

## PANELISTS:

**Beauvais Lyons** will facilitate the panel. Lyons is a Chancellor's Professor who has taught Printmaking in the UT School of Art since 1985. He is Faculty Senate President-Elect, and is the Chair of the Faculty Senate Task Force on Diversity and Inclusion. Lyons is a member of AAUP, and served as Faculty Senate President in 2003-2004. He authored "Artistic Freedom and the University" in the winter 1991 issue of the *Art Journal*.

**Teri Baxter** is Associate Dean and a Professor in the UT College of Law. Baxter practiced in the litigation and appellate sections in the Houston office of Locke Liddell & Sapp LLP (now Locke Lord LLP) for five years before joining the faculty at Saint Louis University School of Law in 2002. In 2013 she joined the University of Tennessee College of Law, where she teaches Constitutional Law, Torts, Secured Transactions, and a Family and Privacy seminar. These courses provide a great fit with her scholarly focus on family, privacy, and related constitutional issues. She earned her B.A. and J.D. from Duke University.

**Thomas H. Castelli** is the Legal Director for the American Civil Liberties Union of Tennessee, a position that allows him to leverage the guarantees of the Bill of Rights to protect and defend the rights of all Tennesseans. He began his career in Atlanta, Georgia working in the litigation practice group of a large national firm representing Fortune 500 companies in employment, commercial litigation and bankruptcy matters. A native of Murfreesboro, Tennessee, Castelli moved back home and started a small general practice firm, where he represented public and private employees in civil rights and discrimination cases. Tom earned his B.A. in Political Science from Rhodes College in Memphis and his J.D. from the University of Tennessee College of Law.

**Susan Mclean Benner** holds a BA in History from SMU and a MS in Education from UTK. She received a doctorate in special education from Teachers College, Columbia University in 1979. Since 1980 she has been on the faculty at The University of Tennessee, where she is currently the associate dean in the College of Education, Health, and Human Sciences and director of the Graduate School of Education. Benner has published five books, including *Promising Practices for Elementary Teachers: Make No Excuses*, *Special Education Issues within the Context of American Society*, and *Assessment of Young Children with Special Needs*. She served on the Knox County Schools Disparities in Educational Outcomes Task Force in 2015-16 and is currently co-chair of the Commission for Blacks at UTK.

**Glenn Reynolds** is a Professor of Law at UT Knoxville. Reynolds has a long history of First Amendment activism with the ACLU, the Electronic Music Defense and Education Fund, the Foundation for Individual Rights in Education, and other organizations. Aside from law review articles in various publications, he has written for the *New York Times*, the *Washington Post*, the *Wall Street Journal*, *Popular Mechanics*, *The Atlantic*, *Urb*, and *Road & Track*, and is the founder of the InstaPundit weblog. He writes a twice-weekly column for *USA Today*.

**Colleen Ryan** is a senior Haslam Scholar and Baker Scholar studying Sociology and Global Studies. She is one of the Co-Chairs of Sexual Empowerment and Awareness at Tennessee (Sex Week), as well as a member of the UT Diversity Matters coalition. A native of Cookeville, Tennessee, Ryan founded the UT Student Peace Alliance and works for the Office of Undergraduate Research and the Honors and Scholars Office on campus.

**Britton Sharp**, a proud UT Alumnus, is a minister, artist, writer, gardener, husband and father. He has served in campus ministry for two decades both domestically and internationally. He currently serves as the Vice President of the Campus Ministers Council and Director of the ministry Collegiate Abbey.



Photograph by Alex Phillips, The Daily Beacon

# FREE SPEECH AND DIVERSITY FORUM

Hosted by the UTK Faculty Senate and the UTK Chapter of AAUP  
Monday October 31, 2016, 3:30-5:00pm  
Stokely Management Center, Room G2

Principles of free speech, academic freedom and free, open inquiry are of historical value to the human search for truth as well as the mission of the university. However, free speech can conflict with our efforts to foster a safe campus, one that is "welcoming to all and hostile to none." Questions regarding the intersection of speech and diversity offer opportunities for the university to be engaged in both an internal and a broader civic dialogue about these issues in relation to our larger purpose, to "educate, discover and connect." Current campus policies in *Hilltopics*, *The UTK Faculty Handbook*, and UTK's Civility and Community Principles will serve to frame the discussions for this forum.

### UTK CAMPUS DOCUMENTS:

Hilltopics: [hilltopics.utk.edu/campus-policies-procedures/](http://hilltopics.utk.edu/campus-policies-procedures/)

Student Code of Conduct: [hilltopics.utk.edu/student-code-of-conduct/](http://hilltopics.utk.edu/student-code-of-conduct/)

Faculty Handbook: [provost.utk.edu/faculty-handbook/](http://provost.utk.edu/faculty-handbook/)

Principles of Civility and Community: [civility.utk.edu/principles/](http://civility.utk.edu/principles/)

**CENTER SPREAD:** Summary recommendations from "And Campus for All: Diversity, Inclusion and Freedom," PEN America Report, October 17, 2016. Reprinted by permission. The complete, 102-page report is available on-line and the summary is provided as resource for discussion.

**BACK PAGE:** Biographies of Panelists

## SUMMARY

### PEN America Principles on Campus Free Speech

The PEN America Principles on Campus Free Speech begin on page 62; below is a preview of some key precepts:

#### OVERVIEW

- While free speech is alive and well on campus, it is not free from threats, and must be vigilantly guarded if its continued strength is to be assured.
- While current campus controversies merit attention and there have been some troubling instances of speech curtailed, these do not represent a pervasive “crisis” for free speech on campus.
- The dialogues, debates, and efforts at greater inclusion taking place on many campuses have the potential to help root out entrenched biases that have impeded the participation of members of marginalized groups.
- These conversations and controversies have the potential to unleash and amplify new and important voices that can enrich debates on campus and in wider society, thereby expanding free speech for everyone’s benefit.
- At times protests and forms of expression are treated as if they are incursions on free speech when in fact they are manifestations of free speech.
- Free expression should be recognized as a principle that will overwhelmingly serve not to exclude or marginalize minority voices, but rather to amplify them.

#### THE CAMPUS CLIMATE

- University administrations must look hard at how physical barriers,

historical traditions, inequalities, prejudices, and power dynamics can weigh against openness and take concrete steps to alleviate those burdens.

- Campus discourse should be predicated on the presumption of respect for differences, including differences of view that cause disagreement.
- Respect entails an obligation to understand what may cause offense and why, and to avoid such words and actions even if no offense is intended.
- While violence and threats are never appropriate, vociferous, adamant, and even disrespectful argument and protest have their place.
- An environment where too many offenses are considered impermissible or even punishable becomes sterile, constraining, and inimical to creativity.

#### CAMPUS SPEAKERS

- Once a body has decided to extend an invitation to a campus speaker, the choice to withdraw it must meet far more stringent criteria.
- Except in the most extreme cases, concerns over threats of violence or the potential outbreak of violence should not be grounds for canceling a controversial speech or event.
- That a campus event may be colored by protests should also not be a factor in a decision to withdraw an invitation.

• When a speaking invitation sparks protests, those who object and wish to protest should have an opportunity to make themselves heard.

- Protesters should not be permitted to shut down or shout down the speech, preventing others from hearing the speaker.

#### CALLS TO PUNISH SPEECH

- Institutions should be careful to avoid any form of discipline or punishment solely for legally protected speech.
- While demands for punishment themselves constitute protected speech, calls to punish speakers for their speech have a chilling effect and are usually inimical to an open environment for ideas.

#### MICROAGGRESSIONS AND THE LANGUAGE OF HARM

- The increasing diversity of college populations requires a wider conscientiousness of how words are understood by different groups of listeners.
- The task of fostering a more inclusive environment—and calling out language that undercuts it—cannot be left only, or even primarily, to students who are members of marginalized groups.
- University administrators should encourage all students to be sensitive to the ways that their words can unintentionally hurt others and should show sensitivity in their own communications.



University of Missouri student leader Jonathan Butler from at a Planned Parenthood rally on campus

- University policies regulating everyday speech or attempting to define insults for the entire community are intrusive and risk prohibiting or even simply disfavoring permissible speech.

#### TRIGGER WARNINGS

- If professors wish to offer students a preview of troubling content to come in a syllabus, the university should not prevent them from doing so.
- Universities cannot and should not position themselves institutionally to ensure that every possibly upsetting encounter with course material is averted.
- Universities should therefore leave the question of trigger warnings or any other sort of alerts about course material up to individual

faculty members.

#### SAFE SPACES

- It is the obligation of the university to foster an environment in which violent, harassing, and reckless conduct does not occur and respect is encouraged.
- It is neither possible nor desirable for the campus to offer protection from all ideas and speech that may cause a measure of damage.
- “Safe spaces” on campus should be entered into voluntarily by students wishing to associate with a certain group, not created or imposed to exclude unwelcome views.
- Campuses should enable and even support the creation and protection of spaces established by students—such as clubs, organizations, or even

small gathering areas based on common themes and lifestyles.

- The campus as a whole and segments thereof that are intended for all—such as dorms, residential colleges, classrooms, and cafeterias—must be kept physically safe but intellectually and ideologically open.

#### SPEECH AND SEXUAL HARASSMENT

- There is no contradiction between advocating for more stringent measures to address sexual harassment and assault on campus and insisting on measures to protect free speech and academic freedom.
- The U.S. Department of Education’s Office of Civil Rights should clarify that the so-called “hostile environment” standard for sexual harassment cannot be determined solely on the basis of subjective perceptions that speech is offensive.

- Universities should reiterate the centrality of academic freedom when they address issues of harassment.

#### THE PLACE OF SPEECH ON CAMPUS

- There is both a need and an opportunity for expanded education and mobilization on issues of free speech on campus.
- All groups supportive of free speech should redouble their efforts to ensure that campus free speech is a cause that engages students from across the political spectrum.
- Institutions and funders with an interest in supporting free speech should invest in the next generation by underwriting grants for work to build awareness and appreciation for free speech on campus.

MARK SCHIEBECKER