



OFFICE OF THE GENERAL COUNSEL

Effective Date: January 1, 2018

FREEDOM OF EXPRESSION, CAMPUS SPEECH, AND INSTITUTIONAL NEUTRALITY POLICY

Policy Number	TBD
Approval Authority	President
Responsible Administrator	General Counsel
Responsible Office	Office of the General Counsel
Policy Contact	General Counsel

1.0 POLICY STATEMENT

Tennessee State University (the “University” or “TSU”) is committed to protecting freedom of expression, academic freedom, and the open exchange of ideas as essential to its educational mission. The University affirms the constitutional rights of students and faculty to engage in lawful speech and expressive activities while maintaining institutional neutrality on matters of public controversy, except as necessary to fulfill its legal obligations and educational mission.

2.0 IMPORTANCE AND REASON FOR THE POLICY

This policy ensures compliance with the First Amendment, Article I, Section 19 of the Tennessee Constitution, Tenn. Code Ann. §§ 49-7-302 and 49-7-3202, et seq., and all other applicable Tennessee law by protecting free expression and academic freedom. It promotes an environment where diverse viewpoints may be openly expressed and debated while preserving the University’s role as a neutral forum for teaching, learning, research, and intellectual inquiry.

3.0 DEFINITIONS

- A. Constitutional time, place and manner restrictions – Restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution that are reasonable, content and viewpoint neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the

communication of the information or message of its intended audience.

- B. Faculty or faculty member – Any person, whether or not the person is compensated by TSU, and regardless of political affiliation, who is tasked with providing scholarship, academic research or teaching. For the purposes of this policy, faculty includes tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors and those in comparable positions, however titled. For the purposes of this policy, faculty does not include persons whose primary responsibilities are administrative or managerial.
- C. Free speech – Speech, expression, or assemblies protected by the First Amendment of the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. Free speech does not include the promotion, sale, or distribution of any product or service.
- D. Student – For the purposes of this policy, an individual currently enrolled in a course of study at TSU or an organization that is comprised entirely of individuals currently enrolled in a course of study at TSU and registered with TSU pursuant to TSU’s Student Organization policies.
- E. Institutional Neutrality – TSU’s practice of refraining from taking official positions on, or committing institutional resources in support of, political causes, social movements, or other public policy issues that do not directly affect TSU’s academic mission, university operations, or legal obligations.

4.0 POLICY

I. Principles of Free Expression

- A. TSU affirms that students have a fundamental constitutional right to free speech.
- B. TSU is committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to limitations set forth in this policy, or in state or federal law.
- C. TSU is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of TSU’s community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- D. Students and faculty are allowed to make judgments about ideas for themselves and to act on those judgments, not by seeking to suppress free speech, but by openly and vigorously contesting the ideas they oppose.
- E. It is not TSU’s role to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable,

conservative, liberal, traditional, radical, or wrong-headed.

- F. Although TSU greatly values civility and mutual respect, the University will not use concerns about civility and mutual respect as justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- G. Although all students and faculty are free to state their own views about and contest the views expressed on campus, and to state their own views on TSU's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, TSU promotes a lively and fearless freedom of debate and deliberation and protects that freedom.
- H. TSU is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who are always free to inquire, to study, and to evaluate, and to gain new understanding.
- I. The primary responsibility of faculty is to engage in an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.
- J. Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded the statements they make about subjects within areas of their competence; provided, no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction.
- K. TSU will maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students and will not restrict students' free speech only to particular areas of the campus.
- L. TSU will not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates.
- M. TSU will not establish permitting requirements that prohibit students' spontaneous outdoor assemblies or students' outdoor distribution of literature but will allow members of the TSU community to reserve certain outdoor space in advance, consistent with TSU's Policy on Access to and Use of Facilities by Affiliated Entities and Individuals/Access to and Use of Campus Grounds by Affiliates and Non-Affiliates.
- N. TSU will not charge students security fees or costs based on the content of their speech, the content of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech.

- O. TSU will allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers.
- P. TSU will not disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrongheaded by students, faculty, administrators, government officials, or members of the public.

II. Freedom of Expression

- A. Pursuant to the requirements for Tenn. Code Ann. § 49-7-3202 and notwithstanding any other law to the contrary, the University adopts the Report of the Committee on Freedom of Expression issued by the Committee on Freedom of Expression at the University of Chicago in 2015, which states, in part:

The ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can 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.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

In a word, the University's fundamental commitment is 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 wrongheaded. It is for the individual members of the University community, not for the University as an institution, to make those SB 1741 judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously 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 is an essential part of the University's educational mission.

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 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 they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

III. Institutional Neutrality

- A. The University values diversity of viewpoints and the free exchange of ideas and is committed to maintaining Institutional Neutrality.

IV. The University's Role in Political and Social Action

- A. Pursuant to the requirements for Tenn. Code Ann. § 49-7-3202 and notwithstanding any other law to the contrary, the University adopts the Report on the University's Role in Political and Social Action issued by the University of Chicago in 1967, which states, in part:

A university has a great and unique role to play in fostering the development of social and political values in a society. The role is defined by the distinctive mission of the university and defined too by the distinctive characteristics of the university as a community. It is a role for the long term.

The mission of the university is the discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting.

The instrument of dissent and criticism is the individual faculty member or the individual student. The University is the home and sponsor of critics; it is not itself the critic. It is, to go back once again to the classic phrase, a community of scholars. To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community. It is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.

Since the university is a community only for these limited and distinctive purposes, it is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a

given view of social policy; if it takes collective action, therefore, it does so at the price of censoring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.

V. Invited Speakers

- A. Pursuant to Tenn. Code Ann. § 49-7-3203, and notwithstanding any other law or provision of University policy to the contrary, the University shall not:
1. Disinvite a speaker invited by a student organization or faculty member, or require a student organization or faculty member to disinvite a speaker, in response to actual or threatened protest or opposition from students, faculty, administrators, or because of the viewpoints expressed or espoused by the speaker; or
 2. Prohibit or restrict a student organization or faculty member from inviting a speaker to campus or restrict or student organization of faculty member in its choice of invited speakers.
- B. Persons visiting campus must adhere to TSU's Policy on Access to and Use of Facilities by Affiliated Entities and Individuals/Access to and Use of Campus Grounds by Affiliates and Non-Affiliates, Student Organization policies, other applicable policies.

5.0 AUTHORITY AND REFERENCES

- Tenn. Code Ann. § 49-7-302
- Tenn. Code Ann. § 49-7-3202, et seq.
- Tenn. Code Ann. § 49-7-2403, et seq.
- TSU's Policy on Access to and Use of Facilities by Affiliated Entities and Individuals/Access to and Use of Campus Grounds by Affiliates and Non-Affiliates
- TSU's Student Organization policies
- First Amendment of the U.S. Constitution
- Article I, Section 19 of the Tennessee Constitution

6.0 HISTORY

Policy Revised: June 30, 2026

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