

DRAFT FREEDOM OF SPEECH AND EXPRESSION VALUE STATEMENT AND GUIDELINES  
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Freedom of Speech and Expression Statement of Values

The free exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. Scholarship and learning can only flourish in an environment in which the unfettered expression of all ideas is nurtured. To that end, the University System of Maryland (USM) is committed to promoting and protecting every person's freedom to express their views, however controversial, in a lawful manner.

With certain exceptions, such as threats of physical violence and unlawful harassment, free speech is protected by the United States Constitution. The State of Maryland and the USM share the commitment to free speech that is imbedded in our nation's constitution. Any effort to limit protected speech based solely on content is a violation of USM's legal and academic responsibilities and is therefore impermissible.

The USM's duty to advance facts and the truth -- as well as our commitment to the students, faculty, and staff who comprise the USM community -- can also impose an obligation to condemn, confront, or correct speech that is hateful or discriminatory. Institutional leaders and other campus community members may counter speech designed to denigrate others or undermine evidence-based scholarship with additional speech. Offensive speech cannot be banned, but it can—and often should—be challenged.

A healthy and thriving community also depends on the civility of its members towards one another. Although offensive speech cannot be prohibited, USM community members have a responsibility to demonstrate mutual respect for their peers and colleagues. Concerns about civility and mutual respect cannot, however, be used as a justification for stifling discussion of ideas, however offensive or disagreeable those ideas may be to some members of the USM community.

As a statewide community of scholars and learners, USM is committed to fostering vigorous debate based on facts and evidence. With that in mind, and in keeping with USM's civic education and engagement initiative, institutions should inculcate among students an appreciation for the importance of free speech, as well as an understanding of how to communicate effectively and respectfully regarding contentious issues.

Finally, the physical safety of all USM students, faculty, and staff is paramount. USM's campuses serve as homes, centers of learning and scholarship, community hubs, and workplaces. Neither unlawful harassment nor violence, nor the threat of violence, can be tolerated. In safeguarding the physical safety of every member of the USM community, regardless of their background or views, we can enable, rather than stifle, the process of free inquiry and intellectual exchange that is at the heart of any academic enterprise.

In considering their obligations to support free speech and expression, while promoting civility and ensuring every person's physical safety, USM institutions should be guided by the following principles.

### Promoting Free Speech and Free Expression

USM institutions have an obligation to protect every person's freedom to speak and to hear all views. Hateful speech that does not rise to the level of a true threat or unlawful harassment cannot be banned.

USM institutions have no obligation to protect any person from exposure to speech with which they might disagree. Exposure to all perspectives, including those that may be deemed disagreeable or even offensive, can be an essential part of the educational experience and can help foster a greater understanding of how to respect a person while communicating a differing opinion.

USM institutions may restrict time, place, and manner of speech under uniformly applied guidelines, but cannot restrict protected speech based on content.

### Protecting and Fostering Community

USM institutions must protect the physical safety of all community members, react to threats of violence or destruction, and penalize unlawful conduct. They must also work to prevent and respond to unlawful harassment that is based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, or any other legally protected class.

Institutional leaders may take positions on the content of speech, particularly if the speech is uncivil and/or designed to denigrate other community members based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class.

USM institutions may respond to offensive, but permitted, speech by fostering opportunities for other speakers with contrary viewpoints. Offensive speech is combatted most effectively not through speech bans, but through additional speech and communication.

USM institutions should provide support services to community members negatively impacted by offensive, but permitted, speech.

In accordance with applicable law, USM institutions must track and annually report on hate crimes.

To more effectively promote understanding and set appropriate expectations with an ever-evolving community of students, faculty, and staff, USM institutions should proactively communicate their commitment to protecting free speech and expression among their respective communities every semester.