



Higher Education and Employment Advancement Committee
Public Hearing

February 16, 2023

Testimony by

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HB 6567 An Act Requiring Public Institutions of Higher Education to Establish a Policy Regarding Freedom of Expression on Campus

The University is pleased to submit testimony regarding ***HB 6567 An Act Requiring Public Institutions of Higher Education to Establish a Policy Regarding Freedom of Expression on Campus***. The bill would require the public and private institutions of higher education in the state to establish a policy regarding free speech on our respective campuses.

UConn encourages and upholds free speech on all of its campuses without regard to political or ideological leanings and considers it to be a bedrock principle of our institution and of society. The core principles of the University are rooted in intellectual pursuits based on reason, thoughtful debate, and free and open argument. Constitutional protections for free speech and expression apply to university environments just as they do elsewhere. We appreciate the opportunity to provide the Committee with important background information on some of the ways the University promotes, encourages, and upholds all manner of free speech in a responsible way and in a safe environment.

UConn has long adhered to the principles of academic freedom and has adopted a number of policies that protect free speech principles. For example, The University adopted as part of its by-laws a specific provision addressing academic freedom, not just for faculty, but for all professional staff at the University. ([see Attachment A - ARTICLE XIV](#)) The bylaws, approved by the University's Board of Trustees, expressly incorporate by reference the 1940 Statement of Principles on Academic Freedom and Tenure formulated by the Association of American Colleges (AAC) and the American Association of University Professors (AAUP). This well-recognized standard has been adopted across the country by more than 250 scholarly and educational groups. The by-laws also recognize that membership in the academic community imposes on students, faculty members, professional staff, and trustees an obligation to defend academic freedom in its many forms.

Further, the University, in that same provision, recognizes its obligation “in fulfilling an essential function as a forum for the free expression of ideas.” See Art. XIV.B.4.

Further, the University has established comprehensive Event Planning Review Procedures ([see Attachment B](#)) for the review of requests for use of space by students or student groups for events that are liable to draw large crowds, events involving guest speakers, or other requests that may involve the coordination of multiple offices to ensure the safety of the University community and property. For events subject to a review, approval to reserve University space is contingent upon completion of the Event Review. Typical event reviews will consider some or all of the following: staffing for the event, who is expected to be in attendance/audience, access to the event, facilities use, communications, promotion and advertising, safety/security, designated spaces for counter-rally or protest, and outreach to students who may be affected by the event. These procedures are in addition to and supplement other relevant policies, such as the [Large, Outdoor and/or Late Events Policy](#), which include time, place and manner restrictions.

Given the University by-laws, Event Review Procedures, and other related policies that are strictly enforced, we believe SB 247 is not necessary. However, in the event the bill was to move forward, we would request that this legislation not be intended to provide rights or restrictions beyond those already afforded by the First Amendment to the U.S. Constitution. Further, institutions of higher education are complex organizations with multiple constituencies. For that reason, if the legislation were to move forward, we would request it be amended to permit institutions to satisfy its requirements through multiple policies rather than a single policy.

Thank you for your attention.

ARTICLE XIV

Academic freedom applies to all members of the faculty and professional staff of the university.

1. All members of the faculty, whether tenured or not, are entitled to academic freedom set forth in the 1940 Statement of Principles on Academic Freedom and Tenure formulated by the Association of American Colleges and the American Association of University Professors. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties, but research for monetary return should adhere to University policies.
2. The faculty member is entitled to freedom in the classroom in treating his/her subject and in conducting a class. The faculty members should not contravene the free speech and academic freedom of other members of the professional staff, nor impede faculty, other members of the professional staff, or students, in their central tasks of teaching, research, and learning.
3. The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an educational officer, he/she should remember that the public may judge the faculty member's profession and the University by his/her utterances. Hence, he/she 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 he/she does not speak for the institution.
4. Membership in the academic community imposes on students, faculty members, professional staff, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals, damage institutional facilities, or disrupt classes. Speakers on campus must not only be protected from violence, but given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or the student's own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.

It is a teacher's mastery of his/her subject and scholarship which entitle him/her to the classroom and to freedom in the presentation of his/her own subject. Thus, it is improper for an instructor persistently to introduce material that has no relation to his/her subject or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.

Because academic freedom has traditionally included the teacher's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute and the teacher's attention to his/her obligations as a citizen and moral agent precludes the fulfillment of substantial academic obligations, the teacher cannot escape the responsibility of that choice, but should either request a leave of absence or resign his/her academic position.

5. The University, in fulfilling an essential function as a forum for the free expression of ideas, shall endeavor to preserve and facilitate the full enjoyment of constitutionally protected civil liberties.

Members of the professional staff shall have equal opportunity in their employment regardless of gender, race, religion, national origin, or disability.

The highest standards shall be sought in the protection of all forms of freedom of thought, expression, association, and peaceful assembly. In the exercise of these civil liberties the members of the professional staff are obliged to protect the same rights of others and to bear in mind their respective obligations to their profession and to the University.

**Event Planning Review Procedures
University of Connecticut**

Venue managers are advised to review all space requests from students or student groups. Some requests for university space may be referred by the venue manager or other University administrator for additional review in consultation with other university offices as necessary (“Event Review”). Examples include but are not limited to requests for use of space for events that are liable to draw large crowds, events involving guest speakers, or other request that may involve the coordination of multiple offices to ensure the safety of the University community and property. Students and student groups may directly request an Event Review.

The Event Review process may involve one or more meetings with multiple university offices, including the program organizer, venue staff, University of Connecticut Division of Public Safety, and University Communications. Additional staff may be invited if relevant.

If the event is sponsored by a student organization, the student group’s leadership and the student group adviser must participate in all phases of the Event Review.

For events subject to an Event Review, approval to reserve University space is contingent on completion of the Event Review. The University strives to complete an Event Review within 15 business days.

An Event Review typically covers some or all of the following:

Staffing the Event

Determine who among the following groups will attend and define roles for each:

- Sponsoring Organization
- Student Organization Adviser
- Student Affairs
- Communications Office
- Division of Public Safety
- Office of Diversity and Inclusion
- University Events and Conference Service.

Audience

Determine how guests would be invited: open invitation, RSVP only, UConn ID only, other approaches, etc.

- Will attendance be limited to a certain number and, if so, is that number consistent with the room’s capacity?
- Receive and review speaker’s guest list. A speaker’s guest list must include the guest’s full name and, when available, affiliation or other relevant information.
- ➤ Determine when the doors open and close for the event.

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- Determine whether all “ticket holders” or equivalent will be allowed into the event regardless of arrival time.
- Determine how to respond to disruptive behavior by planning for podium placement, making an engagement plan for audience members and other approaches for audience interaction as necessary.
- Opportunity for Q&A:
 - How will it be conducted: open microphone vs. submitted written questions either in advance or on notecards collected during the event? How will it be moderated?
 - How will time be managed during an open microphone session?

Access Controls

- Is/should a check-in be required? If yes, the following items must be resolved:
 - Who is designated to oversee check-in logistics? Who will be present to represent University staff or administration?
 - What is the check-in process for the speaker and designated guests of the speaker?
 - What time does check-in begin?
 - What is needed at the time of check-in (e.g., photo ID)?
 - Will attendees be stamped, receive a paper “bracelet,” or otherwise be given an indicator that they have checked in?
 - Who many event representatives will be needed to staff check-in?
- Will attendees receive a comment or question card (for use during Q&A)?
- Where does the entrance line form and how does it flow (outside)?
- Is there a coat check/storage of personal belongings? If yes, determine point person and how logistics will be handled during the check-in and closing when guests retrieve their belongings.
- Will attendees be able to leave and re-enter the event?
- How will overflow be handled? Under what circumstances would individuals be turned away? Designate point person.

Facilities Use

Organize a time to walk through the event space and determine appropriate use of space including a designated “holding” room for speaker before the event starts; location for staff needed; seating needed for staff; etc.

- Establish entrance and exit procedures for speaker in routine and non-routine circumstances, including transportation to and from the event.
- Establish entrance and exit procedures for audience members in routine and non-routine circumstances.
- Review staging (placement of speaker and moderator; placement of audience).

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- Confirm maximum capacity of seating/standing room, and whether a representative of the Fire Marshal and Building Inspector's Office will be needed on site.
- Confirm speaker needs (equipment, room set-up, accessibility, washroom).
- Confirm audience needs, access to restrooms, accessible seating, accessible entrance, need for assistive listening devices and/or an interpreter in spoken or American Sign Language, etc.
- Confirm arrangements for Q&A (microphones, waiting area, flow of audience members to and from seats).
- Confirm audio access.
- Confirm expectations and arrangements about recording the event.
 - Does this influence venue choice?
 - Have audience members been informed that the event will be recorded?
- Determine placement of media, including access to plug in to multi box if provided. Determine if news photographers will be stationary or allowed to walk through room while photographing, and relevant procedures for media mobility.

Communications, Promotion and Advertising

Review and discuss marketing strategy (how and to whom the event is being promoted; through what mechanisms, etc.). Designate the individual handling communication logistics on behalf of the event. Assign a contact person for requests for disability accommodation and provide phone number.

- Review and discuss whether the speaker is promoting the event through independent channels and, if yes, is the event description in keeping with the event as booked.
- If the event is an RSVP-only event, determine how people will respond (e.g. phone call, dedicated website). How will reservations be confirmed? Will the event manage a waiting list, and if yes, how will people know that they are placed on the waiting list?
- Determine whether a Prior-to-Arrival communication is necessary to inform attendees in advance about expectations and procedures (e.g. no backpacks or umbrellas; bring picture ID; arrive early; appropriate behavior during the event; no banners/signs; parameters around recording of event).

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- Determine the treatment of media inquiries before the event. Who will respond on behalf of the event? If the audience is by invitation or closed group only, will media be allowed to attend? Who will communicate with University Communications on updates and/or changes? Will event organizers and Student Affairs personnel have after-hour contact information available for media?
- Determine the treatment of media at the event. Who greets them? Will there be an opportunity for media to visit with the speaker? Will a media seating area be provided?
- Review use of available technology for promotion and event access (swipe, UContact, ticketing, etc.).

Safety/Security

In addition to the following points, if applicable to the event, the security requirements outlined in the University's Large, Outdoor and Late Hours Event Policy should be consulted in determining appropriate security measures and considerations.

- Determine whether backpacks or umbrellas, banners/signs can be brought in.
- Determine whether there will be metal detectors, "wanding," etc.
- Review use of microphones and audio-visual equipment.
- Determine whether an opening statement should be delivered, and if yes, by whom.
- Determine whether a contracted security firm will be utilized to manage the event, and if yes, who will liaise and direct.
- Will external security accompany the speaker? If yes, determine needs of the external security contingent (sweep of the space ahead of the event; number of security staff on hand during the event; space and transportation provisions).
- Determine who will escort the speaker to and from the event.
- Evaluate with UCPD any need for street closures, motorcade routes, parking restrictions, etc. If established, how will closures and restrictions be communicated?
- Determine parking needs for speaker, police, and audience. Will valet be contracted?
- Discuss any additional security measures as necessary.

Protesters

- If anticipated, determine a designated space for counter-rally or protest.
 - Be aware of protests before, during, and after the event.
 - If applicable, engage organizers regarding demonstration planning.

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Outreach to Students who may be affected by event

- Discuss student groups who may be impacted by the event. Address questions and advise with logistics regarding Counter activities.

Closing

- Review recommendations and confirm points of agreement.
- Identify additional cost and/or staffing needs; identify any unmet resource needs.
- Determine whether points of disagreement present imminent risk to physical safety.
- Designate the individual to review arrangements with the speaker.
- Designate the individual to follow up with organizers regarding event approval. ○ Advise student group leaders, student group advisers, and others about the potential for an “After Action Review” (AAR) and collect contact information for those who may be asked to attend an AAR, if one is deemed necessary.