

A Resolution Requesting Free Speech Rights for All Members of Tufts University

WHEREAS the TCU Senate has already unanimously passed "A Resolution Supporting Freedom of Expression," on April 15, 2012, which urged the university to "respect and protect freedom of speech and freedom of expression at Tufts University, now and forever"; 1

WHEREAS Tufts' Board of Trustees has previously declared, on November 7th, 2009, that freedom of expression and inquiry are fundamental to Tufts' academic pursuits;²

WHEREAS Tufts' President Monaco has expressed the necessity of having a campus culture that protects the free and unfettered exchange of ideas, a deep concern of calls to silence speech on our university, the need to protect all points of view regardless of their unpopularity, and the need to respond to offensive speech with more speech rather than censorship;³

WHEREAS Tufts University stated on October 26, 2016 that the university remains "committed to a campus climate that protects free speech and an open and vigorous exchange of ideas";⁴

WHEREAS The Office for Civil Rights of the Department of Education has stated that Title IX and the First Amendment are entirely compatible;⁵

WHEREAS Students Advocating for Students has identified threats to free speech due to the vagueness and lack of clarity in Tufts' Sexual Misconduct Policy (SMP). The SMP prohibits the following conduct if it is sufficiently serious, pervasive or persistent as to create a "demeaning" or "sexually offensive" environment: inappropriate communications via letters, telephone calls, emails, or texts; sexual jokes or describing of sexual conduct; comments on an individual's body or appearance; comments about sexual activity or experiences; innuendos of a sexual nature; use of nicknames or terms of endearment; sexist statements or behavior; verbal conduct against those who are perceived to be failing to conform to expected notions of masculinity or femininity;⁶

WHEREAS Students Advocating for Students has identified threats to free speech due to the vagueness and lack of clarity in Tufts' Sexual Misconduct Brochure: the prohibition of gender bias; verbal conduct that creates an offensive environment in which to work; making statements that convey insulting or degrading attitudes or opinions based on gender; making sexually explicit jokes or statements;⁷

WHEREAS Students Advocating for Students has identified threats to free speech due to the vagueness and lack of clarity in Tufts' Bias Incident Reporting Procedures, as the following may lead to disciplinary punishment: taunting; biased-fueled jokes; derogatory language or negative images;⁸

WHEREAS Students Advocating for Students has identified threats to free speech due to the vagueness and lack of clarity in Tufts' Guide to On-Campus Living: the prohibition of speech that creates emotional harm; inappropriate language, inappropriate gestures, or hurtful words; and acts of intolerance and hate;⁹

WHEREAS Students Advocating for Students has identified threats to free speech due to the vagueness and lack of clarity in Tufts' Student Code of Conduct policy: the prohibition of speech that is not becoming of a Tufts' student; 10

WHEREAS Students Advocating for Students has identified a threat to free speech due to the vagueness and lack of clarity in Tufts' Email Policy: the prohibition of sending offensive emails;¹¹ therefore,

BE IT RESOLVED that the TCU Senate urge the administration to add clarifying language to the above identified policies, and all other similar campus policies, with First Amendment parameters and principles, so that we the students are fully aware of exactly what conduct violates Tufts' policies and simultaneously receive the full protection of the First Amendment in regards to speech.

Respectfully submitted by Jake Goldberg A19, (Plus all additional signatures and a tally of anonymous supporters) on ______, 2016.

- 1. http://tuftsdaily.com/news/2012/04/27/senate-passes-free-speech-resolution/
- 2. http://trustees.tufts.edu/policies/expression/
- 3. http://president.tufts.edu/blog/2015/01/14/free-speech-on-tufts-campus/
- 4. http://announcements.tufts.edu/item/?id=1602
- 5. http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html
- 6. http://oeo.tufts.edu/wp-content/uploads/SEXUAL-MISCONDUCT-POLICY.060816.pdf
- 7. http://oeo.tufts.edu/wp-content/uploads/Sexual-Misconduct-Brochure.pdf
- 8. https://students.tufts.edu/student-affairs/what-we-help/promoting-diversity-and-equality/report-incident List
- 9. https://ase.tufts.edu/reslife/documents/habitats.pdf
- 10. http://students.tufts.edu/student-affairs/student-life-policies/code-conduct
- 11. https://it.tufts.edu/email-pol