



**Item: III. d.**

**Tuesday, August 23, 2022**

**SUBJECT: APPROVAL OF THE 2022 PLAN FOR CIVIL DISCOURSE IMPLEMENTATION**

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**PROPOSED BOARD ACTION**

Approval of the 2022 Florida Atlantic University Board of Governors' Civil Discourse Report

**BACKGROUND INFORMATION**

At the January 2022 Board of Governors meeting, the Board approved recommendations from the Strategic Planning Committee relative to civil discourse. These recommendations were designed to ensure a climate of free expression and civil discourse on each university campus according to the principles set forth in the State University System Free Expression Statement and the Board of Governor's Civil Discourse Final Report. As required by the Board of Governors, the attached report details Florida Atlantic University's implementation for each of required recommendation, including an expected timeline for accomplishing each milestone.

**IMPLEMENTATION PLAN/DATE**

Upon approval by the FAU Board, the report will be submitted to the BOG.

**FISCAL IMPLICATIONS**

N/A

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Supporting Documentation: 1. 2022 Florida Atlantic University Board of Governors' Civil Discourse Report

2. Board of Governors 2022 Civil Discourse Report

Presented by: Donovan Diaz, Chief Compliance & Ethics Officer, Phone: 297-3094

**Recommendation 1: Operationalize Board of Governors' Statement of Free Expression**

FAU will create a Civil Discourse Initiative Committee that will oversee the operationalization and implementation of the Board's Statement of Free Expression. The committee will be charged with the regularly evaluating adherence to Board's civil discourse principles in academic, administrative, extracurricular, and social interactions. FAU will utilize both quantitative and qualitative methods to evaluate the efficacy of efforts in cultivating a culture of civil discourse on campus. The committee will develop its evaluation criteria and methodology during the 2022-2023 academic year.

FAU has a long and documented commitment to the principles of free expression and civil discourse. Prior to this initiative, FAU served as a national model for free expression dating back to Dr. William Trapani's Agora Project. In 2021, FAU created the Breezeway Dialogues. Spearheaded by Dr. Naelys Luna, founding dean of the College of Social Work & Criminal Justice, and Dr. Michael Horswell, dean of the Dorothy F. Schmidt College of Arts & Letters, the Breezeway Dialogue series invites students to think critically; observe and participate in debates using facts and evidence-based arguments; and learn how to present ideas in a clear, respectful and professional manner. Each dialogue features a moderator and multiple panelists who present opposing sides of a selected topic. To foster an environment of continued dialogue and interaction, following the panelist presentations, discussion is opened to the audience members, who may pose questions to the panelists and offer additional commentary to either viewpoint. To ensure all dialogues remain relevant and meaningful, FAU students were surveyed in order to identify the topics they found most pressing.

Throughout the 2021-2022 academic year, FAU successfully held three, well attended Breezeway Dialogues. The topics included, "Individual Freedom vs. Collective Responsibility: A Debate Over America's Future", "The Crisis of Race & Policing: Wrong, Right and Everything in Between", and "Did Capitalism Cause Climate Change, and is *Green Capitalism* the Solution."

Additionally, beginning in Summer 2022, FAU introduced a new civil discourse training to our incoming First-Year, Transfer and Wilkes Honors College students. The training appears within the student's required Canvas modules and all incoming students must complete it prior to their first week of class. The training consists of videos featuring FAU faculty, staff and students discussing FAU's commitment to Civil Discourse along with the goals, values, and the positive impact of creating a culture of free expression and open inquiry.

Finally, FAU is introducing students to the principles of Civil Discourse at the required Freshman Convocation. The Convocation will present a "mini-Breezeway Dialogue" featuring students demonstrating the principles of civil discourse and free expression through open and civil debate.

The sum of these initiatives reflects FAU's commitment to civil discourse which is woven into the fabric and character of the FAU experience.

**Recommendation 3: The Board of Governors recommends that the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board's Statement of Free Expression and commit to the principles of civil discourse.**

Beginning with the 2022-2023 academic year, FAU's Provost, Vice President for Student Affairs, or designee, will bring the Board's Statement of Free Expression to the board of trustees, faculty senate, and student government, each year for review and endorsement.

**Recommendation 4: The Board of Governors recommends that each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.**

Beginning with the 2022-2023 academic year, the Board of Trustees will conduct a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors' Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

**Recommendation 6: The Board of Governors recommends that university academic, student affairs, and administrative leaders review student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes.**

FAU is currently reviewing all student orientation programming, the student code of conduct, and employee personnel policies ensure they contain clear and unambiguous support for the Board's Statement of Free Expression, the principles of free speech and civil discourse, and are in compliance with section 1004.097, Florida Statutes.

**Recommendation 7: Implement best practices that effectively promote and support civil discourse. For each best practice, implemented, or to be implemented, include a timeline.**

-Best Practice 1: Instill the importance of civil discourse, academic freedom, and free speech from day one, utilizing student and employee orientation sessions, public assemblies, and official university documents and communications.

Beginning in Summer 2022, FAU will introduce the principles of civil discourse at the Freshman Convocation and require all degree-seeking undergraduate students to complete civil discourse training via online modules.

-Best Practice 2: Schedule and host ongoing, campus-wide forums, dialogues and debates on various issues and perspectives, to promote open discussion, understanding and learning opportunities.

Beginning in academic year 2021-2022, FAU successfully held three Breezeway Dialogues aimed at the promotion of open discussion, viewpoint diversity, and civil discourse.

-Best Practice 3: Foster intellectual diversity by encouraging leadership to: (1) promote viewpoint diversity and open-minded discussion and debate, and (2) highlight and enforce policies that prohibit programming that excludes participation based on race and ethnicity.

FAU Regulation 7.008, Anti-Discrimination and Anti-Harassment unequivocally states FAU's commitment to creating a workplace and educational environment free from discrimination, which includes race and ethnicity. Additionally, FAU Policy 1.15, Prohibited Discrimination and Harassment prohibits discrimination based on race and ethnicity and outlines the procedure for investigating allegations. The FAU Office of Equity and Inclusion is the sole office dedicated to investigating complaints brought forth by faculty, staff and students.

-Best Practice 4: Avoid disinvitations by developing clear, viewpoint-neutral policies and procedures governing the invitation and accommodation of campus speakers.

Throughout the 2022-2023 academic year, FAU will develop and implement clear, viewpoint neutral policies and procedures governing the invitation and accommodation of campus speakers.

-Best Practice 5: Provide targeted educational and professional development opportunities for the university administrative employees to reinforce free expression and open-minded debate norms.

Throughout the 2022-2023 academic year, the Civil Discourse Initiative Committee will oversee the identification, development and implementation of targeted educational and professional development opportunities for university administrative employees. The Office of Equity and Inclusion will work with the Office of Human Resources to incorporate the principles of civil discourse and free expression in applicable staff training.

-Best Practice 6: Encourage faculty to establish and maintain a learning environment in their classrooms and offices that supports open dialogue and the free expression of all viewpoints and creates processes to evaluate the strength of such environments.

The Civil Discourse Initiative Committee will collaborate with the Office of the Provost throughout the 2022-2023 academic year to identify, develop and implement programs that support faculty in their pursuit of offering students diverse viewpoints, free inquiry and expression.

# Civil Discourse Final Report 2022



# **CIVIL DISCOURSE INITIATIVES**

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# **STATE UNIVERSITY SYSTEM**

## **INTRODUCTION**

As members of many different societal groups and communities, people thrive on the personal interactions that occur every minute of every day. These ongoing interactions provide the foundation for learning, discovery, and growth in a university setting. More specifically, open-minded, tolerant, and respectful discourse among campus community members is critical to enabling students to learn and pursue their educational goals, faculty to effectively teach, and staff to pursue fulfilling work.

To promote civil discourse in the State University System, the Board of Governors, the presidents of Florida's twelve public universities, adopted a "Statement of Free Expression" in 2019. The Board's statement directly aligns with the well-established "Chicago Principles" that originated at the University of Chicago in 2014 to articulate the university's overarching commitment to free, robust, and uninhibited debate. Universities have widely adopted the Chicago Principles throughout the U.S.

The Board's Statement of Free Expression was endorsed by the twelve state universities as a vehicle to establish, maintain, and support a full and open discourse and the robust exchange of ideas and perspectives on all university campuses (See Appendix A). The statement reinforces that a critical purpose of a higher education institution is "to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated."

Board of Governors Chair Syd Kitson established the Board's Civil Discourse Initiative during his January 2021 "State of the System" address. Chair Kitson expressed concern regarding the steady decline in respectful discourse among those with differing viewpoints. He stated that the university setting could provide a foundation for understanding, learning, and growth in this area. Chair Kitson tasked Governor Tim Cerio to lead the initiative through the Strategic Planning Committee. Governor Cerio has stated that "Civil discourse, conducted civilly without fear of reprisal, is critical to free speech and ensuring academic and intellectual freedom – not just on our university campuses, but throughout our country."

The 2018 Legislature established the Campus Free Expression Act in section 1004.097, Florida Statutes. This statute provides direction and relevance to the Board's initiative as it codifies an individual's right to engage in free-speech activities at public higher education institutions. It also prohibits a public institution from shielding students, faculty, or staff from expressive activities while authorizing a public institution to create and enforce reasonable restrictions under specified conditions.

# CIVIL DISCOURSE: BEST PRACTICES

## The State University System

The state universities provided information on activities and initiatives promoting and supporting civil discourse in their campus communities. Best practices gleaned from a review of their submissions were highlighted within the following four categories.

1. Workshops & Professional Development: Presentations, lectures, workshops, or training designed to provide opportunities for faculty, staff, students, and campus partners to learn how to engage in and facilitate dialogue respectfully.
2. Speakers, Dialogue & Debate: Events or programs that provide opportunities for faculty, staff, and students to engage in, observe, or facilitate conversations and encourage civil discourse.
3. Outreach (on and off-campus): Programs, workshops, and or campaigns with external partners help cultivate a campus culture of civil discourse.
4. Research and Academic Affairs: Research-based initiatives, web tools, and courses designed to provide opportunities for students, faculty, and staff to engage in and learn about issues related to civil discourse in a formal setting.

Additionally, the committee researched established national programs addressing civil discourse and interviewed prominent authorities in this area. Interviews were conducted with Dr. Robert George, McCormick Professor of Jurisprudence & Director, James Madison Program at Princeton University; Dr. Lynn Pasquerella, President of the Association of American Colleges and Universities; Dr. Diana Hess, Dean, University of Wisconsin School of Education; Ms. Liz Joyner, Founder & C.E.O., the Village Square; Dr. Bill Mattox, Director, James Madison Institute's Marshall Center for Educational Options; Dr. Tim Chapin, Dean, FSU College of Social Sciences and Public Policy, and Dr. Jonathan Haidt, founder of the Heterodox Academy.

## National Models

A review of the national postsecondary system and institutional civil discourse programs identified a number of highly regarded initiatives and strategies that promote and support civil discourse. Examples include the following.

- The Center for Peace and Conflict Resolution, Brigham Young University: The Center's primary focus is conflict resolution. Through mediation, arbitration, training workshops, research, conferences, academic courses, and consultations, the Center assists both the university and the community in building skills and promoting understanding of peace, negotiation, communication, and conflict resolution.
- Heterodox Academy: Heterodox Academy is a nonpartisan international collaborative of professors, administrators, and students committed to enhancing the quality of research and education by promoting open inquiry, viewpoint diversity, and constructive disagreement in institutions of higher learning. The

Heterodox Academy was founded in 2015 by scholar Jonathan Haidt. He was prompted by his views on the negative impact that the lack of ideological diversity has had on the quality of research within the Academy.

The Academy collaboratively engages with universities throughout the U.S. to promote rigorous, open, and responsible interactions across lines of difference as essential to separating good ideas from bad and making good ideas better. Heterodox scholars view the university as a place of collaborative truth-seeking, where diverse scholars and students approach problems and questions from different points of view in pursuit of knowledge, discovery, and growth.

- The Institute for Civic Discourse and Democracy, Kansas State University: The Institute pursues theories and practice in civic discourse that are identified to advance improvements in all campus and community interactions. The Institute supports public conversation to elevate specific qualities of civic discourse, including inclusiveness, equality, reciprocity, reflection, reason-giving, and shared decision-making. The Institute offers certificates and degrees through the university's communication studies department; and offers workshops, facilitator training, and research opportunities through the Kansas Civic Life Project.
- The James Madison Program in American Ideals and Institutions: The James Madison Program is a scholarly institute within the Department of Politics at Princeton University and is dedicated to exploring enduring questions of American constitutional law and Western political thought. The James Madison Program was founded in 2000 by Dr. Robert George, McCormick Professor of Jurisprudence at Princeton University, and follows the University of Chicago's principles on freedom of expression.

The James Madison Program promotes teaching and scholarship in constitutional law and political thought and provides a forum for free expression and robust civil dialogue and debate. The Program hosts visiting postdoctoral and undergraduate fellows and offers various activities, courses, summer programs, and other related activities promoting free expression.

## **RECOMMENDATIONS**

All 12 universities in the State University System have voiced a commitment to civil discourse and have provided numerous examples of programs and policies to establish, maintain, and support civil discourse throughout their living, learning, and working environment.

In recent years, there have been incidents of unacceptable behaviors and violations of codes of conduct and personnel policies relating to civil discourse by administrators, faculty, and students in the system. When such incidents occur, universities must respond to grievances with rapid response, thorough review, and adjudication according to their established policies. This process is most valuable when the conflict is resolved,



the impacted individuals are redressed, and all involved can learn and grow from the experience.

Moreover, programming restricting participation based on race or ethnicity, and in violation of existing university policies, has occurred with more frequency on Florida campuses. Although perhaps well-intentioned, often the effect of these programs is to further divide and disenfranchise, rather than promote understanding through civil discourse.

## The Board of Governors as Advocate

The Board of Governors, responsible for the management and operation of the State University System, is unequivocal in its support of civil discourse throughout its 12 campus communities. The Board believes that each campus community member has a unique and critical role in the adherence to civil discourse and the ongoing support of the establishment, maintenance, and evaluation of civil discourse initiatives.

The Board of Governors' "Statement of Free Expression" remains an integral part of the Board's three-pronged mission for state universities: to deliver a high-quality academic experience for students, to engage in meaningful and productive research, and to provide a valuable public service for the benefit of local communities, metropolitan regions, and the state.

- I. **The Board of Governors expects that the leadership at each university will operationalize the Board's commitment to open-minded and tolerant civil discourse by promoting, supporting, and regularly evaluating adherence to the principles set forth in the Board's Statement of Free Expression and cultivating a culture of civil discourse in all campus interactions, including academic, administrative, extracurricular, and social dealings.**

## University Planning

In its 2025 Strategic Plan, the Board of Governors sets forth its mission for the State University System and further states that the state universities will "*support students' development of the knowledge, skills, and aptitudes needed for success in the global society and marketplace.*" The Board strongly believes that the state universities are well-positioned to provide the foundation for civil discourse learning, understanding, and growth for all campus community members.

Each university's Accountability Plan is an annual report of specific accountability measures and strategic plans.

- II. **The Board of Governors recommends that each university's Accountability Plan and Strategic Plan include a specific endorsement of the Board's Statement of Free Expression, as well as a clear expectation for open-minded and tolerant civil discourse throughout the campus community. The Board of Governors will include similar statements and principles in its Strategic Plan for the State University System.**

## **University Leadership**

State university boards of trustees have the powers and duties necessary for each university's operation, management, and accountability. University civil discourse policies, programs, and initiatives should be viewed as strategic priorities by each board of trustees. The Board of Governors also believes that university faculty senates and student governments have a vital role and should participate early and often in the development, implementation, evaluation, and support of civil discourse programs and initiatives.

- III. **The Board of Governors recommends that the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board's Statement of Free Expression and commit to the principles of civil discourse.**
- IV. **The Board of Governors recommends that each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.**

## **The University President**

The university president has primary responsibility for establishing the campus culture and setting the day-to-day living, learning, and working environment for all university community members. The president directs and monitors these efforts and is ultimately accountable for the civil discourse climate in the campus community.

Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties, states that the annual evaluation for university presidents addresses "responsiveness to the Board of Governors' strategic goals and priorities."

- V. **Beginning in the 2022 presidential evaluation and contract renewal cycle, as a part of a president's evaluation, the Chair of the Board of Governors will consult with the board of trustees chair to review the university's campus free speech climate, including adherence to the principles set forth in the Board's Statement of Free Expression, the occurrence and the resolution of any issues related to the university's compliance with substantiated violations of section 1004.097, Florida Statutes, and the implementation of best practices promoting civil discourse.**

## **Academic, Student, and Administrative Affairs**

Board of Governors Regulation 1.001, University Boards of Trustees Powers & Duties, directs each board of trustees to adopt regulations or policies for a student code of conduct and establish a personnel program for all university employees. These policies are required to include standards for performance and conduct as well as disciplinary actions, complaints, appeals, and grievance procedures.

A university's personnel policies, orientation programs, and student code of conduct are critical to setting the tone for a climate of open-mindedness and tolerance for civil discourse. More specifically, all university campus areas, including classrooms, lecture halls, offices, and extracurricular, residential, and social locales, offer opportunities for learning, tolerance, and growth. Academic deans and directors, student affairs administrators, faculty, and students share responsibility for establishing and reinforcing tolerant, open-minded, and respectful discourse on a university campus.

- VI. **The Board of Governors recommends that university academic, student affairs, and administrative leaders review student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes.**

## **Best Practices for Civil Discourse**

- VII. **The Board of Governors recommends implementing the following best practices based on its review of university programs and initiatives that effectively promote and support civil discourse.**

- **Instill the importance of civil discourse, academic freedom, and free speech from day one**, utilizing student and employee orientation sessions, public assemblies, and official university documents and communications.
- **Schedule and host ongoing, campus-wide forums, dialogues, and debates** on various issues and perspectives to promote open discussion, understanding, and learning opportunities.
- **Foster intellectual diversity** by encouraging university leadership to: (1) promote viewpoint diversity and open-minded discussion and debate, and (2) highlight and enforce policies that prohibit programming that excludes participation based on race or ethnicity.
- **Avoid disinvitations** by developing clear, viewpoint-neutral policies and procedures governing the invitation and accommodation of campus speakers.
- **Provide targeted educational and professional development opportunities** for university administrative employees to reinforce free expression and open-minded debate norms.
- **Encourage faculty to establish and maintain a learning environment in their classrooms and offices that supports open dialogue and the free expression of all viewpoints and create processes to evaluate the strength of such environments.**

# **Appendix A**

## **State University System of Florida**

### **Statement of Free Expression**

**April 15, 2019**

The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage a full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own worldview. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of each of our institutions' academic and research missions.

It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

Each member of our campus communities must also recognize that institutions may restrict unlawful expression, such as true threats or defamation. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each institution for there to be reasonable limitations on the time, place, and manner in which these rights are exercised. Each institution has adopted regulations that align with Florida's Campus

Free Expression Act, section 1004.097, Florida Statutes, and the United States and Florida Constitutions and the legal opinions interpreting those provisions. These limitations are narrowly drawn and content-neutral and serve to ensure that all members of our campus communities have an equal ability to express their ideas and opinions while preserving campus order and security.



# STATE UNIVERSITY SYSTEM OF FLORIDA





**Board of Governors**  
**State University System of Florida**

325 West Gaines Street, Suite 1614

Tallahassee, Florida 32399

Phone: (850) 245-0466

*[www.flbog.edu](http://www.flbog.edu)*