

# **Freedom of Expression Working Group Report**

**Chair, Kevin R. Johnson, Dean, School of Law**

**May 31, 2017**

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## **REPORT OF THE FREEDOM OF EXPRESSION WORKING GROUP (May 31, 2017)**

### **CHARGE TO THE COMMITTEE**

In a letter dated March 17, 2017 and revised on April 5, 2017, Interim Chancellor Ralph Hexter appointed the Freedom of Expression Working Group and gave it the following charge:

The working group . . . will perform two main tasks. **First**, after appropriate outreach and consideration, it will advise the administration on how to establish across our campus a sufficient understanding of 1) the twofold argument for the right of freedom of expression at the university; and 2) what the First Amendment requires from the administration and members of the campus community in various scenarios, especially campus events featuring highly controversial speakers. **Second**, and also after appropriate outreach and deliberation, the working group will recommend to the administration and security personnel best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard. (emphasis added).

*See Appendix A.*

The charge letter requested receipt of a report from the Working Group by May 31, 2017. The Freedom of Expression issues raised in the charge to the committee are complex, challenging, and pressing. The Working Group faced a daunting task of meeting, soliciting input from the campus community, and issuing a report by the deadline. The sense of the Group was that the findings and recommendations should be viewed as the beginning of a discussion and analysis of the array of Freedom of Expression issues that arise – and will continue to arise – on the UC Davis campus.

In the hope of providing guidance to future committees and individuals who likely will be considering the Freedom of Expression issues, the Working Group submit these findings and recommendations.

### **MEMBERS OF WORKING GROUP**

Appendix B lists the members of the Freedom of Expression Working Group. The committee included campus administrators, faculty, students (undergraduate and graduate), and staff.

### **MEETINGS**

The Freedom of Expression Working Group held four meetings. Appendix C to this Report includes the minutes to the meetings.

### **CAMPUS COMMUNITY INPUT**

The Working Group solicited online comments and opinions about the charges from the campus community. The committee did so through two notices in the *UC Davis Dateline*. See <https://www.ucdavis.edu/dialogue/freedom-expression-working-group>. Appendix D includes the responses received from the campus community.

## FINDINGS AND RECOMMENDATIONS

### Findings

1. Efforts to Disrupt and Silence Speech: A recurring problem on the UC Davis and other university campuses has been that some groups have sought to silence speech of those with whom they disagree. Such conduct adversely affects the First Amendment rights of speakers and those who desire to hear their speech. Many law and policy questions are raised in such situations, including the university's obligations with respect to the rights of controversial speakers while ensuring physical safety for all.
2. Need for Freedom of Expression Programs: The UC Davis community would gain from educational programs on the value of freedom of expression at a public university and the responsibilities of the university in providing a venue for expressive activities. The campus community specifically should be educated that the university has obligations not to censor speakers invited to the campus and that the university does not endorse the speech of all speakers brought to the campus. The Working Group discussed the ways in which the campus community might be educated about the arguments for freedom of expression at the university and what the First Amendment requires from the members of the campus community and the administration, especially in the case of highly controversial speakers.
3. Current Lack of Disciplinary Rules: The campus lacks a clear rule for disciplining students who disrupt the speech of others on campus. There currently is little, or no, disciplining of students who disrupt the speech of others.

The Working Group acknowledges that some of the protesters at campus events are not students and are not subject to student discipline. However, criminal activity by students and community members can be the subject of police action.

4. Infrastructure to Protect Freedom of Expression: For the vast majority of campus speakers and events, the UC Davis campus can protect the physical safety and security. However, it currently lacks the infrastructure to address the safety and security concerns raised by exceptional events such as that of Milo Yiannopoulos, a relatively rare incident for the campus (but which may recur).
5. Need for Continuing Dialogue: A continuing dialogue between campus administrators, faculty, students, and staff on Freedom of Expression on the UC Davis campus is necessary and should continue.

### Recommendations

1. Freedom of Expression Educational Events: The campus should regularly hold a series of highly-publicized educational events on Freedom of Expression and the values served by Freedom of Expression on a university campus. Possible programs and steps include but are not limited to:
  - Interactive town halls and workshops, including some organized by students for students, on the values of Freedom of Expression and the obligations and responsibilities of a

public university, and on the history and theory of creative political expression to provide compelling examples of other, constructive and expressive options students have to respond to controversial speakers. Protest, for example, might include silence in response to speakers with whom protesters disagree.

- One or more series of balanced speakers on Freedom of Expression. The series could be held in large venues, classroom, and other settings. Students should be included as speakers. The series might include public debates of opposing views about freedom of expression and related issues.
  - A Campus Book Project organized around a book that educates the campus community about the values served by Freedom of Expression and the First Amendment.
  - Freedom of Expression educational programs in the campus residential halls.
  - Targeted outreach to student groups for dialogues on Freedom of Expression.
  - Placing information about freedom of expression, and possibly related material, on the UC Davis home page.
2. Anti-Disruption Disciplinary Rule: The campus should authorize the imposition of discipline for the disruption of campus events and invited speakers. Although the determination of what constitutes disruption may be fact-specific and contextual in some cases and require the exercise of official discretion, the campus should clearly delineate disruptive behavior it deems presumptively unacceptable and provide clear notice to students engaging in such behavior that their conduct warrants a disciplinary response. Consistent with privacy protections, the enforcement of anti-disruption regulations should be publicized to the campus community.
- UC Davis specifically should draft and, after a full opportunity for comment by all interested constituencies, adopt a disciplinary rule for the Student Code of Conduct governing the disruption of speakers on campus and interference with safety measures in connection with a campus event. The Working Group was in general agreement that the campus could authorize the imposition of discipline for disruption of speakers and threats to health and physical safety of other persons, tampering with safety measures put into place to ensure the safety of all at events (such as tampering with safety barricades), and otherwise interfering with the public safety plan for a campus event. **After the campus adopts an anti-disruption policy, the campus should enforce it.**
3. Safety Threats: In the event of possible violence to a speaker by non-students and others at an event, the campus should work with City of Davis Police Department and, as necessary, other law enforcement agencies in formulating a plan to ensure the physical safety of the speaker and other participants in the event.
4. Need for Further Study: The campus should consider how to best address the Freedom of Expression and public safety issues raised by the extraordinary event involving a high-profile controversial speaker who is likely to generate protest and possibly violence. The responses to such events likely will need to be tailored to the event and the specific public safety risks of the event.

5. Standing Freedom of Expression Committee: The campus should continue to engage in dialogue about the Freedom of Expression issues on the UC Davis campus, perhaps with a continuing standing committee of students, faculty, campus administrators, staff, and community members to discuss issues that arise. As part of its charge, the committee could plan the Freedom of Expression educational events mentioned in Recommendation 1.

## **Discussion**

The Working Group reviewed and discussed the two distinct and independent charges from the Chancellor. **The first charge** is to make recommendations on how to best educate the UC Davis community about the First Amendment, its value on a university campus, and how the campus administration is obligated to deal with controversial speakers. **The second charge** is to identify best practices to ensure safety, security, and free expression when controversial speeches come to campus.

The Working Group discussed a number of issues that have arisen at UC Davis community and universities generally in recent months. A recurring problem has been that some groups have sought to silence speech with which they disagree, which adversely affects the First Amendment rights of others who desire to hear that speech. Many complex law and policy questions are raised in such situations, including the university's obligations with respect to the rights of controversial speakers while ensuring safety for all.

The Working Group agreed on the need for procedures to ensure physical safety and security for all members of the UC Davis community. Some members offered thoughts on the importance for all students to feel safe and secure. Others expressed a need to redirect attention from efforts to silence speech of controversial speakers to counter-speech and alternative forms of expression, such as theater, comedy, and the like.

## **Charge 1**

At one meeting, the Working Group focused on formulating a response to Charge 1 in the Chancellor's letter dated April 5, 2017 calls on the group to:

advise the administration on how to establish across our campus a sufficient understanding of 1) the twofold argument for the right of freedom of expression at the university; and 2) what the First Amendment requires from the administration and members of the campus community in various scenarios, especially campus events featuring highly controversial speakers.

*See Minutes to the May 3, 2017 meeting (Appendix C).*

The Working Group discussed the ways in which the campus community could be educated about the arguments for freedom of expression at the university and what the First Amendment requires from the members of the campus community and the administration, especially in the instance of highly controversial speakers. *See Minutes to the May 3, 2017 meeting (Appendix C).*

Members of the Working Group made a number of suggestions about how to promote the understanding of the issues surrounding freedom of expression and a healthy dialogue on the issues. The suggestions are listed in the Recommendations section of this Report.

## Charge 2

At the May 11 meeting, *see* Minutes to the May 11, 2017 meeting (Appendix C), the Working Group focused on formulating a response to Charge 2 in the Chancellor's letter dated April 5, 2017:

[t]he working group will recommend to the administration and security personnel best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard.

There is no University of California or UC Davis policy that directly addresses the imposition of discipline on students for the disruption of the speech of others. It was generally agreed that there is a right to protest but no right to be allowed to silence the speech of others. The Working Group agreed that there is a need for such a disciplinary rule and that, after adopted, it should be enforced.

Discussion ensued about what would trigger discipline under such a regulation and what the appropriate sanctions might be for a violation.

The Working Group devoted much discussion of the possible imposition of discipline on students who disrupt speakers with whom they disagree. There currently is little, or no, disciplining of students who disrupt the speech of others. The Working Group agreed that there should be a specific Student Code of Conduct section dealing with students who disrupt the speech of others, with a range of possible sanctions. A clear provision would help establish clear expectations among students about the possible consequences of disrupting campus speakers.

**The Working Group acknowledges that some of the protesters at campus events are not students and are not subject to student discipline. However, criminal activity by students and community members can be the subject of police action.**

The Working Group was in general agreement that the campus could sanction threats to health and safety of other persons, tampering with safety measures put into place to ensure the safety of all at events (such as tampering with safety barricades), and otherwise interfering with the safety plan for a campus event.

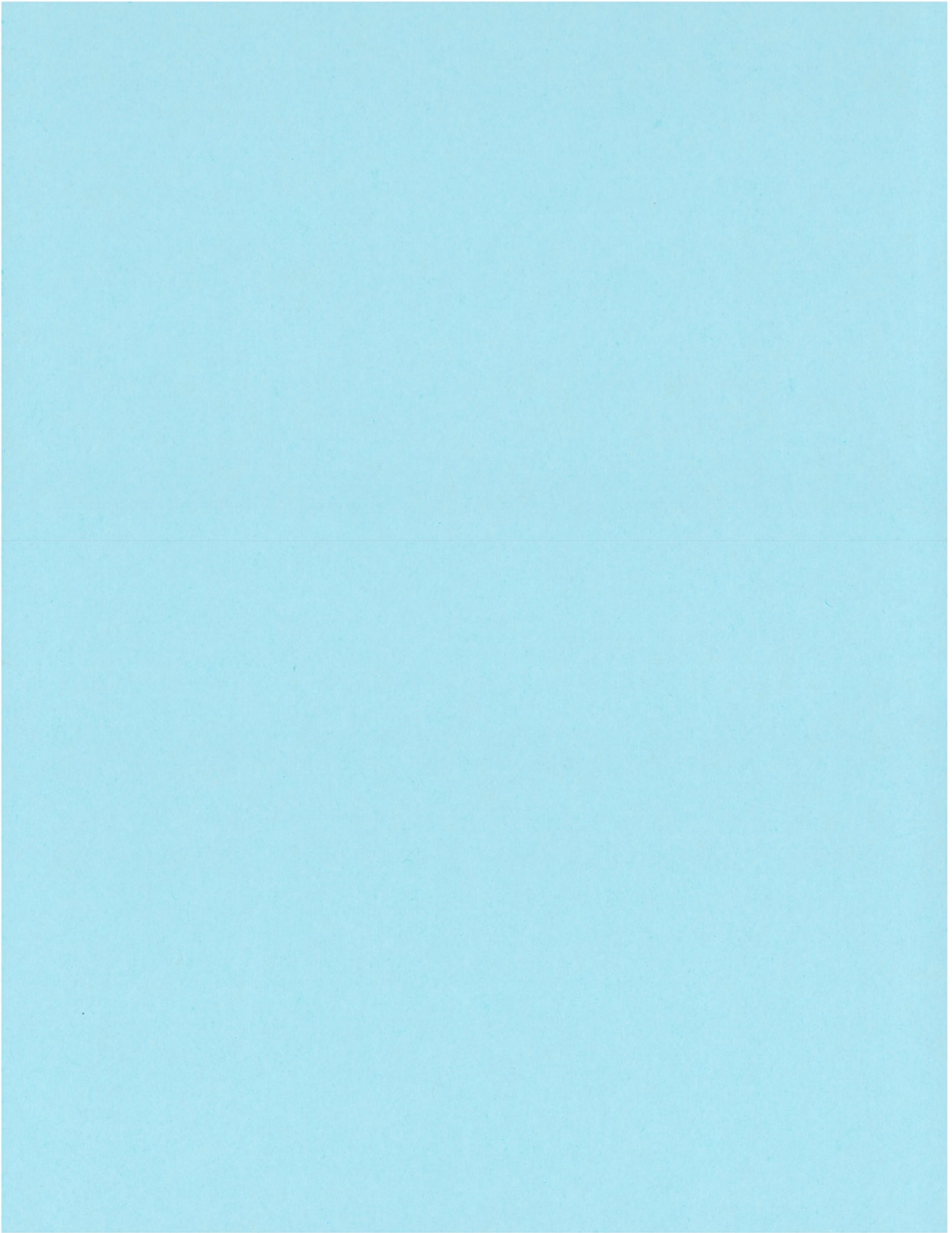
The Working Group seemed in agreement (1) that the campus does not currently have the infrastructure to address the safety and security concerns raised by events such as that of Milo Yiannopoulos, a relatively rare incident for the campus (but which may recur); and (2) the campus can handle the safety and security necessary for the vast majority of campus speaker events.

The UC Davis Freedom of Expression policy provides that "The University shall attempt to ensure that, at any meeting, event, or demonstration, constitutionally protected free expression is not infringed, and shall take necessary steps to attempt to ensure the continuing openness and effectiveness of channels of communication among members of the University community." Consistent with that directive, the Working Group supports (1) an active commitment to freedom of expression on the UC Davis campus combined with (2) taking steps to ensure a safe campus for all. To those ends, the Working Group calls for the promulgation of a policy prohibiting the disruption of speakers or the safety measures taken to ensure public safety.

In thinking about the Freedom of Expression issues addressed in this report, the Working Group after considerable discussion agreed to following statement of principles, including that

1. There is a very high value to free speech for educational and scholarly purposes on a university campus.
2. Clear rules and policies in place to avoid disruption of speakers should be adopted and enforced.
3. Because of the value of free speech to a university community, the university should attempt to provide the necessary security for all speakers and events.
4. The University should attempt to make the necessary preparation for the physical safety and security for all speakers and the audience at events on the UC Davis campus.







## Appendix A

### UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

RALPH J. HEXTER  
Interim Chancellor at Davis

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March 17, 2017

REVISED: April 5, 2017

Jacob Appelsmith, Chief Campus Counsel  
Lawrence Bogad, Chair, Senate Academic Freedom & Responsibility Committee  
Alan Brownstein, Professor Emeritus, School of Law  
Joshua Dalavai, ASUCD President  
Robert Faris, Assistant Professor, Sociology  
Rachael Goodhue, Chair, Academic Senate  
Joel Hass, Professor, Mathematics  
Patrick Helbling, Associate Director, Bodega Marine Laboratory  
Adilla Jamaludin, ASUCD Vice President  
Kevin Johnson, Dean, School of Law (Chair)  
Ari Kelman, Representative, Academic Senate  
Richard Kravitz, Director, UC Center Sacramento  
Milt Lang, Associate Vice Chancellor, Student Affairs  
Carlton Larson, Professor, School of Law  
Jay Mechling, Professor Emeritus, American Studies  
Zach Nelson, Student, Biomedical Engineering  
John Owens, Professor, Electrical & Computer Engineering  
Pat Randolph, Chair, Academic Federation  
Jon Rossini, Vice Chair, Academic Senate  
Carlos Ruvalcaba, Chair, Graduate Student Association  
Alex San Pablo, Student Assistant to the Chancellor  
Brian Soucek, Professor, School of Law  
Darolyn Striley, Chair, Staff Assembly  
Mike Sweeney, Campus Counsel  
Jennifer Thompson, Analyst, Accounting & Financial Services  
Chhaya Werner, Graduate Student, Population Biology  
RE: Working Group on Ensuring Freedom of Expression at UC Davis

Dear Colleagues,

I write to request your participation in a new working group, to be chaired by Dean Kevin Johnson. The group is charged with developing specific policies and procedures designed to ensure that all members of the UC Davis community can fully enjoy the right of free expression on our campus. I draw your attention to several recent campus incidents in which duly invited speakers were prevented or substantially hindered from speaking, and also to the persistent belief held by many in our community that First Amendment protection does not extend to, or should not be allowed to extend to, expression that they deem hate-inducing, offensive, and/or

disrespectful. Both of these realities make it clear that more effective communication, policies, and procedures to ensure freedom of expression are urgently needed.

### *Background and rationale*

The challenges of properly understanding the right of freedom of expression at UC Davis, and adequately safeguarding that right for all members of our community, are not new ones. But they have never been more pressing than they are at the present moment, especially as they relate to campus events featuring controversial speakers. Freedom of expression rights do not include the silencing of speakers, or blocking of audiences from hearing speakers. In a number of recent spoken and written communications to the campus I have articulated the rationale and critical need for the university to give its staunch and unwavering support to freedom of expression, with an emphasis on two primary arguments:

1. The U.S. Constitution explicitly and unambiguously guarantees the right of free expression to everyone on a public university campus. This fact has been affirmed in jurisprudence and serves as the foundation of both UC and UC Davis policy.
2. The pursuit of truth and dissemination of knowledge that are the core functions of all universities cannot be performed effectively without a jealous guarding of the right of students, scholars, and staff to freely express and share their ideas and share their knowledge.

And yet, for many, these arguments have been unpersuasive. This is due, in part though not entirely, to some fundamental misunderstandings regarding what sorts of expression the First Amendment protects.

To be sure, all of us at UC Davis must remain committed to fostering the environment envisioned in our Principles of Community; and we must never be insensitive to any members of our community who feel threatened, fearful, unvalued, or disrespected, regardless of the cause. Even so, we must recognize the wisdom and necessity of a highly tolerant attitude toward expression, as long as it falls within legal limits. Freedom of expression is a pillar of our democratic society, protecting the rights of individuals of all political and cultural views; at the same time, it is a pillar of our university, one without which we could not effectively perform our core functions of pursuing truth and disseminating knowledge.

### *Charge of the new working group*

The working group - which will be comprised of students, faculty, and staff who are representative of our diverse community - will perform two main tasks. First, after appropriate outreach and consideration, it will advise the administration on how to establish across our campus a sufficient understanding of 1) the twofold argument for the right of freedom of expression at the university; and 2) what the First Amendment requires from the administration and members of the campus community in various scenarios, especially campus events featuring highly controversial speakers. Second, and also after appropriate outreach and deliberation, the working group will recommend to the administration and security personnel best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard.

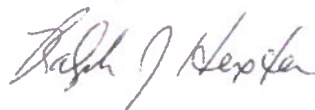
In performing these two tasks, the working group is encouraged to consult and leverage the following: UC Davis' [Freedom of Expression Policy](#); my Fall 2016 Convocation address, "[Inspiring Dialogue and Community](#)," Fall 2016 Commencement address, "[Discernment](#)," and messages to the campus on the subject of [freedom of expression](#) (especially that of February 23, 2017), the website "[Student Expression](#)," which was created by Student Affairs and legal counsel in order to advise students on how to exercise their rights of expression and get support for a variety of situations; and our new campus discussion series entitled [Dialogue and Discernment](#).

The successful accomplishment of the second task - recommending "best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard" - will be especially challenging. This is inevitable, given that many among us passionately disagree about what sorts of expression, and responses to others' expression, should be allowed on our campus. But the working group's efforts will be important, both because our campus, like many others in the UC system and across the country, urgently needs greater clarity about the benefits and requirements of freedom of expression, and because if we want to create an environment that truly protects and honors freedom of expression as well as our Principles of Community, our success will depend on building consensus and cooperation among all campus constituencies.

In developing your report and recommendations, I strongly encourage you to solicit input from individuals and bodies representing all campus constituencies. I would like to receive your report by May 31, 2017.

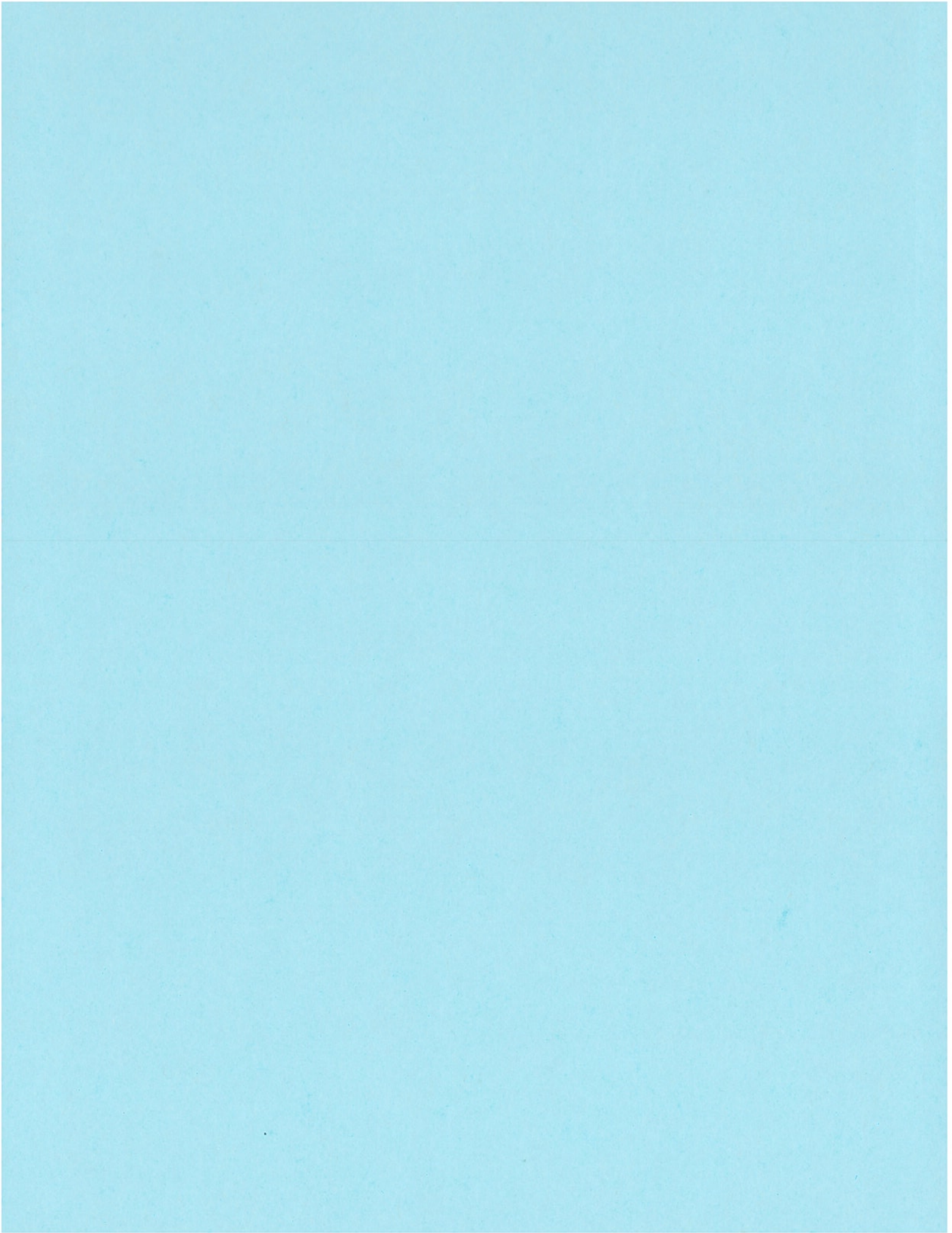
I know this effort will take a substantial amount of your valuable time, and I thank you for your willingness to help the campus move forward in this important effort. You need not respond to this letter unless you are unable to serve.

Sincerely,



Ralph J. Hexter Interim Chancellor

/am

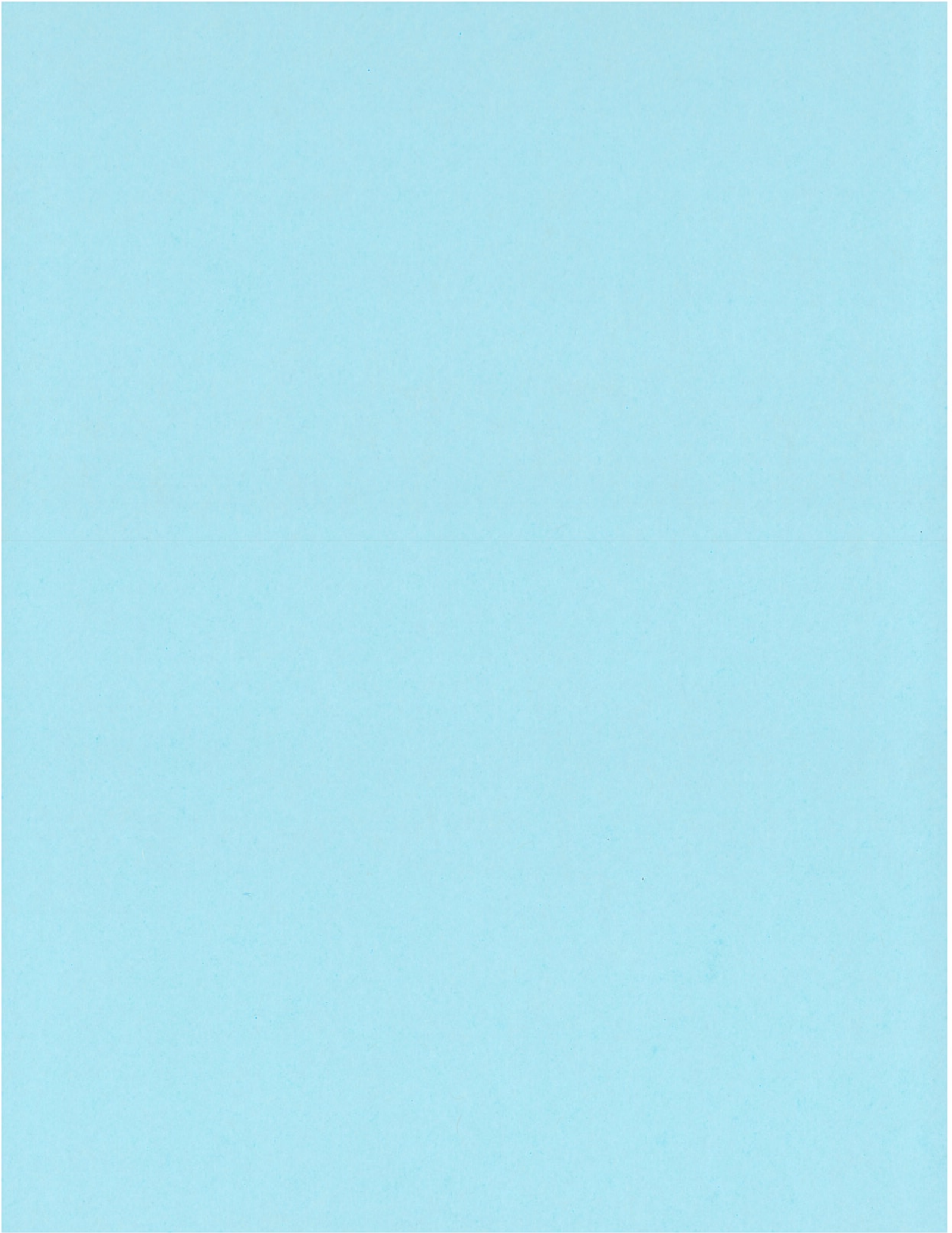


## **Appendix B**

### **Committee Members**

**Kevin Johnson**, Dean, School of Law (Chair)  
**Jacob Appelsmith**, Chief Campus Counsel  
**Lawrence Bogad**, Chair, Senate Academic Freedom & Responsibility Committee  
**Alan Brownstein**, Professor Emeritus, School of Law  
**Joshua Dalavai**, ASUCD President  
**Robert Faris**, Assistant Professor, Sociology  
**Rachael Goodhue**, Chair, Academic Senate  
**Joel Hass**, Professor, Mathematics  
**Patrick Helbling**, Associate Director, Bodega Marine Laboratory  
**Adilla Jamaludin**, ASUCD Vice President  
**Ari Kelman**, Representative, Academic Senate  
**Richard Kravitz**, Director, UC Center Sacramento  
**Milt Lang**, Associate Vice Chancellor, Student Affairs  
**Carlton Larson**, Professor, School of Law  
**Jay Mechling**, Professor Emeritus, American Studies  
**Zach Nelson**, Student, Biomedical Engineering  
**John Owens**, Professor, Electrical & Computer Engineering  
**Pat Randolph**, Chair, Academic Federation  
**Jon Rossini**, Vice Chair, Academic Senate  
**Carlos Ruvalcaba**, Chair, Graduate Student Association Committee Members  
**Alex San Pablo**, Student Assistant to the Chancellor  
**Brian Soucek**, Professor, School of Law  
**Darolyn Striley**, Chair, Staff Assembly  
**Mike Sweeney**, Campus Counsel  
**Jennifer Thompson**, Analyst, Accounting & Financial Services  
**Chhaya Werner**, Graduate Student, Population Biology





## **Appendix C**

(Minutes to Working Group Meetings)

### **Minutes Freedom of Expression Working Group Meeting Wednesday, April 19, 2017 Room 2040 King Hall**

**Present:** Lawrence Bogad, Alan Brownstein, Joel Hass, Patrick Helbling, Adilla Jamaludin, Kevin Johnson (Chair), Milt Lang, Carlton Larson, Jon Rossini, Brian Soucek, Darolyn Striley, Michael Sweeney, Chhaya Werner

At the meeting, copies were provided of (1) UC Davis Freedom of Expression Policy (9/30/15 revised); (2) the meeting schedule; and (3) the committee's charge letter dated April 5, 2017. See attachments.

Kevin Johnson called the meeting of the Working Group to order at approximately 9:35 a.m. The members of the committee who were present introduced themselves.

#### **Meeting Schedule and Deadline**

As previously announced the committee meetings are scheduled as follows:

**Wednesday, April 19, 9:30-10:30 a.m.,** King Hall, Conference Room 2040

**Wednesday, May 3, 8:00-9:00 a.m.,** King Hall, Conference Room 2050

**Thursday, May 11, 3:00-4:00 p.m.,** King Hall, Conference Room 2050

**Monday, May 22, 2:00-3:00 p.m.,** King Hall, Conference Room 2050

#### **Charge of Committee**

The working group is charged in the April 5 letter as follows:

- (1) After appropriate outreach and consideration, it will advise the administration on how to establish across our campus a sufficient understanding of 1) the twofold argument for the right of freedom of expression at the university; and 2) what the First Amendment requires from the administration and members of the campus community in various scenarios, especially campus events featuring highly controversial speakers.
- (2) After appropriate outreach and deliberation, the working group will recommend to the administration and security personnel best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard.

The committee reviewed and discussed the two distinct and independent charges to the working group. The first charge is to make recommendations on how to best educate the UC Davis community about the First Amendment, its value on a university campus, and how a



campus administration is to deal with controversial speakers. The second charge is to identify “best practices” to ensure safety, security, and free expression when controversial speeches come to campus.

Discussion ensued surrounding the committee’s charges. Among other things, committee members discussed issues that have arisen members of the UC Davis community and universities generally in recent months. A recurring problem has been that some groups have sought to silence speech with which they disagree, which adversely affects the First Amendment rights of others who desire to hear that speech. Many questions are raised in such situations, including the university’s obligations with respect to the rights of controversial speakers while ensuring a “safe space” for all.

Several committee members raised the need for the committee to recommend procedures to ensure safety and security for all members of the UC Davis community. Some members offered thoughts on the importance for all students to feel safe and secure. Others expressed a need to redirect attention from efforts to silence speech of controversial speakers to counter-speech and alternative forms of expression through theater, comedy, and the like.

### **Process**

The committee discussed how to best solicit and receive campus input on the committee’s tasks. The general sense of the committee was to solicit online comments and opinions about the charges to the study group.

After the committee meeting, it was arranged to solicit on-line comments and input from the campus community, with an announcement in the *UC Davis Dateline* of the opportunity to comment.

### **Other Policies**

At the meeting, two members mentioned the policies of other universities for the committee’s attention.

1. Middlebury Faculty “Statement of Principles on Free Inquiry”  
<https://www.thefire.org/more-than-100-middlebury-faculty-sign-statement-of-principles-on-free-inquiry/>

2. Report of the Committee on Freedom of Expression, University of Chicago,  
<https://freeexpression.uchicago.edu>

### **Adjournment**

Dean Johnson adjourned the meeting at approximately 10:35 a.m.

### **Attachments**

**Minutes**  
**Freedom of Expression Working Group Meeting**  
**Wednesday, May 3, 2017**  
**Room 2050 King Hall, 8:00 a.m.**

Kevin Johnson (Chair) called the meeting to order at approximately 8 a.m. He thanked the committee for attending the early morning meeting.

The members of the committee who were present introduced themselves.

There were no comments about, or changes suggested to, the minutes of the April 19 meeting.

Kevin informed the committee that, as discussed at the last meeting, (1) he had solicited input from the campus community on the Working Group's charge, *see* <https://www.ucdavis.edu/dialogue/freedom-expression-working-group>; and (2) that he would share input received with the Group before the next meeting.

The Working Group focused on formulating a response to Charge 1 in the Chancellor's letter dated April 5, 2017:

After appropriate outreach and consideration, it will advise the administration on how to establish across our campus a sufficient understanding of 1) the twofold argument for the right of freedom of expression at the university; and 2) what the First Amendment requires from the administration and members of the campus community in various scenarios, especially campus events featuring highly controversial speakers.

The committee discussed the ways in which the campus community might be educated about the arguments for freedom of expression at the university and what the First Amendment requires from the members of the campus community and the administration, especially in the instance of highly controversial speakers,

Committee members made a number of suggestions about how to promote understanding of the issues surrounding freedom of expression and a healthy dialogue on the issues.

- To place information about freedom of expression, and possibly other related material, on the UC Davis home page.
- To hold interactive town halls and workshops, including some organized by students for students, on the values of freedom of expression and the obligations and responsibilities of a public university.
- To organize one or more series of balanced speakers on Freedom of Expression. The series could be held in large venues, classroom, and other settings. Students could be included as speakers. The series might include public debates of opposing views about freedom of expression and related issues.
- To organize a Campus Book Project around a book that educates the campus community about the values served by Freedom of Expression.
- To hold Freedom of Expression educational programs in the dorms.

- To target outreach to student groups for dialogues on Freedom of Expression issues.
- To formulate a clear policy condemning the disruption of controversial speakers and share that policy with all campus constituencies.

The Work Group devoted much of the meeting to a discussion of the last suggestion about the possible imposition of discipline on students who disrupt speakers with whom they disagree. There currently is little, or no, disciplining of students who disrupt the speech of others. The general sense of the committee was that (1) the current Student Code of Conduct does not directly address the issue; and (2) the campus needs a clearer policy governing the imposition of student discipline for disrupting speakers. The committee generally agreed that there should be a specific Student Code of Conduct section dealing with students who disrupt the speech of others, with a range of possible sanctions. A clear provision would help establish clear expectations among students about the possible consequences of disrupting campus speakers.

Another articulated concern was that students are not as large a part of the decision-making process as they should be. A related concern: students should be more involved in policy-setting and decision-making.

The meeting was adjourned at approximately 9:03 a.m.

Prepared by Kevin R. Johnson, Chair

**Minutes**  
**Freedom of Expression Working Group Meeting**  
**Thursday, May 11, 2017**  
**Room 2050 King Hall, 3:00 p.m.**

Kevin Johnson (Chair) called the meeting to order at approximately 3 p.m.

**1. Approval of the Minutes of the Meeting of May 3, 2017.**

There was no objection or comments to the minutes as drafted.

**2. Discussion of Comments Submitted to the On-Line Solicitation on the Committee's Charge**

The comments that had been submitted in response to the online solicitation for comments in the *UC Davis Dateline* were distributed to the Working Group with the agenda to the meeting. Two additional comments, both submitted after the first set of comments were downloaded, were distributed at the meeting. See Attachment.

The Working Group discussed the comments. Some of the comments were referenced in the subsequent discussion.

**3. Formulating a response to Charge 2 in the Chancellor's Letter dated April 5, 2017:**

**[t]he working group will recommend to the administration and security personnel best practices on ways to ensure freedom of expression, personal safety, and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected, and heard.**

For the remainder of the meeting, the Working Group addressed the second charge in the Chancellors letter.

The Working Group generally agreed that there is a right to protest but no right to be allowed to silence the speech of others. As the Group previously discussed, there is no University of California or UC Davis policy that directly addresses the imposition of discipline on students for the disruption of the speech of others. Students could be subject to discipline if there were such a rule or regulation. The general sentiment of the Working Group was that there is a need for such a standard, regulation, or policy and that it should be enforced. Discussion ensued about what would trigger discipline under such a regulation and what the appropriate sanctions might be for a violation.

The Working Group discussed the fact that some of the protesters at events are not students but part of the greater community; as non-students, they are not subject to student discipline. However, criminal activity can be the subject of police action for both students and community members.

The Working Group seemed in general agreement that the campus should sanction threats to health and safety of other persons, tampering with safety measures put into place to ensure the safety of people at events (such as tampering with safety barricades), and otherwise interfering with a campus safety plan for a campus event.

The Working Group seemed in agreement that (1) the UC Davis campus does not currently have the infrastructure to address the safety and security concerns raised by events such as that of Milo Yiannopoulos, a relatively rare incident for the campus (but one that may recur); and (2) the campus can handle the safety and security of the vast majority of campus speaker events.

The Working Group seemed to support (1) an active commitment to freedom of expression on the UC Davis campus combined with (2) taking steps to ensure a safe campus for all. (Note that the Freedom of Expression policy provides that “The University shall attempt to ensure that, at any meeting, event, or demonstration, constitutionally protected free expression is not infringed, and shall take necessary steps to attempt to ensure the continuing openness and effectiveness of channels of communication among members of the University community.”). Steps along these lines might include:

1. Promulgation of a policy prohibiting the disruption of speakers or the safety measures taken to ensure public safety.
2. The following statement of principles including that
  - There is a value to free speech for educational and scholarly purposes on a university campus.
  - Clear rules and policies in place to avoid disruption of speakers should be enforced.
  - The necessary security should be supplied for all speakers.
  - The necessary preparation should be made for all speakers,

The meeting was adjourned at approximately 4:02 p.m.

Attachment

Prepared by Kevin R. Johnson, Chair

**Minutes**  
**Freedom of Expression Working Group Meeting**  
**Monday, May 22, 2017**  
**Room 2050 King Hall, 2-3:00 p.m.**

Chair of the Working Group Kevin Johnson called the meeting to order at approximately 2:02 p.m.

**Approval of the Minutes of the Meeting of May 11, 2017**

Draft minutes of the Working Group meeting on May 11, 2017 were previously distributed. There were no comments or amendments to the minutes as drafted.

**Discussion of the Draft Report**

A draft of the Report by the Working Group had been distributed by e-mail in advance of the meeting. Suggested changes submitted by Larry Bogad, Alan Brownstein, and Richard Kravitz were distributed to the committee. Discussion of the proposed changes ensued. The Working Group approved various changes as discussed and they will be incorporated into the Report.

Darolyn Striley also provided punctuation and similar comments to the chair of the Working Group. Those changes will be incorporated in the draft.

Further discussion ensued of the draft report. A number of members of the committee expressed concern with the short due date for submission of the Working Group's report.

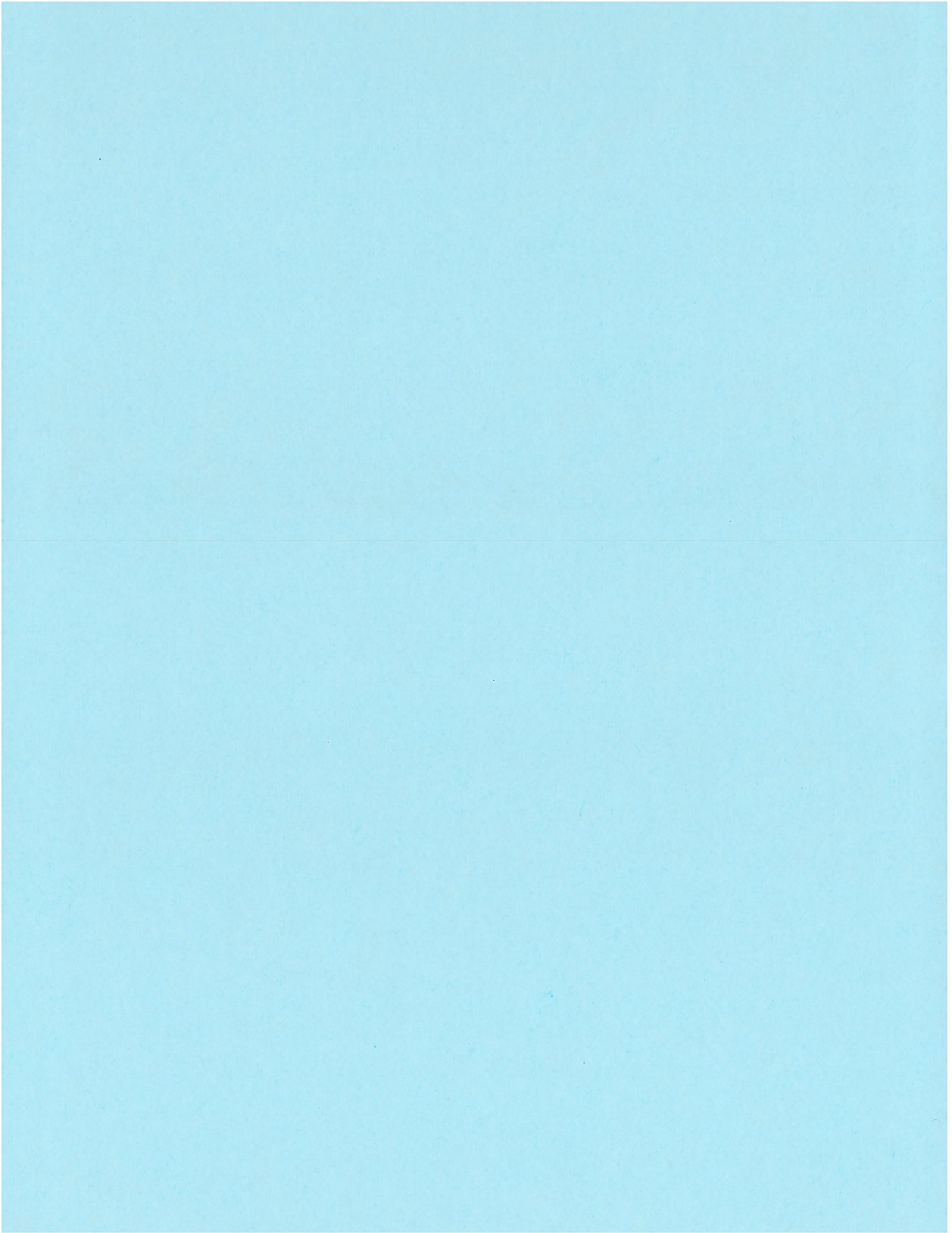
Kevin Johnson agreed to revise the report as discussed in the meeting and to circulate a revised draft to the Working Group by the end of the week.

**Adjournment**

The meeting was adjourned at approximately 3:02 p.m.

Prepared by Kevin R. Johnson, Chair







## Appendix D

I feel that UC Davis often focuses on freedom of speech regarding political beliefs and embracing those of various races and genders. However I don't always feel that freedom of religion is respected. I am a quiet staff member who does not talk about my religion at work or talk down to others about theirs.

My department often celebrates commonly recognized holidays. I don't participate in most of these events, but don't say anything negative to or about those who choose to celebrate them. However I often feel like an outsider and at times get negative comments from others in my office because I don't wish to participate.

This is unfortunate and unpleasant, especially when working at a University that preaches the importance of diversity. I would love to see this change and to see others practice tolerance the way they preach it to others and show respect for all individuals here no matter who they are. No students or employees should ever have to feel like they're looked down upon because of their race OR religion. I appreciate the opportunity to express this concern and hope this issue changes over time.

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Teach our students how to protest in a peaceful and meaningful way - show them how a well organized and peaceful protest can speak louder and get better news coverage than a disrespectful one. [https://www.washingtonpost.com/news/worldviews/wp/2013/11/05/peaceful-protest-is-much-more-effective-than-violence-in-toppling-dictators/?utm\\_term=.b1edb06977d9](https://www.washingtonpost.com/news/worldviews/wp/2013/11/05/peaceful-protest-is-much-more-effective-than-violence-in-toppling-dictators/?utm_term=.b1edb06977d9)

---

It might be helpful to not identify only conservative ideas or guest speakers as "highly controversial". The term is subjective based on one's personal beliefs and shows the left-leaning hand of UC. Best not to "label" guest speakers. It doesn't seem to fit with the Principles of Community. Defining conservative views as highly controversial is insulting to those of us who are right of center. Which does not mean all conservatives agree with the points of view of these guest speakers. But we do believe in free speech. These labels no doubt influence and ignite those who choose to react violently.

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Free speech, in both philosophy and practice, is always attached to structures of power and thus is always complicated. Freedom of expression needs to be balanced with a focus on the protection of members of our community who are most vulnerable. It is impossible to give speakers a completely free reign to do whatever they want and still ensure the protection of our community. These are CONTRADICTIONARY goals. Frankly, the university should focus less on protecting neo-nazi's rights to free speech, and more on promoting intellectual debate grounded in objective facts and truth. If a speaker is known for hate speech, for targeting vulnerable students, for promoting violence against marginalized communities, and for promoting opinions

that go directly against established fact, we shouldn't be hosting them on our campus, even if a misguided student group invites them. There needs to be a review process for speakers to ensure that they are not engaging in hate speech. This is not to say we need to vet whether their opinions align with ours, but rather it means that we need to be sure that speakers aren't putting students at risk with their presence on our campus, both in terms of their targeting our students or marginalized populations, and in terms of them bringing others to campus who might. For example, when Milo Y. came to campus earlier this school year, there were known white supremacists who also came to campus to see him, such as Nathan Damigo, who was convicted and served time for assaulting a Muslim taxi driver in NY. Having those people on our campus puts everyone at risk, and having speakers who actively try to reach out to these types of people is even more so, as it ends up normalizing dangerous rhetoric and provides them with a legitimized platform from which to incite violence and harm against our communities. I am providing additional articles here to frame the problem, and encourage you all to consider how to create a more specific and clear policy that will be able to distinguish between hate speech and free speech. I am willing to talk more about this if needed (Amara Miller, marmiller@ucdavis.edu).

Free speech is your right.

A platform is a privilege.

We all have a right to free speech.

We are not all deserving of a platform.

<https://www.nytimes.com/2017/04/24/opinion/what-liberal-snowflakes-get-right-about-free-speech.html?mwrs=Facebook>

<http://www.dailycal.org/2017/05/01/399178/>

[https://newrepublic.com/article/142218/colleges-right-reject-hateful-speakers-like-ann-coulter?utm\\_source=social&utm\\_medium=facebook&utm\\_campaign=sharebtn](https://newrepublic.com/article/142218/colleges-right-reject-hateful-speakers-like-ann-coulter?utm_source=social&utm_medium=facebook&utm_campaign=sharebtn)

<http://www.dailymail.co.uk/news/article-4371866/Judge-denies-Trumps-free-speech-defense-protester-case.html>

<https://theestablishment.co/everyone-who-enabled-milo-yiannopoulos-shouldve-seen-this-coming-e6778af8f0a1>

[https://docs.google.com/document/d/13mTOQ7wVst6voLMg6Pvr-3uJ2Fbn7zcXg\\_Bkx8mGDOK/edit](https://docs.google.com/document/d/13mTOQ7wVst6voLMg6Pvr-3uJ2Fbn7zcXg_Bkx8mGDOK/edit)

<https://medium.com/@BlaQSociologist/free-but-not-to-kill-me-33b6c64a050b>

<http://overpasslightbrigade.org/hates-insidious-face-uw-milwaukee-and-the-alt-right/>

<http://www.davisvanguard.org/2017/01/guest-commentary-free-speech/>

[https://www.theguardian.com/commentisfree/2017/jan/09/milo-yiannopoulos-simon-schuster-hate-speech-free?CMP=share\\_btn\\_fb](https://www.theguardian.com/commentisfree/2017/jan/09/milo-yiannopoulos-simon-schuster-hate-speech-free?CMP=share_btn_fb)

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There is no such Freedom at UC Davis. Any speaker should be allowed to come to UCD whether people agree with them or not.

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Bring back Milo Yiannopoulos.

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This is such a profound waste of resources. What kind of university do we actually want to attend, and are you willing to spend the resources in the ways we name to create it? Seems instead like you're most into creating a university that harbors and tacitly promotes all kinds of settler colonial, racist, transphobic, anti-immigrant, anti-poor, ableist, fascist violence while gaslighting everyone who dissents. This group, which is part of that toxic project, is such full bs.

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The context of what's actually been happening indicates you're using "controversial speakers" to mean "neo-Nazis and other bigoted scum who want to see marginalized groups subjugated". Your willingness to protect and accommodate them is in line with a long history of racist policies by UC admin, and we won't let that go forward. History has shown us what happens if we do. If you actually care about the well-being of the campus community, quit being a chickenshit and actually do something to stem the rising tide of racism and fascism and the inroads those campaigns are making into the university. We will make sure people here are safe, with or without you, so work with the right team or get the fuck out of the way.

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The best way to ensure freedom of expression, personal safety and security of campus facilities is to arrest and prosecute rioters.

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When the views of white supremacists and their right to a platform are actively supported by our administration while activists from marginalized communities are condemned and stigmatized- Who is allowed to "feel safe, valued, respected, and heard" on our campus?



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i don't want anyone on this campus that has a bigoted racist homophobic views. those opinions and views are meant to divide us and take us back in time when not all people were treated or respected like the rest of us white straight people. i will not support those events or attend them.

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No fucking hate speech or speech from bigots

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How do y'all feel knowing that Milo is a pedophile who advocates for "intergenerational relationships"? Are students at UC Davis taught that grown men and teenagers should have relationships?

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What are you doing about how students within ASUCD are being forced to hang the American flag because of death threats they've received?

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It is probably best for the campus to stay out of politics altogether. Nothing has stunted free speech and discourse more than the campus' blatantly liberal disposition. For evidence of the bias, look no further than the last two years of mass e-mails from the Chancellor's office, especially the messages about "safe spaces" and how to deal with the results of the election. You know exactly what you're doing and it should be no surprise that your recent communications are encouraging the unrestrained violence.

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How do you balance freedom of speech, but not want to support messages of hate? I don't have this answer. However, today I was thinking about freedom of speech prior to seeing your message, when I came across the man, who on a daily basis is shouting rambling messages to people trying to eat their lunch outside the MU south side. I do not think he is a member of UC or was invited to speak. It is easy for me to ignore him as I am not at that location very often, but for students trying to meet friends, on a daily basis this person is extremely annoying and has

been there every time I go to this location at lunch. Can we ask him to practice his freedom of speech elsewhere as a not-invited speaker?

---

The educational mission of the University should encourage freedom of expression and speech so people have information and access to thought provoking ideas, and perhaps differing opinions. Sharing ideas with others can produce interesting perspectives and awareness. The University police and security teams should be present and enforce the laws and civility of all events, if needed.

The police, staff and students must make sure all opinions can be heard in an educational manner and not resort to or accept violence or intimidation as ways to avoid freedom of speech.

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The fact you need to ask people if its okay to invite nazis to campus speaks volumes on your faulty moral compass

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Good luck getting the majority of young Californians to enroll at UC Davis if you make it a safe space for neo-nazis. There in no place for racial hatred in the UC. If having a welcoming campus means keeping racists from wanting to come here I say all the better.

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"Best practices on ways to ensure freedom of expression, personal safety and security of campus facilities, while at the same time promoting an environment in which all members of our community feel safe, valued, respected and heard."

You cannot provide a platform for racists, sexists and transphobes to express their hatred AND have all members of your community feel safe, valued, and respected. Make a decision about what you care about more and own it.

--Robin Marie Averbeck, Alumni

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Do not bring racist, sexist, homophobic, transphobic, or islamaphobic speakers to campus. Use the Principles of Community as your guide in deciding who to bring to campus.

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I believe that there is no freedom of expression especially when it comes to certain religions on campus. For example, we are not allowed to engage in critical debate with Islam in fear to be labeled as .....phobic. By critical I mean not to offend, not to encourage violence but to debate the same way we debate about other religions without the fear of all this adjectives that are used to shut down peoples opinions about these topics. I also am very concerned about the fact that you only invite leftist scholars, while others are completely, and violently excluded from our community. I feel that this campus has become extremely left and if you don't comply with the ideas of the general public you are an outcast. I don't like the direction this school is moving to. I think it is imposible to have a different opinion.

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The university has a constitutional obligation not to treat speakers differently on the basis of their viewpoints, identities, or the content of their speech (or what you \*expect\* their speech to be). When you allow student groups to bring speakers to campus, you have an obligation under the First Amendment and Article 1, Section 2 of the California Constitution to ensure that all speakers have the ability to speak freely, regardless of what they say.

The university should provide security for events, when necessary, without charge to speakers or the student organizations sponsoring them. The university cannot require student organizations to indemnify the university as a condition of bringing a speaker to campus. The way you implement security for "controversial" speakers must be the same as the rules you apply to speakers you deem less controversial.

Do not listen to activists who scream at you to ban fascists, or who equate controversial speech with violence. Speech is not violence. Speech is speech; violence is violence. You have a duty to protect speech AND to prevent violence - actual, physical violence. You can do both. You should do both. Constitutionally, you MUST do both.

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The best way to ensure free speech is upheld is not to invite white supremacist, misogynist, neo-nazis.



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I have a few ideas. 1) We need training for campus activist groups; what their rights are, how to peaceably protest, and what "professional protesters" are and how they can help or hurt their cause. 2) These activist groups need to have a good relationship with campus police so that peaceful protesters feel comfortable approaching police to report violence instigators. 3) We need an anonymous tip-line so that club members can report planned violent activity.

We also need a campus game plan; a guide for peaceful protesters on how to act when violence erupts to help the police stop the violence, identify the perpetrators, and keep the peaceful protesters safe. Maybe a "safe zone" can be set aside for each planned protest like the meet-up spots during fire evacuations? Maybe peaceful protesters sit down or give some other passive indication that they are not part of the violence?

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When it comes to the interaction between a student's freedom of expression and their personal safety our priority needs to be safety. First and foremost, this institution is here to serve and educate our student population. We are not here to provide a platform to ideologues. We are not here to encourage the isolation or disenfranchisement of our students. The free expression of our students is important, but if that expression were to be construed as a threat to other members of our community our natural process would be mandatory reporting to Judicial Affairs and handling those kinds of inappropriate insinuations internally. When it comes to external actors visiting the campus, making statements that threaten some of our students, and otherwise creating an environment that violates our principles of community, if we can no longer guarantee the safety of the people we are here to protect, such instigators should not be welcome here. The university is a prestigious institution that invites guests to share in elevated dialogues concerning academic topics, and researched and peer-reviewed theories. These discussions are common in the classroom regardless of individual opinions, and are achieved with rational debate and decorum. We should not be inviting speakers here who are not the intellectual equals of our community and have no intention of furthering productive dialogue on issues of interest to our student body and campus. Frankly, spaces are given on day-time television, am radio, and reality TV for any narcissist with a need for validation to share their wild and unsupported opinions about anything and everything. The University is a cut above that and we should set our community standards higher in the interests of our student's safety and keeping our promises to provide them with a legitimized environment of higher education and learning.

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How about stop threatening the Davis Divest movement?



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Ideally there should be no limitation to free speech on the campus, except for:  
speech calling for physical violence against people  
speech calling for the destruction of university property  
speech delivered in a way that interferes with the educational purpose of the university (class disruptions etc.)

In addition, the administration should ensure that there is no impediment to the exercise of free speech (within the limitations above), e.g., by making sure that invited speakers are able to deliver speeches to their audience. Finally I don't think that the university should seek to "make people feel valued" at all costs. Sometimes free speech will and should make people feel bad or uncomfortable. The purpose of free speech, or of education, is not to entrench people in their own preconceived ideas by pretending that all opinions are equally valid, but to debate in the hope that truth and reason will come out and prevail.

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UCD should stop rewarding people for suppression of speech. Before becoming the Vice Provost for Academic Affairs, Mau Stanton's claim to fame was preventing the delicate ears of UC Regents from hearing the words of Larry Summers, on economics.

She wanted to punish Summers for purported opinions about cognitive differences among genders.

What message does this send?

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As an alumna, I'm concerned that UCDavis not perpetuate misunderstandings of the First Amendment. The First Amendment is there to guarantee that the government won't arrest you for spouting nonsense, not to guarantee that anyone has to give you a platform to spout nonsense. UCDavis has zero First Amendment obligations regarding speakers, regarding of whether they're highly controversial, liberal, conservative, or boring as all get-out. Deborah Cahalen Schneider, Ph.D 1997

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I strongly endorse the University of Chicago policy on freedom of expression (<https://freeexpression.uchicago.edu/>), and believe UC Davis policy should also prioritize the freedom of speech, including deeply unpopular speech, above all other considerations. As a Jew, I support the right of antisemites to express their views without fear. And having grown up in a

totalitarian state, I know that few things can corrupt a society as thoroughly as self-censorship.  
Artyom Kopp, Evolution and Ecology

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Who is on this working group and how were they selected? It would be helpful to see a listing of group members and their affiliations (student/staff/faculty, departments, etc.)

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We must provide for all viewpoints - even the ones I vehemently oppose - b/c taking the right of one, will lead to the loss of my own rights. Our community must learn how to react in ways that are respectful of the right, and not necessarily the message. In some ways I compare it to dealing with a toddler having a tantrum - the more you provide a platform, engage, plead, provide reinforcement through a variety of means, the more power the person gains. Ignoring, walking away, creating alternative events at the same time, posting signs, attending and questioning the ideas of those you oppose, standing in the back of the auditorium with signs respectfully, meeting with the organizers prior to understand and listen to their reasons for hosting such an event or speaker - facilitating that discussion - Perhaps having two opposing speakers share their ideas together. We must bridge the divide of either/or and us/them. Provide avenues for critical thinking, questioning all ideas even the ones we believe.

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In my opinion, the greatest threat to the health of the University of California is the growing intolerance against people and groups found offensive by the dominant political viewpoint of students, administrators, and faculty.

This intolerance is an intellectual intolerance, a political one-sidedness, and is the opposite of what universities should stand for. It results in intellectual monocultures in certain disciplines; the university taking stands on contentious political, moral, and personal issues over which it has no special insight; and a fostering of intolerance and hate against those who hold viewpoints incompatible with the dominant university viewpoint.

The university is not a platform to amplify a particular political view, and when it does it violates its core mission. Universities must remain open forums for contentious debate, and they cannot do so while officially espousing one side of that debate.

In response to the questions posed in this survey, I don't think there is much to discuss regarding keeping environments safe; this is a solved problem! It is not easy, cheap, or without bad press.



But if we renege on our duty to allow and enable all voices to be heard equally on campus, we might as well stop calling ourselves a university. It is not a difficult choice.

What should the administration do to help the situation?

- Firstly, take a stand on true tolerance (how do I respect those who hold an opinion different from my own?)

- Secondly, take a stand on true pluralism (include factors beyond race, gender, etc., such as political viewpoints)

For crying out loud, the entire campus gets an email when someone writes a naughty word in a toilet stall and yet our Dear Leader chancellor can't take a stand on intolerance with some backbone and can't resist saying, "even those that we personally find repellent" and "especially ones that many of us find upsetting or even offensive". Shameful. Let me be clear: I don't like Mr. Yiannopoulos one tiny bit but I am ashamed of a university that can't take a stand against intolerant protesters.

I am a tenured faculty member and I look forward to the day when I can sign my name to an \*opinion\* like this without fear of retribution.

(Much of the text is borrowed or copied from a very well-worded letter with which I strongly agree: "The threat from within," Former Stanford Provost, John Etchemendy, Feb 21, 2017. <http://news.stanford.edu/2017/02/21/the-threat-from-within/> )

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The definition of "freedom" is not rocket science. Nor does the act of defining the word or how to implement it need a committee to develop a committee for a committee on defining freedom. Freedom is as simple and straight forward as one can possibly get: free; unfettered; without constraints; etc. The whole concept of FREEDOM of speech/expression is speech/expression completely unfettered and without caveats -- without constraints. As example, if putting a crucifix in a jar of urine is determined to be "freedom of expression", (though completely revolting, and offensive to a VAST MAJORITY of Americans), then allowing a confederate flag, (equally revolting and offensive to a VAST MAJORITY of Americans) must also be considered FREEDOM of expression. This is not complicated. Yet, it would seem, that the busy-bodies of society have determined it must be made to be overly complicated.

As long as thuggery and violent behavior, under the justification of "protest" continues to be allowed and essentially "not discouraged" on this campus (and the rest of the UC System), there is no hope for true "free speech".

Further, this nonsense about "safety zones" and so on is petty and ridiculous. My word, if our

forebears needed "safety zones" whenever things happened that they didn't like or agree with, many great and amazing things this country and its citizenry has accomplished never would have seen the light of day. If you truly want to address this issue, do so with integrity and stop catering to the small but loud, crybaby-like herd of "sheeple" who want to "feel good" about doing something, but only if it is going to make them happy. They are selfish, self-centered, and have zero understanding of sacrifice.

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People's freedom of expression end where my rights as a human being start. I support freedom of expression as i appreciate most points of view and opinions. I have a problem with people who infringe on my rights as a human being and hide behind freedom of expression. I consider racist speech an attack on people.

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If you are going to allow freedom of speech it needs to be fair across the board. If you allow one group to have a speaker and people don't agree with it that's life. Life isn't fair and people need to learn that. People have different opinions and they need to start teaching that in schools again. We need to stop babying the youth of tomorrow and teach them to put their big girl panties on and deal with life. Life isn't fair build a bridge and get over it.

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I don't think you can have an honest discussion anymore on a college campus. If your opinion differs than that of the majority, you will not be heard, or be allowed to express a differing viewpoint. The campus culture is not an open one. Even as a person with a moderate viewpoint, I am not accepted as those that sit on the far left. I have even been accused while walking on campus as being a racist, even though I said nothing, or did nothing. The environment on campus has become less accepting to middle-aged white males, and it is only getting worse.

And I didn't even vote for Trump.

It is just sad, and not what I remembered when I started on campus 24 years ago.

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Learning to handle disagreeable speech and differing view points is part of being an adult. Protecting students from this is doing them a disservice.

Anyone, faculty or student, who considers themselves with such omnipotence as to appoint themselves to be the censor for others should be dismissed from UCD.

The University of Chicago has a nice statement regarding this:

<https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>



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Set up a panel where you have speakers from opposite sides of the table with a knowledgeable and effective moderator to keep the peace and ask insightful questions. Students do need to be exposed to both sides whether they think they do or not.

However I think there has to be an official line drawn against hate speech. We already have the Principles of Community in place so why would we allow someone to speak who so clearly derides them? Speakers should be able to follow our guidelines and still share opinions that might be controversial, i.e. different from the mainstream. However if their fame and/or opinions are based on hate (rather than solely on a difference of opinion) then they should not be invited. It seems to me that if your Working Group sets clear guidelines that define freedom of speech in the context of the principles of community, then you will be able to readily decide who should and should not be invited. Milo Yiannopoulos is a perfect example of someone who your new guidelines should exclude. He had so many public (in general and on campuses) hateful comments and was banned from Twitter (which seems to be virtually impossible). He is not someone with just different opinions, he is spreading hate speech. That should not be allowed. And if that wasn't enough, he set himself up to be denied access to campuses so that he could make fun of free speech, literally thumbing his nose at liberalism. The answer to that is to define free speech so that it doesn't allow any and all speech but publicly denies access to those that promote hate speech. If you can, get a copy of the email that Chancellor Dirks from UC Berkeley sent to his students right before Milo's visit. It was similar to the one sent to UC Davis students but was much longer and attempted to really draw the line between the position of the UC Berkeley administration and freedom of speech.

Once the Working Group has created this document, add it to the Principles of Community, if possible, so that it becomes a part of what we at UC Davis believe in - faculty, staff and students. Perhaps if students learn this in the Principles when they first arrive, then they will be trained to value free speech (from all perspectives), so long as it doesn't cross the line into hate speech.

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Go back to the beginning of when and why the amendments were created. At that time what did they mean? We have to go back to their time and think like the founding fathers did at the time they created the amendments. Interrupt them as them not as us now. They came from a different kind of government that they were forced to live by. They wanted freedom from that type of power. Ask yourself what they hoped to accomplish with the first amendment. Would they be pleased with how we define the amendments today? I think they would be shocked with today's standards.

---

We the people of this campus and the United States should have the right to be safe in our community at all times under any circumstances.

No one should have the right to enforce their views on anyone.

We should all be able to feel free to speak about our views and beliefs in public without fear of harm in any way, even if we don't agree.

If a person does not approve of what is said, we have the FREEDOM to move along and not listen.

Violence should NOT dictate what is right and acceptable. We should not be at war with each other's differences.

We should not feel threatened because we are different and believe differently.

BEING DIFFERENT IS PART OF THE PLAN!!!

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Here at plant Sciences Mailstop #7, we get mail delivery on Tuesdays and Thursdays. Today, Tuesday 5/2, I received a notice of a meeting on speech and the Quad as Free Expression Zone or Safe Space - but the meeting was May 1. Please send out notices far enough in advance to facilitate sufficient advance delivery to post. Thanks!

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I am so glad that this workgroup was created. Frankly, I was thoroughly embarrassed to be associated with the university after Milo's speaking engagement was cancelled. I don't agree with anything that Milo stands for, and I am certainly not a supporter of his ideology. However, we are a university. Free expression of ideas is absolutely the most vital part of the college experience. That is where learning occurs. Regardless of content, all ideas need space to be spoken, evaluated, and - if necessary - dismissed. Every single day. If we cannot create a space where ideas are freely exchanged, we have no business keeping our doors open.

I was ashamed at our handling of the entire situation. If protests made it so that the event could not happen, it was the university's responsibility to assure that it could. We need to not only create spaces for expression of ideas, but we need to be content neutral in our support of the expression of those ideas.

We should all absolutely feel heard; however, that cannot and should not be at the detriment of a free exchange of ideas. Learning is painful and challenging and sometimes it is not safe (metaphorically speaking). We do not have a responsibility to protect our students from opposing



viewpoints - even if those viewpoints are abhorrent and painful to examine critically. While I think we have a responsibility to make sure people feel safe from harm here, that is not an excuse to stop engaging with ideas that we find disagreeable.

Lastly, just a comment on Chancellor Hexter's message to the campus community. While I appreciate the repeated acknowledgement of the legal requirements of the Sixth Amendment, I feel he misses a crucial point. It should not be that we protect speech due to a legal requirement. It is a legally protected right, but it is also a core value of this institution. We should protect speech because it is our moral duty as a place of learning, not because it is a law we have to follow. It is challenging hard work that is the only way a place like this can continue to be respected. To be an educator and to shut down speech is a sign of someone who should not be teaching.

All we can do is work to be better. I really appreciate that this group was formed and hopefully the group prioritizes the free exchange of ideas. I can't see studying at a place that does not. Again, I am thrilled to see this being addressed by a workgroup. Your work is not easy, and there are thousands of minds that are depending on your work being successful. I don't envy the job and thank you for your service to the institution.

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Allow employees to have decorations for Christmas

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As a faculty member, I have mandatory training that I need to take on topics such as sexual harassment, etc., and subscribe to the principles of community. It doesn't seem like a stretch to me that people who are paid to speak at our University shouldn't have to subscribe to the same principles and ideals. And as public figures, their prior speech should be highly indicative of their positions. Why should faculty and paid speakers be held to different standards?

---

I am offended sometimes and guess what, that's okay! The California University System has either wittingly or unwittingly become an arm of the progressive movement. If you disagree with one espousing progressive views, on any level, they will most often viciously attack you and label you a bigot, homophobe, Islamaphobe, transphobic, xenophobe, racist, sexist, etc. This is simply unacceptable. For example, I study clinical psychology. If I ask a question as simple as, is the permanent physical alteration of a transgender person's genitals absolutely necessary for them to achieve psychological well being, I risk being labeled transphobic, and have been. Scientifically speaking, the question is a legitimate question, especially in the field of clinical



psychology. Yet, the University has allowed an environment to establish itself that immediately seeks to silence those that ask such legitimate scientific questions. Just because one asks a question does not make them (X). As an academic community we should be ashamed of ourselves. Personally, I fully support the rights of anyone that wants to speak publicly about any topic. The University should push back against the current trend and not only support, but encourage the free expression of all ideas, even those that are hateful. Why? Because poor ideas will always ultimately fail when properly exposed and given the chance to be fully evaluated by the public! We should not be afraid of poor ideas, we should be afraid of those that wish to silence or in anyway reduce or constitutional right to the freedom of speech.

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I fail to see how allowing student groups to invite speakers to campus who deliberately single students out for shame, ridicule, and harm fosters our Principles of Community. The First Amendment gives people the right to say what they want, but does not compel universities to give a platform for speech that encourages violence against women, LGBT people, immigrants, and religious minorities. Not giving a platform to a speaker is not the same as preventing his or her freedom to speak.

Alt-right speakers do not give lectures with the intent to foster intellectual debate or civil discourse. Ann Coulter doesn't give speeches with the intent to foster any kind of intellectual debate. Intellectual debate and philosophical introspection are the farthest thing from any of our current crop of conservative idiots, who refuse to acknowledge science and direct all their energy toward ending feminism and rolling back civil rights. Their only goals are to foster hatred and to encourage hate crimes. It enrages me when I receive messages that yet another hate crime against Jews, Muslims, LGBT people, minorities, or women has occurred on our campus when you allow vile creatures like Milo Yiannopoulos or any of his ilk to normalize hateful, white supremacist rhetoric that incites the very crimes the university claims to detest. This double standard has terrible consequences for real people.

When Yiannopoulos spoke at the University of Wisconsin, he singled out a trans student for ridicule. After his lecture, encouraged by his talk, other students harassed and threatened that student to the point where they had to drop out of school. In Washington, a Yiannopoulos groupie shot a protester in the stomach. At UC Berkeley, he intended to single out undocumented students. If a faculty or staff member of UC Davis, or a student group, behaved this way, they would certainly be disciplined for violating our Principles of Community. I am appalled that the university cares more about a superficial interpretation of the abstract notion of free speech than in protecting the actually existing freedom and civil rights of real students. Giving a platform to hateful rhetoric shows what a sham our Principles of Community really are. The administration always invokes them whenever a hate crime occurs, as if absolving itself of responsibility by saying, "this is not who we really are", and puts a lot less effort into creating a campus where hate crimes simply do not occur.

Rather than being proud of giving a platform for white supremacists and internet trolls to spout their repulsive and harmful propaganda, UC Davis, and the entire University of California, should hang their heads in shame.

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Thank you for the opportunity to express my opinion on the issue of freedom of expression. I have been at UC Davis for about 10 years and am a tenured associate professor currently. Throughout the past few years, I have been frustrated seeing that some groups have adopted the first amendment as an excuse to shut down speakers with whom they do not agree. Some groups have taken it further and demonstrated loudly and with intimidation while claiming that it is their rights to do so. I think that we all deserve our freedom of speech, no question about it. However, not letting a speaker whom one don't agree with (or plain hate), is not right, not at all. Shutting down events because some groups don't allow it...totally unacceptable (and hypocritical). This will lead to more and more intimidation and misunderstanding of the concept of freedom of expression. My recommendations would be to keep the law and order on campus respectfully and prevent groups who try to shut down speakers or demonstrators whom they don't agree with, from doing so...even if it means taking disciplinary actions against students, faculty and staff. Ultimately, the current culture of tolerating this (i.e., its OK as long as no one gets hurt...) is not good for the immediate as well as long term community of UCD.

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Don't let violence or the threat of violence determine who is allowed to speak. It only teaches students that violence works. And it gives a "win" for controversial speakers.

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<http://theoatmeal.com/comics/believe>

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Good. I'm a liberal, and have become increasingly disheartened by the activity that is meant to shut down speech on university campuses. I also taught jr hs civics and history. Things need to change or we will have little in the way of a democratic legacy remaining, if we continue on this trajectory.

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I appreciate this undertaking. Here are my thoughts.

Please examine the value of welcoming speakers to the UC *Davis* campus who will not follow the school's own "principles of community" doctrine.

The UC *Davis* community is committed to ensuring BOTH freedom of expression AND personal safety – which means we are protected from hate speech (and any other breach of the principle of community contract) as much as we are protected from any other form of violence and disrespect. When the reaction to such speech incites violence, no one in the vicinity is safe. And that is simply not acceptable.

So, either we stand by our principles of community, or we don't. If we don't, then we need riot police at every hate- speech event. If we do, then we need to STOP inviting such speakers to OUR campus. Let them spout their vitriol to those who wish to hear it AWAY from our publicly-funded campuses. Let private businesses incur the costs of providing security and carting bad behaving individuals off to jail.

Fear and ignorance breed hate and intolerance. Let's keep working to educate and irradiate the ignorance, and maybe the hate will subside.

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In my view, the protection of freedom of expression should have the highest priority in almost all cases, with exceptions for cases of direct threats of violence, inciting illegal behavior, and defamation.

In particular I oppose any form of censorship that claims to protect students' rights to feel "respected" and "valued." While students may benefit from such sheltering in the short run, in the long run they would be unprepared to deal with adversity and unable to debate opposing points of view.

So while I support, to quote the Working Group, "promoting an environment in which all members of our community feel safe, valued, respected, and heard"

(if "promoting" simply means "encouraging"), I don't think such an environment should ever be enforced at the expense of free expression.

For example, I oppose the Unitrans Safe Space Campaign [1] in which Unitrans drivers can eject passengers who make any other passenger feel "uncomfortable" or "unwelcome." While I know the intentions are good, ejecting a passenger because you don't like what they're saying is against the principle of free speech.

I think my thoughts on campus free speech are summed up by this Van Jones clip [2].

Let's also not forget that in 1977, the US Supreme Court affirmed the right of Nazis to peacefully march in a Jewish community [3]. If free speech can survive a Nazi demonstration, it can survive controversial speakers at UC Davis.

Sincerely,

Joe Corliss, Graduate student, Graduate Group in Applied Mathematics

[1] <http://unitrans.ucdavis.edu/2017/02/23/unitrans-re-launching-safe-space-campaign/>

[2] <https://www.youtube.com/watch?v=Zms3EqGbFOk>

[3] [https://en.wikipedia.org/wiki/National\\_Socialist\\_Party\\_of\\_America\\_v.\\_Village\\_of\\_Skokie](https://en.wikipedia.org/wiki/National_Socialist_Party_of_America_v._Village_of_Skokie)