Report of the Task Force on Creighton’s Policies on Outside Speakers

September 4, 2008

Introduction

In the Fall of 2007, Creighton University President Fr. John P. Schlegel, S.J. formed this Task Force\(^1\) to review and make recommendations on Creighton’s policies and procedures on inviting outside speakers\(^2\) to campus. The specific impetus for reviewing these policies and procedures was the decision to withdraw the invitation of well-known columnist and author Anne Lamott to deliver the Creighton Center for Health Policy and Ethics’s 2007 Women and Health Lecture.\(^3\) The general impetus was that while the existing Creighton Speakers Policy\(^4\) has

---

\(^1\) The members were: Fr. Andy Alexander, S.J., Vice President for University Ministry; Ms. Amy Bones, Esq., Creighton General Counsel (Chair of the Procedure Subcommittee); Mr. Patrick J. Borchers, Esq., Vice President for Academic Affairs and Professor of Law (Chair); Dr. Susan Calef, Assistant Professor of Theology (Co-Chair Protocol Subcommittee); Ms. Konni Cawiezell, Law ‘08; Dr. Andy Gustafson, Associate Professor of Business Ethics and Society; Dr. Erin Gross, Assistant Professor of Chemistry and Academic Council Lectures Committee; Dr. Amy Haddad, Director of the Center for Health Policy and Ethics; Fr. Dennis Hamm, S.J., Professor of Theology and Graff Chair (Co-Chair Protocol Subcommittee); Mr. Steven A. Hengeli, Jr., CCAS ‘10; Ms. Kim Manning, Assistant Vice President for Public Relations; Dr. Neil Norton, Associate Professor of Dentistry and Faculty President; Dr. Sally O’Neill, Director of Continuing Medical Education; Dr. Russell Reno, Professor of Theology; Ms. Theresa Thurin, Staff Advisory Council and Continuing Medical Education; Ms. Tanya Winegard, Associate Vice President for Student Services.

\(^2\) As will become clear, we took “speakers” to include not only speakers in the verbal sense, but others who communicate, though not always through the spoken word.

\(^3\) This decision received a fair amount of media attention. Some of the longer (though varyingly accurate) newspaper stories on it include: Burbach, “Policies on Speakers to be Reviewed,” Omaha World-Herald, p. 1A (Sep’t 1, 2007); Stickney, “Creighton Rescinds Speaker’s Invitation: Abortion, Suicide Views at Issue; Author Gracious,” Omaha World-Herald, p.1B (Aug. 28, 2007); Garcia, “College’s Liberality Riles Archdiocese,” Associated Press (Aug.
served the University well, it was promulgated in its current form in March of 1988 and thus is due for reexamination.

During the 2007-08 academic year, the Task Force held seven meetings of the full group. The Task Force divided into three subcommittees to deal with issues of context, protocol and procedure and those groups met as subcommittees and provided written reports that were discussed by the full Task Force. At the end of the 2007-08 academic year, a drafting committee was formed with the charge to draft this report, which was then discussed and finally adopted by the full Task Force.

This report proceeds in several parts. First, we lay out some general background on the issues facing colleges and universities with regard to public discourse as well as the special considerations relevant to Catholic colleges and universities. Then we discuss the broad issues of context and protocol. By “context” we mean the sticky and unavoidable issue of under what circumstances inviting an outside speaker (or hosting a theatrical performance or an art exhibition, to give two related illustrations) connotes an endorsement of some or all of the speaker’s views. By “protocol” we mean questions of procedure in the broadest way: the how, the who and the why of making difficult decisions in this area. Next we make recommendations for amending the current policy, including discussions of key changes and wording choices. Finally we offer a brief conclusion.


Background

Creighton is not the first Catholic university to have been faced with difficult and controversial issues related to outside speakers, performances and the like. Catholic colleges and universities are subject to strong crosscurrents. One current is driven by the need to have the descriptor “Catholic” – and in the case of a Jesuit school like Creighton, “Jesuit” as well – retain something more than mere historical significance. The appellation “Catholic” must mean a real affiliation with the universal Roman Catholic Church and its teachings.

Any true university must be open to and respectful of a variety of viewpoints. It is healthy to examine fundamental assumptions that undergird any institution. Just as a building can be preserved and strengthened by excavating and examining its foundation, so too can a Catholic university be preserved and strengthened by allowing its foundation to be tested. But, to continue the building analogy, excavating the foundation and allowing it to lie bare without any preservation of it would inevitably damage the building. So too a Catholic university cannot recklessly encourage attacks on the foundational and universal truths of the Catholic Church and retain any claim to being Catholic.

However, Creighton University is a community of roughly 12,000 persons – counting all students, faculty (both full and part time) and staff – which is enough to comprise what would be the 14th largest city in Nebraska. In any community that size, there are inevitably a variety of faith traditions. This does not relieve Creighton of its obligation to maintain a genuine and

---


6 In the 2000 census, Beatrice had 12,496 residents which put it in 13th place immediately ahead of South Sioux City at 11,925.
pervasive Catholic tradition, but it does point out one of the challenges in doing so and the undesirability of attempting to make it simply an upper division parochial school.

We believe that a September 2007 letter to the Phi Beta Kappa Committee on Qualifications -- jointly signed by President Schlegel, Vice President Borchers and Arts and Sciences Dean Kennedy -- captures the essence of these sometimes competing needs:

Creighton makes its own decisions on these matters [of whom to invite], but this does not mean that the institution is value neutral. As an institution we endorse the Catholic position, including those on the life issues. This does not mean that those who think differently are unwelcome. But it does make us as an institution unwilling to actually or apparently endorse the contrary view.

Although questions related to outside speakers are not questions of academic freedom as such, they implicate related values. Both the current Pope and his predecessor have eloquently addressed the need for consideration of all implicated values. The 1990 words of Pope John Paul II ring as true today as when they were written:

Without in any way neglecting the acquisition of useful knowledge, a Catholic University is distinguished by its free search for the whole truth about nature, man, and God . . . . By means of a kind of universal humanism a Catholic university is completely dedicated to the research of all aspects of truth in their essential connection with the Supreme Truth, who is God. It does this without fear but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is 'the Way, the Truth, and the Life' . . . (Pope John Paul II, Ex Corde Ecclesiae, 1990, ¶ 4)

Of particular relevance to us is Pope Benedict XVI's April 17, 2008 address to Catholic educators. First, as to the issue of Catholic identity of a university he observed:

Clearly, then, Catholic identity is not dependent upon statistics. Neither can it be equated simply with orthodoxy of course content. It demands and inspires much more: namely that each and every aspect of your learning communities reverberates within the ecclesial

---

life of faith. Only in faith can truth become incarnate and reason truly human, capable of directing the will along the path of freedom. In this way our institutions make a vital contribution to the mission of the Church and truly serve society. (Citations omitted).

Later, the Holy Father addressed the issue of a legitimate diversity of opinion within a Catholic educational institution. He stated:

At times, however, the value of the Church’s contribution to the public forum is questioned. . . . Far from undermining the tolerance of legitimate diversity, such a contribution illuminates the very truth which makes consensus attainable, and helps to keep public debate rational, honest and accountable.

Finally, he directly addressed the issue of academic freedom. As Pope Benedict noted, he began his professional life as a university professor. His words here are therefore of special importance to our task:

In regard to faculty members at Catholic colleges and universities, I wish to reaffirm the great value of academic freedom. In virtue of this freedom you are called to search for the truth wherever careful analysis of evidence leads you. Yet it is also the case that any appeal to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the Church would obstruct or even betray the university’s identity and mission; a mission at the heart of the Church’s munus docendi and not somehow autonomous or independent of it.

While both authoritative and inspiring, these papal pronouncements set only broad principles and not clear rules. But the principles are important. At one end of the spectrum, rote indoctrination and an unwillingness to engage competing viewpoints are antithetical to the nature of any university, including and perhaps especially a Catholic and Jesuit one. As both pontiffs noted, academic freedom and legitimate ideological diversity assist, not hinder, the search for truth and promote honesty and accountability in public debate. But, as institutions, Catholic universities must maintain a moral clarity and not succumb to the forces of relativism by

---

8 Meaning the teaching of true Church doctrine.
appearing to be indifferent to the teachings of the universal Church.

Context

With these principles in mind, we turn to the difficult question of context. In his explanation of events surrounding the Lamott disinvitation, Fr. Schlegel addressed the importance of this concept:

In the case of a lecture like the one that Ms. Lamott was to give, however, the issue is... nuanced. We move from the issue of academic freedom to sponsorship. In the case of a sponsored lecture where the speaker is to be compensated and expenses paid, the lecture unavoidably and plainly takes on the imprimatur of the University. Context becomes vastly more important.

Creighton University seeks to develop and sustain an educational culture that is vibrant, open to varying ideas and perspectives, and publicly identified with the Catholic and Jesuit traditions. The regular work of higher education -- classroom teaching and faculty research -- makes the greatest contribution to this goal. However, scholars, public figures and individuals of unique accomplishment are often invited to speak at Creighton. They provide many opportunities to enrich and deepen the educational experiences of students, faculty, and their visits are important occasions for the larger community to come to Creighton and participate in its educational mission.

Because of their specially arranged presence, and because of the publicity generated to encourage attendance and participation, invited speakers also have a symbolic significance. They send a signal to faculty, students, and the general public about Creighton's educational goals and commitments. In the vast majority of cases, the invited speaker signals a commitment that Creighton wants to endorse wholeheartedly: a commitment to academic rigor, breadth of inquiry and engagement with social and cultural realities of the present. Yet in a small number of cases
visiting speakers engage moral and religious issues of controversy, and they may affect -- for better or worse -- Creighton's public identification with the Catholic tradition.

All members of the Creighton community should consider the substantive and symbolic significance of speakers who hold or identify with positions contrary to the teachings of the Catholic Church. No specific belief, publication, or public statement disqualifies a visiting speaker. Instead, the Creighton community should consider the context of the invitation with care and nuance. We offer some guiding questions to help formulate judgments about whether or not a visiting speaker significantly compromises Creighton's public identity as a Catholic University.

1. **What topics will the speaker address?** In many cases, what initially seems like a controversial topic is, on closer examination, an academic approach that does not touch on normative issues. For example, a lecture on the sociology or medical or legal dimensions of abortion or gay marriage is quite different from a lecture outlining moral arguments for or against. In other words, the fact that certain topics are controversial and involve the teachings of the Catholic Church in no way puts these topics out of bounds. Nevertheless, those inviting on Creighton's behalf speakers who are to represent and advocate moral and theological positions must exercise mature judgment regarding their appropriateness. The University must make judgments about what positions might undermine Creighton's public identification with the Catholic Church. For example, a lecture outlining the potential social costs of criminalizing abortion is very different from a lecture arguing against the Church's moral teaching on abortion. Controversial topics are not off limits but must be put into a framework that communicates institutional support for the Church's teaching.
2. Does the speaker cultivate a visible public position that is explicitly opposed to the teachings of the Catholic Church? In most cases, speakers invited to campus are known almost exclusively because of their expertise or experience relative to the subject they are to discuss. Their views on Catholic teaching are mostly beside the point. For instance, if a bankruptcy judge is giving a lecture to law students on technical aspects of debtor-creditor law, whether he or she agrees with Church teachings on the death penalty is of little moment.

However, in a few cases, speakers are well known because of clearly articulated and widely known positions. Columnists, talk show hosts, and other public personalities make their livings as opinion-makers. One cannot invite a well known media personality to speak and imagine that the public significance of his or her presence will be limited to the topic of his or her talk. Similarly, public spokespersons for organizations have a symbolic role. To invite a Cardinal to give a talk inevitably draws attention to the wide range of contemporary Catholic teaching, no matter how narrow the topic of his presentation. Likewise, the head of the National Abortion Rights League represents, by virtue of his or her role, that organization's positions. The public reputations or organizational roles of speakers must be considered as a factor for appropriate invitations.

3. What are the desired audience and format? There is a considerable difference between asking a speaker to address a class of students, a faculty colloquium, a professionally sponsored conference hosted by Creighton, the university as a whole, and the general public. As a general principle, the greater the public composition of the desired audience, the more the speaker functions as the face of Creighton to the world. Thus there is a sliding scale of scrutiny from minimal concern about small departmental colloquia that include outside presenters to a
greater concern for speakers addressing the general public from a podium provided by Creighton.

The case of politicians campaigning for office is perhaps somewhat different. Politicians, whose party commitments are often eclectic and almost always in some way at odds with Catholic teaching -- and perhaps at odds with any coherent view of moral matters and social justice -- can present difficult issues. However, Catholics and others within the Creighton community must make the electoral choice between imperfect candidates. Refusing to allow candidates any access to our community would simply distance us from them and diminish our ability to engage them in meaningful dialogue about the serious moral issues of our time. Therefore, we think the better course here is to pursue a policy of allowing at least roughly equal access as between mainstream candidates.9 Of course, there may be fringe candidates whose views are so at odds with Church teachings (for example, a candidate running on a white supremacy platform) that they should be excluded because they have little to offer and allowing them access would give them unnecessary legitimacy.

The format can also play a large role in how the speaker is viewed. A sponsored lecture in which the speaker is the only significant presenter implies a potentially strong affiliation between the speaker and Creighton. On the other hand, having a speaker take part in a debate or symposium in which differing views on a topic are presented says less about Creighton's identity.

4. *Who is sponsoring?* Although the university should not give a carte blanche to any

---

9 As an entity that is tax exempt under Internal Revenue Code section 501(c)(3), Creighton is subject to restrictions on political activities and cannot as an institution endorse candidates. This requires a policy of allowing at least roughly equal access as between legally qualified candidates, though it does not necessarily require access by “fringe” candidates with no realistic chance of winning. The American Council on Education's article entitled “Political Campaign Related Activities of an at Colleges and Universities” – which can be found at [www.acenet.edu](http://www.acenet.edu) – guided us on this point.
individual, Creighton should seek to bring intellectually diverse voices to campus. Individual faculty members who invite speakers to their classes should be given the greatest leeway.\(^\text{10}\) Initiatives in which the speakers are not subsidized by university funds or student fees should be accorded some latitude. The scrutiny of speakers increases, however, as the sponsoring entity becomes more closely associated with the core educational and administrative functions of the university. For example, the Fr. J. W. McSorley Annual Lecture has an institutional significance far greater than the local activist whom the College Democrats have asked to speak at their meeting.

5. **What is the desired educational outcome?** The educational process is necessarily complex and it can involve challenges, provocations, and controversy. The larger the audience and the more isolated the event from the classroom, however, the more a lecture is removed from a realm of give-and-take. Lectures to a hundred or more auditors likely serve to inform, encourage, and inspire. However, the higher and more remote the podium from discussion, the more it reflects the distinctive positions and personalities of speakers. It is unrealistic to claim that a speech given by a well-known and dynamic personality to hundreds of people in a performance-like context is meant to encourage dialogue, when, in fact, the only real response can be either catcalls or applause. Moreover, it is possible to use such a setting as a means to the end of advancing political, moral, and theological causes.

It is virtually impossible to lay down satisfactory bright-line rules in this notoriously

---

\(^{10}\) Only a long term, systematic pattern of using the classroom as a venue for attacks on the basic commitments of the university requires intervention. Moreover, the policy we propose does not cover in-class activities, but merely leaves in place the existing procedures in the Faculty Handbook.
difficult area. The only approach entirely without risk would be to ban completely outside speakers. This, of course, would unacceptably impoverish the intellectual life of the University.

On the other hand, a purely relativistic approach in which every moral perspective is judged to be on equal footing with every other would be equally unacceptable. Creighton, as a Catholic and Jesuit institution, is not viewpoint and value neutral. Its viewpoints and values sometimes put it into conflict with culture. We must accept that some conflict with culture is inevitable if our religious identity is to have anything other than historical significance.

We believe that the path to maintaining our identity is navigable even if not well-marked at the edges. Laying down categorical and absolute rules is neither practicable nor desirable. Thus, for this reason, we have elected to frame the issue in terms of the five questions above with their resolution committed to the sensitively exercised discretion of those who will make these decisions in the future.

*Protocol*

We turn now to the equally difficult question of protocol. Once again, we have chosen to frame these as questions to consider rather than attempting to lay down specific prescriptions.

1. **By whom and how should invitations be extended?** As a university, Creighton has an obligation to foster open, informed, and balanced discourse on the issues and subjects of the time and culture in which we live. In the words of Pope John Paul II, a Catholic university is "a primary and privileged place for a fruitful dialogue between the Gospel and culture" (Ex corde ecclesiae 3.34). This fruitful dialogue includes engagement with and exploration of cultural discourses of a controversial nature. Indeed, by virtue of its Catholic identity and the particular disciplinary expertise of its faculty, in some cases Creighton might have an increased obligation
to address a particular subject of controversy and an enhanced ability to do so effectively. Such "entering into the fray" affords an opportunity to not only explore a controversial subject but also to enrich the discourse with the resources of the Catholic intellectual tradition.

Academic units, by virtue of their disciplinary expertise, are best situated to initiate academic discourse within the Creighton community and to discern when and how to do so in a manner reflective of and faithful to our context. Invitations to outsiders to contribute to the academic discourse of the Creighton community ought to come primarily from the units whose expertise enables them to assess the academic and artistic value of an event under consideration, and so, to articulate a sound rationale for the invitation and sponsorship. When the content of the discourse is multidisciplinary or interdisciplinary, broad consultation of the expertise of the relevant departments is advisable.

As an academic community, the University neither avoids controversial matters nor invites controversy for controversy’s sake. Rather, it initiates discourse on a subject of controversy for a specific purpose; therefore, with a carefully considered academic rationale in mind, it considers the basis on which the sponsor extends an invitation and whether the invitee’s particular expertise, talents, or experience would serve that rationale.

In initiating discourse concerning a controversial subject, the sponsor should select a format that fosters thoughtful consideration of the diverse perspectives on the subject. When the discourse includes views contrary to Catholic teaching, the invitation should be framed so that the Catholic perspective is represented in the discourse that is initiated. This can be achieved in a variety of ways, depending on the nature of the event. For example, a lecture by a single speaker whose views are contrary to Catholic teaching might be followed immediately by a prepared
response (single individual of appropriate expertise or a well-balanced panel). Alternatively, the lecture might be sponsored as simply one in a series of lectures dealing with the particular subject. In addition, the sponsor might enlist the support and involvement of Creighton faculty whose particular expertise equips them for critical engagement with the speaker's position during a question and answer session. A controversial or provocative artistic performance could be followed by a panel discussion with balanced representation.

When a particular event includes presentation and discussion of views contrary to Catholic teaching, it is important to avoid misunderstanding and confusion within and beyond the Creighton community. This can be achieved by careful framing of the controversial aspect of the content at every stage: pre-event publicity, at the event, and post-event. The choice of format, as noted above, is one way to "frame" the event, thereby clarifying its purpose. This framing can also be accomplished by the sponsor's introductory and closing remarks at the event, which should reiterate the academic rationale for the event, and by creative use of electronic media, both preceding the event and as a follow-up. These might include web pages containing critical responses from appropriate parties within Creighton University; web pages that provide links to recommended readings, including Catholic documents or a blog in which a faculty member with appropriate disciplinary expertise responds to questions on the subject. In framing the event, language that would give the mistaken impression that sponsorship of the event necessarily implies endorsement should be avoided.

2. How can the academic rationale for the event be best explained? Given the possibility, even likelihood, of objections by some to Creighton's sponsorship of an event on a
controversial issue, from the outset the sponsor should be prepared to articulate the academic\textsuperscript{11} rationale of the event. This rationale should be made clear in all phases of the event: in the pre-event publicity, in introduction of the speaker, presentation, or performance at the event itself and in responding to any inquiries or complaints about Creighton's sponsorship of the event. Early in the process of extending an invitation, the sponsor should apprise the speaker and the cosponsors of the academic rationale of the event and clarify the way in which it reflects our context (a Catholic university in the Jesuit tradition). The articulation of a carefully considered rationale by the sponsor provides a basis for confidence among those parties called upon to respond to queries or objections about Creighton's sponsorship of the event.

3. *How can Creighton best respond to both anticipated and unanticipated controversy?*

It may be hoped that effective communication of the rationale for the event, both inside the University and in publicity, will at least mitigate the intensity of public controversy. Given the current cultural realities, however, intense public scrutiny and criticism are often likely. The sponsor has an obligation to attend to and respond to any controversy that arises as a result of the event and to work with appropriate parties within the University to manage it. This includes an obligation on the part of the sponsor to research and understand the positions on the invitee.

The sponsor should keep the "need-to-know" parties of the University (for example, the relevant Chair, Dean and Vice President as well as Public Relations and Public Safety) informed, in a timely manner, of any sign of a developing controversy over the event and should work with the head of the academic unit (in which the sponsor resides) to manage it. Moreover, under the

\textsuperscript{11} "Academic" rationale should be understood broadly to include rationales that support the social, cultural, religious and other missions of the University even if not "academic" in a traditional sense.
policy we propose, the relevant Vice President must be informed and have a chance to review in advance any invitation to a speaker who is likely to espouse or appear to espouse positions hostile to Creighton’s traditions and values. The head of the sponsoring unit might wish to consult the unit’s broader governance structure (for instance the entire department, the College/School’s elected faculty body, the Center’s advisory board, etc.). Management of any public pressure and controversy should be handled at these lower levels of the administrative structure, passing through normal channels to higher levels of the administrative structure as needed. Ideally, it will rarely require the involvement of the President.

If the controversy escalates to a level requiring the attention of those in the highest levels of university administration, they should – consonant with the collegiality characterizing university life and with Catholicism’s respect for the wisdom of the community – consult representatives of affected groups within the university regarding how to proceed. As noted below, we recommend that the relevant Vice President assemble an ad hoc advisory committee to discuss the situation, to consider options, and to make recommendations. The Vice President or President should communicate any executive decision first to the University community and then make any necessary public statements.

Procedure

With the foregoing in mind, we turn now to an evaluation of the formal Creighton speakers policy. As noted above, it was promulgated in its current form in March of 1988. While it has served us well and its basic structure is sound, we believe that it needs some updating. We caution, however, that no policy – no matter how carefully crafted – will avoid all difficult issues nor anticipate every contingency. It is our hope that the more general principles
set forth in this report will be used as an interpretive aid for the policy as well as a guide for discussing future issues.

For ease of reference, below we reprint the current policy. We refer to this as the “1988 policy” because that was the date of its enactment.

*Creighton Policy 2.1.2 (1988 Policy)*

Creighton is a Catholic University. As Catholic, Creighton is committed to identification with a specific religious tradition and all of its essential values. As a university, Creighton is committed to the widest possible freedom of expression, including critical examination of ideas and perspectives which may be or may appear to be incompatible with its Catholic tradition and mission. Because these two fundamental commitments may sometimes conflict, especially when speakers are invited on to campus, the University adopts a Speakers Policy with these components.

1. Only authorized sponsoring organizations may invite a speaker on to campus. Ordinarily, the Vice President for Student Services must be notified of an invitation at least three weeks before the scheduled appearance of a speaker whose presentation will be advertised to the general public.

2. The fact that some authorized sponsoring organization invites a speaker on to campus in no way states nor implies that the University endorses the ideas or perspectives offered by that speaker.

3. Sponsoring organizations are expected to use responsible judgment in selecting speakers. When it is likely that a speaker may espouse or appear to espouse positions hostile to Creighton's traditions and values, opportunities for expression of alternative viewpoints must be assured. The Vice President for Student Services, in consultation with the appropriate academic Vice President and University Committee on Lectures, Films, and Concerts, may require that a speaker make the presentation in a debate or panel of discussants format so as to assure expression of other views.

4. If there is reason to suppose that the presentation of a speaker on campus may pose safety problems, the Vice President for Student Services may postpone the speaker's presentation for up to three weeks so that security arrangements can be developed.

Although, as noted, the 1988 policy has served Creighton well, it suffers from some
difficulties. A principal one is that it might be interpreted to apply only to speakers invited by student groups, though consultation with those involved in the drafting of the 1988 policy has convinced us that it was meant to apply universally. The specific deadlines and the like also bespeak an era in which it was a somewhat simpler matter to postpone events without engendering massive additional complications. Nevertheless, much of its structure is sound and the new policy we propose draws heavily from it. Here then is our proposed new policy followed by some explanation of its most salient features:

(Proposed) Speakers and Artistic and Creative Presenters Policy

Guiding Principles

Creighton is a Jesuit and Catholic private university. As Catholic, Creighton is committed to identification with a specific religious tradition and all of its essential values. As a university, Creighton University is committed to its role as an academic institution in which the widest possible freedom of expression and openness to diverse ideas should be responsibly presented and examined, including critical examination of ideas and perspectives which may be or may appear to be incompatible with its Catholic tradition and mission.

An essential element in the Jesuit tradition is an emphasis on encouragement of active dialogue in the classroom, understanding traditions more deeply, and expanding awareness of diverse cultures and beliefs. Fostering intellectual, ethical, social and religious dialogue is fundamental to the development of intellectual exchange and social awareness in Creighton students and is integral to the nature of the university.

Creighton University has a responsibility to foster intellectual engagement and explore new ideas, new approaches and new cultures, but, as a Catholic university, Creighton has the added responsibility of fostering engagement among these perspectives and forms of knowledge with the Catholic intellectual tradition.

Creighton University is committed to presenting fairly and accurately the Catholic positions on social, moral and all other issues.
Purpose and Scope

This policy explains the process to be followed when inviting an outside speaker or other artistic/creative presenter for a public event.

Additionally, this policy provides guidance in reconciling possible or perceived conflicts between Creighton's commitments as a Jesuit, Catholic institution and its commitments as a university when speakers or other artistic/creative presenters are invited by any Creighton University entity for public events. For purposes of this policy, “public event” means an event hosted, sponsored or funded by any Creighton University entity, including an event hosted, sponsored or funded by the Creighton Student Union, whether or not held on campus, which involves an outside speaker or other artistic/creative performer and at which persons other than the members of the inviting group are reasonably expected to be in the audience.

Exclusion from this Policy

This policy does not apply to outside speakers or other artistic/creative performers invited by faculty members in the regular conduct of a scheduled University course. The Academic Freedom and Responsibility provisions of the Faculty Handbook guide faculty members in this regard.

Approval Process — Generally

An academic department, University-registered student organization, Center Director, endowed chair, administrative office/department of the University, other Creighton University entity or the Creighton Student Union (the "Inviter") that wishes to invite an outside speaker or other artistic/creative performer for a public event is expected to use responsible judgment and the framework of this policy in selecting the speaker or other artistic/creative performer, in setting the framework of the event, in publicizing the event and in all matters materially related to the event.

If an invitation is extended, the Inviter must have a written agreement with the speaker or other artistic/creative performer confirming the details of the event. Inviteres are encouraged to use the University's standard contract routing procedure to process such agreements. If the public event is to be held on campus, the Inviter must schedule the event with the Division of Student Services or the academic or departmental office that schedules the requested facility.

Approval Process – Potential Controversy

If it is reasonably likely that a potential speaker or other artistic/creative performer will espouse or appear to espouse positions hostile to Creighton's traditions and
values, the Inviter must inform the relevant Vice President of the planned invitation and provide the Vice President with background information about the invitee's positions, works, published speeches and other relevant information to allow the Vice President to make an informed judgment as to whether and under what circumstances (including but not limited to the format of the event) the invitation should be extended.

In making that judgment, the Vice President should seek input from potentially affected interested parties as well as an ad hoc consultative group created by the Vice President consisting of persons with subject matter expertise to help guide the decision making process concerning holding the public event on Creighton's campus.

In the case of an invitation requiring review by the relevant Vice President, that Vice President should be given 30 days advance notice of the proposed invitation.

*No Connotated Endorsement*

The scheduling of public events does not necessarily connote Creighton University's approval or endorsement of the views expressed at such events.

*Issues Affecting Creighton as a Tax Exempt Organization*

As a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, Creighton cannot participate or intervene in any political campaign. The University refrains from sponsoring programs designed to raise funds for political candidates or parties. Creighton may provide opportunities for legally qualified candidates for public office to speak on the University campus subject to applicable laws and IRS guidelines.

*Reservation of Rights*

Creighton University reserves the authority to cancel or refuse to allow any public event whose nature or presentation or support of an issue is contrary to or inconsistent with the University's mission and/or its Jesuit, Catholic identity or if the University cannot assure the adequate safety of the Creighton community or the invited speaker or persons participating in the event. The final determination in this regard shall be made at the discretion of the President or the President’s designee.

The proposed policy is a significant extension of the 1988 policy. Thus we offer some commentary on the language we propose for adoption.
1. Guiding Principles. This section is a restatement of important principles discussed in the preceding sections. Some of the language is drawn from a white paper on campus speakers issued by the Communications Advisory Council of the Association of Jesuit College and Universities. The principles also restate one of the fundamental obligations of Catholic universities as set forth in Ex corde ecclesiae, which is to present as Catholic only what is genuinely Catholic teaching.

2. Purpose and Scope. In order for the policy to be triggered, two conditions must be met. First, there must be a proposed invitation to an outside speaker or artistic/creative presenter. While speeches or lectures might normally present the most problematic of cases, an artistic performance of a play or display of photographs could present the same issues. The policy only applies to invitations to outsiders, and thus has no application to, for instance, a play put on entirely by Creighton students. This is not to say that a play put on by Creighton students would be immune from regulation, simply that other policies adequately cover those events. The policy also covers off-campus events as long a Creighton entity hosts or sponsors. Of course, the policy makes no claim to regulating private, off-campus behavior of members of the Creighton community. If several Creighton faculty members decided to use their personal resources to underwrite a speech held off campus and were not representing it as a Creighton event, no rational claim could be made for university regulation of it.

Second, the policy requires that it be a “public” event, by which we mean events at which

---

12 Although separately incorporated, the Creighton Student Union is properly within the scope of the policy and is specifically defined as a “Creighton entity” for these purposes.
persons who are not members of the inviting group are likely to attend.\textsuperscript{13} So, for instance, if the College Republicans decided to invite a field organizer to discuss with them strategy for the upcoming presidential campaign and did not publicize this event outside their group, this would not be a "public event." However, if they invited a member of the national party to give a speech on key issues in the upcoming race and put flyers inviting others to attend, this would become a "public event."\textsuperscript{14}

3. Exclusion from the Policy. The policy does not cover outside speakers brought into a regularly scheduled course. This is not to say that faculty members have no obligations with respect to choosing such speakers, simply that the existing provisions in the Faculty Handbook adequately guide them. The exclusion also requires that the speaker be brought in "during the regular conduct of a University scheduled course." Suppose, for example, that a class normally met on Tuesday and Thursday mornings in a classroom holding 40 students. If the faculty member decided to invite an outside speaker to speak on a Friday evening in a venue holding 500 persons and publicize it for outside attendance, this would not count as "the regular conduct" of a course even if the students in the class were required to attend. This is not to say that the faculty member could not open up the event and publicize it, only that in so doing the faculty

\textsuperscript{13} A related question is the use of Creighton facilities by non-Creighton groups for public events. This has proved to be a potential flashpoint at other institutions. See, e.g., Schworm, "Holy Cross Hears Outcry for Renting Space to Teen Pregnancy Session," The Boston Globe (Oct. 12, 2007). Our proposed policy does not cover that situation. That circumstance is covered well by Policy 2.1.6. That policy provides that "[o]rdinarily, only requests [for use of Creighton facilities] from non profit organizations which enhance or promote activities consistent with Creighton's goals and traditions will be considered." Thus, the policy that we propose dovetails with Policy 2.1.6.

\textsuperscript{14} Again, however, Creighton has an obligation to allow roughly equal access regardless of party.
member would bring the event within the ambit of this policy.

4. Approval Process Generally. The policy is triggered for any Creighton entity inviting an outside speaker or artistic/creative performer for a public event. It is important to note that the policy is not the exclusive source of regulation of such invitations. So, for example, student groups are subject to additional rules and limitations through the Division of Student Services, a faculty member who wishes to make invitations must do so subject to the procedures applicable in the faculty member’s Department, School or College and so on.

The next paragraph addresses technical but important aspects of hosting public events. Contracts with speakers need to be in writing. In some cases, this could be simply an exchange of emails, as we recognize that a good number of events that fall into the category of "public events" are relatively informal affairs. However, we encourage Inviters to employ the standard contract routing process so that Creighton can be protected against unnecessary risks and so that the University’s obligations are clear. This is particularly important if the speaker is to be paid a significant honorarium. In many cases, agencies represent speakers of this sort and ensuring that Creighton’s interests accounted for by the agreement becomes more critical. In the event that university facilities are to be used, the necessary approvals for use of the space must be handled by the administrative unit that normally handles these. For many large spaces on the campus this is the Division of Student Services, so that unit is mentioned specifically.

5. Approval Process – Potential Controversy

The policy places the primary responsibility for judging whether the invitation might risk a conflict with Creighton’s values and traditions on the entity extending the invitation. The Inviter must use responsible judgment in extending such invitations and in related matters. Only
if the Inviter concludes that the speaker or artistic/creative performer is reasonably likely to espouse or appear to espouse\textsuperscript{15} positions hostile to Creighton’s traditions and values is vice-presidential review triggered. This places extraordinary trust in the multitude of persons and groups who extend invitations every year. But we think that trust has been earned. The great diversity of speakers at Creighton and the relative infrequency of difficulties associated with them are strong evidence that as a community we have internalized well the mission of the University.

We considered and rejected a “top down” approach requiring all speakers for public events to be cleared at the vice presidential or presidential level. One reason was practical; the number of “public events” within the meaning of the policy is well into the hundreds each year. Moreover, the existing checks and balances, as well as the mature judgment of the persons extending such invitations, appear to be working well and there is no need for massive additional regulation.

In the event that the Inviter foresees a possible conflict, however, we elected to set up a clear vice-presidential mechanism for attempting to resolve or mitigate that conflict. That duty is to be discharged by the “relevant” Vice President. In most cases, it will be clear which Vice President this is. If, for instance, the invitation is being extended by the School of Nursing, then the relevant Vice President is the Vice President for Health Sciences. If the invitation is being

\textsuperscript{15} The “appear to espouse” language captures circumstances in which a speaker is so well known for his or her positions on certain issues, or by virtue of an institutional role is so closely tied to positions on certain issues, that no matter what the nominal topic of the presentation the identification of that speaker with that position will be inevitable. This point is discussed extensively in the section of this report on context. The policy does not forbid such speakers but merely triggers the provisions in the “Approval Process – Potential Controversy” as to when such a speaker might be invited.
extended by a student group then the relevant Vice President is the Vice President for Student Services. Conceivably there could be cases (a joint invitation, for example) in which more than one Vice President might be "relevant." However we trust that in such cases the jurisdictional issues can be sorted out at the vice-presidential level.

The 1988 policy placed the entire burden on the Vice President for Student Services. This aspect of it led many of us on the Task Force to read the policy as applying only to invitations by student groups. In any event, while this approach probably made sense two decades ago, the dramatic growth in size and complexity of Creighton since then counsel having the vice-presidential review take place by the Vice President closest to the inviting unit.

Recognizing that a particular Vice President is unlikely to have all the relevant expertise, the policy calls on him or her to create an ad hoc group to help determine whether the invitation is to be extended and if so under what circumstances. The policy also calls on the relevant Vice President to seek the input of potentially affected parties. As a practical matter, this approach is similar to what usually happens with decisions of this sort. But rather than requiring the creation of a new procedure in each case, the policy sets forth the outline of one to be employed at the vice-presidential level. The policy provides that the relevant Vice President should receive 30 days notice of a proposed invitation requiring vice presidential review. The choice of the word "should" is intentional; it is not designed to set a jurisdictional deadline. If the relevant Vice President can complete the review more quickly, the fact that he or she did not get the full notice time does not create a procedural obstacle to proceeding with the invitation.

6. No Connotated Endorsement

This is a modest wording change from the 1988 policy. The 1988 policy states: "The fact
that some authorized sponsoring organization invites a speaker on to campus in no way states nor implies that the University endorses the ideas or perspectives offered by that speaker." We think this statement is overly broad because, as noted above in the discussion of context, some invitations unavoidably imply an association between the university and the speaker. We chose what we believe to be more modest and accurate language: "The scheduling of public events does not necessarily connote Creighton University's approval or endorsement of the views expressed at such events."

7. Issues Affecting Creighton as a Tax Exempt Organization. This section speaks to Creighton's special legal obligations as an entity allowed to accept charitable contributions under Internal Revenue Code section 501(c)(3). As such an entity, Creighton is subject to important limitations on political advocacy and the policy briefly notes those limitations.

8. Reservation of Rights. The final paragraph notes the inherent authority of the President to act in the interests of the University, including by canceling public events. Under Section III of the Creighton University Bylaws the "President shall have the power and authority ... in his/her sole discretion ... to protect the University against ... subversion of its reputation and the principles upon which it was founded." Of course, this has been a rarely invoked power over the course of Creighton's history and we expect that the need to invoke it in the case of speakers will present itself rarely if at all.

---

16 The Bylaws of Creighton University have legal priority over any internally adopted policies of Creighton, including the Speakers Policy. Thus, even without express mention of the reservation of rights in the proposed policy, such a reservation would exist as a matter of legal necessity.
Conclusion

Creighton as an institution has had extraordinary success in allowing robust debate and a diversity of ideas to flourish while maintaining a Jesuit and Catholic character that is genuine and meaningful. We have every confidence that this will remain as true in the future as it has in the past. The policy we propose will, we hope, be an integral part of that future.