Building a Culture of Free Expression in the **Online Classroom**

a guide from the American Council of Trustees and Alumni

Perspectives on Higher Education

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Please see ACTA's other publications: ***Resisting Cancel Culture: Promoting Dialogue, Debate, and Free Speech in the College Classroom*** by Nadine Strossen; ***Building a Culture of Free Expression on the American College Campus*** by Joyce Lee Malcolm; and ***Free to Teach, Free to Learn: Understanding and Maintaining Academic Freedom in Higher Education***.

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FOREWORD

RESISTING THE VOICES IN OUR HEADS and the feelings in our hearts that seek confirmation of what we want to believe is a struggle. The business of education is to help us succeed in doing just that. On freedom of the intellect rests our progress, prosperity, and, ultimately, survival.

The inability to give space for what Oliver Wendell Holmes, Jr., called "the thought we hate" has a long and sad pedigree. The earth did not stand still in 1633, but the Roman Inquisition was intent upon asserting that it did and was willing to enforce its view with fire. Thus, it declared Galileo to be a heresy suspect, threatened him into recanting, and kept him under house arrest until his death. It undoubtedly weighed heavily upon Galileo that Giordano Bruno had perished at the stake in 1600 for views deemed heretical.

At times, it appears that the places where unfettered freedom of thought and speech should most flourish are the ones that behave more like the inquisitors who silenced Galileo than the sanctuaries that academic freedom was intended to create. Now, punishable heresy extends over an amazingly broad array of social and political topics: witness the travails of Erika and Nicholas Christakis, Laura Kipnis, Amy Wax, Sam Harris, Samuel Abrams, Joshua Katz, and many others. Professors, pundits, and administrators lose status, if not jobs, for violating the shibboleths and reigning orthodoxies of the campus. Surveys show that students all too often retreat into self-censorship.

We are now in a new world of communication tools whose power often far exceeds the ethical systems needed to use them fairly and wisely. It is for this reason that ACTA presents the perspectives and guidance of distinguished scholars and education leaders.

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Since 1995, ACTA has promoted the rigorous study of the liberal arts. The lifeblood of the liberal arts is debate, dialectic, inquiry, and challenge. In the midst of the COVID-19 pandemic that threatened the strength and even the survival of so many institutions, online education moved to the fore. Although, as the pandemic recedes, it will yield its primacy at most institutions, it has now gained a much greater presence—which will endure. We have seen that it can bless us with access to a vibrant exchange of ideas, but it also has the potential to eliminate the opportunity for growth of character and intellect that comes from what the C. Vann Woodward Report identified as "the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable." The potential and power of the online classroom must be used to preserve and enhance that sanctuary.

Sincerely,

Michael B. Poliakoff, Ph.D.
President

Building a Culture of Free Expression in the **Online Classroom**

THE SHIFT TO REMOTE LEARNING in the wake of the COVID-19 pandemic precipitated an array of urgent challenges for colleges and universities. Most institutions continued online instruction into Spring 2021, with faculty developing new hybrid models, new ways to ensure testing integrity, new resources to improve access equity, and even new ways to deliver their content. Improvements in the delivery of online education likely means that the virtual classroom will grow in popularity (compared to pre-COVID-19 levels) after the public health problems associated with the global pandemic subside. A recent *Inside Higher Ed* survey of college and university presidents confirmed that many expect that to be the case, with 79% answering that they are "somewhat" or "very likely" to reassess the "long-term mix of in-person vs. virtual education [they] offer."[1]

This means it is past time to confront seriously a pressing set of challenges where progress has arguably been the slowest: addressing the new threats to student free expression and faculty academic freedom posed by the remote educational environment. In the new environment, speech is easier than ever to record, and social media platforms are one click away. Building courses and extracurricular programming in which students can share their viewpoints freely, and where professors can teach without fear of reprisal, will take a concerted effort on the part of all stakeholders. To that end, the American Council of Trustees and Alumni (ACTA) asked faculty leaders and national experts to reflect on the lessons they learned in teaching remotely during the pandemic. Their comments informed the development of strategies and approaches that faculty, administrators, and trustees can adopt to protect and encourage free and open debate in the virtual campus setting.

The Challenge: Lessons from the Georgetown University Law Center

The challenge to free expression and open debate posed by online learning is encapsulated in many of its defining aspects by the Georgetown University Law Center's decision to fire Sandra Sellers, an adjunct professor, in March 2021. Law Center Dean William Treanor explained that the abrupt decision followed his review of "a video of [a] conversation" that he found "reprehensible" and "abhorrent."[2] The second professor party to the conversation was placed on administrative leave, and soon after, he resigned. The action came swiftly on the heels of a social media swarm that was unleashed deliberately by a student who posted clips of the two professors' discussion.

What were they discussing? The short clips posted to Twitter portray an uncomfortable and inartful conversation, accidentally recorded at the end of an online class and posted to the course materials, in which Ms. Sellers observes that black students tend to cluster near the bottom of her classes. Far from expressing personal bias, Ms. Sellers notes that the tendency causes "angst . . . every semester" and "drives [her] crazy."[3] The second professor agrees and wonders aloud whether his own "unconscious biases" might have played a role in the result.[4] Far from evincing personal racial bias, both professors judge the disparity in student outcomes to be a problem, with one expressing the importance of taking a proactive personal step, self-reflection, to ensure discrimination is *not* causing disparate outcomes. While Dean Treanor's statements left the impression that biased grading practices were part of the issue ("We must ensure that all students are treated fairly and evaluated on their merits"[5]), Georgetown removed the professors before it could conclude its investigation. The university's public statements have, meanwhile, focused on the content of Professor Sellers's speech.[6]

As legal scholar Eugene Volokh observed in the immediate aftermath, the racial disparity in law student performance is a longstanding academic question that remains open for debate.[7] Not long ago, the issues raised by affirmative action and racial preferences were considered important policy questions and worthy of public debate—the kind of discussion

that American colleges and universities are uniquely equipped to foster. Prominent university presidents even wrote a book about it.[8] Today, however, conversations that probe the benefits and costs of affirmative action are all but forbidden on college campuses. A recent Foundation for Individual Rights in Education (FIRE) survey of almost 20,000 U.S. college students confirmed that issues related to race are among the very hardest to discuss.[9]

The incident raises academic freedom and due process concerns aplenty. As FIRE has noted, Georgetown appears to have taken the action in violation of its own principles and rules.[10] The university's Speech and Expression Policy aims "to provide all members of the University community, including faculty, students, and staff, the broadest possible latitude to speak, write, listen, challenge, and learn."[11] The policy goes on to assert that "deliberation or debate 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 ill conceived."[12] The academic freedom section of the Faculty Handbook echoes the university's statement of principle, noting that "Free inquiry and unconstrained publication of the results of inquiry are at the heart of a university" and that Georgetown's "commitment to academic freedom supports all faculty (and professional librarians) in research, teaching, and professional service in and beyond the University."[13] And yet, Georgetown fired a member of its law faculty based on an accidental recording of an informal conversation—before it could conclude an investigation.

So why the rush to judgment? Simple: The existence of a digital record of the conversation, posted to the course's online shell after it happened, adds a public relations dimension to what was once an essentially educational determination. By the time the clips were posted to Twitter, the university's Office of Institutional Diversity, Equity & Affirmative Action was already investigating—just not fast enough. The student who posted the clips was upset that the better part of a week had passed without administrative action and worked to intensify the anger, using Twitter to urge students and alumni to "sign & share the Black Law Students Association's petition/statement calling for Prof. Sellers' termination as an

adjunct professor."[14] Ms. Sellers was fired the next day, which is to say, social media outrage trumped Georgetown's policies, the law school's commitment to due process, and academic freedom. Two Georgetown law students who approved of the outcome observed to Mark Joseph Stern, reporting for *Slate*, that "Georgetown only cares when there's widespread national response" and "It's always image control with this administration."[15] The point is that student activists know the power of social media, and they are willing to use it to shape their educational environment to suit their political priorities, even if that requires bullying faculty and administrators.

How the Remote Learning Environment Can Deter Free and Open Debate

The incident clarifies one of the central challenges posed by the remote learning environment: It can easily generate a digital record that can be used for non-instructional purposes—even when participants do not consent to or even know they are being recorded. What is more, what happens in the remote classroom is easier than ever to share outside of class, on social media. Two other factors complicate matters further: Audio and video recordings speak directly to our passions and, consequently, can be more effective at rousing anger; and it is easier to misspeak or convey the wrong impression in conversation than by written communication for the simple reason that it happens so much faster.

Unfortunately, higher education has adapted badly to the social media era in which activists can unleash a torrent

> The challenge will be if our overwhelmingly centrist, open, tolerant, and protest-rejecting students can push back on a core group of activist students and a flawed view of social justice-minded administrators and professors who are trying to set a narrow educational agenda, limit discussion, and silence many points of view.
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> **—Samuel J. Abrams, Professor of Political Science, Sarah Lawrence College**

of negative attention on a university, faculty member, or student within minutes. Schools that should be focused on the large (but quiet) majority who long for liberal learning are increasingly forced to engage with vocal activists. Activists who are willing to sully the university's reputation have an automatic advantage, in part because academics (and the institutions they run) are so sensitive to prestige and reputation. Today, universities live in mortal fear of a negative Tweet gone viral. Presidents, deans, and provosts have, to this point, learned a dangerous lesson: that the easiest way to quiet the mob is to give into what it wants—usually by firing someone and denouncing his or her viewpoint—even if that means betraying core academic values.

Georgetown's actions are only the most recent of many examples. As FIRE has noted, the months after schools moved classes online were their busiest ever.[16] Stockton University investigated a student for his Zoom background (featuring President Trump) when someone submitted an incident report,[17] Fordham University barred a student from campus for an Instagram post commemorating the Tiananmen Square Massacre in which he was holding a gun,[18] Juniata College reprimanded a faculty member for social media criticism of the school's COVID-19 policies,[19] and several schools forbade faculty and staff from discussing their university's response to the COVID-19 pandemic.[20] Marquette University even threatened to rescind an admissions offer to a student because she posted a video to TikTok expressing support for President Trump.[21] If one includes incidents pre-dating the pandemic, the scope of improper administrative investigation of online speech is broader yet. As FIRE summarized in a recent amicus brief, "Students have been suspended for emails that offended coaches and expelled for social media posts that embarrassed university leadership. They have been prevented from participating in graduation ceremonies for Facebook criticism of the administrative response to a natural disaster, investigated and punished for satirical, political, and social Instagram posts, and suspended for copy-editing an ex-girlfriend's apology letter on Twitter."[22]

The Campus Speech Crisis is Getting Worse

These incidents both reflect, and aggravate, a well-documented campus speech crisis. We know from empirical research that young people today regularly engage in self-censorship. A 2019 ACTA/College Pulse national survey of over 2,100 college students found that 61% stop themselves from expressing opinions "on sensitive political topics in class because of concerns [a] professor might disagree with them" at least "occasionally."[23] Higher numbers report doing so "to avoid offending other students" (85%), and over one-third refrain from expressing views "because of concerns related to [their] college's speech policies" (38%).[24] The consequences are serious and wide-ranging. For example, 48% of students "agree" or "strongly agree" that pressure to conform to political correctness can negatively affect the development of close interpersonal relationships, including 78% of those who identify themselves as strong Republicans.[25]

ACTA's findings align with several other recent surveys of student attitudes. A Knight Foundation/Gallup survey found that the problem is getting worse, with 63% of students agreeing "that the climate on their campus deters students from expressing themselves openly, up from 54% in 2016."[26] The largest survey of its kind, a 2020 FIRE/College Pulse study covering almost 20,000 students on 55 campuses, found that only 25% reported feeling "very comfortable" having "a discussion on a controversial political topic with their classmates."[27]

We also know that a majority of students (58%) believe "most expression and discussion of political or social ideas" takes place "online through social media" as compared to "face-to-face on campus in classrooms and public areas."[28] So it is alarming that mounting evidence suggests that the online environment may be especially inhospitable to free and open dialogue. Of note, large majorities surveyed in 2019 agreed that social media "stifles expression" because "people block views they disagree with" (60%) and because people "are afraid of being attacked or shamed by those who disagree with them" (58%).[29] Only 29% answered that "the dialogue that occurs on social media is usually civil."[30] A relatively small, exploratory

survey of 526 college students conducted by College Pulse in December 2020 revealed that students find it more difficult to discuss their views in an online environment than a traditional in-person classroom by more than a two-to-one ratio.[31]

> Students have for years been engaging in too much self-censorship, due to peer pressure and other cultural factors, even before the pandemic-induced move to online education. Therefore, even pre-COVID, many faculty members had already devised approaches to counter this worrisome self-censorship trend. . . . The online shift increases self-censorial pressures, hence making these counter strategies even more important.
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> **—Nadine Strossen, former president American Civil Liberties Union**

Why is the crisis getting worse? Simple: Self-censorship is a perfectly reasonable reaction when students and faculty are being investigated, harassed, or punished for their speech. Georgetown's action showed that reasonable-sounding policies are no guarantee of a fair process. Think, for a moment, about the consequences for the adjunct faculty involved. The incident will forever be attached to them, impossible to miss by anyone who searches their names on Google. The entire drama—closer to a public stoning than an unbiased and methodical investigation—gives faculty everywhere strong incentives to limit discussion of racial disparities when it comes to law school performance. And the peril increases with urgent, yet sensitive issues, such as reforms to means-tested programs that minorities rely on disproportionately, funding for diversity programs, the black-white achievement gap, and the reasons for hiring disparities in an array of professions. Lawyers in training should be examining that terrain; for some, the issues will be central to their professional lives. The discussions are also important to refining policy and addressing serious societal problems.

When faculty and students fear that a slip of the tongue or a politically motivated click of the "record" button could imperil professional reputation and career, deliberation stops. An impoverished political discourse is one result. But it is only the beginning.

Cancel culture and widespread self-censorship threaten the very possibility of liberal education. The diversity of human personalities and sensibilities requires a free and open marketplace so that individuals can develop an individuality that is their own, that fulfills their particular needs, longings, and inclinations. The university should be the place that furnishes to students "rich, diversified, and animating" models: examples of poets and artists, public servants and activists, philosophers and theologians—all of them in dialogue.[32] That is why building a culture of free expression—in class and in the online environment—is a critical priority for higher education leaders.

> If you think for even a second about what humans really are, you realize that *freedom of thought and expression* is essential to our intellectual and moral development, indeed to our ultimate well-being. Without it, we are reduced to the level of animals, operating by instinct or by that spiritless "training" which teaches a dog to obey.
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> **—David Corey, Professor of Political Science, Baylor University**

Meanwhile, at the University of Chicago . . .

In November 2020, a University of Chicago (UC) associate professor of geophysics posted a series of YouTube videos criticizing equity and diversity policies that discriminate against white and Asian applicants to graduate school and for faculty positions. Professor Dorian Abbot also urged departmental colleagues to "try as hard as we can to treat everyone who applies to our department equally and judge applicants only on the basis of their promise as scientists."[33] Had Dr. Abbot shared his perspective with faculty colleagues at an in-person meeting, or had the discussion taken place with colleagues on an admissions or hiring committee, the conversation would almost surely have been lively. But the ensuing controversy would likely have been short-lived, with any hard feelings confined to the department and its immediate environs. Because there was a public, digital record, the case intensified to the point of making national headlines.

As usual, the controversy began to simmer on social media. Within a few days, Twitter was aflutter with anger, misrepresentations, and even demands that Dr. Abbot be fired for his opinions. A group of 162 students, staff, and alumni wrote a letter to the Geophysical Sciences Faculty alleging that Dr. Abbot's videos "threaten the safety and belonging of all underrepresented groups." The letter made 11 demands for reform.[34] The list included requests that the department create alternative routes for Dr. Abbot's students to complete their courses, reevaluate the "appropriateness of Dr. Abbot as the face of our department in 'Global Warming: Understanding the Forecast,'" and strip Dr. Abbot of his "position and privileges as Department Website and Social Media Committee Chair."[35] They also objected to the principles contained in UC's seminal Shils Report on faculty hiring, which asserts that the "function of appointive bodies is to bring to the academic staff of the University individuals who will perform at the highest level the functions of research, teaching, and training and the maintenance of the intellectual community of the University,"[36] because it leaves insufficient space for diversity-related considerations.

And then something unusual happened. In spite of the social media tempest, the administration responded by reaffirming its commitment to academic freedom. On November 29, President Robert Zimmer invoked the university's unshakable commitment to the Chicago Principles on Freedom of Expression: "We believe universities have an important role as places where novel and even controversial ideas can be proposed, tested and debated. For this reason, the University does not limit the comments of faculty members, mandate apologies, or impose other disciplinary consequences for such comments, unless there has been a violation of University policy or the law."[37] Consistent with the Kalven Committee Report, which notes that a university should remain neutral on issues of social policy in deference to its "obligation to cherish a diversity of viewpoints," President Zimmer also refrained from using his public statement to comment on the issue in a way that might satisfy the activist critics, that is, he did not begin by condemning the viewpoints Dr. Abbot expressed.[38]

The episode ended without investigations, disciplinary hearings, firings, or virtue-signaling administrators making ritualistic denunciations of unpopular viewpoints. Shortly after the controversy over his YouTube presentations intensified, Dr. Abbot posted a cool and sedate meditation on the situation in which he acknowledged his own support for "many DEI efforts," including work to "expan[d] applicant pools as much as possible."[39] He also recognized that the outcome would likely have been very different at any number of other universities, observing,

> I am very lucky to be a tenured professor at the University of Chicago, so I have the rare privilege of being able to make these points and withstand attacks in a way that many others do not. I have been reassured by my department chair that the University has a fundamental commitment to freedom of expression, that my tenured position is not at risk, and that my role in the University will not be restricted in any way. When I say that this is about academic freedom, what I mean is that others who are not in as secure a position as I am should also be able to advocate dissenting views. One way to challenge the current culture of fear is for me to use my position of privilege to assert academic freedom and to aggressively make space for dissenting viewpoints in campus discussions.[40]

The discussion Dr. Abbot set off also prompted the university to probe its own practices. In an infrequently mentioned section of his letter, Dr. Abbot shared the news that the university's Title IX office reached out to him to learn more about his objections to certain campus hiring and admissions practices. In his words, "I can't discuss the details, but they told me that some of them should not be happening on campus. They agreed to investigate these issues and continue the conversation."[41] **Whatever the outcome of that investigation, one lesson of his ordeal is that reasoned deliberation can improve practice, processes, and policy. Indeed, free and open debate is the lifeblood of any university because it is a precondition of "the discovery of important new knowledge [and] the communication of that knowledge to students."**[42]

The central lesson, though, is that principles, and principled leadership, matter. When universities make a good faith commitment to embrace the Chicago Principles on Freedom of Expression, their commitment to "free and open inquiry in all matters"[43] informs policies governing academic freedom for faculty, policies governing student expression and student conduct, hiring decisions, curricular reform initiatives, and even extracurricular programming. They also send a message to students, prospective students, administrative staff, faculty, and aspiring faculty that the institution lives by its commitment to academic freedom and free expression. This is probably one of the reasons the social media mob subsided so quickly at the University of Chicago. And it is the best way to start the hard work of building a culture of free expression on a college or university campus.

Understanding the New Remote Learning Environment

Today, much of young people's lives exist on a permanent, digital record. Their text messages, social media posts, web search histories, day-to-day locations, and even financial transactions on apps like Venmo can be seen by friends and strangers alike—not all of them with good intentions. This is a reality that young people have generally accepted and learned to live with. Mastering the privacy settings on an ever-expanding array of platforms takes time and vigilance; but it is the only way to protect an online reputation. It may

> The cancel culture, toppling of monuments, and social media rage that increasingly prevails in society today will undoubtedly make students feel more hesitant about expressing their ideas. . . . Students and faculty must be able to express themselves freely on the challenging issues of the day. Anything less is a diminishing of open intellectual inquiry and an insult to the human dignity of each individual.
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> **—Jeffrey M. McCall, Professor of Media Studies, DePauw University**

not be the case, as George Orwell wrote, that "Big brother is watching." But there is now a record for him to review should he have reason to tomorrow—or even years later.

Examples of a person's social media history coming back to haunt him or her years down the road are terrifying and all too frequent today. Ill-conceived Tweets have scuttled nominations for national office, ended professional careers, damaged the standing of influential thought leaders, and caused elite universities to rescind admissions offers. In the social media universe, we have good reason to be guarded, worried about strangers with unsavory purposes and the potential loss of opportunity down the road.

The online learning environment is not identical to the social media world, but it is important to note key similarities. Online course conversations can feel like conversations among strangers because the trust and intimacy of classroom discussions are hard to replicate without in-person interaction. Several faculty members noted that the concluding months of the Spring 2020 semester went unexpectedly well, in spite of the sudden shift to remote modalities, in part because faculty had already built up a rapport with students thanks to two months of in-person instruction.

Building Trust in Online Courses

Professors build trusting classrooms in many ways. Where they dip into dangerous waters, they can demonstrate that discussion and debate are driven by a good faith desire to explore every contour of an issue and by a genuine curiosity rooted in the love of learning. They rely on students' facial expressions and other non-verbal cues to glean whether students understand them as well as to decipher students' level of comfort or discomfort with a discussion. As discomfort levels rise, professors build trust with students by conveying that they are sensitive to the strong feelings aroused by difficult questions. They can do so in several ways: by overtly acknowledging that people of good will can disagree, by encouraging and modeling civility, and by adopting a tone and demeanor that show the discussion is motivated by curiosity and a desire to help students learn (as opposed to bias, prejudice,

or proselytizing). In doing so, they demonstrate their own good will, which can help set the tone for the entire class.

> It's not easy to promote free discussion in an American college classroom. Students are afraid . . . of saying the "wrong" thing, which might subject them to rejection and ridicule from their peers. And some faculty reinforce this repressive atmosphere by propagandizing instead of teaching . . . So, in my own classroom, I try to bring in as many perspectives as I can. . . . I make it clear that everyone should be able to express their own ideas, free of intimidation from others.
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> **—Jonathan Zimmerman, Professor of History of Education, University of Pennsylvania**

The impersonal nature of online courses is the first difficulty educators face. When faculty and students develop trust that classroom discussions are motivated by a good faith desire to push the boundaries of mutual understanding, it is possible to explore highly controversial issues and perspectives productively. Contrast this with the social media environment, where vicious criticism and acrimony are so widespread in large part *because* of the impersonal nature of the communication. It is easier to slander an anonymous Twitter user than it is to behave uncivilly to a student across the room whose smile one sees every day. Even if our normal online behavior is shaped by the anxieties aroused when strangers are all around us, a healthy classroom is shaped by the ethos of friendship.

Building trust is difficult to replicate in a remote learning environment, especially one that is primarily asynchronous, because the interpersonal cues that help convey intention and meaning are largely absent from discussion board posts and response papers. Zoom discussions are of some, but still limited, value because the conversations are less organic and require more organization and planning. Gone are the many split-second expressions of sentiment that foster intimate discussion: the reassuring smiles of support, the mischievous grins of those playing devil's advocate, the quizzical looks of classmates that can cue the speaker to add context because he is

being misunderstood, and the non-verbal cues that help faculty manage conversations in myriad ways (by conveying that a particular student with a hand up has something urgent to add on the present point, that he or she disagrees ferociously, or that a student is poised to rescue a flailing argument).

Digital Recordings and Social Media

The second difficulty is multifaceted. While there are many ways that speech might be chilled in a traditional campus setting, a digital record was not one of them until very recently. Recording online classes is tempting for the benefits of providing a record to review and a resource for study. However, it creates an opportunity for partisans across the political spectrum to exploit the digital records in order to further an agenda that has nothing to do with learning. One high-profile example came shortly after the pandemic began, when Charlie Kirk, founder of Turning Point USA, Tweeted to the network of college conservatives: "To all college students who have their professors switching to online classes: Please share any and ALL videos of blatant indoctrination . . . Now is the time to document & expose the radicalism that has been infecting our schools."[44]

Discussing what responsibilities come with open dialogue and inquiry, as well as setting expectations about the tenor of intellectual discourse, is key. Words matter; they wield power. As educators, we have a role in helping students understand how to use their right to free expression in an effective and responsible way.

—Michelle Deutchman, Executive Director, University of California Center for Free Speech and Civic Engagement

However serious one judges the lack of viewpoint diversity on college campuses and the politicization of the college classroom—and the American Council of Trustees and Alumni assuredly does—ripping classroom discussion from its context to expose bias and embarrass faculty is not part of the solution.

The Charles Koch Foundation was quick to perceive the danger. As Charlie Ruger, the Koch Foundation's vice president of philanthropy, observed: "Inciting harassment against scholars isn't just wrong at a time when many are seeking out new ways to engage their students during a crisis, it's always wrong. Targeting, intimidating, and otherwise attempting to silence academics chills the open exchange of ideas and, in turn, chokes off progress."[45]

> If you say something on campus, no one is recording it, and someone who disagrees with you has to make a real effort to share your comments outside the school. Online, everything is in text or recordable video, and one click away from being posted. I don't think that's where we want to go, and universities should be clear about the relationship between academic freedom and data privacy.
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> **—John Katzman, CEO, Noodle Partners**

That social media platforms are a short click away only amplifies the problem. Videos can be uploaded in seconds, and once they are out, there is no pulling them back in. An example from December 2020 at Cornell University is illustrative. When Cornell's Student Assembly defeated a proposed resolution calling for campus police to be disarmed, proponents of the measure led a successful effort to remove two members of the assembly who had voted against it.[46] The maneuver attracted national attention.[47] But the Young America's Foundation (YAF) was not content simply to report the news. YAF scoured digital records of Cornell Student Government meetings leading up to the vote and published the names of student representatives who had expressed radical positions on racial matters from the Left, most of them from underrepresented minorities, along with audio of their statements curated to embarrass them.[48] The result was an avalanche of hateful social media messages targeting those students, some of them advocating violence. These menacing messages came not from Cornell students but from off-campus, Alt-Right social media accounts.[49] Cornell's Young Republicans disavowed "online abuse" directed at their peers, but the episode highlights new threats

to reasonable deliberation that arise when campus discussions are thrust into the social media universe.

Gossip is global today—and has the potential to become permanently affixed to the victim's online record. When students and faculty learn that classroom (or in Cornell's case, extracurricular) discussion does not necessarily stay in the room, it is reasonable for them to restrict the kind of viewpoints they venture. It is one thing to test out a bold or radical idea among friends and another thing entirely to try out an unpopular position knowing it might be tied to one's permanent online record.

A small number of high-profile examples of students and faculty being harassed for opinions ventured in the online classroom or being investigated or disciplined for content they post on their social media accounts can have a chilling effect on speech that goes well beyond the classroom or campus where they occur. Those who have argued that concerns about campus climate are overblown, and that campuses are not actually inhospitable to open discussion today, often allege that free speech advocates are drawing broad conclusions from a small number of particulars.[50] They are disastrously wrong. Though the critics acknowledge that shout-downs and disinvitations make the news when they happen, they go on to assert that a few dozen isolated incidents do not reflect the prevailing climate on thousands of American campuses.

> Campus activists used to assert that "speech is violence"—but in recent weeks, "silence is violence" has become the new catch phrase du jour. . . . Ergo, individuals now must express themselves to avoid being targeted—but it has to be the "right" speech, and the goalposts are constantly shifting. It's little wonder that self-censorship has become the default setting on college campuses, as the level of risk involved in saying the "wrong" thing is often too high for all but the bravest student to bear.
>
> **—Nicole Neily, President, Speech First**

There are three responses to that argument. First, the number is growing quickly. One database of cancelations on college campuses has grown to 172 incidents.[51] Second, even those students who have not experienced a cancelation attempt firsthand experience significant pressure to conform their views to the favored viewpoint du jour. We know from survey research that pressure is a daily feature of campus life, at least when controversial social and political viewpoints are discussed, and that it leads to pervasive self-censorship. Third and most important, the examples that garner widespread publicity are only the tip of a massive iceberg. But they are harrowing enough to create strong academic and professional incentives for objectively reasonable students to self-censor precisely to avoid being investigated for their speech, punished by their institution, or targeted for cancelation by the social media mob.

WHY IT MATTERS AND WHAT CAN BE DONE

Reflections on Teaching Remotely During a Global Pandemic

AS THE USE OF REMOTE LEARNING continues to expand from pre-COVID-19 levels even as the pandemic subsides, higher education must grapple with these new difficulties. How can administrators create strong guarantees that online class discussions will remain private and protected? How can professors encourage students to express themselves freely—when some may become shyer or more inhibited when taking courses remotely? Conversely, how can professors create a culture of respectful disagreement and dialogue when it is well-documented that many people become more aggressive or more hostile when communicating digitally?

The COVID-19 experience required faculty who do not typically teach online to adapt quickly. In the process, talented educators and higher education leaders were forced to experiment with new techniques. To help start a dialogue around these issues, ACTA asked experts and educators around the country to share their insights. The rich discussion identified proven strategies and raised several important questions.

SAMUEL J. ABRAMS

Professor of Politics at Sarah Lawrence College and visiting scholar at the American Enterprise Institute

I am optimistic about the future of free speech and real viewpoint diversity in our classrooms—whether around a table in-person or on Zoom—because being able to ask questions, wrestle with competing ideas, and challenge others is exactly what students today want out of a collegiate, liberal education. The challenge will be if our overwhelmingly centrist, open, tolerant, and protest-rejecting students can push back on a core group of activist students and a flawed view of social justice-minded administrators and professors who are trying to set a narrow educational agenda, limit discussion, and silence many points of view. Students can push back, and

they have been the catalyst for major change in the past; there is no reason that it cannot happen again.

I have spent the past few years deep in the data, teaching many wonderful students, and lecturing around the country, and the story is always the same: Those who are enrolled in college and university classes now—the first few years of Gen Z—are different from those a decade ago. Students today are not ideological extremists but are moderates who reject the idea of shutting down controversial speakers and limiting the dissemination of ideas that they find unpleasant.

Large majorities of current students, for instance, are open to having their views challenged and see this as an asset of theirs, and recent data show that almost 80% of recent first-year students say it is a strength of theirs to see the world from someone else's perspective. Similarly, when asked about being tolerant of others with different beliefs, huge majorities saw this as a virtue, and close to 90% of these students pride themselves on having the ability to cooperate and work well with a diverse group of people. A large majority of students hold that they want to discuss and negotiate controversial issues on campuses which suggests that despite the polarization of the political system and so much about educational life on campus today, our nation's students are not nearly as extreme as widely believed.

The fact is that our students are open-minded, with curious and compassionate hearts and minds. The fall will be extremely challenging for viewpoint diversity as virtual classes limit the physical intimacies often necessary to have important and difficult conversations. We will also see petitions and various extremist videos on TikTok and Twitter, virtual classes may be hacked, and statements will be taken out of context and misconstrued for political gain, but this does not represent the political and intellectual realities for students who crave viewpoint diversity. This is out of sync with what the students want, and while faculty and various adjacent communities can push back, it is the students who will ultimately lead the charge, and they will do this because they reject the push toward an intellectual and political monoculture that many are trying to establish on campus. I remain sanguine because these student impulses are very real and very strong.

DAVID COREY

Professor of Political Science at Baylor University

If you think for even a second about what humans really are, you realize that *freedom of thought and expression* is essential to our intellectual and moral development, indeed to our ultimate well-being. Without it, we are reduced to the level of animals, operating by instinct or by that spiritless "training" which teaches a dog to obey. Or we are viewed as cogs, mere "functionaries," in some vast social machine that cares only for collective outcomes and allotments. But human beings are emphatically not animals; nor are we capable of mature development when threatened, bullied, or coerced into conformity with someone else's project of social perfection.

Because of this, education (especially in the upper levels of the humanities) should take a certain form and strive to avoid certain pitfalls. It should allow the freest possible rein to individual participation by making room for private doubts and for the exploration of rival paths. It should be dialectical rather than apodictic. It should take the form of a collaborative search for truth rather than a contest or a quest for honor. And above all, it should be charitable. In genuine education, you are not "for us" or "against us." For there is no settled "us," and we are not engaging in a political campaign, but a quest for insight. In short, we must be free to think—to venture, to retract, to circle back around, to learn from others, and to make amendments to currently accepted views.

Even without the harrowing prospect of shifting our classes online, we face many threats today to the freedom of thought and expression. The arts of humane learning are too often reduced to inhumane training and propaganda. But shifting courses online presents unique challenges (and prospects!). On the one hand, I'd *rather* teach a "virtual" class than a classroom full of individuals whose facial expressions are literally masked. Thank goodness for Zoom! And yet the "record" feature on most platforms allows for a level of policing and reporting that might stifle conversation between even the most intimate of friends. Thus, we have to work extra hard as teachers to explain how the adventure of liberal learning differs from, say, culture wars and campaigns for social justice. We do

well to lay the ground rules more explicitly than we have before and to demonstrate *personally* those virtues of civility that we hope to see exhibited in our students.

MICHELLE DEUTCHMAN

Executive Director of the University of California National Center for Free Speech and Civic Engagement

Whether in the classroom, in the dining hall, or on the quad, we pay too little attention to the distinction between *rights* and *responsibilities*. People often focus their discussion about the First Amendment on the license it grants them to say what they please. "You can't stop me from saying this; my speech is protected by the United States Constitution." On a public university campus, this is often true. Most hateful, odious, or mean-spirited comments are protected by the right to free expression. Yet, this misses a larger question: Just because we *can* say something, does that mean we *should*? It's a dilemma that goes to the heart of what it means to be a member of a classroom (or other) community.

As we navigate our way through a fall semester filled with online classrooms, building community becomes more difficult, and these issues take on greater significance. Discussing what responsibilities come with open dialogue and inquiry, as well as setting expectations about the tenor of intellectual discourse, is key. Words matter; they wield power. As educators, we have a role in helping students understand how to use their right to free expression in an effective and responsible way.

JOHN KATZMAN

Chief Executive Officer of Noodle Partners and co-founder of The Princeton Review®

I'm a supporter of the Freedom Project, and online learning brings interesting challenges to their work. If you say something on campus, no one is recording it, and someone who disagrees with you has to make a real

effort to share your comments outside the school. Online, everything is in text or recordable video, and one click away from being posted. I don't think that's where we want to go, and universities should be clear about the relationship between academic freedom and data privacy. Airing something outside the walls of the university should be a serious offense and should be dealt with as such; to promote experimentation and debate, we should have the conversation here and only here.

JEFFREY M. McCALL

Professor of Media Studies at DePauw University

A Knight Foundation study conducted in 2019 found that two-thirds of college students believe the climate on campus prevents them from speaking freely. The cancel culture, toppling of monuments, and social media rage that increasingly prevail in society today will undoubtedly make students feel more hesitant about expressing their ideas. Whether in a physical classroom setting, or as is the situation now for many colleges, in online classes, students and faculty must be able to express themselves freely on the challenging issues of the day. Anything less is a diminishing of open intellectual inquiry and an insult to the human dignity of each individual.

The remote or online learning environment provides no more guarantee of classroom free expression than the traditional, physical classroom. It is quite plausible, actually, that the online learning atmosphere could make students feel more stifled. That's because they might well fear speaking in a streamed and recorded setting in which "unapproved" opinions could reach beyond the four walls of the traditional classroom. It is essential that colleges and universities recommit themselves to the principles of free expression and emphasize what that means for both in-person and remote classrooms. As society deals with the turmoil of 2020, free expression and open inquiry become even more important. In fact, open and unfettered debate is needed for the academy, and society at large, to move forward. Anything less than a full commitment to free expression leads higher education into what essentially will become an ideological gulag.

NICOLE NEILY

President of Speech First

As universities across the country prepare for a school year held partially (or in some cases, fully) online, concerns about speech and discourse are well-founded. Popular culture has injected the Miranda warning's phrase "everything you say can and will be used against you" into the public lexicon—yet that sentiment is likely to have a newfound resonance with many members of the college community in this new virtual learning environment. Online classes pose a significant risk to both students and faculty, and individuals would be wise to prepare themselves accordingly.

Online classes are sometimes officially recorded—and if not, that can easily be done surreptitiously. Discussions which until this point had been "analog" are now preserved in perpetuity—and as such, can be cropped and shared widely almost in real time. When taken out of context, teaching methods such as playing devil's advocate or the Socratic method might appear offensive, despite being designed to challenge students and provoke critical discussions. Questions about subject matter can now be turned around to "expose" preexisting beliefs or unconscious biases—and with intent no longer a factor in whether individuals are "canceled" by their peers, the mere act of saying the wrong thing at the wrong time terrifies many students into silence.

Campus activists used to assert that "speech is violence"—but in recent weeks, "silence is violence" has become the new catch phrase du jour. (Violence, on the other hand, is merely expressive activity; go figure.) Ergo, individuals now must express themselves to avoid being targeted—but it has to be the "right" speech, and the goalposts are constantly shifting. It's little wonder that self-censorship has become the default setting on college campuses, as the level of risk involved in saying the "wrong" thing is often too high for all but the bravest student to bear.

This is toxic, and it is essential that universities take a firm stance in order to preserve a viable learning environment for all students. Prior to the start of the school year, public universities should notify all students—both new and returning—what the First Amendment is and its role on campus.

Sadly, far too many lack this basic understanding, and they demand the school to be judge, jury, and executioner of their peers when an unwelcome opinion is aired—and this impetus needs to be curtailed by colleges, not encouraged. Private universities, should they have a policy on free speech and expression, would be well-served to reiterate that commitment to their student body. In addition, another best practice might include reminding students what the "rules of engagement" are so that there are no misconceptions about what constitutes acceptable virtual classroom behavior and what does not.

At the end of the day, the Golden Rule applies just as much in higher education as it does in the K-12 setting: Treat others as you wish to be treated yourself. Dox not your peers, lest ye be doxxed.

GEOFFREY R. STONE

Edward H. Levi Distinguished Service Professor of Law at the University of Chicago

I'm a constitutional law professor who typically spends half or more of every class using the Socratic method—that is, cold calling on students. "Mr. Arthur, what do you think of Justice Alito's opinion in this case? How would you argue for the other side?" "Ms. Smith, what do you think of Mr. Arthur's argument? Would you have joined his opinion?" "Ms. Daniel, if the Court had decided the case the way Ms. Smith argues, how would you then decide the case of *Michaels v. United States* if Ms. Smith's position was the relevant precedent?" And on and on and on. It's lively, it's challenging, it's insightful, and it's fun.

In Spring 2020, I taught my course on freedom of speech. Unlike most of my younger colleagues (I'm an old fogey), I was terribly uncomfortable teaching on Zoom. I found it very difficult using the Socratic method because it was much harder to see the students, and it seemed awkward and artificial. I soon felt as if I was letting them down by increasingly lecturing into my laptop. I did cold call several times each class, but it never seemed "real." What I wound up doing instead was framing my lectures as if I was cold calling: "It's worth asking how one would argue against Justice Alito's

opinion in this case. Well, one response might be x. Another might be y. But then how would that lead the Court to decide the next case of *Michaels v. United States*? Well, one possibility . . . " And so on. I had no idea what the students thought of this. Was it deadly dull or at least marginally interesting? No way to know . . .

One thing I did experiment with on Zoom was showing images to the students as they were relevant to the material we were (I was) discussing—images of justices of the Supreme Court, of parties to the cases, or of protests and riots and flag burning, etc. I had no idea whether they enjoyed that (it turned out they did) or whether it seemed pathetic.

At the end of the course, I apologized to the students for what I feared was a very disappointing course. Two weeks later, I received the course evaluations. They were wonderful! I don't know if they were just being kind or whether they really enjoyed it. Either way, it made me happy. So, what's my advice? Do your best to keep things lively and hope you have nice students who appreciate your efforts and your frustration.

NADINE STROSSEN

John Marshall Harlan II Professor of Law Emerita at New York Law School and former president of the American Civil Liberties Union

Surveys and anecdotal evidence indicate that students have for years been engaging in too much self-censorship, due to peer pressure and other cultural factors, even before the pandemic-induced move to online education. Therefore, even pre-COVID, many faculty members had already devised approaches to counter this worrisome self-censorship trend. However, for the reasons that this guide explains, the online shift increases self-censorial pressures, hence making these counter strategies even more important.

My recommendations derive from my long experience as a law professor who for many years also has regularly spoken and taught classes at many, diverse colleges and universities, as well as at many high schools and middle schools. From this experience, I am convinced that key teaching approaches

that are prevalent in law schools have universal benefits at all educational levels, including the specific benefit of fostering a free expression culture. The pedagogical approaches at issue are prevalent in law schools specifically because they are essential for learning legal advocacy skills, as well as for understanding both majority and dissenting judicial opinions, which are necessary for effective legal work.

Most importantly, law students are expected to understand, and to be able to articulate, not only differing conclusions about every issue, but also the rationales that support those alternative conclusions. Law students are trained not only to answer every question, but also to question every answer. This is an essential aspect of the famed Socratic dialogue method that has long epitomized legal education. My repeated mantra for my students is that they must be able to understand, articulate, and advocate *all plausible perspectives* on every issue we study—i.e., every perspective that can be plausibly based on pertinent legal precedents and principles.

We law professors often summarize our pedagogical approach by saying that we teach students "to think like lawyers." To my mind, though, we are teaching students *to think*—period! Or, to cite another apt phrase, we are teaching students to engage in *critical thinking*.

This kind of critical analysis has enormous educational benefits for students of all ages, and in all fields, well equipping them for future occupational endeavors, as well as active, constructive engagement in civic life. It is also the essence of what is often called "media literacy"—being able to analyze critically information and ideas that we encounter online as well as in other media so that we don't passively accept misleading or false information. In the social media era, with torrents of information, as well as disinformation and misinformation, available—in addition to unparalleled resources for doing our own research and vetting all sources—these critical skills concerning information retrieval and analysis are more urgently important than ever.

JONATHAN ZIMMERMAN

Professor of History of Education at the University of Pennsylvania

It's not easy to promote free discussion in an American college classroom. Students are afraid—and justly so, unfortunately—of saying the "wrong" thing, which might subject them to rejection and ridicule from their peers. And some faculty reinforce this repressive atmosphere by propagandizing instead of teaching, pretending that complicated questions have only one right answer: their own.

So, in my own classroom, I try to bring in as many perspectives as I can. I assign readings by people on the Left, the Right, and many shades in between. I structure writing assignments that require students to draw from all of these ideas rather than from a subset of them. And, most of all, I try to model the behaviors that are too often missing from our political sphere: reason, deliberation, kindness, and tolerance. I make it clear that everyone should be able to express their own ideas, free of intimidation from others. And I explicitly prohibit the kind of snarky put-downs that we see on cable TV.

Can you teach those skills online? I'm sure you can, but it's hard. Much of our in-class interaction depends on eye contact, facial expression, and body language that are difficult if not impossible to interpret on a Zoom call. Students are much more reluctant to participate when they cannot read these signals. I get that; I would be worried, too, if I were them. So, I've started cold calling students, with the caveat that they can take a "pass" if they don't want to say anything. I've also encouraged them to use the "chat" function and other text-based mediums, which are less stressful for them.

Most of all, I've encouraged them to tell us what is working and what isn't. Which parts of teaching can be recreated over Zoom, and which can't? There's only one way to know: Ask your students. They'll tell you.

RECOMMENDATIONS

ACTA has worked to distill specific recommendations for university faculty, administrators, and governing boards from our contributors' suggestions. We have also drawn on staff experience—including collegiate teaching and more than 25 years of work advocating for academic freedom—to identify concrete strategies that institutions can implement in order to build a culture of free expression.

Strategies for Faculty

- Student perceptions of faculty purpose when controversial subjects are being discussed help to shape their perceptions about the classroom free speech climate. When faculty appear to be expressing personal, partisan opinions, students will feel less secure venturing competing viewpoints. Faculty can build a climate that encourages free and open debate by refraining from expressing their personal viewpoints as personal viewpoints and by refraining from discussing social and political issues in courses that are not directly related to current events.

> Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to the subject.
>
> —American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure

- If a broad range of opinions do not arise organically in online discussion sections, professors can try to compensate by presenting multiple viewpoints fairly. Professors can assign course readings advocating divergent opinions. And faculty can play devil's advocate on both sides when online discussions are one-sided, making a real effort to present controversial viewpoints as advocates would (and in a way that models civil and reasoned debate). Perhaps most important, faculty can stress

that people of good will can disagree—and disagree vehemently—and it is not a reflection on their moral and ethical worth.

- Incorporating formal debate into remote classroom discussion can be a good way to help students understand perspectives on the other side of the issue and that reasonable people can disagree. By requiring students to prepare to argue both sides of the debate, faculty can help students gain a deeper appreciation of viewpoints they might not share. This helps to build intellectual humility and tolerance for differing viewpoints.
- Faculty and college administrators should discuss, frankly and often, the importance of free speech and the special challenges that exist in a remote learning environment. Professors should emphasize that the classroom is a place where students must feel free to explore controversial and even potentially offensive ideas. Faculty should also discuss the purposes of free and open deliberation. Free speech is a protected right but that does not mean it is an end in itself.
- Faculty can incorporate detailed policies about recording remote lectures and/or online discussions in their syllabi consistent with university policies. They should also review those provisions with the students or require them to affirm having read and understood the policies so that students know that faculty are committed to enforcing the rules.
- It is important to remind students that publicizing viewpoints ventured by other students out of the classroom context (especially on social media platforms) can betray the ideal of open classroom inquiry and chill classroom discussion. While faculty must always be wary of discouraging students from exercising their First Amendment rights, they can and should encourage civility. This means discouraging "cancel" and "call out" culture, which is especially important in light of findings that peer pressure is one of the main drivers of student self-censorship.

- Encouraging students to keep the classroom conversation in the classroom is consistent with encouraging civility—and helps convey to students that they should feel free to engage in wide-ranging discussion and debate. By urging students to refrain from republishing others' remarks on social media out of the classroom context, or publishing derogatory commentary about remarks made by a student in class, faculty can help build trust in a remote learning environment.
- Professors must be especially proactive in engaging and forming relationships with students, especially as it pertains to creating a culture of free expression in their online class discussions. One-on-one check-ins with students, if possible, may be helpful for increasing engagement and decreasing the influence of peer pressure. As appropriate, administrators should provide resources and guidance on how to connect with students remotely.
- The literal distance between professors and students can make it difficult for faculty to gauge how students are enjoying their courses and whether they are learning. Creating avenues for feedback that include input on how comfortable students feel expressing themselves can help faculty bridge the gap.

Strategies for Administrators

- When recordings (or accounts) of uncivil speech surface without their full context, university leaders should refrain from leaping to judgment. Instead of rushing to condemn others' speech, faculty and administrators should remind the campus that a full discussion of any issue requires the consideration of a wide range of ideas. The default assumption should always be that clips ripped from their context do not tell the whole story and could easily capture an articulation of an unpopular position that was designed to enliven a reasoned debate.
- Administrators should treat faculty comments on social media platforms as the kind of extramural utterances protected by norms of

academic freedom. But they can also remind faculty members, in policy and in interpersonal discussions, that public esteem for university faculty imposes corresponding duties. As noted in the landmark 1940 American Association of University Professors Statement of Principles on Academic Freedom and Tenure,

> When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.[52]

- Universities are overflowing with disciplinary expertise. Administrators can leverage their own faculty to organize a series of debates designed to illuminate the contours of controversial issues. Organizers should select participants who will model the norms of civil debate. The events can be hosted in an online format and made available to the entire campus community. Universities can also experiment with events that involve more than one campus, as well as national experts, to further enlarge the marketplace of ideas.
- Universities should create clear guidelines for the appropriate recording of online courses. Recording classes may help students revisit material, but it can also chill speech. Permitting students to record lectures with faculty permission, but not discussions unless every student provides explicit consent, may be a feasible middle ground. Universities can also establish honor codes that forbid the clandestine recording of courses or uses of official recordings posted to the course shell for non-instructional purposes. When students understand policies and expectations in advance, and when they are aware that there will be consequences for failing to abide by them, problems are less likely to emerge later in the term.

- University leaders must learn to withstand social media criticism and resist the temptation to end the swarm by giving in to inappropriate demands. As more universities stand up to social media mobs, and the activists driving them fail to extract their desired cancelation or policy reform, we will see fewer examples of the behavior. Universities can signal to internal and external constituencies that they will not be bullied by adopting clear and specific policies in advance.
- Administrators should also discuss the new social media environment with stakeholders, including trustees, to avoid a sense of panic if a social media storm begins to build.
- By working with communications and external relations departments to plan for social media controversies in advance, universities can be ready to respond with statements affirming the institution's commitment to free expression and open debate. This communicates to social media activists that the university will not be bullied into betraying its principles.
- University administrators must work with faculty to teach students about the importance of free expression and open discourse in the academic setting. First-year orientations that introduce students to these values are an essential first step. The example that administrators set is essential. Presidents, provosts, deans, and department chairs should attend public lectures on a variety of topics. They can make their presence known by asking to introduce the debate sponsor or speaker (as appropriate).

Strategies for Governing Boards

- Presidents report to governing boards. When trustees encourage presidents to look into policies, report on campus climate issues, launch new projects (for example, a lecture series), or make progress in a particular area a priority, they listen. Changing a campus climate can begin with conversations in the boardroom, even if individual trustees do not themselves have all the answers.

- Governing boards can lead efforts to adopt practices that encourage free and open debate and deliberation in a remote learning environment by asking senior administrators to undertake a review of policies governing student and faculty speech and activities. Trustees should also urge administrators to review IT usage policies to ensure they are consistent with institutional mission.

- Trustees can insist that administrators set out, in advance, the forms of digital speech that will *not* be investigated or punished. For example, a public university can explain what the First Amendment requires with respect to student and faculty Tweets, recordings of conversations some might deem offensive, and social media posts that members of the campus object to. This can help prevent frontline administrators from violating students' First Amendment rights when complaints about offensive content are lodged.

- In the post-COVID-19 era, governing boards can raise awareness of the importance of reasoned deliberation by urging the university to host campus-wide events on the subject of students' First Amendment rights and strategies to build a free and open marketplace of ideas. As a result of the COVID-19 pandemic, universities have improved their digital infrastructure. This means that it is easier than ever to host events with national experts that are open to all members of the campus.

- Individual trustees and regents can also be ambassadors for free expression outside of the boardroom. For example, board members can introduce the president at a campus-wide convocation and use the occasion to spend a minute reminding the campus that viewpoint diversity and open debate are essential for a healthy campus climate.

CONCLUSION

FREE SPEECH AT COLLEGES AND UNIVERSITIES has been under attack for years, with objectively reasonable students and professors fearing reprisal if they express viewpoints that stray from campus orthodoxies. Yet, arguably, the biggest threat to the marketplace of ideas does not lie in institutional policies or the risk of formal punishment. It emerges, rather, from the fear of being socially ostracized by the university community, a danger that tends to be even more pronounced in online courses.

In "normal" times, it takes close attention and dedication by faculty and college leaders to teach and model the core values of higher education: that disagreement is acceptable, that we all learn from those who hold views different from our own, and that the best response to offensive or unacceptable views is argumentation, not censorship or "canceling." With the shift to remote learning during the pandemic, this has become increasingly challenging for faculty and university leaders.

The work is urgent. Our colleges and universities are responsible for graduating students who are prepared for reasoned dialogue in the public square. They should be places where—as the C. Vann Woodward Report insists—students can think the unthinkable, challenge the prevailing orthodoxy, and experiment with radical ideas. The relentless pursuit of truth also drives learning and science forward—to the great benefit of wider society. At the level of the individual, free and open inquiry is the prerequisite of a genuinely liberal education, one that allows students to grow according to their own longings, creative genius, intellectual interests, and inclinations.

The good news is that dedicated and engaged faculty are giving these issues serious thought and are adapting their teaching practices to the online space. There are several mechanisms that educators can employ to ensure that the online classroom is a "safe space" for open inquiry. Professors have successfully fostered wide-ranging discussion by devising

new and creative ways to engage personally with students to develop trust and rapport, by discouraging or banning the recording of online sessions, by leading conversations about the importance of academic freedom, and by encouraging students to consider all sides of controversial issues. Trustees and administrators can work to build a culture of free expression by modeling high esteem for free and open debate and by creating new opportunities for civil deliberation on campus. When campus leaders and educators are focused on establishing a free and open marketplace of ideas—through major initiatives and in routine daily decisions—campus norms will begin to change. And by graduating students who are equipped and inclined to engage in reasonable debate, college campuses can lead in helping to restore a civil and productive public discourse.

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