

## Defending Shared Governance and Integrity of Open Expression Guidelines

As the Executive Committee of the University of Pennsylvania's chapter of the American Association of University Professors (AAUP-Penn), we write to alert members of the Penn community to the current state of the University's [Guidelines on Open Expression](#). The Provost's Office plans to replace our current "temporary" guidelines with new policies, announcing changes to the policy at an upcoming [University Council Forum](#) meeting. We have a narrow window of time to advocate for a policy that reflects a commitment to the values that are at the core of Penn's academic mission: shared governance and academic freedom. It is imperative that the proposed open expression guidelines, and the process behind them, are driven not by a desire to protect the university from litigation or political attention, but rather by a fundamental commitment to open expression and rigorous debate, even (and especially) about controversial topics. These guidelines are taking shape in a process that lacks transparency and meaningful input from campus stakeholders. We remind the administration that adherence to established policy is not only required, but also will result in guidelines that a much broader contingent of the university community can fully embrace.

### Failures of shared governance

In June 2024, the administration pledged to follow historical precedent in revising the open expression guidelines. This process was meant to follow a clear path of accountability: recommendations from the Task Force on Open Expression (TFOE) to the Committee on Open Expression (COE), followed by a formal presentation to the University Council. Yet at present, this pledge has been ignored. We highlight four primary points of concern:

- The promised process is consistent with not only precedent but also written policy: According to [Penn's Guidelines on Open Expression](#), the Committee is charged with reviewing administrative decisions made without consultation of the full Committee, at its discretion. While a draft was approved by the COE in February 2025 ([Almanac](#)), it appears to have been stalled or diverted. There is no record of a final draft reaching the University Council or Faculty Senate.
- Despite the requirement for the current COE to approve any post-2025 drafts, according to [concerned colleagues](#), no 2025-2026 COE has been formed. It's unclear why the Committee hasn't been formed, and the lack of clarity surfaces additional concerns around transparency and process.
- The Provost's Office has assured faculty (via bodies like Faculty Senate) that multiple stakeholders have been involved in conversations regarding open expression, but the process remains opaque, seemingly operating by invitation rather than any sort of democratic or representative process.
- The higher education landscape has changed drastically since the temporary guidelines were introduced and the 2024-2025 COE was formed. Changes to immigration policy, devastating cuts to government funding allocation and the continued politicization of higher education mean that it's even more important to ensure that parties invited to

participate in the creation of the new guidelines are gathered from diverse sectors of the campus community.

- Procedurally, open expression policy reveals a deeper structural failure. At present, the Vice Provost for University Life (VPUL) holds exclusive power to interpret and enforce the Guidelines, while the Committee on Open Expression (COE) has been relegated to a purely advisory role.

## Repressing open expression

Our concerns about the open expression guidelines aren't just about process, they're about institutional norms. As Benjamin Franklin [wrote](#), "Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty without freedom of speech ... Whoever would overthrow the liberty of a nation must begin by subduing the freedom of speech." Surely the University of Pennsylvania must hold principles of free speech especially dear. Yet, as our open expression guidelines are being re-written, we must grapple with recent actions toward members of our community, including peaceful protesters. In recent months:

- The administration has [demanded identification from students](#) in nonviolent demonstrations, directly contradicting Section V.B.4 of the Guidelines, which guarantees a right to privacy when no violation has occurred.
- University faculty, staff, and students have had their social media subject to monitoring, with speech declared as problematic after doxxing by non-university actors. Instead of protecting university personnel from targeted hate speech directed at them, the administration has distanced themselves from victims of actual harassment and even [censured](#) these faculty, staff, and students, especially by referral to the newly established Office of Religious and Ethnic Interests (Title VI). Notably, the procedures regarding investigations of Penn faculty, staff, and students by said office have not been made public despite multiple requests.

As an organization representing standing and non-standing faculty from all 12 schools, with a core commitment to academic freedom and shared governance, AAUP-Penn seeks clarity from the administration about the open expression guidelines. More specifically, we are asking the administration to:

1. Provide immediate clarity about the committee and individuals who have been revising the open expression guidelines since February 2025, including how they were selected.
2. Resubmit the revised draft that this secret committee has developed to the COE for review, as required by University procedures.
3. Affirm their commitment to COE's sole authority over approving the Guidelines on Open Expression.

The "temporary" guidelines are now almost two years old. Thus far, the process to replace them has been opaque rather than transparent, stalled rather than rigorous, and more concerned with avoiding scrutiny than protecting core institutional values. The Guidelines on Open Expression are meant to protect discourse and debate, which are foundational to university life. Looking

over the [long trajectory of open expression guidelines](#) at Penn, we see a steady decline in the commitment to free speech and the right to protest, a reduction of input from faculty and students, and a prioritization of institutional protection. These guidelines must exist to protect the rights of the community, not as a toolkit for administrative overreach. We call on the Provost and the administration to return to a legitimate, transparent process of shared governance in redefining these policies.