

Board of Trustees

Executive Committee

Title: Policy on Freedom of Expression/Expressive Activities

Date approved by President and Board of Trustees: November 19, 2019

Effective date: November 19, 2019

Responsible Official: Provost or Provost's Designee

Responsible University Office or Division: Office of the Provost

Related legislation and University policies: Use of Facility Policy, Faculty Handbook, the Student Rules of Conduct, the CWRU Non-Discrimination Policy, and the CWRU Statement of Ethics

Review Period: 5 Years

Relates to: Faculty, staff, students, and community members

I. Summary of Policy

Case Western Reserve University (CWRU) is committed to freedom of expression. The purpose of this policy is to promote that free exchange of ideas while preserving the safe and efficient operation of Case Western Reserve University. This policy should be read in conjunction with the other CWRU policies that protect the right to engage in freedom of expression such as the CWRU Use of Facility Policy, the Faculty Handbook, the Student Rules of Conduct, and the CWRU Non-Discrimination Policy.

II. Policy

Commitment to Freedom of Expression

Fundamental to the purposes of the University is the belief that progress in social and individual welfare is ultimately dependent upon the maintenance of freedom in academic processes.¹ Accordingly, CWRU is committed to the freedom of speech, thought, expression, and assembly, and guarantees all members of the CWRU community the fullest possible right to hold and express opinions, to speak and write, to listen, challenge, inquire and learn. Except insofar as limitations on these rights are necessary to preserve the functioning of the University, CWRU fully respects and supports the freedom of all members of the CWRU community to engage in expressive activities, as such activities are vital to the purposes of the University.

¹ [See Faculty Handbook]



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It is inevitable, and often desirable, that some members of the University community will hold and express opinions different from our own.² As a consequent, the ideas of different members of the University community may conflict. Yet it is not the proper role of the University to exclude or suppress those ideas some may find unwelcome, disagreeable, or even offensive. As affirmed in the CWRU Statement of Ethics and Faculty Handbook, fulfillment of the University's mission requires an openness to new ideas,³ and the protection of expression, which is critical toward conventional thought or established interests.⁴ While all members of the University community share in the responsibility for maintaining a climate of mutual respect and intellectual honesty,⁵ concerns about civility and mutual respect should not be used as a justification for closing off discussion of ideas.

Nevertheless, CWRU may restrict expression that violates the law or CWRU policy, that falsely defames a specific individual that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, CWRU may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University.

Commitment to Safety

Just as CWRU supports freedom of speech, freedom of inquiry, freedom of dissent, and freedom to demonstrate in a peaceful fashion, University community members have a corresponding responsibility to support and promote this freedom for all, even in disagreement or opposition, as well as to respect the rights of all individuals. The University will maintain a safe and secure atmosphere conducive to academic and educational pursuits. CWRU is committed to the rights of all faculty, students, and staff to carry out their academic and professional activity without coercion, harassment, or disruption. The rights to free speech are subject to reasonable restrictions regarding time, place, and manner, and do not include the right to engage in unlawful activity, activity that endangers or imminently threatens to endanger any member of the university community or property, restricts the freedom of movement, or disrupts/obstructs the functions of the university (or imminently threatens such disruption or obstruction). Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they find to be wrongheaded or objectionable.

² [See CWRU Statement of Ethics]

³ [See CWRU Statement of Ethics]

⁴ [See Faculty Handbook]

⁵ [See CWRU Statement of Ethics]