

Private Universities and Freedom of Expression: Free Speech on Elon University's Campus

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Abstract

This research paper was aimed at determining how much students are aware that free speech rights can be restricted at a private university and gauged student interest in instituting a specific area on campus for free speech. A survey with a series of questions was sent to a variety of Elon students. The results, based on 100 responses indicated that while many students are unaware of the differences in free speech at private and public universities, the majority of students, including those who felt that they had experienced restrictions on Elon's campus, expressed interest in various types of free speech areas on campus.

I. Introduction

The First Amendment is one the most basic rights that students have been taught throughout years of schooling. While most students are well aware that they have the right to freedom of speech and expression, many remain unaware as to how those rights change when they are in a school setting. While the Supreme Court ruled in the landmark case, *Tinker v. Des Moines*, that a school setting does not take away First Amendment rights, private schools are not required to follow these same policies. Since public schools are funded by taxpayers' money, they are required to abide by the principles of the U.S. Constitution. Private schools, on the other hand, have the right to create their own policies regarding free speech and freedom of expression.

Assuming that Elon University receives no government funding and is therefore considered a private university, it is the administration's prerogative to create a policy that addresses students' free speech on campus. The purpose of this research is to determine Elon students' attitudes about the fact that their right to freedom of expression may be restricted during their time at Elon University. It also seeks to assess student interest in having an area devoted to free speech on Elon's campus.

The research findings were accomplished by utilizing both qualitative and quantitative research methods through a survey that was sent to Elon students via class lists from Blackboard and the social networking site, Facebook. This research is vital in clarifying the relationship between free speech rights and private institutions, which is essential for students to understand while they attend school on a private campus. While there has been a great deal of research done on the subject of free speech and college students, there is little done on how it has been affected by private universities. Furthermore, this research will prove to be a unique source for Elon administrators to learn students' opinions and thoughts on the issue of freedom of expression. While the university is private and within its rights to restrict student speech, the administrators may be interested in providing students with the opportunity to express themselves freely with no fear of restriction, even

* **Keywords:** free speech, First Amendment, private university, students, restriction

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if this is within a certain designated area. With this research, administrators may be able to start making key decisions in possibly creating a permanent, designated free speech zone. This research is also important in gauging students' understandings of First Amendment rights, so as to possibly implement the teaching of the specifics in a class required of each student for graduation, such as in a first year class.

II. Literature Review

During the college years, freedom of expression is a vital aspect in students' lives, which they expect to be respected. A good amount of research has been done on this matter, specifically on free speech on college campuses. Prior research has set the groundwork for this current research study through studies of censorship on campus and controversial speech on campus, as well as restrictions that have occurred throughout the years. There has also been a significant amount of research done on the methodology of web-based surveys and student respondents.

For the purpose of this study, it is important to understand the reasoning behind restricted speech and why a university may choose to restrict their students. In the case of *Harper v. Poway Unified School District*, a panel of the U.S. Court of Appeals for the Ninth Circuit decided that a school could prohibit the wearing of a t-shirt that has a message that infringes upon the rights of other students. This justifies the conclusion that a school may restrict or censor speech that may create a substantial disruption to the educational setting or violate the rights of another student (Mollen, 2008). Knowledge of this court decision, which stated that public schools might monitor student speech strictly for an offensive nature, provides for a basic level of understanding of restrictions of student speech. This case, however, addressed freedom of expression at a public high school. When dealing with college campuses, there are more instances of "controversial" speech, such as student protests, demonstrations, etc. This brings up the issue of campus policy on student speech and expression (Williamson & Cowan, 1966).

While public schools are not legally allowed to restrict their students' speech or expression for reasons other than those stated previously, private campuses may choose to restrict their students' speech in ways that they see fit. A lot of research has been done on how important free speech is to this country and how nearly all speech and expression should remain unrestricted, especially during the college years. One study explored the extreme side of the issue, concluding that everyone should be entitled to complete freedom of speech, no matter how racist, sexist, fascist, homophobic, hateful or violent that speech may be (Hentoff, 1989).

While other research may not have been as liberal in their conclusions, many conclude that speech should not be restricted unless it incites violence or causes harm to others. One research study focused on a specific incident where a student was accused of network abuse after sending an e-mail to 391 faculty members about a controversial campus matter. While the disciplinary actions against the student were dropped, largely in part due to the fact that this was a public institution that could not restrict speech simply because it was controversial, the study posed a future research question of determining how this case may have played out had the student been attending a private university (McNamara, 2009).

Although this research created a solid foundation for research of free speech restriction in a school setting and on college campuses, there is a need for more specific research of these instances and policies at private institutions. This is the motivation for the current research study, which focuses specifically on Elon University, a private institute located in North Carolina. In order to gain this crucial knowledge, it is important to have a well-developed methodology. Prior research has been done on the method of survey questionnaires, specifically online and with college students.

One study developed an exact process that is needed to conduct research through both qualitative and quantitative methods. This process addresses both ethical issues and the way in which to write a research paper, both of which were important when developing and carrying out this current study (Creswell, 2003).

Prior research outlines framing problems and sample survey questionnaires. In developing this research, it is essential to ensure that the questionnaire and sample frame are with little to no errors (Kalton, 1983). Furthermore, research on web-based surveys identified both the benefits and burdens of using a survey on the Internet. This research specifies the method in which to collect data that comes from a web-based

survey, as well as how to word survey questionnaires that are being sent to students on university campuses. Since this research study seeks to determine perceptions of Elon University students, the best way in which to survey these students is through an online survey. The prior research assisted in the development and carrying out of the conductor's survey through SurveyMonkey.com (Mitra, Jain-Shukla, Robbins, Champion, & DuRant, 2008).

III. Methods

To achieve the study objective, the following research questions were developed:

RQ1: What does the term 'freedom of expression' mean to Elon students?

RQ2: Are Elon students aware that private universities have different regulations than public schools and are therefore allowed to restrict students' freedom of expression?

RQ3: Do many students encounter these restrictions on their freedom of expression while attending Elon?

RQ4: Would Elon students be interested in a permanent free speech area on campus?

The answers to these research questions will reveal the perceptions and attitudes that Elon students hold about the restrictions on their First Amendment rights while attending a private university. It will also reveal the types of restrictions that do occur and gauge students' interest in a designated free speech area on campus.

These questions also aided the development of the following hypotheses:

Hypothesis 1: Elon students will be in support of a more liberal stance on freedom of expression on campus than the current stance held by the Elon administration.

Hypothesis 2: If an Elon student has experienced restrictions on their freedom of expression, then they will express interest in a permanent free speech area on campus.

In order for this research to be successful, the variables must be conceptualized in order to ensure accurate results. According to BusinessDictionary.com, freedom of expression is defined as the "right to express one's ideas and opinions freely through speech, writing and other forms of communication but without deliberately causing harm to others' character and/or reputation by false or misleading statements." For the sake of the research, this term was not defined in the survey and was kept open-ended in the questionnaire so as to let the respondents conceptualize the term themselves. This allowed for a much better and more accurate determination of the perceptions that students have of the topic. For the first hypothesis, "liberal stance on freedom of expression" needs to be conceptualized. In this research, a liberal stance would parallel the meaning of freedom of expression, meaning that there would be no restrictions on students' freedom of expression except in the cases where it is necessary to protect other students from harm. The current policy at Elon allows students' expression to be restricted at the administrator's discretion.

In the second hypothesis, the independent variable would be whether or not the student had felt that they had experienced restrictions of their freedom of expression on campus and the dependent variable would be the level of interest in a permanent, designated free speech area on campus.

Survey Participants

This survey was formulated to assess students' perceptions of and attitudes towards freedom of expression on a private campus. Due to the fact that this research seeks to gauge the perceptions of Elon students specifically, the most appropriate and significant study population for the survey consisted of Elon University undergraduate students. The sampling frame used for this research involved class rosters through the Blackboard website and acquaintances of the research conductor who agreed to participate in the survey through an 'event' that was posted on the social networking site, Facebook.

The procedure for drawing the sample was non-probability due to the fact that those asked to participate in the research were mainly colleagues of the researcher, therefore not giving all Elon students an equal chance of being chosen. This procedure was done through email to the specific class rosters that included an introduction to the survey and a link to the online survey.

The survey was distributed to approximately 141 people through Facebook and class roster emails. Of those asked to participate, 100 took the online survey and were analyzed by SurveyMonkey. Of the respondents, 72% were female and 28% male. The respondents ranged from first years to recent alumni and one faculty member and represented nearly every major at Elon University.

The expected response rate of 65% was exceeded with an achieved 76.59% rate giving a sample of 100 participants, which was analyzed by SurveyMonkey, giving a confidence interval of 9.8% at a confidence level of 95%.

Survey Questionnaire

The questionnaire had ten questions, ranging from general to specific with a variety of types of questions.

IV. Data Analysis/Detailed Findings

This research aimed at finding students' perceptions on freedom of speech and whether or not they would be interested in a permanent free speech area on Elon's campus.

Demographics/Participants

Participants of the research were students, alumni and one faculty member associated with Elon University in North Carolina. Elon undergraduate students are 59% female and 41% male. A total of 100 respondents were analyzed in this study, 72% female and 28% male. For class standing, 11% were first year students; 16% sophomores; 18% juniors; 52% seniors; 2% alumni; and 1% faculty. The respondents' majors at Elon well represented the majors that are offered.

Awareness of Right to Freedom of Expression

When asked whether or not they were aware of their right to freedom of expression, 79% of students answered yes, while the other 21% answered no. To further gauge their perceptions of freedom of expression, respondents were asked an open-ended question on their personal definition of the term. Out of 100 respondents, 74 chose to answer. Many of these answers were similar in that the students felt that they should be able to say, do and act how they wanted without restriction, granted they were not causing harm or inciting violence. Students gave some of the following answers:

- "Stupid liberal talk"
- "The right to express your beliefs and be able to manifest them in any way I see fit. The only restriction being the physical or mental harm to someone else."
- "Freedom to write, paint, draw, etc. your ideas without being penalized for your words."
- "The government may make no law that inhibits my ability to convey my opinions."
- "Ability to act in original and unique ways to convey my message, regardless of the content."
- "The ability to express your thoughts, beliefs and opinions freely without fear of censorship as long as it does not incite violence or cause harm to others."
- "Do what I want when I want."

One student wrote, "I can say, write, blog, sing, etc. what's on my mind, so long as I don't threaten people, libel/slander, etc. Of course being on a private campus, I may have the legal right to say what I want, but not without consequence from the University. As long as I'm on this campus I have to play by their rules or leave." This answer related the difference in freedom of expression on public and private campuses.

Difference in freedom of expression on public and private campuses

The survey respondents were divided in their agreement of whether or not private universities have the right to limit students' freedom of expression, as illustrated in Figure 1. Of the respondents, 8% strongly agreed; 36% agreed; 14% remained neutral; 29% disagreed; and 13% strongly disagreed. Although many students answered that they were aware of their right of free speech, they are split on whether or not Elon

administration has the ability to limit their expression. In an open-ended question, one student remarked, “Everywhere should be a free speech area. Is it really free if it is restricted?” This illustrates the misunderstanding of Elon’s students and how their right to freedom of expression differs on a private campus. This could become a complicated problem if a student’s speech is restricted and they are unaware as to why this would be allowed on a college campus.

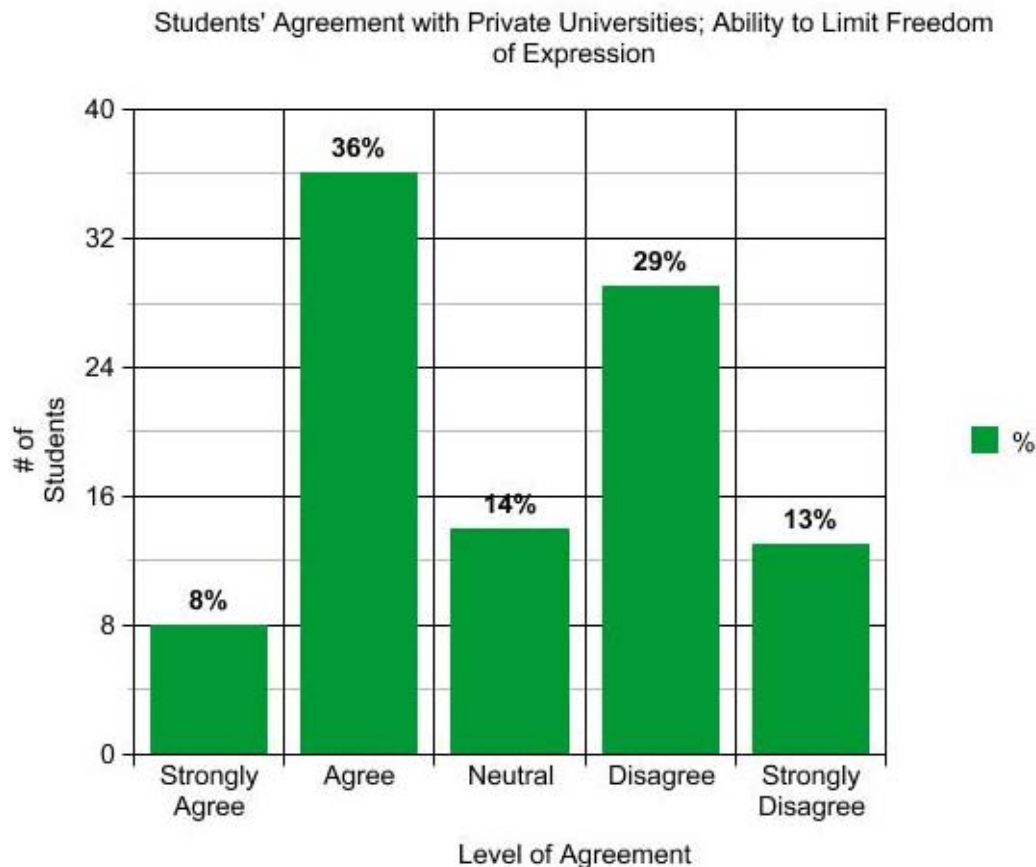


Figure 1. Students’ agreement with private universities

Students’ responses to the three scenarios about Elon’s media restrictions

The next question asked the students to evaluate three possible scenarios of restrictions that can occur on Elon’s campus. As shown in **Figure 2**, Scenario 1, “Elon administration should require students to get permission before posting flyers and posters around campus,” elicited strong agreement from 3% of the respondents, followed by 36% for agreement; 19% for neutral; 32% for disagreement; and 10% for strong disagreement.

In scenario 2, “Elon administrators should have the right to block inappropriate or offensive websites,” students’ responses registered 2%, 24%, 14%, 37% and 22% each for the five categories, as shown in Figure 2.

Scenario 3, “Elon administrators should have the right to approve or disapprove material produced by student-run media organizations, such as ESTV, The Pendulum, etc.” elicited diverse responses, as shown by the third bar in Figure 2.

While the previous question sought to gauge students’ level of awareness that Elon can restrict freedom of expression on campus, this question wanted to find out students’ opinions on whether or not Elon should use that privilege. Overall, it seemed the majority of the respondents disagreed with the administration’s use of power to restrict certain expressions on campus.

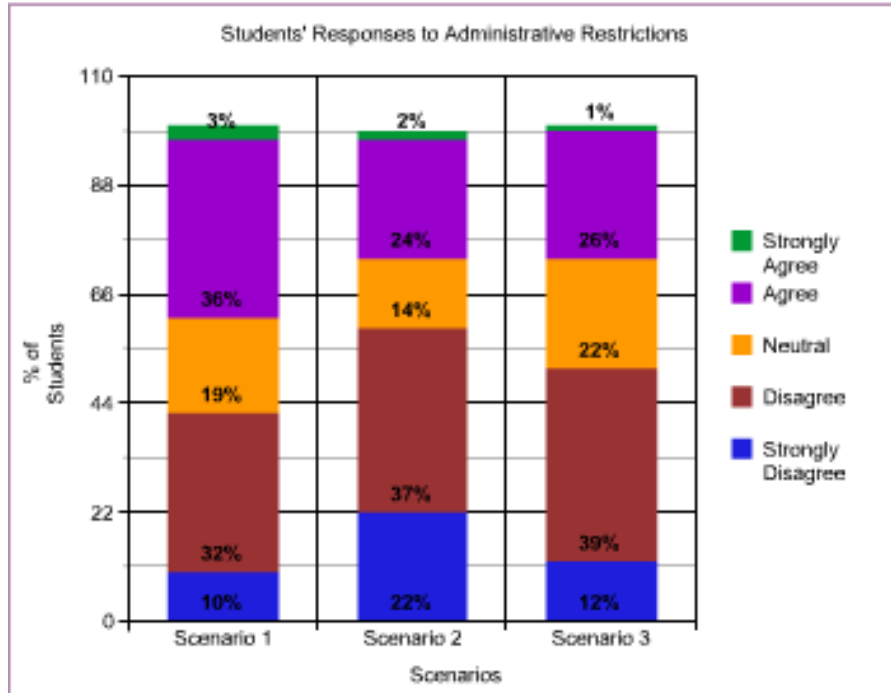


Figure 2. Students' responses to administrative restrictions

Experience of restrictions on campus

Of the respondents, 50% answered that they had never experienced restrictions by Elon administration. Among those who answered that they had experienced restrictions, 45% had to ask for permission before posting a flyer or a poster, 9% to carry out a free speech demonstration, 11% to post something on e-net altered or denied, and 9% to do other specific things. Some of these situations included getting organization t-shirt designs approved and content approval for ESTV and The Pendulum. One interesting answer was, "I work at The Pendulum and tour guides have told us the administration will send out e-mails asking tour guides to steer clear of The Pendulum when certain crime stories come out." Although restrictions do not occur to all students during their time at Elon, it has still happened to half of the respondents. The open-ended answers also gave more insight into the types of restrictions that may go on behind the scenes that many students and faculty may not even be aware of.

Interest in a permanent, designated free speech area on campus

Regarding a permanent, designated free speech area on campus, 24% were very interested; 25% interested, 31% somewhat interested, and 16% were not interested.

Relationship between students' experience of restriction and interest in a free speech area

The results of student interest in a free speech area were cross-tabulated with students who had experienced restrictions on campus. As shown in Table 1, the majority of the students who had experienced a restriction of some sort were interested in a free speech area.

Table 1.

Students' Experience With Restrictions and Their Interest in a Free Speech Area

Restriction	Poster	E-Net	Demonstration	None
Not Interested	6/13.33%	2/18.18%	1/11.11%	10/20%
Somewhat Interested	13/28.89%	2/18.18%		18/36%
Interested	11/24.4%	3/27.27%	1/11.11%	13/26%
Very Interested	13/28.89%	4/36.36%	7/77.78%	8/16%
Not Sure	2/4.44%			1/2%
100%=	45	11	9	50

Location of free speech venue

According to the results of the survey, 80% of the respondents expressed some level of interest in a designated free speech area. As illustrated in Figure 3, 52% of these respondents expressed interest in free speech walls in the tunnel, 47% were interested in a free speech board in Moseley, and 46% were interested in a free speech chalk zone on campus. 8% of the respondents utilized the “other” section of the question to further express their interest in some of these options, such as “I like the idea of a free speech board near McEwen, where it’s been in the past. It is fitting to have it near the School of Communications.”

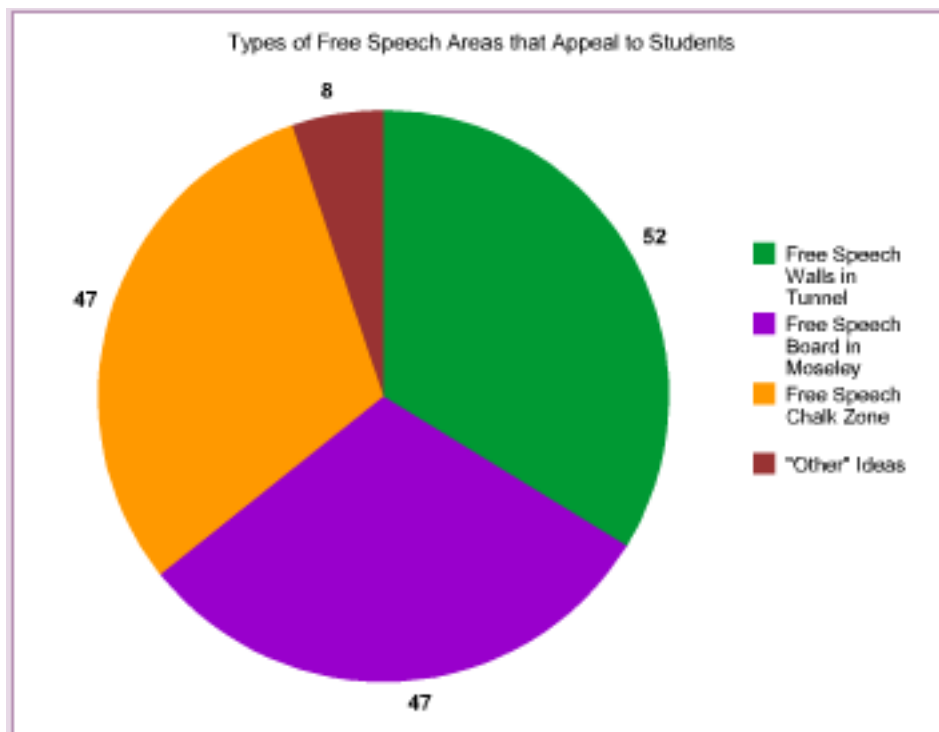


Figure 3. Types of free speech areas that appeal to students

Students' class standing vs. their interest in free speech area

The last three questions of the survey were demographic questions, looking at the gender, year, and

major of the respondents. These questions guided the cross-tabulation of the students' class standing and their level of interest in a free speech area. The results of this cross-tabulation are described in Table 2.

The second cross-tabulation analyzed both the class standing of the student and their interest in a free speech area on campus. As shown in the table, about 55% of the first year respondents would be interested in a free speech area, followed by 81.25% of sophomores, 72.23% of juniors, and 87.28% of seniors. Students expressed interest in free speech walls in the tunnel, a free speech board in Moseley, and a free speech chalk zone on campus. Students also offered some further excitement about these ideas in the "other" category that was provided. One student said, "I would love to be able to graffiti that tunnel. It would be so cool to have it not be the rape tunnel and to be like a chill spot."

Table 2.

Students' Class Standing and Their Interest in a Free Speech Area				
Class Year	First Year	Sophomore	Junior	Senior
Not Interested	3/27.27%	1/6.25%	5/27.78%	7/12.73%
Somewhat Interested	2/18.18%	6/37.5%	5/27.78%	19/34.55%
Interested	2/18.18%	6/37.5%	5/27.78%	11/20%
Very Interested	2/18.18%	1/6.25%	3/16.67%	18/32.73%
Not Sure	1/9%	2/12.5%		1/1.82%
100%=	11	16	18	55

V. Conclusion

The goal of the current study was to determine if Elon University students were aware of the difference in free speech rights on a public campus versus a private campus, as well as to gauge the students' level of interest in a possible free speech area on Elon's campus. The research found that Elon students were very mixed in their understanding of how their right to freedom of expression changes while attending a private university. The current study also found that half of the respondents claimed to have experienced restrictions on their freedom of speech by Elon administrators and, of that group of respondents, the majority expressed interest in implementing a free speech area.

Although private institutions are able to dictate how students' free speech will be handled on their campus, it is important for administrators to acknowledge opinions and knowledge of their students on these matters. Such research will require a larger scale of quantitative and qualitative research. The author hopes this research will serve as a foundation for Elon administration to consider creating a free speech area for Elon students, and serve as a starting block for more expansive research of free speech and college students at private schools.

Shortcomings of this research include a non-probability sample. Although the class roster email through the Blackboard website allowed for a diverse sample of respondents in major and class standing, the majority of the respondents were upperclassmen. The male and female ratio of 28% vs. 72% may skew the results, too.

The survey should have been pre-tested a couple times to get detailed feedback on the wording and order of the questions to ensure that there would be little to no confusion.

To enhance the representativeness of the sample, the author could have handed out physical surveys to a couple of classes in each major field or should come up with methods to get responses from under-represented groups, such as males and underclassmen.

Acknowledgement

The author would like to extend many thanks to Dr. Haygood at Elon University for his supervision and support, without which this article could not be published.

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