Real Protections for Open Expression at Penn

Open expression, including the right to assemble, speak, and protest, is fundamental to education and to democracy itself. Penn's Guidelines on Open Expression were in place for decades before the administration unilaterally imposed deeply problematic Temporary Standards in June 2024 and initiated an illegitimate process to produce new proposed guidelines.

As a result of campus-wide protest and mobilization, the proposed guidelines have been scrapped, and the authority to draft new guidelines has been returned to the Committee on Open Expression. This Committee has the important job of drafting guidelines that can ensure our university lives up to its values, giving us a narrow window of time when we can help shape open expression on campus.

We call on the Penn administration to restore the Guidelines on Open Expression and strengthen them in the following ways:

1. **Guarantee a democratic interpretation, amendment, and enforcement mechanism for the Guidelines.** The power to modify, interpret, and enforce the Guidelines must be transferred from the administration to a representative, democratically elected body consisting of faculty (tenure-track and non-tenure-track), postdocs, staff, and students, all elected at large. The disciplinary process for student open expression cases should be transferred from CSA to the same democratically elected body and reformed to provide a fair procedure and equal treatment for all members of the university. Modification of the Guidelines must be democratic and subject to a campus-wide referendum vote.

2. **The Guidelines should apply only to activity on Penn's private property and not nearby public property or online spaces**, where all people have rights to freedom of speech and assembly under the First Amendment.

3. **Protect forms of non-violent political action, including disruptive protest**, that facilitate campus-community interaction and have historically been necessary in creating high-quality universities that serve the public good in a democratic society.

4. The Guidelines must be consistent with US labor law, **guaranteeing that university policy does not infringe on workers' right to engage in concerted activity**. The Guidelines should state that in case of conflict, workers' right to engage in concerted activity supersedes university policy. The Guidelines should acknowledge that any disciplinary decisions based on alleged violation of the guidelines are subject to collectively-bargained grievance and arbitration procedures for unionized workers.