

Hearing before the
Senate Committee on the Judiciary
On
“Free Speech 101: The Assault on the First Amendment on College Campuses”
Tuesday, June 20, 2017
Dirksen Senate Office Building, Room 226
10:00 a.m.
Testimony of
Dr. Fanta Aw, Interim Vice President of Campus Life, American University

The challenge for leaders on America’s campuses today is to maintain balance when protecting important values that are often in tension, especially in the context of our nation’s political climate, and considering views of the First Amendment among younger Americans, compared with the generations that have come before ([Pew, 2015](#)). Freedom of Expression is an important principle on college campuses--not just public universities where First Amendment rights must be protected--but also at private institutions, because our fundamental mission, to create, share and discover knowledge, is dependent on the basic tenant of academic freedom and the free exchange of ideas. Another important principle is the respect and dignity with which we expect all members of our community to demonstrate when exchanging ideas, particularly divergent ideas. Civil discourse and dialogue representing diverse perspectives is integral to learning and scholarship. These principles are fundamental to educating citizens who will lead productive lives and contribute to a healthy democracy.

Campuses around the country, including American University, have seen a rise in episodes of deeply offensive speech and expression—from racist statements and acts, to flag burning. These expressions come from within—from our own students, faculty and staff--as well as from forces outside our community, whether a visit from Westboro Baptist Church or Milo Yiannopoulos. As an institution committed to freedom of expression and diversity and inclusion, that sees dissent and protest as manifestations of free expressions, we have effectively managed numerous events deemed controversial. We are guided in this work by our [Freedom of Expression and Dissent Guidelines](#) and by the American University [Faculty Senate Resolution on Freedom of Expression](#). The resolution states that “for hundreds of years, the pursuit of knowledge has been at the center of university life. Unfettered discourse, no matter how controversial, inconvenient, or uncomfortable, is a condition necessary to that pursuit. American University stands in this tradition.”

As an institution, we draw the line when expression has the potential to incite violence and/or is a direct threat to members of our community. The most recent among these episodes of speech is currently being investigated as a hate crime by the FBI. On the last day of classes this spring,

racist expressions threatened physical violence to African American women who are members of Alpha Kappa Alpha, one of whom was the first Black Woman elected as Student Government President, in her first day in office.

With the increasing frequency of such episodes, the ability of students to learn and thrive has been severely limited. When students fear for their safety, this affects their ability to study and participate fully in the life of the university. In short, maintaining a commitment to our values and balance among them is complicated, and requires robust policies, as well as constant education and training.

American University has robust policies for protecting freedom of expression and dissent, as well as academic freedom. We must also investigate, respond, track and report crimes that are motivated by bias as required by both federal law—the Cleary Act—and local laws. Just as local laws treat bias as an aggravating factor in sentencing for crimes, so too does our Code of Student Conduct, which was modified this year to consider bias motivations in sanctions for those found responsible for violations.

If there is a takeaway from this testimony, it is that free speech comes with responsibility and accountability. Freedom of expression is integral to the mission of higher education. However, protecting it has become increasingly challenging in light of our national climate, changing attitudes of younger Americans about the First Amendment, and ever more diverse populations on our campuses bringing diverse perspectives and expectations into constant tension.