

RP-6.4.10 Commitment to Free Expression; Guide for Facilities Use; and Education

Introduction

The University of Nebraska honors the First Amendment of the U.S. Constitution and has long dedicated itself to the free exchange of ideas.

The purpose of this policy is to articulate, clarify and underscore that long-standing commitment in a manner that furthers both freedom of expression and the University's mission of teaching, research and public service. The first section of this policy sets forth the University's and the Board of Regents' commitment to the tenets of Free Expression; the second section provides a framework for campuses to provide what are referred to as "facilities use plans" or programs applicable to particular spaces and resources on their campuses, consistent with that commitment, the law, and the University's mission; and the final section is a mandate for education with respect to the rights surrounding the First Amendment.

Commitment to Free Expression

"Freedom of speech" and "freedom of expression" refer to one's Constitutional right to articulate and express ideas and opinions, through any means, i.e. speaking, writing, or artistic expression, without fear of government retaliation, censorship, or other sanction. The University of Nebraska is a public institution of higher education, which holds dear this right, a right that is indispensable to its ability to transmit knowledge and fundamental to the University community's pursuit to discover, explore, interpret, and question knowledge and opinions. The University greatly values the creation and maintenance of an inclusive climate in which all members of its community are welcomed and are encouraged to participate in the free expression of ideas. Inasmuch as the search for new truths often comes forth only after bringing together differing opinions, the University aims to foster and uphold the capacity of the University community to engage in discourse and deliberation in an effective, responsible and respectful manner. This is critical to the University's mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community are expected and required to act in conformity with the underlying principles of free expression. Although members of the University community are free to comment on, criticize and contest views that others express, they must do so at a time and place, and in a manner that does not prevent, impede, or obstruct the freedom of others to also exercise their rights to express themselves. With this policy, the University is not only promoting a lively and fearless freedom of debate and deliberation, but also protecting that freedom when others attempt to restrict it. It is a careful, deliberative and nuanced balance of interests that the University must strike in order to protect this important right.

The First Amendment provides no guarantee of civility. However, as a community of educators and learners, the University places a high value on civil discourse and respect for one another. The University has an obligation to protect the dignity and security of all members of its community from those who would seek to use speech primarily to deprive others of their freedom to learn, their freedom to contribute and their freedom to participate fully in the University's mission. Therefore, the University encourages all within its community—its Board, administration, faculty and staff, students, alumni, and all who act as its ambassadors—to serve as models reflecting behavior consistent with the tenets of civil discourse. Civility defines Nebraska and our University of Nebraska community.

As important as are the rights to debate and discuss competing ideas, the First Amendment does not protect all expression. The University will not facilitate expression in violation of the law or that poses an unreasonable threat to the safety of the University community or to the University's ability to fulfill its mission of teaching, research, and public service. Certain kinds of expression (among others), such as: speech that incites violence, fighting words, speech that defames or defrauds, speech that constitutes a genuine threat, or unlawfully discriminates, or speech that unlawfully invades privacy, is not protected speech. Acts or conduct, which threaten the safety of persons or property are not protected by the Constitution or the University.