

## **Resolution regarding suspension of FSU Students for a Democratic Society** February 20, 2024

Whereas the sixteen-month suspension of Students for a Democratic Society (SDS), announced by Student Affairs on January 26, 2024, is an administrative action that may contravene fundamental principles of campus free speech; and whereas these principles are established by long tradition and in various official statements, including the 2019 Board of Governors Statement of Free Expression; and whereas the protection of free speech is the responsibility of all leaders of the University, the FSU Faculty Senate requests that the Division of Student Affairs provide the Senate with an explanation of:

- how and by whom the original complaint against SDS was initiated;
- an assessment of the harm caused by the SDS protest, indicating where it outweighs the harm caused to the university community by the suspension of SDS and its effect on the campus free speech climate;
- the decision's apparent contravention of the BOG Statement of Free Expression; and
- the precedent used to arrive at this particular sanction, i.e., instances in which other student organizations were suspended for similar durations, and the grounds of those suspensions.

To ensure that free speech standards are not further violated, we further request that Student Affairs reinstate SDS until the Faculty Senate can evaluate this matter and provide appropriate input on matters of free speech and academic freedom.

### **Background and Rationale**

Members of FSU's Students for a Democratic Society (SDS) attended an [FSU Board of Trustees meeting on November 10, 2023](#), intending to speak during public comment. When they were told that the time for public comment had been changed and that they would not be allowed to speak, they sat in attendance, and a short time later disrupted the meeting and were asked to leave, which they did.

On January 12, 2024, Student Affairs convened a disciplinary hearing, and on January 26 it issued a [letter suspending SDS](#) immediately, and until the end of the 2024-2025 academic year.

As faculty, part of our responsibility is to safeguard the intellectual climate of our campus and to look out for the well-being of our students, who require freedom to explore ideas. We are gravely concerned that this decision curbs the freedom of all students—both members of SDS and non-members—to pursue intellectual growth unhampered by administrative overreach.

As written, the grounds specified in the decision letter are thin, brittle, and essentially punitive of the students. This action does not give our community and our students the information we need in order to guide future actions.

Furthermore, if any penalty is necessary, this penalty seems disproportionate. It is comparable to sanctions imposed on fraternities engaging in much more dangerous behavior--and those sanctions are coupled with remediating support. This blanket long-term suspension, resulting

from a non-violent, non-criminal speech act, adversely affects this student group and the campus climate as a whole.

In one sense, it seems difficult to see how SDS's brief disruption caused any real harm deserving administrative action. The members of the Board of Trustees, like the faculty and staff of FSU, can certainly be expected to accommodate the various manners of expression of the young people we serve, even when it is not the manner we ourselves adopt. This is a normal part of our work.

Because free speech is so crucial to the culture of our university, the standard for harm must be clear and relatively high. For example, unlawful speech such as threats and defamation may meet that standard. Mere brief disruption is not serious harm. It is not clear who initiated this action, or who deemed the action necessary in the first case.

In another sense, continuous faculty senate policy makes it clear that free speech is a cardinal principle of the university, which must be protected as a matter of first importance. The three specific warrants set out in the decision letter—failing to comply with the instructions of a law enforcement official, disrupting university operations, and collective punishment of the group for the delay by a single individual (who was not a member of the group)—do not seem to rise to a level that requires overturning established norms of tolerance of free expression.

The Florida Board of Governors passed a [Statement of Free Expression](#) on April 15, 2019, to which it required all universities to adhere. The Faculty Senate of FSU passed a [Resolution on Civil Discourse and Academic Freedom](#) at its meeting of November 30, 2022.

In its Statement, the Governors assert that it is “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....we must not let concerns over civility or respect be used as a reason to silence expression.”

In its final paragraph, the statement speaks of limits: “Each member of our campus communities must also recognize that institutions may restrict expression that is unlawful, such as true threats or defamation.” There is no allegation that SDS engaged in unlawful activity.

The statement then speaks of disruption of procedure: “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.” The crux of the case against SDS is its disruption of a Trustees meeting. On one hand, the disruption did not prevent the “efficient and effective” operation of that meeting. On the other hand, the efficient and effective operation of the Board of Trustees ought to include hearing comments from the public and from members of the university, including the student members of SDS. It is reasonable for students to expect that their comment will be accommodated, and understandable for them to feel that

their free expression is hampered by what they perceive to be a pattern of last minute schedule changes.

In its last sentence, the statement describes a very limited scope for limitations on this free speech policy: “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.” It seems doubtful that the heavy sanction imposed by Student Affairs on SDS accords with this standard.

The 2022 [Final Report of the BOG Civil Discourse Initiative](#) assigns the task of protecting free expression to all leaders of the University: Trustees, the President, Academic and Student Affairs, student government, and the faculty senate.