

Freedom of Speech at the University of Mary

Purpose

The purpose of this policy is to set forth the free speech rights of students, faculty, and staff at the University of Mary.

Introduction

All universities, secular and religious, are engaged in a great endeavor – to search for and teach knowledge – or that which is true. Catholic universities are called by the Church to participate in this endeavor in a particular way. First, for a Catholic university, the search for truth is a matter of both faith and reason undertaken in service of the Church. Catholics believe God is the font of all knowledge and truth and the discovery of truth reveals to us truths about the nature of God and his creation. Indeed, Jesus reveals to us he is the way and the truth (John 14: 6). Secondly, Catholic universities participate in the search for truth as part of the great *Catholic Intellectual Tradition*, which gave rise to the first universities of Europe. Within this tradition, the focus is not on the mere discovery of knowledge but on the integration of knowledge or the unity of truth in all spheres of knowledge: human, natural, and the divine.

Essential for the pursuit of truth is a culture of genuine academic freedom as it is authoritatively defined in *Ex Corde Ecclesiae*, the Apostolic Constitution of the Church on the nature of the Catholic university, which is legally binding for all Catholic universities. It may be found at this link:

<https://www.umary.edu/resources/pdfs/Ex-Corde-Ecclesiae.pdf>

In order to promote a culture of genuine academic freedom, the University of Mary faithfully follows *Ex Corde Ecclesiae*. We also draw on our own *Statement of Mission and Identity*:

<https://www.umary.edu/about/mission/statement-mission-identity.php>

In addition, the statement from the Association of Benedictine Colleges and Universities entitled, *Education Within the Benedictine Wisdom Tradition*:

<https://www.umary.edu/resources/pdfs/Benedictine-Wisdom-Tradition.pdf>

Together, these documents serve as the foundation of our commitment to foster a culture of genuine academic freedom at the University of Mary as described in the university's *Statement on Academic Freedom*:

https://my.umary.edu/ICS/icsfs/academic_freedom_statement.pdf?target=f7df610a-05c7-4f0f-85a1-3fc56c5e0179

The definition of academic freedom in *Ex Corde Ecclesiae*, the university's *Statement on Academic Freedom*, and the Benedictine Wisdom Tradition are all fundamental to understanding the University of Mary's approach to free speech. As a learning community, the university encourages the free exchange of ideas and the evaluation thereof through respectful dialogue and debate. As a Benedictine community, the freedom (academic and of speech) is to be moderated by both a deep respect for differences of perspective, faith, and conviction and by an authentic consideration for Catholic teaching as it applies to the issue under discussion.

For those who understand freedom of speech as absolute and protected by the First Amendment, it will be instructive to consider the limits to this freedom, even in the public square. Indeed, all of the freedoms enumerated in the First Amendment have been limited by the courts in some significant way. Some examples:

- Speech that endangers the safety of others (e.g. yelling fire in a crowded auditorium when there is no fire) is not protected by the First Amendment.

- Making threats against another person and/or hate speech is not protected speech.
- The right of the people to peaceably assemble does not apply to private property.
- The freedom of the press does not include the right to publish what is known to be false in order to damage the reputation of another person, business, or organization.

In each example, our Constitutional freedoms are not absolute even in the public square. Each freedom is constrained to some degree in order to protect the rights of others. In other words, the common good is a value that is held to be equal to, or greater than, the right to absolute freedom.

It follows, then, that the freedom to express oneself verbally, in writing, or by peaceful demonstration, even in significantly controversial matters, may also be constrained at a private and religious university by values, which are held to be equal, greater, or prior.

Statement of the Policy

Deeply committed to our mission as a Catholic university, the University of Mary recognizes genuine academic freedom, as it is authoritatively defined in the Apostolic Constitution, *Ex Corde Ecclesiae* as necessary to our mission in service of truth. Freedom of speech at the University of Mary is understood to be a component of academic freedom.

Members of the University of Mary community are encouraged to exercise their freedom of speech through participation in the free exchange and evaluation of ideas, and through respectful dialogue and debate. In the exercise of this freedom, each member of the community assumes responsibility to balance freedom with the responsibility to show deep respect for differences of perspective, faith, and conviction and to genuinely consider applicable Catholic teaching and practice as it applies to the topic or issue under discussion.

Operating within the framework of the foregoing, the university is responsible to place reasonable constraints on the freedom of speech in order to safeguard the common good of our university community and to protect the rights of its members. Some forms of speech have no place in our community and are not considered to be protected speech at the University of Mary. These are listed below and must be avoided.

1. Violence
2. Threats
3. Abuse, harassment, or intimidation
4. Denigration, defamation, or calumny
5. Sexism, racism, or hate speech directed against a group of people or an individual because of his/her identity as a member of a group of people
6. Obscenity, lewdness, or pornography (explicit sex lacking any artistic merit, portrayed in a vulgar and exploitive manner)
7. Advocating for positions or activity contrary to Catholic teachings
8. Advocating for the disruption, impairment, or interference with the university's regularly scheduled classes and/or operations
9. Advocating unlawful behaviors or activities

Approved

President's Council (March 27, 2019)

Board of Trustees Executive Committee (August 22, 2019)