

FREEDOM OF EXPRESSION

In this Section



Suffolk University Principles and Policies Regarding Freedom of Expression; Use of Campus Space and Platforms¹

Suffolk University is committed to free and open inquiry in all matters and extends to the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University and compliance with applicable laws, Suffolk University fully respects and supports freedom of expression for all members of the University.

The University's commitment to freedom of expression means that ideas presented will often and quite naturally conflict. It is not the proper role of the University to shield individuals from ideas and opinions that are considered unwelcome, disagreeable, or even deeply offensive. Community members should openly and vigorously contest the ideas that they oppose rather than seek to suppress them. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in ways that are consistent with the principle of free expression. Although members of the University community are free to criticize and contest ideas, and to criticize and contest speakers who are members of the Suffolk University community or who are invited to campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it. Further, it is an expectation that all members of the University community and all speakers at Suffolk will strive to act consistent with the principles of civil discourse.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. For example, the University may prohibit expression that defames a specific individual; constitutes an unlawful threat or

unlawful harassment; unjustifiably invades substantial privacy or confidentiality interests; violates the law, such as by using University resources to participate in political campaign activity; or is otherwise incompatible with the University's functioning, operations, or mission. A number of University policies address these and related issues, such as the University's Title IX policy; the University Community Standards; the Law School Policies, Procedures, Rules and Regulations; employee policies and handbooks, and the University Faculty Handbook. In addition, the University may reasonably regulate the time, place and manner of expression to ensure that it does not disrupt the ordinary activities of the University.

Subject to the foregoing principles, Suffolk University has adopted the following additional policies and procedures that have some relationship to freedom of expression on campus or virtual platforms provided by the University.

I. Requests by Members of the Suffolk University Community to Use Campus Space for an Event²

Members of the Suffolk University community seeking to hold an event at University facilities, whether the events involve members of the Suffolk University community or external speakers, must follow appropriate procedures. Only recognized student organizations, faculty, and administrative entities of Suffolk University are permitted to request space or hold events on a University managed virtual platform.

A variety of factors will be considered when deciding whether and how to permit use of University facilities for a requested event, including:

- The availability of appropriate spaces and/or the technological ability to support a virtual event
- The time of day, size of the expected audience, location and anticipated noise level of the event
- Whether Suffolk University will have to incur any expenses or unusual administrative services in order to host the event
- Whether the event will be open to the public
- The safety of the campus community and property
- Whether the event risks interfering with the essential operations of Suffolk University, including teaching and learning, or Suffolk University's mission

Even when members of the Suffolk University community are permitted to reserve campus space, Suffolk University has the discretion to restrict the use of campus space, such as by limiting attendance to members of the Suffolk University community; limiting how space is used; or imposing time, place, and manner conditions consistent with the principles stated above, such as by requiring an opportunity for opposing positions to be presented. The University

reserves the right to decline a request for use of University facilities (or rescind authorization previously granted) because the event poses a risk of violating the University's policies or federal, state and local laws.

II. Requests By External Speakers and Organizations to Use Campus Facilities

Suffolk University facilities are available for use by external organizations under limited circumstances. When determining whether a request is from an external organization, the following factors are relevant:

- Whether the event is organized by a University entity or a recognized student organization
- Whether a University entity or recognized student organization is paying for the event
- Whether the event advances the University's or a recognized student organization's mission
- Whether the event is limited to members of the University community
- Whether University technology licenses will be used for the event

When considering whether to grant space to an external organization, Suffolk University gives preference to requests that are consistent with Suffolk University's mission, particularly events that: 1) are educational in nature; 2) are hosted by a non-profit entity; 3) advance the University's or a recognized student organization's mission; 4) are limited to members of the University community; 5) do not charge attendance fees; or 6) involve the Suffolk University community in a meaningful way.

Because each event needs to be reviewed carefully, all external organizations seeking space **must complete a form** and submit it no later than 4 weeks before the desired event date. The Office of Conferences & Events will review the submission and typically respond within 2 business days. Various fees, including room rental fees, typically apply, and the event must adhere to specifications outlined in Suffolk University's contract.

III. Appeals

A member of the Suffolk University community adversely affected by a University action related to freedom of expression under Part I above may file a written appeal using the procedures described below.

A. The Provost shall refer the appeal to the chair of the University's Campus Speech Committee (Committee). The Committee shall consist of:

1. two faculty senators selected by the Faculty Senate;
2. the dean of one school of the University as selected by the Provost;

3. the University's Dean of Students or designee;
4. one student selected by the Student Government Association;
5. one student selected by the Graduate Student Association; and
6. one student selected by the Student Bar Association.

B. The Committee shall be advised by the general counsel and the chief of Suffolk University Police Department, or their designee(s).

C. The Committee's chair shall be selected by the Provost.

D. A majority of the members of the Committee must be present to constitute a quorum.

E. Appeals shall be subject to the following procedures:

1. An appeal must be submitted to the Provost in writing within three (3) business days of any decision adversely affecting a member of the Suffolk University community.
2. The Provost shall provide Appellant's written appeal to the University official whose decision is being appealed. That official or that official's designee shall have five (5) business days to respond in writing to the Committee.
3. Appeals must be based on one or more of the following grounds:
 1. That the denial of a request to hold an event was (a) arbitrary and capricious, or (b) based on the viewpoints of the speaker(s); or
 2. That the time, place and manner conditions required for the event are unnecessarily burdensome.

F. The Committee shall consider the appeal and base its recommendation on a standard of review requiring clear evidence that one or more of the grounds for appeal has been met. The Committee shall not replace its judgment for that of the University official who made the decision being appealed. The recommendation may grant or deny the appeal in whole or in part.

G. The Committee's recommendation shall be based on a majority vote of those Committee members present and voting. The Committee shall communicate its recommendations, along with any dissenting opinions, in writing to the Provost, typically within two weeks of the Provost's referral to the Committee. In the event of a tie vote, both recommendations shall be presented to the Provost identified as a tie.

H. The Provost shall consider the Committee's recommendation and give it substantial deference. The Provost, however, has the final decision regarding the appeal, and shall report the decision in writing to the appellant and the University official whose decision was appealed. The Provost's decision is final.

¹This policy has been adapted with modifications from a similar policy at Princeton University, which itself was adapted from a similar statement at the University of Chicago.

²For the purposes of the policies in this document, the terms “Campus”, “Space” and “Facilities” shall include University- managed web presence, physical and digital signage, notification systems, social media platforms, streaming media platforms and licensed platforms for virtual events, such as Zoom and Microsoft Teams. The term “event” shall include virtual or mixed virtual/in-person events.

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