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Defining Free Expression

Responding to a case involving [controversial material](#) that appeared in a student publication, the president of Tufts University said Monday that the private institution will give its students, faculty and staff the same right to free expression as their peers at public institutions. But some say a concurrent ruling by a top administrator in that case sends a contradictory message.

In a [written statement](#), Lawrence S. Bacow, the university's president, said that while Tufts isn't technically bound by First Amendment guarantees, "it is my intention to govern as president as if we were."

"Universities are places where people should have the right to freely express opinions, no matter how offensive, stupid, wrong headed, ill-considered or unpopular," he said in the note to students, faculty and staff. "To say that people have the right to express such views does not mean that we condone them or that they should go unchallenged. Rather, it means that the responsibility to respond is shared collectively by all members of the community and not vested in the action of any administrative body."

The remarks coincided with a decision from James Glaser, the university's dean of undergraduate education, to overturn part of a prior ruling regarding a student magazine's culpability in publishing two pieces that many found offensive.

Last academic year, *The Primary Source*, Tufts's journal of conservative thought, which is primarily funded with university resources, included a parody of a Christmas carol, titled "O Come all Ye Black Folk," a play on "O Come all Ye Faithful," that was meant to be a critique of affirmative action policies but was seen by many as racially insensitive. The other piece, published in response to Islamic Awareness Week, attempted to draw attention to a radical wing of Islam but was taken by some to imply that all Muslims were violent and intolerant.

Students and faculty protested the pieces, and editors apologized in the weeks and months after. Still, many backed the magazine's right to publish the material. Bacow wrote an [opinion piece](#) in the student newspaper calling on students to respond to the remarks, which he called "offensive," with speech of their own.

The university's Muslim Student Association and a student brought complaints to the Committee on Student Life, a group of faculty and student representatives that hears complaints about the behavior and activities of student-run organizations. That committee determined in a May ruling that the publication was guilty of "creating a hostile environment, harassment and breaching community standards." As a result, it ruled that all future articles would need to be accompanied by bylines.

But Glaser overturned the byline provision in a [ruling](#). "Imposing such a provision on one publication in the context of a judicial decision can only be construed as punishment of unpopular speech," he said.

The dean's ruling left intact the findings of the committee, including harassment charges. Bacow said that since Glaser's decision leaves open issues raised by the committee's decision, he would explain his views on freedom of expression at

Tufts.

“During the McCarthy era, a number of university presidents in the United States failed to defend the principle of freedom of expression. Students, faculty, and staff paid for this equivocation as the government sought to purge college campuses of those expressing particularly unpopular opinions,” he said in the letter. “We must be vigilant in defending individual liberties even if it means that from time to time we must tolerate speech that violates our standards of civility and respect.”

Bacow added that with the exception of the recent committee decision, the university has operated as if the same rights apply to its students as do those at public institutions.

Elana Cohen-Khani, a Tufts senior who earlier this year wrote an opinion piece in the student paper supporting free speech protections, said she sees the president’s statement as a strong signal that the university is serious about protecting the First Amendment.

Matthew Schuster, editor of *The Primary Source*, said that while the dean’s ruling is a small step in the right direction, not overturning the entire committee ruling in essence affirms the notion that dissenting political expression can be harassment.

Daniel Halper, a Tufts junior who is outgoing chair of a student judicial board (which did not hear the case), said that while he agrees with the president’s statement, the university should have overturned the entire decision.

“We’re getting contradicting messages from the administration,” Halper said. “On the one hand, free speech is always protected. But on the other hand, by not retracting the entire decision, you’re setting a dangerous precedent that the harassment charge is still on the table.”

Greg Lukianoff, president of the Foundation for Individual Rights in Education, said he’s “amazed” by the contradictions. “What the president says in a lot of ways is perfect — it represents an understanding of free speech. But the action that’s taken isn’t enough. What we are most deeply troubled by is the charge of harassment, which is a federally defined offense. Neither of these stories were harassment, so the entire finding should have been overturned.”

Kim Thurler, a university spokeswoman, said there is no suggestion that the announcements will have any impact on funding of the publication or any organization. By setting aside the byline requirement, the committee’s decision remains “simply an opinion reached” based on interpretations of the student handbook.

Bacow said in his letter that it was a mistake to allow the committee to hear the case. Thurler added that future responsibility to respond to offensive speech will not be placed on a committee but by those who wish to share their views in a public forum.

— [Elia Powers](#)

The original story and user comments can be viewed online at <http://insidehighered.com/news/2007/08/28/tufts>.

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