

POLICY CONCERNING FREEDOM OF EXPRESSION NORTHERN ILLINOIS UNIVERSITY

NIU's 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 that all members of the university community¹ have the broad latitude to speak, write, listen, challenge and learn. Except insofar as limitations on freedom of expression are necessary to ensure the functioning of the university or are otherwise allowed by law, the university respects and supports freedom of expression as guaranteed by the First Amendment of the United States and Illinois Constitutions.

The university is committed to the principle that debate or deliberation may not be suppressed just because the ideas put forth are thought by some or even by most members of the university community to be offensive, unwise, immoral, discordant or disrespectful. It is for the individual members of the university community, and 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 of retribution is an essential part of the university’s educational mission.

NIU's 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 for the university, nor is it an appropriate role of the university, to shield individuals from ideas and opinions even when such ideas and opinions might be considered offensive and disagreeable. At the same time, the university values civility, collegiality, diversity and inclusiveness, as well as respect for individual and various viewpoints. While the university is committed to safeguarding individuals’ constitutional rights and protected speech, the university is also committed to inclusion and equity. The way people are treated at the university matters, and the

¹ The “university community” shall be defined as, 1) Any persons enrolled at or employed by the university including university students, faculty, staff, administrators and employees; 2) Recognized university affiliated entities including university departments and registered university student organizations; and 3) Guests or outside groups that come onto campus.

university desires for everyone to be treated with dignity and respect, while individuals take responsibility for their own words and actions. Accordingly, all members of the university community share in the responsibility for maintaining a climate of mutual respect.

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 views expressed on campus, and to criticize and contest the views of speakers who are invited on to campus, they may not obstruct or otherwise interfere with the freedom of others to express views 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 of expression 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 the university 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 the 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

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 of the Civil Rights Act of 1964.

and activities of the university, as well as to preserve 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 property.

In addition to outdoor areas, the Board of Trustees Room is also available for expressive activities so long as the room is not otherwise in use, and the expressive activities are done in conformance with reasonable procedures 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 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 procedures established pursuant to this policy.³

Implementation of Policy and Appeal Rights

The chief of police and public safety of Northern Illinois University (“chief of police”), in conjunction with the executive vice president and provost, and the associate vice president for student affairs and dean of students shall establish and implement procedures in accordance 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 of police, in collaboration with relevant university officials, shall also have the authority to determine whether expressive activities are in accordance with the established procedures 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.

A request for a review of the university’s decision to deny approval of an application for an expressive activity shall be made to an appeal committee established by the

³For example, the wearing of an armband or other clothing to signify support for a cause shall not in and of itself be prohibited in classrooms under this policy and its accompanying procedures, 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 procedures or the law.

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president which shall include, at a minimum, the executive vice president and provost, the associate vice president for student affairs and dean of students, and the vice president for administration and finance, or each of their respective designees. This appeal committee may consult with members of the Office of General Counsel for legal advice and counsel purposes.