POLICY CONCERNING FREEDOM OF EXPRESSION FOR NORTHERN ILLINOIS UNIVERSITY

NIU Commitment to Constitutional Protections of Freedom of Expression
Northern Illinois University (“University”) is committed to freedom of expression and open discussion in all matters of public interest and is further committed to assuring all members of the University community\(^1\) have the broad latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University or otherwise allowed by law, Northern Illinois University respects and supports freedom of expression as guaranteed by the First Amendment.

The University is committed to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner and without fear for retribution is an essential part of the University’s educational mission.

NIU Encouragement of Civil, Collegial and Inclusive Expression
Ideas of different members of the University community may often and quite naturally conflict. The law does not allow nor is it an appropriate role of the University to shield individuals from ideas and opinions even when they might be considered offensive and disagreeable. At the same time, Northern Illinois University values civility, collegiality, diversity and inclusiveness as well as respect for the individual and various and different viewpoints. While the University safeguards individuals’ constitutional rights and protected speech, the University is also committed to inclusion and equity. The way people are treated at the University matters. The University wants everyone to be treated with dignity and respect and take responsibility for their words and actions. Accordingly, all members of the University community share in the responsibility for maintaining a climate of mutual respect.

\(^1\) The University community refers to faculty, staff, students, vendors and guests.
As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest the views of speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views to which they reject or to which they object. To this end, the University has a responsibility to protect freedom of expression, to promote a lively and rigorous debate of the issues, to simultaneously assure a safe and welcoming environment and to protect that freedom when others attempt to restrict it.

Concerns about civility and mutual respect should never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community. However, the freedom to express, debate and discuss the merits of competing ideas does not empower individuals to say whatever they wish, whenever they wish, and in any manner they wish. The University may limit expression that violates the law, that defames a specific individual, that constitutes a genuine threat or harassment,\(^2\) that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the safety and functioning of the University. These are narrow exceptions to the general principle of freedom of expression, and the University is committed to the use of these exceptions only in those circumstances necessary to protect members of the university community and not in ways that subvert Northern Illinois University’s commitment to freedom of expression and open discussion of ideas.

**Application of Policy**

This policy applies to outdoor areas of campus, including sidewalks, streets and other rights of way and other open spaces. The University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary business and activities of the University, as well as preserves the property and maintenance of the University. For example, individuals may not block the ingress or egress of individuals to buildings, classrooms or residence halls. Also, persons engaged in speech and/or expression activities are not permitted to graffiti, deface or damage University.

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\(^2\) Harassment is defined as “conduct so severe and pervasive that it creates a hostile work or learning environment” as defined by the law and principles under Title VI and Title VII.
In addition to outdoor areas, the Board of Trustees Meeting Room is also available for expressive activities so long as it is not otherwise in use, and the expressive activities are done in conformance with reasonable protocols as established pursuant to this policy. This policy does not establish or designate any other indoor facility, including but not limited to office buildings, libraries, classrooms or laboratories, as a forum(s) for expressive activities under applicable law. Indirect expressive activities conducted by persons who enter and remain in such indoor facilities must not disrupt the business and operations of the University and are subject to reasonable protocols established pursuant to this policy.³

**Implementation of Policy and Appeal Rights**

The Chief of Police and Public Safety of Northern Illinois University (“Chief”) in conjunction with the Executive Vice President and Provost and the Vice President of Student Affairs and Enrollment Management shall establish protocols in accord with the principles in this policy to establish reasonable time, place and manner restrictions and to otherwise ensure public safety, University operations and access to services and benefits of the University.

The Chief shall also have the authority to determine whether expressive activities are in accordance with the established protocols under this policy, and/or would likely jeopardize public safety, impede the operations of the University, deny others access to the services or benefits of the University, or otherwise violate the law.

Where expressions are deemed to likely jeopardize public safety, impede the operations of the University, deny others access to the service or benefits of the University, or violate protocols or law, a request for an investigation and appropriate action may be made to an appeal committee established by the President which shall include at a minimum, the Executive Vice President and Provost, and the Vice President of Student Affairs and Enrollment Management and Vice President for Finance and Administration or their designee. This appeal committee may consult with members of the Office of General Counsel for legal advice and counsel purposes.

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³For example, the wearing of an armband to signify support for a cause shall not be prohibited in classrooms under this policy and its accompanying protocols, wherein the wearer of the armband has an independent legitimate reason to be in the classroom (i.e. they are registered for the class) and the wearing of the armband does not disrupt or interrupt the business and operations of the classroom, incite violence, or otherwise violate this policy, its protocols, or the law.