



Potential Frequently Asked Questions

1. **Q:** What do I do if someone is angry about the statement?

A: We want to do our best to model our Virtues of Public Discourse in this situation, and we also don't want to get bogged down in rehashing parts of the process that are already complete. If someone is angry about the statement, do your best to "listen with humility." Remind them that the Post-Session Feedback Form is the place to communicate their thoughts. Consider using language like this:

"Thank you for sharing that. That's important for us to know. Please capture that thought in the Post-Session Feedback Form and it'll be discussed in our debrief after the conference. While the Feedback Form is anonymous, at the end, there's also a place to say if you'd like someone to contact you to talk more. :)"

2. **Q:** Are the Pre-Session Reflection and the Post-Session Feedback Form anonymous or confidential?

A: Yes, both are designed in Qualtrics using the anonymize function and they are both anonymous. If someone chooses to identify themselves in some way in their reflections or feedback, that is totally fine for them to do if they wish, and any identifying information will be kept confidential. At the end of the Post-Session Feedback Form, folks will be sent to a different form that is not connected to their responses. That different form has a place where folks can say whether they'd like to connect with someone to talk more.

3. **Q:** Why are Hope's Christian Aspirations and Virtues of Public Discourse included with the Freedom of Expression Statement—shouldn't the statement stand on its own without those other pieces? I don't think they should be there...

A: Great question, and there are colleagues that agree with that! The Mission, Christian Aspirations, and Virtues of Public Discourse represent institutional guiding principles that speak to how the people of Hope aspire to engage with one another and with visitors, newcomers, and the various professional, scholarly, creative and interpersonal communities in which we interact. These enduring statements and virtues are included as they will continue to guide our interactions as we begin to live into our new Freedom of Expression Statement.

4. **Q:** Since they're included, what if the Mission, Christian Aspirations, and Virtues of Public Discourse become "weaponized" to alter the intent of the Freedom of Expression Statement? For example, what if someone says, *"What you just said is extremely offensive and harmful and doesn't represent being 'welcoming' or 'transformational' and it doesn't represent 'honesty to speak the truth in love', thus, you're in violation of the Freedom of Expression Statement!!"*

A: In this example, the speech may have been "offensive" AND also still be protected by the Freedom of Expression Statement. It would only be "in violation" of the Freedom of Expression Statement if it met the criteria for one of the following (as stipulated in the Freedom of Expression Statement): "true threats, defamation, discriminatory harassment, incitement to imminent violence, violence, "fighting words," and destruction of property" or another form of "unprotected speech" in accordance with the First Amendment, such as obscenity and indecency.



5. **Q:** The Freedom of Expression Statement mentions “fighting words”---what does that mean?

A: “Fighting words” are one example of “unprotected speech” according to the First Amendment. Here’s a list of definitions:

- **Defamation** – “False communications that harm an individual’s reputation, cause the general public to despise or disrespect them, or injure them in their business or employment” (USC, 2018). “Private and public figures are able to sue someone for statements they have made. Public figures must prove that the person made the statement with malice, which means knowing the statement was false or having a reckless disregard for the truth or falsity of the statement. (See *New York Times v. Sullivan*). Private figures must prove the person failed to act with reasonable care when they made the statement.” (Cornell Law School, 2021)
- **Destruction of Property** – “injury to real or personal property through another’s negligence, willful destruction” (Legal Dictionary, Law.com, n.d.)
- **Discriminatory Harassment** – “A form of unlawful discrimination including verbal and/or physical conduct based on legally protected characteristics and/or membership in a protected class that: has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment; has the purpose or effect of unreasonably interfering with an individual’s work or educational opportunities; or otherwise unreasonably adversely affects an individual’s employment or educational opportunities.” (). “threats, intimidation, harassment, coercion or violence that: interferes with a person’s civil or constitutional rights; and is motivated in part by that person’s actual or perceived race, creed, color, national origin, gender, sexual orientation, age, disability, or immigration or citizenship status or other protected status.” (NYC.gov, 2024)
- **“Fighting words”** – Face-to-face communication of abusive and insulting language that, by its very utterance, inflicts injury, or tends to incite an immediate breach of the peace (USC, 2018). “Words meant to incite violence such that they may not be protected free speech under the First Amendment. The U.S. Supreme Court first defined them in *Chaplinsky v New Hampshire* (1942) as words which “by their very utterance, inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.” (Cornell Law School, 2021)
- **“Heckler’s veto”** – Speech that infringes on the First Amendment rights of others. (USC, 2018)
- **Incitement to Imminent Violence** – “If a person has the intention of inciting the violations of laws that is imminent and likely, while directing this incitement at a person or groups of persons, their speech will not be protected under the First Amendment. This test was created by the Supreme Court in *Brandenburg v. Ohio*.” (Cornell Law School, 2021)
- **Obscenity and Indecency** – “In *Alliance for Community Media v. FCC*, the Supreme Court found that obscenity and child pornography have no right to protection from the First Amendment, and as such, the government has the ability to ban this media altogether. But when it comes to indecency, which is generally defined by the courts as something describing or depicting offensive sexual activity, the Supreme Court has found this speech protected. But the government can regulate this speech on radio and television, so long as it’s for a compelling reason and is done in the least restrictive manner.” (Cornell Law School, 2021)
- **True Threats** – “Statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” (USC, 2018)
- **Violence** – “ ‘the maltreating, physically or psychologically, by injury, attack, or ill-use of persons or property, when engaged with great energy, or when especially incendiary or malicious in its forcefulness.’ (Office of Justice Programs, 1981)



6. Q: What about “hate speech”--why isn’t that included in Hope’s Freedom of Expression Statement?

A: “Contrary to a widely held misconception, “hate speech” is generally protected by the First Amendment. This has been established law for over a hundred years. Only if the speech fits within one of the categories of unprotected speech can it serve as a basis for disciplinary action against the speaker.

The term “hate speech” does not have a legal definition in the United States, but it often refers to speech that insults or demeans a person or group of people on the basis of attributes such as race, religion, ethnic origin, sexual orientation, disability or gender. While the university condemns speech of this kind, there is no “hate speech” exception to the First Amendment; the university is only permitted to discipline a student if the speech falls into one of the categories described above. In fact, on many occasions, the Supreme Court has explicitly held that prohibitions or punishments for hateful speech violate the First Amendment.” (USC, 2018)

7. Q: Who/where do I contact if I think there’s been an infraction that is/is not covered by the Freedom of Expression Statement?

A: Depending on the persons involved (e.g., students, staff, faculty, visitors, etc.) here are the following places one could go to seek support:

- Student Development
- Human Resources
- Title IX/Equity & Compliance
- Ombuds (online form)

or one could submit one of the following forms:

- Student Complaint Form (online form)
- Discrimination & Harassment Reporting Form (online form)

8. Q: What does “protections” mean in the context of the Hope Freedom of Expression Statement?

A: This means that students, staff, and faculty are protected from violation of Hope College policies based solely on the content of an expressed viewpoint. If there is a violation of the law (e.g., “unprotected speech”) or a violation of Hope policies beyond the content of the expression, (e.g. time, place, and manner restrictions) the expression would not be in conversation with the particular element of law and/or the specific Hope College policies.

9. Q: How does the Statement speak to faculty and teaching staff with respect to academic freedom in the classroom?

A: The Faculty Handbook specifically states “faculty”, however, also supports alignment with the 1940 Statement of Principles on Academic Freedom and Tenure as established by the Association of American Colleges and the American Association of University Professors. This statement uses the word “teachers,” and states that “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 their subject.” Thus, staff who are teachers/instructors have academic freedom in the subject they have been deemed academically qualified for; the new freedom of expression statement extends this for staff, especially, while also giving a frame/bounds for all (staff, faculty, and students).