

Free Speech on Campus: What Campuses Can and Can't Do

A campus can't...	A campus can...
A campus can't censor or punish speech merely because a person or group considers it offensive or hateful.	A campus can censor or punish speech that meets the legal criteria for harassment, true threats, or other speech acts unprotected by the First Amendment.
A campus can't prevent protestors from having a meaningful opportunity to get their views across in an effective way.	A campus can impose time, place, and manner restrictions on protests for the purpose of preventing protestors from disrupting the normal work of the campus, including the educational environment and administrative operations.
A campus can't impose content-based speech restrictions in dormitories.	A campus can impose content-neutral restrictions in dormitories designed to ensure a supportive living environment for students.
A campus can't censor or punish some speakers, but not others, for putting up handbills, writing messages in chalk, or engaging in similar acts of expression.	A campus can create general content-neutral regulations governing on-campus expression.
A campus can't engage in content-based discrimination against faculty, students, or other speakers or writers who seek to express themselves outside the professional educational context.	A campus can engage in content-based evaluation of faculty and students who are operating within the professional educational context, as long as this evaluation is based on professional standards or peer assessments of the quality of scholarship or teaching.
Colleges and universities should not impose requirements that faculty provide "trigger warnings" before presenting or assigning material that might be offensive or upsetting to students.	Faculty members may choose to provide students warnings before presenting material that might be offensive or upsetting to them.
Campuses can't use the concept of "safe spaces" to censor the expression of ideas considered too offensive for students to hear.	Campuses can create "safe spaces" in educational settings that ensure that individuals feel free to express the widest array of viewpoints, and can support student efforts to self-organize in ways that reflect shared interests and experiences.
A campus can't prohibit students or faculty from using words that some consider to be examples of "microaggressions."	A campus can sensitize students and faculty to the impact that certain words may have, as part of an effort to create a respectful work and learning environment.
A campus cannot deny recognition to a student organization or impose sanctions against it for the views or ideas expressed by the organization, its members, or its speakers.	A campus can ensure that all student organizations, as a condition for recognition and receipt of funding, be open to all students, and can impose sanctions on student organizations for conduct if it is not protected by principles of freedom of speech.
Colleges and universities can't punish speech over the internet on the ground that it is offensive.	Colleges and universities can punish speech over the internet and social media that otherwise is not protected, such as true threats and harassment or speech inconsistent with professional standards.
A campus should not expect university administrators to comment on or condemn every campus speech act that some person considers offensive.	A campus should expect university administrators to speak out against especially egregious speech acts and, most important, encourage the university community to make its own decisions about what speech acts deserve praise or condemnation.