedom of Speech and Freedom of Expression: Joint Standards*

Expression that communicates a viewpoint, regardless of form, is protected as long as it does not violate the guidelines of this Policy. This includes protest, dissent, and any other communicative activity, whether or not it occurs in the context of a Meeting or Event.

The right to Dissent is the complement of the right to speak, but these rights may

conflict at certain times. The University promotes simultaneous, but not disruptive, Dissent. As such, during a scheduled Event or Meeting, a speaker is entitled to communicate a message to an audience during an allotted time, and the audience is entitled to hear the message and see the speaker during that time. A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear, see, or question the speaker. Protests outside of a Meeting, Event, or another Protest shall not impede access to the Meeting, Event, or Protest nor substantially interfere with the communication inside.

8.14.5.3 *Standards for Scheduling Meetings, Protests, and Events for both Indoor and Outdoor Locations*

It is the policy of the University to protect voluntary assembly and to make its facilities available for assembly. The University shall establish standards for scheduling Events and Meetings. These standards should be published or provided to any member of the Community. Such standards must be reasonable and not require excessive limitations when not warranted, and it is the responsibility of administrators of space on campus to ensure policies and procedures promote open expression. Reservations shall not be denied to any member of the Community based on content of the Meeting, Event, or Dissent unless such content would otherwise violate the responsibilities set forth in 8.14.5.5 of this Policy.

The Committee for Open Expression should be consulted whenever possible before denying a request for use of a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space. The University shall not deny recognition to an organization because of disagreement with its mission or the viewpoints that it represents. However, the University may properly take into account, when allocating scarce resources to groups, whether one group's mission is duplicative of another's.

8.14.5.4 *Violation of Community Responsibilities*

The Committee for Open Expression exists to help support the right to Expression, Dissent, and Protest. An affirmative commitment to helping rectify violations through support and alternatives shall be the appropriate course of action. Members of the Community serving as Open Expression Observers shall focus on helping the Expression, Dissent, or Protest continue while making modifications to ensure no violations continue to occur. Further, the Committee for Open Expression should be consulted whenever possible before making a determination that members of the Community are indeed violating the principles of this Policy.

Community members, in the course of their actions, violate this Policy if they:

- a. Unreasonably infringe on the rights of other Community members to engage in open expression, Protest, and Dissent.
- b. Cause substantial disruption to a Meeting or Event that impedes the rights of attendees of that Meeting or Event, including excessive noise, continually

interrupting a speaker, or preventing an audience from seeing/engaging with a speaker during a Meeting or Event.

c. Create undue hardship that substantially impedes a Community member's right to open expression, such as unreasonable space reservation or usage policies.

8.14.5.5 *Violation of Other Policies that relate to Open Expression*

Community members, in the course of their actions, violate other policies of the University (such as the Undergraduate Student Code of Conduct, Codes of Conduct in the Graduate and Professional schools, and others that can be found at www.policies.emory.edu) and are no longer operating within the spirit of Open Expression at Emory if:

- a. They violate any federal, state, local or other applicable law (e.g., gaining unauthorized access to restricted areas, refusing to leave restricted areas if instructed, defacing of public and/or private property, etc.).
- b. They interfere unreasonably with the activities or rights of other persons. Factors that may be considered in determining whether conduct is reasonable include, but are not limited to, the time of day, size of audience, and noise level of a Meeting, Event, or Protest.
- c. They interfere unreasonably with the general operations of the University.
- d. They hold Meetings, Events, or Protests under circumstances where the health or safety of persons is endangered.
- e. They knowingly interfere with unimpeded movement in a University location. Examples may include preventing access to a building, or blocking any entrances or exits in a way that causes safety concerns.
- f. They cause injury to persons or property or threaten to cause such injury.
- g. They use or threaten violence or force, or encourage others to use or threaten violence or force.
- h. They cause harassment, as defined by state law.
- i. They violate reasonable noise levels, such as but not limited to DeKalb County noise ordinances.

8.14.5.6 *Supporting Expression, Protest, and Dissent through University Space*

There are many locations on campus especially conducive to Expression, Protest, and Dissent. A list of suggested spaces can be obtained in the Dobbs University Center's Meeting Services, who can assist with reservations of most space on campus or assist in connecting with owners of other spaces.

Moreover, the foundations of this Policy are grounded in the principles of the entire campus being open and available to members to build community through Expression, Protest, and Dissent. As such, all spaces, both indoors and outdoors, are available to support both planned and impromptu Expression, Protest, and Dissent except as provided below. For planned events, reservations can be made and no reservation shall be denied because of the content of expression. For impromptu Expression, Protest, and Dissent, please see 8.14.5.7.

The following locations are not available for these types of Events, Meetings, or Protests unless a special exception is granted; however, if the focus of the Expression, Protest, or Dissent includes one of these areas, there is an affirmative support to ensure protests occur in places like the outdoor spaces in front of the buildings or common gathering places close to these locations.

- a. Private offices, research laboratories or associated facilities, and computer centers.
- b. Specific areas of offices, museums, libraries, and other facilities that contain valuable or sensitive materials, collections, equipment, and records protected by law, or by existing University policy such as educational records, student-related or personnel-related records, or financial records.
- c. Classrooms, seminar rooms, auditoriums, meeting rooms, or outdoor spaces in which classes, private Events, or Meetings are being held or are scheduled to be held during the time of the Protest.
- d. Outdoor and indoor locations when the free flow of traffic, both vehicular and pedestrian, is unreasonably impeded; when entrances or exits to private offices, classrooms, and meeting spaces are blocked; or when undue health and safety risks are created.
- e. Hospitals, clinics, and surrounding green space or grounds (including, but not limited to, sidewalks, access roads, parking areas, etc.), the facilities of healthcare service providers, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.

8.14.5.7 *Protests in Spaces that have not been reserved*

We fully support and acknowledge as a Community that sometimes impromptu Expression, Dissent, and Protest are pivotal to achieve the principles of this Policy. Not having a reservation is not sufficient reason for terminating any Protest unless the impromptu Protest unreasonably interferes with prior scheduled Meetings, Events, or essential operations of the University. Community members serving as Open Expression Observers shall ensure impromptu Expression, Dissent, or Protest continues until it should otherwise be relocated to allow for prior scheduled activities. To encourage such impromptu Dissent, the Open Expression Observers shall demonstrate this affirmative commitment by working with those involved to identify space where the Expression, Protest, or Dissent can be

continued should the space being used interfere with other scheduled Meetings, Events, or essential operations.

All general outdoor public areas of the institution, even those that have reservation procedures, should be available for impromptu Expression, Protest, and Dissent unless it otherwise violates this policy. Requirements to reserve space should not be unreasonable in terms of time frame, requirements, or costs to the group wishing to host the Event. No group or organization should be denied use of a space on campus because of the content of the Meeting, Event, or Protest, unless such content would otherwise violate the responsibilities set forth in 8.14.5.5 of this Policy.

8.14.5.8 *Nonpersonal Expression such as flyers, signs, displays, etc.*

For purposes of nonpersonal expression such as flyers, chalking, signs, and displays, persons expressing themselves should follow all applicable flyer posting policies and banner reservation rules; however, these requirements should not be unreasonable in terms of access, time frame, requirements, or costs to the group. No nonpersonal expression should be denied because of the content of the flyer, sign, or display within the limits of the law. Additionally, a member of the Community who defaces the open expression of others will be held in violation of this policy.

8.14.6 Promotion and Dissemination of this Policy

The Committee for Open Expression shall partner with the DCL to:

- promote this Policy through educational efforts to the Emory Community, at least annually;
- provide educational opportunities to make community members aware of their rights and responsibilities regarding Open Expression; and
- educate members of the Community actively participating in Expression, Dissent, or Protest of their rights and responsibilities.

8.14.7 Administration and Enforcement

Except for hospital facilities as managed by Emory Healthcare, it is the responsibility of the Senior Vice President and Dean of Campus Life or their designee to protect and maintain the right of open expression under these Guidelines. This procedure is outlined as a transparent process for enforcing safety and other University policies while protecting the Community's rights to open expression.

8.14.7.1 *Administrative Procedures*

a. Observation of Meetings, Events or Protests, when deemed necessary by the DCL to protect and maintain open expression, shall be the responsibility of the DCL, who may delegate such responsibility. This Observer shall have full authority to act in the name of the DCL under these Guidelines. References to the DCL include their designee, who will take the form of trained staff or faculty who will

serve as Open Expression Observers to help protect open expression and the rights of all parties involved.

b. Except in emergencies, the DCL's authority under these Guidelines shall not be delegated to employees of the Emory Police Department. Emergencies, for purposes of this clause, are defined as situations that include any of the following: imminent serious bodily harm; serious threat; imminent life threatening behavior; reckless disregard for human life; or threat to life, limb, or property.

c. The Observer shall identify himself or herself to those responsible for the Meeting or Event or to the leaders of the Protest.

d. The DCL shall attempt to inform the chair of the Committee for Open Expression of Meetings, Events, or Protests to which an Observer will be sent. The chair may designate a member or members of the Committee to accompany and advise the Observer. Such a Committee representative shall also be identified to those responsible for the Meeting or Event or to the leaders of the Protest.

e. Any Observer who attends a Meeting, Event, or Protest shall reasonably attempt to respect the privacy of those involved.

f. The Committee for Open Expression should be consulted whenever possible before making a determination that members of the Community are indeed violating the principles of this Policy.

8.14.7.2 Enforcement Procedures

The Committee and the DCL shall work with Protestors or Dissenters to identify ways to continue the Expression, Protest, or Dissent with modifications to avoid future violations. The spirit of this policy is to protect the right of Protestors to do so while ensuring the narrow exceptions in this policy are no longer being violated.

a. The DCL is responsible for enforcing Section 8.14.5 and may work with anyone whose behavior is violating or threatens to violate these Guidelines to modify or terminate such behavior. The instruction shall include notice that failure or refusal to comply is a further violation according to Section 8.14.7 of these Guidelines. However, an instruction or warning by the DCL is not a prerequisite for a finding that a violation has occurred.

b. The Committee for Open Expression should be consulted whenever possible before making a determination that members of the Community are indeed violating the principles of this Policy. When the DCL declares that an individual or a group has violated the Guidelines, they may request to examine their University or other identification. The hosts of invited guests may also be asked to provide their University identification.

i. Failure to comply with this request is a violation of the Guidelines.

ii. In the event that any person(s) are deemed by the DCL or their designee to have violated the Guidelines and such person(s) refuse to show University or other identification, the DCL has the authority to make reasonable efforts to

identify the individuals. The DCL is not authorized to photograph or take video of individuals where a reasonable expectation of privacy exists.

c. In carrying out this responsibility for safeguarding the right of open expression, the DCL shall obtain the advice and recommendation of the Committee for Open Expression whenever feasible.

8.14.7.3 Terminations or Arrests because of Violations of this Policy

Termination of an event or any arrests must be the option of last resort. The Chair of the Committee for Open Expression, or their designee, must be consulted and must have advised of all alternatives to support continuation of the Expression, Protest, or Dissent before there is any termination or arrest. Avoidance of injury to persons by the continuation of a Meeting, Event, or Protest is a key factor in determining whether it should be forcibly terminated. Property damage and significant interference with educational processes are also factors to be considered and may be of sufficient magnitude to warrant forcible termination.

If a Meeting, Event, or Protest is forcibly terminated, a full statement of the circumstances leading to the incident shall be publicized by the DCL within the University.

8.14.7.4 Violations of Other University Policies

The Committee for Open Expression is not an investigatory committee related to conduct of Community members. As such, all Community violations shall be handled in the following manner:

- a. Cases involving undergraduate students are referred to the Office of Student Conduct who investigates the Event and decides what disciplinary proceedings, if any, to pursue.
- b. Cases involving graduate or professional students are referred to the established disciplinary body of the school in which the student is enrolled.
- c. Cases involving faculty are referred to the appropriate Dean or to the Provost.
- d. Cases involving University, including Healthcare, staff or administrators are referred to that individual's supervisor, any other person with supervisory responsibility over that individual, or Human Resources.
- e. Cases involving trustees and associate trustees of the University and members of the Boards of Overseers or other bodies advisory to the University are referred to the Executive Committee of the Trustees.
- f. Cases involving contracted workers shall be discussed by the Committee for Open Expression in collaboration with the University administrator managing that relationship.

Definitions

[Member](#)

Related Links

- Current Version of This Policy: <http://policies.emory.edu/8.14>
- [2011 Taskforce on Dissent, Protest & Community Report](https://www.emory.edu/CAMPUS_LIFE/documents/archive/2011_DPC_report.pdf)
(https://www.emory.edu/CAMPUS_LIFE/documents/archive/2011_DPC_report.pdf)
- [Undergraduate Student Code of Conduct](http://conduct.emory.edu/) (<http://conduct.emory.edu/>)
- [Meeting Services Space Reservation Policies](http://duc.emory.edu/meeting_services/index.html) (http://duc.emory.edu/meeting_services/index.html)
- (<http://>)

Forms and Attachments

Posting Guidelines and Practices : [download](#)

Contact Information

Subject	Contact	Phone	Email
Complaints or Violations to this Policy	University Senate and the Committee for Open Expression	n/a	openexpression@emory.edu
Administration of Policy	Division of Campus Life	404-727-4364	campuslife@emory.edu
Student Organization Support	Student Involvement, Leadership and Transition	404-727-6169	osls@emory.edu
Conduct-Related Questions or Sanctions	Office of Student Conduct	404-727-7190	conduct@emory.edu
Space Reservations	Meeting Services	404-727-1706	DUC@emory.edu
Sexual Misconduct Policy	Campus Life	404-727-4364	http://www.policies.emory.edu/8.2
Discriminatory Harassment Policy	Equal Opportunity Programs	404-727-9867	http://www.policies.emory.edu/1.3

Revision History

- Version Published on: Dec 05, 2016 (*policy updated by committee*)
- Version Published on: Dec 05, 2016 (*link to Standing Committee opinion-cmty member definition*)
- Version Published on: Aug 26, 2016
- Version Published on: Jun 01, 2016 (*links updated and uploaded guidelines*)
- Version Published on: Nov 18, 2015
- Version Published on: Mar 02, 2015 (*Senate approved changes 2.2015*)
- Version Published on: Nov 05, 2013 (*Original Publication*)

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.