



A DCI Deliberation Guide

Free Speech and Inclusion:

*Are they in conflict or are they complementary?
How should they be effectively supported on college campuses?*

Format for Deliberation

Before the Deliberation

- I. Read this document's Background, Expected Outcomes, Conversation Agreements, and Appendix A sections
- II. Read the Issue Guide, *Free Speech and the Inclusive Campus: How Do We Foster the Campus Community We Want?*, developed by the National Association of Student Personnel Administrators (NASPA) and the Kettering Foundation
- III. (Optional) Review the sources listed in the footnotes of this document

During the Deliberation

- I. Setting Expectations - 5 min.
- II. Understanding Free Speech - 15 min.
- III. Understanding Inclusion - 15 min.
- IV. Identifying, Evaluating, and Prioritizing Policies - 20 min.
- V. Reflections - 10 min.

Background

Campus communities today seek both free speech and inclusion for their members. Some believe that promoting freedom of expression and practicing inclusivity are reconcilable goals; others assert they are inherently in conflict. On one side of this debate are those who believe campus leaders have an obligation to protect students, particularly those from historically and currently marginalized groups, from potentially harmful speech. On the other side are those who assert that limiting speech stifles academic rigor and insulates students from engaging with varying perspectives, which undermines the mission of educational institutions.

Are free speech and inclusion indeed in tension with one another? What benefits and harms do they each potentially entail? Can they both be promoted and supported simultaneously? If so, how do we create campus communities that allow for academic rigor while also being sensitive

to efforts to promote diversity, equity, and inclusion? If not, which of these values should we prioritize? Important and timely though they are, these questions are hard to answer—or even to approach productively—if we disagree about what inclusion and free speech amount to in the first place. Thus, we must examine both inclusion and free speech themselves before taking up the purported tension between them.

This DCI Deliberative Forum will enable participants to do so, first by hearing from a panel of three leading experts on this issue, and then by actively deliberating with one another in facilitated small group discussions on how best to understand and pursue free speech and inclusion on college campuses. This is a fantastic opportunity to learn from experts, listen to the perspectives of others, and share your own ideas about free speech and inclusion.

Before providing further background on this complex issue, **a note about language** is necessary. A range of different terms are used in connection to both free speech and inclusion. Free speech is related to, but distinct from, freedom of inquiry, academic freedom, and freedom of expression. Likewise, inclusion is related to, but distinct from, diversity, equity, and equality. For the sake of brevity, we will use the terms free speech and inclusion in this guide to encompass the range of concerns related to both values. We have included a glossary of some of these related terms in Appendix A, but fully recognize these definitions do not do justice to their complexity and nuance. Please feel free to highlight these and other concepts as they are relevant to your deliberations.

Recent campus controversies have raised questions regarding the relationship between free speech and efforts to promote diversity, equity, and inclusion.¹ Students at colleges and universities throughout the country have protested when **speakers**, typically conservative and with whom they disagree, have been invited to speak and have called for their invitations to be rescinded. This dynamic has led to questions about whether students are being too coddled when presented with speech they may find offensive, and whether they have unrealistic expectations of entitlement to safe, comfortable spaces.² As a result, some have dubbed spring, the time of year for commencement speeches, as “disinvitation season,” as controversial speakers have either withdrawn from engagements or had their invitations retracted.³ Speakers who do keep their engagements may be heckled by those with opposing political views.⁴ Some scholars assert that freedom of academic inquiry is being threatened by fears of ideologically

¹ [“And Campus for All: Diversity, Inclusion and Freedom of Speech at U.S. Universities.”](#) *Pen America*

² [“Obama Thinks Students Should stop Stifling Debate on Campus.”](#) *Huffington Post*

³ [“On Trigger Warnings.”](#) *Newsweek*

⁴ [“Colleges Grapple with Where – or Whether – to Draw the Line on Free Speech.”](#) *N.Y. Times*. June 5, 2018.

motivated retaliation.⁵ Some see this as a shift from “academia embracing the free exchange of ideas to shunning those with divergent opinions.”⁶ These trends raise questions regarding whether students have a right to not to be offended by unpopular speech. In response to concerns about free speech limitations on college campuses, a growing number of higher education institutions have adopted or endorsed the University of Chicago’s statement on freedom of expression. This statement articulates an “overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”⁷

Faculty at many colleges and universities have begun using “**trigger warnings**” to alert students to potentially offensive or distressing materials, while others argue that such warnings are unnecessary and impose a culture of political correctness that inhibits rigorous debate.⁸ Others argue that students are able to learn better when they are in an environment where they are warned about materials that may be traumatic.⁹ The American Association of University Professors (AAUP) issued a statement about trigger warnings in which they responded to “calls not to offend students’ sensibilities by introducing material that challenges their values and beliefs” a “threat to academic freedom.”¹⁰ The statement went on to proclaim that demands for trigger warnings create repressive academic environments that inhibit critical thinking and may elicit negative responses in anticipation of traumatic content.¹¹ AAUP further argues that trigger warnings “reduce students to vulnerable victims rather than full participants in the intellectual process of education” and do not allow opportunities for inevitable discomfort when being exposed to new ideas.¹² Likewise, a liberal undergraduate student at Williams College argues, “shielding students from microaggressions does not improve their ability to argue effectively; it coddles them. At a time like this, uncomfortable learning is vital.”¹³

Others argue that **racism on college campuses** is a more pervasive, urgent problem than censorship,¹⁴ and that alt-right groups use free speech as an opportunity to spread hateful messages.¹⁵ As college campuses have become increasingly diverse, institutions have begun addressing inclusion by limiting speech viewed as racist and harmful to the communal

⁵ [“How Political Correctness Chills Speech on Campus.”](#) *The Atlantic*

⁶ [“Everything Is Political these Days. Even Commencement Speeches.”](#) *The Washington Post*

⁷ University of Chicago [“Report of the Committee on Freedom of Expression”](#)

⁸ [“UNL Professors Voice Different Opinions on Trigger Warnings.”](#) *The Daily Nebraskan*

⁹ [“Trigger Warning Skepticism.”](#) *Inside Higher Ed*

¹⁰ [“On Trigger Warnings.”](#) American Association of University Professors

¹¹ *Ibid.*

¹² *Ibid.*

¹³ [“The Battle Against ‘Hate Speech’ on College Campuses Gives Rise to a Generation that Hates Speech.”](#) *Newsweek*

¹⁴ *Ibid.*

¹⁵ Bohannon, Christina. “On the 50th Anniversary of *Tinker v. Des Moines*; Toward a Positive View of Free Speech on College Campuses.” *Iowa Law Review*. Iowa City. Vol. 105, Iss. 5. July 2020.

wellbeing.¹⁶ American University Professor Jon Gould states that “severe and pervasive racist expression not only creates a hostile learning environment, but it is actually incompatible with free and open dialogue.”¹⁷ A recent Gallup poll reveals that while college students support free speech broadly, they increasingly support restrictions on free speech, especially when minority groups are targeted.¹⁸ The study finds that almost an equal percentage of students (68% and 69%, respectively) respond that free speech and an inclusive society are “extremely important” to democracy.¹⁹ A 2017 poll also shows that a slightly larger percentage of students (53% to 46%) believe that inclusion is more important free speech.²⁰

Students have questioned why “people and institutions apparently committed to diversity, equity, and inclusion support a First Amendment that allows offensive or hateful speech against marginalized groups?”²¹ Questions also emerge regarding how universities and society can “foster the robust exchange of ideas that has been a central part of our democracy for more than 200 years, while protecting people disadvantaged by that history from the very real harm that expression causes?”²² **Hate speech** may impose psychological and physical damage to its targets, particularly when delivered by a person in a position of authority or when delivered publicly.²³ Such speech “attempts to degrade, ridicule, or intimidate targeted individuals and groups, which can make it difficult for them to lead full lives.”²⁴ College campuses saw a 25% increase in **hate crimes** from 2015 to 2016, marking a continued trend that includes the proliferation of white-supremacist propaganda.²⁵ Some have called for hate speech to be banned, asserting that protection from such speech is not a violation of rights, but rather is a basic human right.²⁶ This view asserts that institutions have an obligation to protect students from harmful speech and that students’ safety and well-being should be prioritized over free speech.

¹⁶ [“A Tale of Two Arguments about Free Speech on Campus.”](#) American Association of University Professors

¹⁷ [“Getting the Story Wrong on Campus Racism.”](#) *The Hill*

¹⁸ [“The First Amendment on Campus 2020 Report: College Students’ Views of Free Expression.”](#) Knight Foundation

¹⁹ *Ibid.*

²⁰ [“Free Expression on College Campuses.”](#) Knight Foundation

²¹ Bohannon, Christina. “On the 50th Anniversary of Tinker v. Des Moines; Toward a Positive View of Free Speech on College Campuses.” *Iowa Law Review*. Iowa City. Vol. 105, Iss. 5. July 2020.

²² *Ibid.*

²³ Delgado, Richard. “Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling.” *Harvard Civil Rights – Civil Liberties Law Review*. Vol. 17. 1982.

²⁴ Bohannon, Christina. “On the 50th Anniversary of Tinker v. Des Moines; Toward a Positive View of Free Speech on College Campuses.” *Iowa Law Review*. Iowa City. Vol. 105, Iss. 5. July 2020.

²⁵ Bauman, Dan. [“Hate Crimes on Campuses Are Rising, New FBI Data Show.”](#) *The Chronicle of Higher Education*. 2018.

²⁶ Waldron, Jeremy. *The Harm in Hate Speech*. Harvard University Press. 2012. p. 13.

Others argue that free speech and inclusion are not mutually exclusive and that compatibility may be found through “**more speech**” or “**counterspeech.**”^{27, 28} Social media campaigns may serve as a valuable platform for marginalized groups and campus administrators to rebuke hateful speech.²⁹ Additionally, arguments have been made that banning hate speech does more harm than good and that the risks of suppressing speech outweigh the costs, which may include driving hate groups underground where they may recruit and operate undetected or unchallenged.³⁰ Furthermore, free speech has allowed minority groups with views that were once unpopular to have a voice to promote social justice.³¹

Setting Expectations (5 min)

Before beginning our conversation, we will review the “Expected Outcomes,” “Deliberative Dispositions,” and “Conversation Agreements” sections below.

Expected Outcomes of the Conversation

The purpose of this deliberation is to deepen participants’ understanding of the concepts and realities of both free speech and inclusion generally and on college campuses specifically. Over the course of the deliberation, participants will listen to the perspectives of their fellow deliberators as well as share their own experiences and beliefs about free speech and inclusion. By the end of the conversation, they will have discussed the key characteristics of these two values and the ways by which institutions and individuals should support them, both in the context of when they may be in tension and when they may complement each other. Participants will also identify areas of both agreement and disagreement in their group.

Deliberative Dispositions

The DCI has identified several “deliberative dispositions” as critical to the success of deliberative enterprises. When participants adopt these dispositions, they are much more likely to feel their deliberations are meaningful, respectful, and productive. These dispositions include a commitment to egalitarianism, open mindedness, empathy, charity, attentiveness, and anticipation, among others. A full list and description of these dispositions is available at <https://deliberativecitizenship.org/deliberative-dispositions/>.

²⁷ Bohannon, Christina. “On the 50th Anniversary of Tinker v. Des Moines; Toward a Positive View of Free Speech on College Campuses.” *Iowa Law Review*. Iowa City. Vol. 105, Iss. 5. July 2020.

²⁸ Strossen, Nadine. “HATE: Why We Should Resist it with Free Speech, Not Censorship.” Oxford University Press. 2018.

²⁹ Ibid.

³⁰ Abrams, Floyd. “[Hate Speech: The Present Implications of a Historical Dilemma.](#)” *Villanova Law Review*. Vol. 37, Iss. 4. 1992.

³¹ e.g., Vietnam War protests, Civil Rights Movement

Conversation Agreements

Building on these dispositions, as we enter into this discussion, to the best of our ability, we each agree to:

1. Be authentic and respectful
2. Be an attentive and active listener
3. Be a purposeful and concise speaker
4. Approach fellow deliberators' stories, experiences, and arguments with curiosity, not hostility
5. Assume the best - and not the worst - about the intentions and values of others, and avoid snap judgements
6. Demonstrate intellectual humility, recognizing that no one has all the answers, by asking questions and making space for others to do the same
7. Critique the idea we disagree with, not the person expressing it, and remember to practice empathy
8. Note areas of both agreement and disagreement
9. Respect the confidentiality of the discussion
10. Avoid speaking in absolutes (e.g., "All people think this," or "No educated people hold that view")

Understanding Free Speech (15 min)

Each participant can take less than a minute to share their name, where they live, and answer one of the questions below, without interruption or crosstalk.

- **How should we understand free speech as a value?**

In answering this question, participants might give examples of speech that are important cases of free speech, identify features of speech that make it "free speech," discuss characteristics of communities that value free speech, or explore other dimensions of free speech.

Once everyone has had a chance to address this question, discuss their answers together, and note what they agree and disagree on, please move on to the next section.

Understanding Inclusion (15 min)

Each participant can take less than a minute to answer the question below, without interruption or crosstalk.

- **How should we understand inclusion as a value?**

In answering this question, participants might give examples of spaces or policies that strike them as importantly inclusive, identify features of those policies that make them “inclusive,” discuss characteristics of communities that value inclusivity, or explore other dimensions of inclusion.

Once everyone has had a chance to address this question, discuss their answers together, and note what they agree and disagree on, please move on to the next section.

Identifying, Evaluating, and Prioritizing Policies (20 min)

The group can now identify, evaluate, and prioritize specific measures to take related to free speech and inclusion. Each participant should address one of the following questions, and then the group should explore areas of agreement and disagreement related to their answers.

- **What steps should communities like Davidson College take to support free speech and inclusion?**

In addressing this question, participants might consider the following related questions:

1. If free speech and inclusion are seen to be in tension, how should we manage this tension?
2. If free speech and inclusion are seen to be complementary, how should we structure our policies and behaviors to reinforce this complementarity?
3. Specifically, how should we respond to concerns about hate speech, speech codes, trigger warnings, micro-aggressions, speaker disinvitations, safe spaces, cancel culture, self-censorship, or speech that is perceived as offensive (e.g., racist, sexist, etc.)?
4. What roles should administrators, faculty, staff, students, and other members of our community play in creating a community that effectively supports both inclusion and free speech?

As time allows, participants can engage with one another on their answers to these questions.

Reflections (10 min)

While today's conversation is an important step in the journey, effectively managing the relationship between inclusion and free speech will take time and commitment. Please reflect on the insights from your discussion with your fellow deliberators today, and then answer one of the questions below without interruption or crosstalk. After everyone has answered, the group is welcome to continue exploring additional questions as time allows.

1. In one sentence, what was most meaningful or valuable to you during this deliberation?
2. Where are the areas of both agreement and disagreement in your group?
3. Have any new ways to think about this issue occurred to you as we have talked today? Any new ideas that might transcend our current way of conceiving of the problem and its potential solutions?
4. Was there anything that was said or not said that you think should be addressed with the group? Are there any perspectives missing from this conversation that you feel would be important to hear?
5. What did you hear that gives you hope for the future of conversations on issues related to free speech and inclusive campuses?
6. Is there a next step you would like to take based upon the deliberation you just had?

About This Guide

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The Deliberative Citizenship Initiative

The Deliberative Citizenship Initiative (DCI) is dedicated to the creation of opportunities for Davidson students, faculty, staff, alumni, and members of the wider community to productively engage with one another on difficult and contentious issues facing our community and society. The DCI regularly hosts facilitated deliberations on a wide range of topics and organizes training workshops for deliberation facilitators. To learn more about these opportunities, visit www.deliberativecitizenship.org.

DCI Deliberation Guides

The DCI has launched this series of Deliberation Guides as a foundation for such conversations. They provide both important background information on the topics in question and a specific framework for engaging with these topics. The Guides are designed to be informative without being overwhelming and structured without being inflexible. They cover a range of topics and come in a variety of formats but share several common elements, including opportunities to commit to a shared set of Conversation Agreements, learn about diverse perspectives, and reflect together on the conversation and its yield. The DCI encourages conversations based on these guides to be moderated by a trained facilitator. After each conversation, the DCI also suggests that its associated Pathways Guide be distributed to the conversation's participants.

DCI Pathways Guides

For every Deliberation Guide, the DCI has also developed an associated Pathways Guide, which outlines opportunities for action that participants can consider that are related to the covered topic. These Pathways Guides reinforce the DCI's commitment to an action orientation, a key deliberative disposition. While dialogue and deliberation are themselves important contributors to a healthy democracy, they become even more valuable when they lead to individual or collective action on the key issues facing society. Such action can come in a range of forms and should be broadly understood. It might involve developing a better understanding of a topic, connecting with relevant local or national organizations, generating new approaches to an issue, or deciding to support a particular policy.

If you make use of this guide in a deliberation, please provide attribution to the Deliberative Citizenship Initiative and email dcideliberativecitizenship.org to tell us about your event. To access more of our growing library of Deliberation Guides, Pathways Guides and other resources, visit www.deliberativecitizenship.org/readings-and-resources.

Appendix A Glossary

(From the [Oxford English Dictionary](#))

Academic freedom: *(a)* (also **academic freedom of thought**) the freedom of a teacher to state personal opinions openly without censorship, or without the fear of professional disadvantage; *(b)* the freedom of students to choose their courses or influence the content of courses; *(c)* the freedom of an academic institution to control its own affairs.

Equality: The condition of having equal dignity, rank, or privileges with others; the fact of being on an equal footing.

Equity: The quality of being equal or fair; fairness, impartiality; even-handed dealing.

Freedom of expression: *(a)* frankness or openness in the expression of one's thoughts, feelings, etc.; cf. sense 8a; *(b)* the right to express oneself without interference or censorship;

Free speech: the freedom to express one's opinions without censorship, legal penalty, etc.; freedom of expression.

Hate speech: *(a)* a speech or address inciting hatred or intolerance, esp. towards a particular social group on the basis of ethnicity, religious beliefs, sexuality, etc.; *(b)* (as a mass noun) speech (or sometimes written material) inciting such hatred or intolerance.

Hate crime: A crime, usually violent, motivated by hatred or intolerance of a particular social group on the basis of ethnicity, religious beliefs, sexuality, etc.

Inclusion: The action, practice, or policy of including any person in an activity, system, organization, or process, irrespective of race, gender, religion, age, ability, etc.

Inclusive: not excluding any person on the grounds of race, gender, religion, age, disability, etc.; encouraging or accommodating participation from all sections of society.

Inclusivity: The fact or quality of being inclusive; (now) esp. the practice or policy of not excluding any person on the grounds of race, gender, religion, age, disability, etc.; inclusiveness.

Inquiry: The action of seeking, esp. (now always) for truth, knowledge, or information concerning something; search, research, investigation, examination.