

SANTA CLARA UNIVERSITY

SPEAKERS POLICY

Preamble:

Twice in recent history, the Santa Clara University Board of Trustees has upheld the importance of freedom of expression within the academic community. In 1968, it approved a document entitled "Aims and Objectives" which includes the following statement: "Santa Clara recognizes the importance of bringing to students, professors, and the community at large, current and influential thought from the mainstream of contemporary life. . .through public discussions, seminars, conferences, and exhibitions. These will not necessarily reflect the University position, nor agree with majority opinion, and they will not constitute an endorsement since they may represent divergent views."

The University's Statement of Purpose approved by the Board of Trustees in 1975 describes the University as dedicated to the continuing development of an academic community "opposed to narrow indoctrination or proselytizing of any kind, a community wherein freedom of inquiry and freedom of expression enjoy the highest priority."

Purpose:

The purpose of this policy is to assure the right of free expression and exchange of ideas, to minimize conflict between the exercise of that right and the rights of others in the effective use of University facilities, and to minimize possible interference with the University's responsibilities as an educational institution.

Time, Place, and Manner Regulations:

The time, place, and manner of exercising speech on the campus are subject to regulations adopted by the University administration. Orderly conduct, noninterference with University functions or activities, identification of sponsoring groups or individuals are required. Outdoor sound amplification will be permitted only with explicit approval of the Vice President for Student Development or his/her designee.

Non-University Speakers:

- A. Members of the faculty, academic departments, administrative offices, or student organizations registered by authorized student government bodies may invite non-University speakers to address meetings on campus. Student groups which have not been registered by authorized student government bodies may not invite non-University speakers to address meetings on campus. If there would likely be extensive public notice or controversy associated with the presence of any speaker on campus, prior notice should be given to the head of University Communications in the case of likely inquiries from external constituencies of the University or the media and to the Director of Public

Safety in the case of possible protest or disruption. Except for unusual circumstances, the notice should be at least one week before the meeting or event is to occur.

- B. The presence of a guest speaker on the campus of Santa Clara University does not necessarily imply approval or endorsement by the University of the views expressed by the guest speaker or by anyone else present at the event.

The person or organization sponsoring a speaker around whom there would likely be extensive public notice or controversy is responsible for including the above statement in its advertisements, announcements and news releases. If deemed appropriate, the University administration may also require that the above statement be read at the beginning of the event.

- C. Whenever the University administration considers it appropriate in furtherance of educational objectives, it may require either or both of the following:

1. that the meeting be chaired by a person approved by the University administration, and
2. that the speaker be subject to questions from the audience.

- D. An invitation to a non-University speaker extended by a registered student organization, member of the faculty, academic department, or administrative department may be rescinded only if the President, or his authorized designee, determines, after appropriate inquiry, that the proposed speech will constitute a clear and present danger to the orderly operation or peaceful conduct of campus activities by the speaker's advocacy of such actions as:

1. Willful damage or destruction, or seizure of University buildings or other property; or
2. Disruption or impairment of, or interference with, classes or other University activities; or
3. Physical harm, coercion, intimidation, or other invasion of the rights of University students, faculty, staff, or guests; or
4. Advocacy of violation of law; or
5. Other disorder of a violent or seriously disruptive nature.

APPROVED BY SANTA CLARA UNIVERSITY BOARD OF TRUSTEES - 10/22/93

AN EXPLANATION OF SANTA CLARA UNIVERSITY'S POLICY ON SPEAKERS

Santa Clara University is a community wherein freedom of inquiry and freedom of expression enjoy a high priority. While the University is firmly rooted in and committed to the Catholic tradition, it recognizes that ideas presented by some speakers may be antithetical to this tradition. The University considers that every speaker can contribute to the quest for truth, either positively by advancing its discovery or negatively by publicly exposing the weakness, or even the viciousness of error. Every idea, every doctrine, every cause is challenged to subject itself to the reasoned scrutiny of a University community of students and scholars.

In maintaining an open platform, the University realizes that some among the invited speakers will espouse ideas that individuals and groups of the University community consider hostile to their interests, values or feelings. The University's open-invitation policy is not intended to affront or insult any person or group. Rather, the University must guarantee every group, whether it represents a minority opinion or a majority opinion, its own free expression.

This policy grants no one the right of prior censorship or cancellation with the exception of the President or his designee when he determines the proposed speech would present a clear and present danger to the orderly operation or peaceful conduct of campus activities. However, before an invitation is issued, it may be appropriate for any member of the University community to attempt to dissuade a sponsoring group from inviting a speaker. This can be done by communicating directly with the sponsoring group. Throughout such discussions, the sponsoring group should be made aware that an invitation will carry with it no disciplinary consequences in any form.

Once an invitation to speak is accepted and publicized, there are risks in attempting to have the invitation rescinded, especially by a University official. Such efforts may be interpreted as a suppression of freedom of expression and encourage disruptive actions by those who oppose the speaker. Should any University official make such an attempt, it must be made clear that if the appeal is ignored the University will make every effort to ensure that the speech takes place.

While recognizing the right of legitimate protest, the University does not acknowledge any right claimed by a disorderly audience or individual to close down a speech and/or muzzle free expression. The only cause for cessation of a speech recognized by the University occurs when a speaker incites so immediately and imminently to illegal acts or disruption of University activities that public order clearly demands cessation.

Since the University administration has the duty to ensure freedom of expression within the University community, it must also have the power to impose sanctions on disrupters. There are limits to protest. Within the limits of legitimate protest are various forms of persuasion: by speech, by peaceful assembly, by picketing (though picketing is action and if coercive, merits no protection). The insulting, defamatory or libelous nature of a speech or the falsity of comments does not justify disruption.

Disruptive protests must stop when the chairman or appropriate University official asks for silence. Failure to comply with that request is a punishable offence in accord with the University's Student Conduct Code as well as civil law.

To achieve this atmosphere of free inquiry and free expression is not easy task. It can be accomplished only by men and women dedicated to rational discourse and unafraid to encounter error. An open-speaker's policy rests on the conviction that truth grows best in the light of freedom, and that the best guarantee of free expression for anyone is a free forum for everyone. Even more consonant with a community of scholars, is the opportunity for rational dialogue in the question period following each speaker's presentation.

To foster better awareness of the University's policy on freedom of expression, the foregoing statement should be published in the official annual publications of the University.

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