Freedom of Expression Protocols and Procedures

Workshop for the Event Coordinators Network
June 11, 2024

For more information:
https://students.gatech.edu/freedom_of_expression

Implementation is a collaborative effort between Georgia Tech Police Department, Office of General Counsel, and Student Engagement & Well-Being. Consultation with other cabinet areas and departments takes place as needed.

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AGENDA

- Georgia Tech's strategic initiatives and values
- University System of Georgia policy
- Protected versus unprotected speech
- Resources related to:
  - Freedom of expression
  - Time, place and manner procedures
- Preparations for AY 2024-2025
- Minimizing disruption at educational events
- Scenarios for discussion
- Questions

Two of Georgia Tech's Strategic Values
Conflict versus Congruence

We thrive on diversity.

We see diversity of backgrounds and perspectives as essential to learning, discovery, and creation. We strive to remove barriers to access and success, and to build an inclusive community where people of all backgrounds have the opportunity to learn and contribute to our mission.

We safeguard freedom of inquiry and expression.

We protect the freedom of all members of our community to ask questions, seek truth, and express their views. We cherish diversity of ideas as necessary for learning, discovery, scholarship, and creativity.

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Updated Strategic Framework

We strive to **Live Our Values Everyday** These values are mutually reinforcing and are expected to guide our actions and decisions.

Two of these values will be the focus of our approach to foster unity and strength of our community in a holistic and cohesive way.

Inclusive Excellence and Freedom of Expression
Efforts aligned through Executive Leadership but maintain their specific values-based focus.

We thrive on diversity

Championed by the
D&I SLT

Co-leads will be Pearl Alexander and Diley Hernandez.

We safeguard freedom of expression and inquiry

Championed by the
FoE Committee

Co-leads will be Luoluo Hong and Danette Joslyn-Gaul.

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6.5 Freedom of Expression and Academic Freedom

- "USG and its institutions shall foster an environment where all members of the USG community are free to share ideas and opinions, even those that some may find offensive. Ideas and opinions should be openly and freely debated and discussed, both inside and outside of the classroom, without fear of suppression or reprisal. The USG community should promote intellectual debates, not close them off, and must uphold the values of civility and mutual respect while doing so.... Individual members of the USG community shall not attempt to prevent or otherwise interfere with the free expression of others, no matter how objectionable they may find the expressed ideas or opinions."

Source: University System of Georgia, Board of Regents Policy Manual, https://www.usg.edu/policymanual/section6/C2653.

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Protected Speech

May be subject to reasonable time, place and manner restrictions that:
1. Are viewpoint- and content-neutral,
2. Are narrowly tailored in service of a significant governmental interest, and
3. Provide ample alternative channels for expressive activity.

Protected Speech

Georgia Tech's time, place and manner procedures describe how we implement USG policies governing freedom of expression. Be sure to bookmark this page: **https://students.gatech.edu/tpm_provisions**.

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Unprotected Speech

Unprotected Speech

Note that the bar for reaching these thresholds is generally very high

FORMS OF UNPROTECTED EXPRESSIVE ACTIVITY INCLUDE:

- ❖ Heckler's veto – impeding/silencing others' expressive activity
- ❖ Fighting words (disorderly conduct under Georgia Code)
- ❖ Credible threats & intimidation (with actual intent; serious in nature)
- ❖ Incitement - to imminent violence or lawless action, where encouragement is for immediate action such that illegal action is likely
- ❖ Unlawful conduct (vandalism, violence, other expressive activities that break the law)
- ❖ Obscenity
- ❖ Defamation
- ❖ Child and revenge pornography
- ❖ Copyright infringement
- ❖ Fraud (e.g., false advertising)
- ❖ Prohibited disclosure (e.g., conveying classified information)

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Hate Speech

Unprotected Speech

Hate Speech

Protected Speech
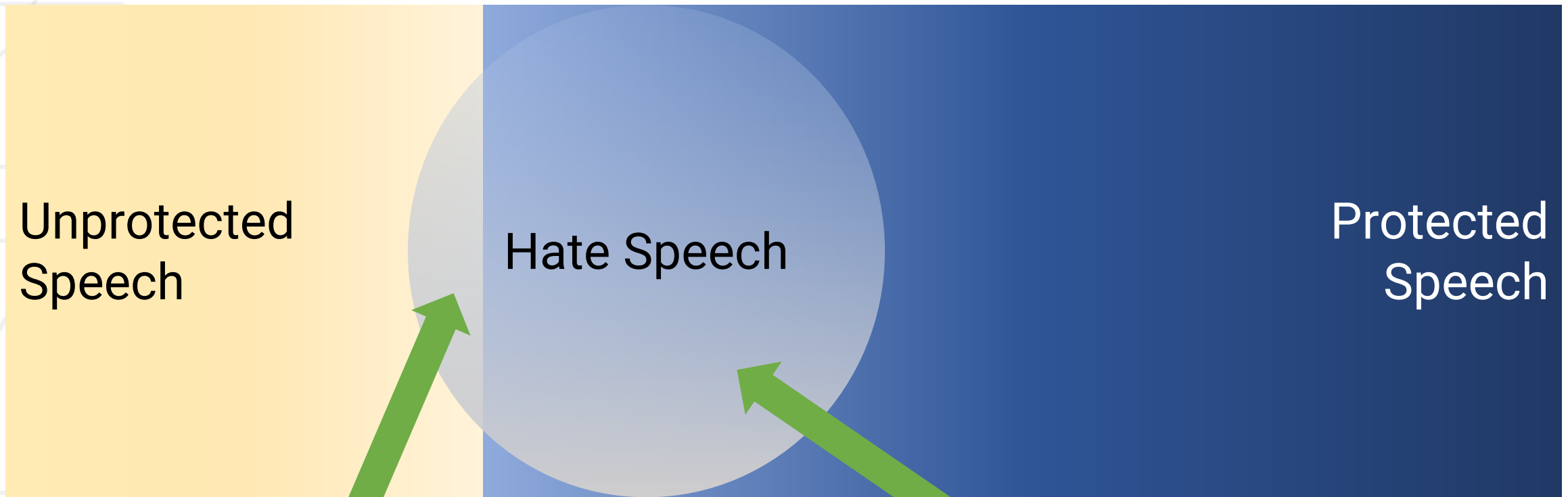
Violates Title VI of the Civil Rights Act of 1964 (prohibits discrimination, including harassment, based on race, color, national origin, or shared ancestry or ethnic characteristics) – *again, there is quite a high bar to support a finding of discrimination*

(refer to https://policylibrary.gatech.edu/employment/equal-opportunity-nondiscrimination-and-anti-harassment-policy)

Guaranteed by US Constitution 1st Amendment, 14th Amendment and by Georgia State FORUM Act (HB1)

Resources for Support

Where to Seek Assistance

- **Students** who need a psychologically safe space in which to be heard, seen, validated, or have their humanity affirmed can contact Student Engagement & Well-Being by:
  - Emailing **vp_sewb@gatech.edu**;
  - Stopping by the Dean of Students Office in Room 210, Smithgall Student Services Building (Flag Building) during regular business hours;
  - Contacting the **Center for Mental Health Care & Resources** (call 404-894-2575 to reach the after-hours counselor); or
  - Calling (404) 894-2565.
- **Faculty and staff** can contact the **Employee Assistance Program**:
  - Available 24/7 by calling 1-844-243-4440 or
  - Visit **Acentra's website** (use *Company Code* **USGCares**)

Where to Report a Concern

If you believe that your freedom of expression is being infringed upon, you can report the concern as follows:

- **Faculty:** Contact Kyla Ross, Assistant Vice Provost for Advocacy and Conflict Resolution, at **kyla.ross@gatech.edu**
  - **Conflict Resolution and Advocacy**
- **Staff:** Contact GTHR's Employee Relations office at **employee-relations@ohr.gatech.edu** or email your college/divisional Human Resources Representative
  - **Employee Relations**
- **Students:** Contact the Dean of Students Office at **vp_sewb@gatech.edu**
  - **Dean of Students Help Request**

The University System of Georgia also offers an **Ethics & Compliance Reporting Hotline** (Ethics Line) for use by any members of the USG community.

If you believe your physical safety is in imminent danger, please call 911 immediately.

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Student Engagement and Well-Being

About ∨ | Student Programs & Support ∨ | Strategic Initiatives ∨ | Arts, Belonging & Community | Campus Services | Student Life   🔍

Freedom of Expression

Online Resource:

https://students.gatech.edu/freedom_of_expression

Introduction to Freedom of Expression

When is Hate Speech Protected Speech? Another Look at Freedom of Expression

What Does Freedom of Expression Mean to You? (Part One)

What Does Freedom of Expression Mean to You? (Part Two)

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Georgia State Laws on Freedom of Expression

HB 1 – FORUM (Forming Open and Robust University Minds) Act

- Signed into law by Governor Brian Kemp on May 3, 2022.
- Prohibits USG campuses from creating restricted "free speech zones" and concurrently defines all unrestricted outdoor spaces as public forums for the campus community to use for expressive activity.
- USG campuses are allowed to regulate expressive activity on the basis of time, place and manner, but enforcement cannot be driven by the content or viewpoint expressed.

HB 30

- Signed into law by Governor Kemp on January 31, 2024.
- Offers a definition of antisemitism that can be considered when ascertaining whether there was discriminatory intent in any criminal action under the 2020 Hate Crimes Act, noting that antisemitism includes harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith.
- In assessing whether discrimination or hate crime has occurred, requires State agencies to consider the definition of antisemitism and associated examples of antisemitism adopted by the *International Holocaust Remembrance Alliance* (IHRA) on May 26, 2016, and incorporated by reference in *Presidential Executive Order Number 13899, 84 F.R. 68779* on December 11, 2019.
- Clarifies that people's rights to engage in protected expressive activity cannot not be curtailed, and First Amendment protections regarding freedom of expression still prevail.
- Hate crimes carry higher penalties if an offender is found guilty, so this bill is significant.

Preparations for AY 2024-2025

- Promote awareness regarding policies & procedures
  - Revising *Campus Use Procedures for Unrestricted Outdoor Areas*
  - Updates made April 30, 2024: Banners prohibited; camping disallowed
  - Drafting *Campus Use Procedures for Indoor Facilities*, to be ready July 1, 2024.
- Identify 3rd party vendor for comprehensive education campaign
  - **Constructive Dialogue Institute**: https://constructivedialogue.org/higher-ed/campus-wide
  - **PEN America** (recommended by AAU peers): https://pen.org/issue/campus-free-speech/
- Conduct training for event planners

- Prepare modules for inclusion in GT 1000/2000/6000 course sections
- Recruit and orient a team of **volunteer observers**:
  - Observe expressive activity and serve as a multipartial witness
  - Help alert GTPD of potential disruption or threats to safety and welfare of community members
  - Provide education to students, faculty and staff as needed
  - Make appropriate referrals for advocacy and assistance
  - Refers any need to deescalate conflict or remove individuals from premises to GTPD
- Appoint inaugural Director of **Intercultural Student Programs**

Supporting Expressive Activity

- <u>Guiding Principles</u>:
  - Engage with **educational frame** first, enforcement frame second
  - Focus on **situational responsiveness**, not just ensuring compliance
- Event Management Services moved to Student & Campus Event Centers in Fall 2022
  - If a reservation is submitted, staff will coordinate with on- and off-campus entities to address event needs
- During the event – indoor or outdoor
  - Volunteer observers coordinated by VPSEWB Office will be on-site (by request for indoor) to provide relevant support and consult with OGC and/or GTPD as needed
  - GT Police Department will have officers nearby to be available as needed but will be less visible otherwise

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Minimizing Disruption at Educational Events

- Identify your target audience and develop an invitation, communication and outreach strategy that aligns accordingly.
  - Minimize extending invitations broadly to the public unless that is a core purpose of the event.
- Require registration prior to the event, and check ticketing at the door prior to entry.
  - Recommend that the registration request the following information: (a) name; (b) affiliation, e.g., GT student/faculty/staff, alum, guest; (c) GT ID, if applicable; and (d) email.
  - Additional questions could include: (e) how did you hear about this event; and (f) what do you hope to learn from this event.
- Ensure all event support staff have training on applicable GT policies regarding freedom of expression, the student code of conduct, etc.
- Secure coverage by a plain-clothes officer from GTPD or local law enforcement as appropriate.
  - Develop a plan for how event support staff can quickly contact the officer, who should be in close proximity to timely respond to disruption if needed.
- As appropriate and/or as needed, request coverage ASAP by one or more professional staff observers through the Office of the Vice President for Student Engagement & Well-being

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Minimizing Disruption at Educational Events

- Limit/restrict use of recording devices at the event
    - Minimizes exposure on social media
    - Oftentimes is a condition of many VIP speakers before they will appear on campus
- Provide a statement on the event program that indicates expectations for behavior.
    - Sample Language: *One of [Georgia Tech's strategic values](#) states, "We safeguard freedom of inquiry and expression." Attendees should be aware that impeding another individual's rights to free speech – including those serving as speakers at this event – is not protected expressive activity. Please note that individuals who disrupt this educational event may be subject to removal. Students who disrupt this event may also be referred for disciplinary action under the [Georgia Tech Student Code of Conduct](#). Please help us promote a learning environment based on civility and mutual respect. Attendance at this event constitutes an agreement to the sponsoring department's use and distribution of the attendee's image and/or voice. No recording is permitted at the event.*
    - This can also be conveyed verbally at the start of the event before the program begins, as well as included in the registration confirmation page or email.
- Develop and visibly post signage around and at the entrance to, as well as in the venue, reminding participants of their rights and responsibilities.

Discussion Scenario #1

Your department is hosting a concert with an internationally renown musician; a representative from Governor's Office is in attendance. In the middle of the performance, an individual who appears to be a student stands up, walks to the aisle, and starts holding up a flag. How should you respond?

Discussion Scenario #2

Your college is hosting a panel presentation as part of an annual conference being hosted for Association of American Universities (AAU) member institutions. One of the panelists is a well-known researcher in their field, especially for their recent controversial findings. In the middle of that panelist's remarks, a group of individuals sitting together in one of the front rows - all wearing Georgia Tech sweatshirts or T-shirts - stand up together, turn around with their arms folded, and face the audience. How should you respond?

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Discussion Scenario #3

- It's Women's History Month. Your division has partnered with numerous student groups and Atlanta-area community-based organizations to host a VIP keynote speaker. They specialize in women's reproductive rights and have authored a *New York Times* bestseller. Ten minutes into the speech, three individuals get up from the back row and start marching around the auditorium, shouting chants, and tossing leaflets into the audience. How should you respond?

Questions??

For a copy of this slide deck, please email
vp_sewb@gatech.edu.

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