



Comm Skills Virtual Learning

Legal Communications I & II

#FreeSpeech

May 21, 2020



Lesson: May 21, 2020

Objective/Learning Target: Students will examine the intersection of social media and the 1st Amendment.

Bell Ringer/Let's Get Started

Are students protected by the 1st Amendment?

Lesson/Activity

Whether or not colleges and universities should place limitations on invited speakers is a topical, evolving, and controversial question, endeavoring to balance the interest in robust and all-encompassing issue discussion with students' sense of safety and security.

Journal your thoughts in response to these two prompts:

- **Do you think colleges should or should not be able to establish policies that restrict restrict the use of slurs and other language that is intentionally offensive to certain groups? Why or why not?**
- **Do you think colleges should or should not be able to establish policies that restrict the expression of political views that are upsetting or offensive to certain groups? Why or why not?**

Lesson/Activity

Visit the [Gallup results](#) from when these same questions were asked to college students in 2016.

How do your results compare? Why do you think that is the case?

In your notes respond to these prompts:

- What is the definition of “offensive” speech (i.e. what qualities characterize speech as offensive)? How can the level of offensiveness of a particular piece of speech be accurately measured?
- Should citizens be able to make public statements that are offensive to minority groups, or should the government be able to prevent people from saying these things? Explain your position!

Practice

Examine the [Pew Research Center results](#) from when that same question was asked by the Pew Research Center in 2015. How does your response compare to the results for three demographic points that are a match to you (do your views align with the majority of that group or not)? Why do you think that is the case?

[Watch](#) as UCLA Law professor Eugene Volokh discusses federal laws impacting speech on college campuses.

Practice

Writing Reflection:

In his remarks, Professor Volokh commented that “Universities should try to prevent an atmosphere where students feel threatened or otherwise intimidated or marginalized...universities are required to protect students against discrimination and violence or threats of violence.” How can universities effectively meet those requirements while also protecting free speech rights? How can a university measure whether students “feel threatened, or otherwise intimidated or marginalized”? Where is the line between provocative speech and intimidating speech? Are the university action options proposed by Professor Volokh as an alternative to speech codes reasonable ones that are, in your view, likely to succeed? Why or why not?

Additional Resources

[Mizzou, Yale, and Free Speech](#)

[Speech on Campus](#)

[A Tale of Two Arguments about Free Speech](#)