

Freedom of Expression

Statement of Philosophy

Since its inception, Gettysburg College has been engaged in the defense of freedom of expression, first through the abolitionist movement and then with the College's involvement in the Civil War. The institution was founded in 1832 by anti-slavery theologian Samuel Simon Schmucker, and in 1837 Gettysburg College moved to Pennsylvania Hall, the construction of which was facilitated by benefactor and Trustee Thaddeus Stevens. Aside from his work as a Congressman and activist for universal education, Stevens was a key figure in the passing of the 13th Amendment abolishing slavery. In July 1863, the College was the backdrop for the Battle of Gettysburg and months later, alumnus David Wills was integral to the creation of the Soldiers' National Cemetery. He invited Abraham Lincoln to attend its dedication and it was there that the President issued his call to the country to affirm equality for all in his Gettysburg Address.

Our rich institutional heritage challenges us to engage in and provide leadership for addressing the critical social and political issues of our time. The College is committed to the ideal of free and open inquiry in all matters, as freedom of expression allows us to continually strive to better society and to address injustices. Freedom of expression is invaluable to the institution because it brings together multiple opinions, allows them to coalesce and/or clash, and opens them to the community's reflections, analyses, and critiques.

As an educational institution, we support the freedom of expression of ideas and, in our mission statement, we affirm: the worth and dignity of all people and the limitless value of their intellectual potential; the commitment to a diverse and inclusive learning environment; the power of a liberal arts education to help students develop critical thinking skills, broad vision, effective communication, a sense of the inter-relatedness of all knowledge, sensitivity to the human condition, and a global perspective; the value of a lifelong commitment to service; the value of ethical leadership that is inclusive, collaborative, and directed towards effecting change for the greater good; and our conviction that a residential college best promotes the sense of community central to a liberal arts education, in which personal relationships among students, faculty, and staff can flourish.

The College recognizes that some ideas will be viewed as offensive and disagreeable by some, perhaps even most, members of the community. However, it is not the role of the College to shield individuals from ideas and opinions they find unwelcome, disagreeable, uncivil, or even deeply offensive. Rather, we encourage members of the College community to act according to the principle that the best response to ideas that they find offensive is speech, not censorship. Participating in a community where there is a diverse range of opinions, perspectives, and experiences is rewarding for all of our members and the College is committed to nurturing and celebrating this experience. We expect that diverse views and opinions will create conflict and disagreement among us at times, but the genuine sharing of ideas, perspectives, and values presupposes both freedom and responsibility. Consequently,

we expect all members of the community to engage in civil discourse, reasoned thought, sustained discussion, and constructive participation. The freedom to express ideas, exchange views, and engage in protest is essential to the life of the College.

The College encourages its members to make independent judgments about the worth and validity of ideas and to contest ideas with which they disagree. Any effort by members of the College community to limit openness in this academic community is a matter of serious concern and hinders the freedom of expression and the discovery of truth. All members of the community are therefore free to express their points of view on, or opposition to, any issue of public interest within reasonable restrictions of time, place, and manner. Each member of the community is also expected to encourage and facilitate the ability of other community members to express themselves freely. No group or individual has the right to interfere with the legitimate activity of other authorized persons and groups as interference with expression compromises the College's goal of creating an environment where issues can be openly discussed.

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. We have obligations to protect the dignity and security of all members of the College 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 in our community. Thus, the College may seek to restrict expression that: 1) violates state or federal law; 2) constitutes slander, threats, or harassment; 3) unreasonably invades individual privacy or violates confidentiality interests; or, 4) is directly incompatible with the functioning of the College. In addition, the College may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the College. However, these are limited exceptions to the general principle of freedom of expression and it is vitally important that these exceptions not be used in a manner that is inconsistent with the College's ideals relating to the free and open discussion of ideas.

Gettysburg College's philosophy of freedom of expression reflects our commitment to sustain a community in which all members feel that their ideas, opinions, and beliefs are respected and protected, even when those ideas are not shared universally. We believe the free expression of ideas is a cornerstone of the learning process and it is only through exposure to new concepts, opposing views, and challenging topics that one truly grows in an academic setting. Preventing the free exchange of ideas restricts the generation of knowledge and the ability to discern between what is right and what is wrong. In this sense, Gettysburg College subscribes to the wisdom in the words of Justice Louis D. Brandeis:

If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. –(Whitney v. California, 274 U.S. 357, 1927)

The College is committed to the principles of the free expression of ideas and providing an atmosphere of civility and mutual respect. It is in the spirit of protecting these values that the College prohibits discrimination, harassment, and bias conduct by students, organizations, and visitors, as defined below.

Anti-Discrimination, Harassment, and Bias Conduct Policy

I. Prohibited Conduct

Discrimination

The College prohibits discrimination and harassment, and provides equal opportunity without regard to race, ethnicity, color, religion, national origin, disability, veteran status, marital/familial status, possession of a General Education Development Certificate (GED) as compared to a high school diploma, sexual orientation, gender identity, gender expression, sex, age, or genetic information in all aspects of employment, educational programs, activities, and admissions. Pursuant to Title IX of the Education Amendment of 1972, Gettysburg College prohibits discrimination on the basis of sex (i.e., which includes but is not limited to the prohibition of sexual misconduct and relationship violence, including sexual assault and harassment) in all of its educational programs and activities.

Harassment

Harassment is defined as engaging in conduct that a reasonable person in similar circumstances would find as creating a hostile environment or depriving another person of the ability to fully participate in the programs or opportunities of the College.

Harassment can take many forms, such as words, visual images, gestures, or other verbal and physical contact, whether in person, by telephone, or other electronic means. Harassment may consist of a single, sufficiently severe incident or the cumulative result of a series of pervasive incidents. A reasonable person is defined as a hypothetical person who exercises average care, skill, and judgment in analysis and who serves as a comparative standard for determining accountability.

Bullying and cyberbullying are forms of harassment that uses an imbalance of power to intimidate, threaten, or cause emotional or physical harm.

Bias Conduct

Bias conduct is any act, expression, or speech that:

- a. targets individuals or groups based on their actual or perceived race, ethnicity, color, religion, national origin, disability, veteran status, marital/familial status, possession of a General Education Development Certificate (GED) as compared to a high school diploma, sexual orientation, gender identity, gender expression, sex, age, or genetic information
- b. AND is derogatory in nature, including (but are not limited to) pejorative terms, the use of epithets or slurs, vandalism, degrading images, or mocking through costumes.

The College takes all reports of bias conduct seriously and members of the community are encouraged to report incidents or concerns in order to determine if the conduct is a violation of the bias conduct policy. Where appropriate, the College will take measures to educate community members about bias related conduct that does not rise to the level of a policy violation.

Hate Crimes

Hate crimes are criminal offenses under federal and state law, where the behavior is motivated by the bias conduct described above. The FBI defines a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation.” Hate itself is not a crime—and the FBI is mindful of protecting freedom of speech and other civil liberties. The College prohibits hate crimes and all hate crimes will be reported to the Gettysburg Police Department. All hate crimes are classified as bias conduct.

The process for determining whether an incident is a crime, and possibly a hate crime, is a legal matter to be determined by law enforcement officials.

II. Reporting

Any member of the college community can report complaints of the Anti-Discrimination, Harassment, and Bias Conduct Policy to the College Life Office at extension 6907 or Campus Safety at 6912. Complaints can also be submitted electronically via the [Community Concern Form](#).

III. Resources

Below is a list of offices and committees that can be helpful in addressing concerns of discrimination, harassment, and bias.

- | [Office of Diversity and Inclusion](#)

- | [Center for Public Service](#)

- | [Counseling Center](#)

- | [College Life](#)

- | [Human Resources](#)

- | [Campus Safety](#)

! Office of Multicultural Engagement

! Bias Awareness Resource Committee

IV. Retaliation

No individual who makes or intends to make a complaint of the Anti-Discrimination, Harassment, and Bias Conduct Policy, participates in an investigation, hearing, or inquiry by the College or an appropriate authority, or participates in a court proceeding shall be subject to retaliation from any member of the college community. Any community member who believes they have been subjected to retaliation should report the concerns to the College Life Office at 6907, Campus Safety at 6912, or electronically via the [Community Concern Form](#).

**Some materials have been adapted from Bucknell University, Franklin and Marshall College, Georgetown University, and Davidson College.*

**Approved April 17, 2019 by the Student Life Committee.*

Policy and Guidelines for Public Expression, Invited Speakers, and Distribution of Written Materials on Campus

A. Introduction

In keeping with the College's Freedom of Expression Statement of Philosophy, Gettysburg College students are encouraged to express their point of view or opposition to any issue of public interest. No individual has the right to interfere with the expression of others and students are expected to support the free expression of other members of the community.

All expression is subject to restrictions of time, place, and manner which are addressed in Section A of this policy. Postings, leaflets, chalking, and public gatherings are permitted unless they violate the specific provisions outlined in Sections B and C of the Freedom of Expression and Civil Discourse Policy. These are narrow exceptions to a policy that otherwise encourages and celebrates free expression of ideas and public debate.* The College will use the educational means at its disposal, including mediation, public forums, sponsorship of debate and discussions, to promote civil discourse and reasoned debate of key and social political issues of the day.

B. Time, Place, and Manner Guidelines for Public Expression on Campus (Events)

1. General

Demonstrations, speakers, the distribution or posting of leaflets, statements, petitions, chalking, and other forms of public expression are permitted on the campus within reasonable restrictions of time, place, and manner. Public expression includes assemblies, demonstrations, debates, forums, rallies, protests, picketing, speakers, etc. that are held on College property and are open to the general campus community.

- a. Public expression cannot be unlawful and must not violate or conflict with local, state, or federal laws.
- b. Public expression must not violate College policy and cannot jeopardize public or individual safety.
- c. The public expression of views and opinions cannot prevent, unduly obstruct, or interfere with the normal operations of the College. Normal operations of the College include:
 - i. Academic activities, such as classes, labs, activities in any academic building, etc.
 - ii. Business activities of the College.
 - iii. Events or speakers hosted in accordance with College policy by academic departments, administrative departments, or registered student organizations.
 - iv. The functioning of the College's residence hall communities.
 - v. Access to any College facilities.
- d. Non-College individuals and organizations are not permitted to be involved in public expression on College property unless they are invited and sponsored by a recognized student organization.

2. Sponsorship Responsibilities

The section below that is in italicized font includes procedures approved by the Student Life Council in Fall 2017.

A Sponsor, defined as a student organization that invites a non-College individual or organization to speak, perform, or demonstrate on campus, shall have the following responsibilities

- a. The Sponsor is responsible for assuring that the activities of the sponsored group are carried out in accord with the expectations delineated below and in

the Policy on Partisan Political Activity (see page 44):

- d). The sponsoring student organization must request a space in 25Live for the speaker/performer. At that time, the Scheduling and Technical Support Manager will send the sponsor the External Speaker/Performer form, which must be completed at least 21 days in advance of the requested date of the event. The Form requires the following information: Details about the event, a statement of purpose for the event, an advisor acknowledgement, reservation of space, and identify anticipated funding needs for the event. In addition, the Form requires sponsoring organizations to:
 - i. Complete a Security Audit with the Campus Safety. The purpose of the audit is to determine if security is necessary for the planned event. One of three determinations will be made: Security is not required or requirement is limited; security support is required; or, the security needs of the proposed event exceed what can be provided and the College cannot support the event. The results of the security audit will be provided to OSAGL and/or the Vice President for College Life and Dean of Students. If the Vice President for College Life and Dean of Students (in consultation with other College staff/faculty members) determines that additional security measures are necessary to assure compliance with the Policy on Freedom of Expression, the Sponsor must agree to such additional security.
 - ii. Complete an Invited Speaker/Performer Agreement. This agreement, provided by the College, must be signed by both the speaker and the College at least five (5) calendar days prior to the event. Speakers/performers with their own contracts may submit those in addition to the terms in the College's Agreement.

Students and student organizations planning to invite a speaker/performer to campus should contact OSAGL at

OSAGL@gettysburg.edu or 717-337-6304. The completed form is due to OSAGL no fewer than 21 days in advance of the planned speaking event/performance.

- a. The Sponsor of any speaker, event, demonstration, etc. must be clearly identified in all publicity materials for the event, and at the beginning of the event itself.
- d). Individual members of the College community can serve as sponsors only through the support of a recognized student organization.

3. Prior Notice

- a. For public expression by members of the College community: Members of the College communities are encouraged to give prior notice of their plans to the Vice President for College Life and Dean of Students, at least 72 business hours prior to the event. Faculty members are encouraged to give prior notice of their plans to the Provost's Office, at least 72 business hours prior to the event. This prior notice will help assure that this policy and these guidelines are followed.
- b. For public expression by non-members of the College community: Student organization sponsors (from the College community) of public expression activity by non-members of the College community must give prior notice of their plans to the Vice President for College Life and Dean of Students, at least 21 business days prior to the event. This prior notice will help assure that this policy and these guidelines are followed.

4. Location

- a. For public expression by members of the College community: The College reserves the right to relocate or suspend any assembly that becomes disruptive to the normal operations of the College or that violates College policy.
- b. The area in front of Plank Gym, including steps and sidewalk, has been designated as an acceptable location for outdoor demonstrations. Demonstrations or events may not interfere with access to the building.
- c. For public expression by non-members of the College community: The College reserves the right to designate the location for these events, to help assure that this policy and these guidelines are followed.

5. Amplification Equipment

The College reserves the right to restrict the use of outdoor amplification equipment in association with any public expression activity. The use of amplification for student protest or demonstration must be approved by the Vice President for College Life and Dean of Students in advance of the activity, to insure that its use does not create an unreasonable disruption to College activities. Recording of programs held in non-private spaces on campus may be prohibited by the event sponsor. If the event sponsor or

speaker does not wish the event to be recorded, the event sponsor must include a posting at the entrance to or an announcement prior to the start of the event informing attendees they are not permitted to record.

6. Building of Structures

The College reserves the right to restrict the building of any structure or the placement of flags, decorations or other objects in campus public space in association with public expression. No open flames or torches are allowed unless approved for a specific event by College Life. The building of any structure or placement of decorative objects on campus property must be approved by the Vice President for College Life and Dean of Students in advance of the activity.

7. Objections to Public Free Expression Activity

The College recognizes that individuals or groups may be opposed to certain acts of public expression. Disagreement with different opinions is acceptable; however, hindering or obstructing such activity compromises the College's goal of creating an environment where issues can be openly discussed. An individual or group wishing to protest at an event may do so as long as:

- a. The protest is held in accord with the Time, Place, and Manner guidelines detailed in this policy.
- b. The speaker's ability to speak and the audience's right to see and to hear a speaker are not unreasonably impeded.

C. Time, Place, and Manner Guidelines for Public Distribution of Written Materials (Posting Policy)

1. Overview

Students and student organizations are permitted to publicly distribute written materials in accordance with this Policy and Guidelines on Freedom of Public Expression. Non-College Individuals and Organizations are not permitted to publicly distribute or post written materials on College property.

2. Prohibited Content

Written materials, which contain the following are prohibited and the College will remove postings, leaflets, or chalking which:

- ▮ Violate law or College policy
- ▮ Promote or incite behavior violating law or College policy
- ▮ Constitute a demonstrable threat or harassment

- ‡ Defame an individual
- ‡ Consist of obscene images, photos, or representations
- ‡ Unreasonably invade individual privacy
- ‡ Contain unapproved commercial advertisements
- ‡ Disrupt the normal operations of the College (as defined in Section B1-c of this policy)

3. Location Guidelines for Posting of Written Materials

‡. General Guidelines:

- i. Posting is permitted only on designated boards or other areas designated for posting or the exterior of Plank Gym (see item 3e of this policy below). No windows, including windows or glass panels in or beside doors, may be covered.
- ii. Students or organizations posting information may place one (1) posting on each board or designated posting area.
- iii. Postings on designated boards or posting areas may not exceed 11 inches by 17 inches in size.
- iv. Individuals posting materials may not remove the postings placed by other groups and may not cover up other postings.
Removing or covering the unexpired postings of other students or groups is a violation of this policy.
- v. Advertising events with alcohol is limited to only those events which are fully compliant with the Social Event Policy and approved by the College.
- vi. Please see additional guidelines below (see items 3b-f of this policy below).

‡. College Union Building: Posting is permitted only on designated bulletin boards. No posting is permitted on boards designated for administrative department use.

‡. Academic and Administrative Buildings, Including the Library: Postings are permitted only on designated bulletin boards and designated posting areas (e.g. wall space which is clearly utilized as a posting area). No posting is permitted on boards

designated for academic or administrative department use without permission from the department.

- l. **Residence Halls:** Postings are permitted only on designated bulletin boards and designated posting areas which may include one posting on hallway walls. No posting is permitted on boards designated for use by the Residential Education without permission from the Office. No windows, including windows or glass panels in or beside doors, may be covered.
- o. **Plank Gym – Exterior:** Sheet signs and banners may be hung on the exterior of Plank Gym in accordance with this policy. Sheet signs may not cover, in whole or in part, other sheet signs on Plank. Due to the outdoor location and limited space, sheet signs may remain up for a period of one week.
- f. **Other Locations:** No postings may be made in any location other than those designated in these Guidelines without prior approval from the Vice President for College Life and Dean of Students.

4. Information Required for Posting Written Materials

- a. **Identification of Individual or Group Responsible for Posting:** As stated in Section C of this policy above, students, student organizations, and academic or administrative departments are permitted to publicly distribute written materials. Any postings must clearly identify the name of the organization or individual responsible for the posting. In addition, contact information for the organization or individual must be included. Specifically, a valid Gettysburg College email address or valid Gettysburg College group alias email must be clearly visible on the poster.
- b. **Dates and Time Period for Posting:**
 - i. All postings must be dated. For posters advertising events which must include the date of the event, posters may go up no more than 2 weeks prior to the event and must be taken down by the sponsoring organization or individual within 24 hours of the conclusion of the event.

- ii. Posters which are not affiliated with an event must include the posting date. These posters may remain up for no more than 2 weeks and must be taken down promptly after two weeks.
- iii. Any out of date postings may be removed by the College.

5. Chalking

Chalking is permitted on concrete walkways and plazas in areas open to the weather. Chalking is not permitted on any other surfaces, including buildings, walls, covered entryways, covered patio areas, or brick steps and patios. It is a violation of policy to remove chalking placed on campus in accordance with this policy. Chalking in non-sanctioned areas may be removed by the College.

D. Campus Media Organizations

1. The principles of free inquiry, expression, and dissent articulated above also apply to student communications media of Gettysburg College. The freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, slander, obscenity, undocumented allegations, and the techniques of harassment and innuendo. All student communications media must explicitly state that the opinions there expressed are not necessarily those of the College or student body. Editors and managers of student communications media are protected from arbitrary suspension or removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Orderly procedures for the selection and removal of editors and managers are established by the organization involved and subject to review by the Student Life Committee or its delegate.
2. Since Gettysburg College assists student communications media by providing funds and facilities, it may incur legal liability for the content and operation of such publications. Within the limits imposed by such canons of responsible journalism as are catalogued above, the College is committed to freedom of expression in order that student communications media may preserve their integrity of purpose. When these limits are exceeded, the College reserves the right to take such action as may be necessary by virtue of its legal responsibility and its potential liability.

E. Resources and Reporting of Concerns

1. The Vice President for College Life and Dean of Students is responsible for administering this policy. The Office of College Life is available to serve as a resource for students or groups planning events or written materials according to this policy.
2. Any concerns or question regarding events, postings, sheet signs, chalking, or other distributed material which may be in violation of the Freedom of Expression Policy should be reported to the Office of College Life in CUB 220 or by calling 717-337-6900.
3. Reported and alleged violations of this policy will be investigated by the Office of College Life. Students or student organizations in violation of this policy will be referred to the Director of Student Rights and Responsibilities for conduct resolution, according to process outlined in the Handbook of Student Rights and Responsibilities. Employees are subject to disciplinary action outlined in the Faculty and/or Employee Handbooks.
4. Violations of law or violations of this policy by non-college individuals or groups may be referred to the Gettysburg Police. Arrests and criminal charges are separate from the College's conduct process.