

The Expressive Activity Report

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The Social Justice Centers

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The Expressive Activity Report

Introduction

For the 2023-2024 school year, the Social Justice Centers (SJC) programming includes a report produced by the Action Without Reaction (AWR) team. AWR is a project undertaken by SJC Graduate Assistants (GA), dedicated to understanding GVSU's relationship with Expressive Activity (EA) in response to concerning events on campus. Our team conducted a comprehensive investigation, encompassing a wide range of sources and perspectives. We examined GVSU's EA and free speech policies and gathered the accounts of students. We had discussions with personnel from GVPD, Event Services, The Office of Student Conduct and Conflict Resolution, General Counsel, the Division of Inclusion & Equity, executive leadership, and notable users of the EA spaces.

Furthermore, our analysis extended to national stories on related events, scholarly works on the topic, social media pages featuring harmful public displays, and resources from organizations committed to countering misinformation in EA spaces. In conjunction with this report were the LGBT Resource Centers Trans Week of Visibility 'Empowerment Assembly' and previous AWR events. We present a comprehensive analysis based on information gathered by the SJC admins and GAs.

The report mainly focuses on the policies governing the operation of EA spaces and their execution. We hope to educate GV students on how to navigate these spaces in a constructive non-reactive fashion. Our goal is to comprehend the context of free speech at GVSU and its potential misuse against students. This report aims not to propose restrictions on the First Amendment at GVSU. Instead, it seeks to shed light on the challenges presented by the implementation of EA and how it harms our community. We recommend solutions to be implemented before the 2024 Fall semester and the tumultuous 2024 presidential election season. Much of the information contained in this report is not widely known or published online. This document should be used as a reference in internal conversations about how GVSU handles EA and freedom of speech.

The SJs are committed to protecting our communities and are motivated to create a safer environment for all. These events have negatively impacted our community's health, and sense of belonging and have restricted the way we approach programming. If GVSU does not take action we risk being unprepared for an extremely tumultuous election season, perpetuating historic harm to our vulnerable student populations, and heightening our liability risk.

The SJC GAs contributing to this report include Mae Zurita, who is the primary author, along with El Beringer and Alyssa Beil. We thank all of the students who aided in organizing counter-action against harmful public displays and those who provided their accounts for the report. We are committed to working collaboratively with administrators to solve this issue realistically and effectively.

Executive Summary

It was identified that there is widespread confusion regarding the policies, operational protocols, and authority within the institution concerning EA and freedom of speech, leading to inconsistent handling of on-campus incidents. Without a designated central authority to guide decisions on EA operations, multiple leaders with overlapping jurisdictions often override each other's decisions based on rank. No established protocols currently exist to respond to incidents. A lack of direction, guidance, and clarity has us wandering in the dark hoping we do not find ourselves in another lawsuit. A serious refresh is in order. To remedy this, we recommend acting swiftly, consolidating authority, educating staff, erecting signage, centralizing information, and preparing to respond to incidents. We wish to work collaboratively with admins to ensure these solutions are actionable. Without taking action we risk perpetuating historic norms of inequity.

Background Context

Free Speech Law at Public Universities

The First Amendment to the US Constitution grants anybody within US jurisdiction the freedom of expression, assembly, and petition. Public universities that receive federal funding are considered

government entities and thus are directly subject to constitutional constraints (PEN America, n.d.). The interplay between universities and free speech rights is multifaceted, given that these institutions must balance the imperative of fostering a secure, inclusive learning environment with the potential need to limit expressions deemed as harassment, threats, or hate crimes. To safeguard their educational objectives, universities are permitted to set rules regarding the time, place, and manner of speech, ensuring these guidelines are applied without bias toward the speech's content (content neutrality) (American Civil Liberties Union, 2023; Foundation for Individual Rights and Expression, n.d.).

Universities have a challenging task in the execution of their free speech policies. Missteps can mean losing federal funding, expensive lawsuits, and unfavorable media coverage. Neglecting to adequately regulate free speech on campus risks creating a climate of exclusion and oppression. Lawsuits against a university regulation of speech are a common occurrence. The plaintiffs can have a myriad of motivations behind their lawsuits, but generally, they are seeking compensation for damages that result from the enforcement of the policy. The legal framework for regulating speech at universities is deeply rooted in history, featuring key cases that have been instrumental in shaping the landscape of rights in the United States. A well-written institutional policy injunction with a robust operational protocol is often necessary to ensure the university avoids legal liability (PEN America, n.d.; American Civil Liberties Union, 2023; Foundation for Individual Rights and Expression, n.d.).

GVSU Policy

According to a document prepared by the Office of the Provost in October of 2023 (Appendix B: Additional University Policies Related to Expressive Activity), various policies define the rules staff, faculty, students, and outside organizations must follow. The “Ground and Facilities Usage Policy” (SLT 10.4) is the primary policy explored in this report (Grand Valley State University, 2021). SLT 10.4 defines “Expressive Activity”, and states the policy's goal is to maintain the “marketplace of ideas”, explains the limitations of university regulation (i.e content neutrality, non-responsibility for content), establishes the

rules of EA on campus, the rules specific to who (i.e Students, Staff, Faculty, vendors and other outside groups) is doing EA, the rules specific to the locations that EA can occur (indoor & outdoor, clock tower, on campus), and identifies the areas surrounding the Transformational Link and the Carillon Tower as being reservable for EA. We recommend a close reading of the Grounds and Facilities Usage Policy (SLT 10.4) to have a full understanding of the information covered in this report.

A critical aspect to consider in policy discussions is that individuals often engage in EA without first reviewing the policies that govern such spaces. This lack of information causes conflict for participants new to these spaces. Later in our recommendations, we describe how participants can be better informed before participating in EA. Additionally, the policy goes into no specific detail about how the policies will be enforced. While the policy names specific parties for oversight and enforcement, our findings indicate that responsibility for policy execution at GVSU is inconsistently distributed among various individuals and departments. This has led to a lack of operational clarity on the policies rules and execution.

Cases & People

The manifestation of policy gray areas develops from borderline uses of EA. The groups and people featured here are of note in terms of the implications their EA has on policy and the impact they have on our community.

Hayden Rhodea

Figure 1:

Abortion Debate Table.



Figure 2:

Nex Benedict Vigil



Note: During the Nex Benedict Visage on March 31, 2024, Mr. Rhodea appeared with signage that ignored the violent attacks by classmates of Nex the day before they died.

Hayden Rhodea, known for his stance that "abortion is murder," is a debater and content creator who has most frequently utilized the EA space during the 2023-2024 school year. His provocative signage invites students to participate in a recorded debate. His video "College Threatens To Have Me Arrested..." recently went viral. At the time of writing it has 450k views on YouTube (Hayden Rhodea, 2024). The video featured GV staff confronting Mr. Rhodea about violating SLT 10.4. They had asked him to move his table to the nearby EA clocktower space. The situation escalated when he declined to relocate, claiming to uphold his First Amendment rights.

This video highlights the risks staff face when trying to enforce EA policy. Having a confrontation filmed, edited, and then blasted onto different parts of the internet compromises the safety of our work and can degrade our image as an institution. One of the comments below the video has 2.2k likes and reads "That college has been sued for threatening arrest for this already before in 2016", the 25 comments below then examine our 2016 suit vs. Turning Point USA (Scott, 2017). Through the comments, one can learn a great deal about Mr. Rhodea's surrounding community. Many in this community call themselves 'First Amendment Auditors'. These individuals go to public spaces and begin to openly record people without anybody's consent. By doing so they prey upon people's lack of knowledge regarding filming rights in public spaces with the potential of having the altercation turn into a profitable lawsuit (First Amendment Watch, 2023). It is paramount that the members of our staff responsible for the enforcement of EA policy have a complete understanding of what rights are or are not allowed through our policies and how to respond to First Amendment auditors in a way that prevents litigation and reduces exposure for themselves and the institution.

Some staff members at GVSU have the impression that if videos of GV students appear online, GVSU can take action against them (Appendix D: GVSU Legal Counsel Responses to Questions). This continues to remain unclear if this action will be carried out. Social media pages like 'Libs of Tiktok' make it their entire mission to feature college students in videos. The followers of these pages consistently

engage in doxxing—publicly exposing private information about individuals or organizations online (Merriam-Webster, n.d.). Subsequently, they issue threats of violence, including death, bombing, and rape, targeting the victims themselves, as well as their schools, families, and workplaces. For more information, we recommend Ella Yurman's thorough investigation that outlines the experiences of the victims and the tactics used by such groups (Late Stage Live!, 2024). If GVSU values the well-being of our community, the institution must be ready with a response plan for such incidents.

Adam LaCriox

Figure 3:



Note. Screenshot from a live stream hosted on TeamJesusPreachers YouTube channel. From *Grand Valley State University | First Preach Ever for Us*, by TeamJesusPreachers, 2023. Copyright 2023 by TeamJesusPreachers.

Adam LaCriox is a ‘street preacher’ who visits college campuses and cities around the country to evangelize passers-by. Since 2012, he believes that he has been called by God to make sinners repent by preaching in public spaces (TeamJesusPreachers, 2021). In his words, he practices “confrontational

evangelism". His team seems to be his immediate family members. Previously he was a drug dealer and student at Michigan State University who dropped out after being charged with four felonies (Eagle Media, 2017). In 2023, he was paid \$66,500 by the Town of Fort Myers Beach to drop his free speech lawsuit (WBBH Fort Myers, 2023).

On September 21st, 2023, Team Jesus Preachers (Adam LaCroix and his team) stood on a grassy plot near the Cook Carillon Tower in Allendale (Appendix A: Timeline of Various Expressive Activity Events). He held an audio amplification device, a sign that read "HELL HELL HELL IS WHERE YOU ARE GOING WITHOUT JESUS", and he proceeded to accost students around him with homophobic bible verses. The entire event was live-streamed on the Team Jesus Preachers YouTube channel (TeamJesusPreachers, 2023). Within 20 minutes a crowd formed around him with students openly debating him. This culminated in a full counter-protest with students overwhelming his speaking space and audio. This was documented in the first Lanthorn article of the 2023-2024 school year titled "LGBTQ students targeted by "street preachers"(Armijo, 2023). After this event, various students were confronted by GVPD, GVSU Admins, and OSCCR staff about their involvement in the counter-protest. All of these students allegedly broke institutional policies relating to the EA space.

Two students had stolen a sign from the Team Jesus Preachers. While monitoring surveillance footage of the area, the Grand Valley Police Department (GVPD) confronted Student X. Upon admitting to removing the sign and throwing it in the Zumberge Pond, Student X detailed an encounter with GVPD, where they were warned of potential assault and property destruction charges. This led to Student X being called in for questioning at the police station, an experience they described as particularly intimidating, though the situation was eventually resolved without further action. When GVPD was asked about this scenario it was stated that stealing a sign only counts as assault if you touch the person. Neither of the students had touched the Team Jesus Preachers in their altercation. This brings an

interesting gap in rules that allow anybody to take someone's property as long as they do not make contact or damage it.

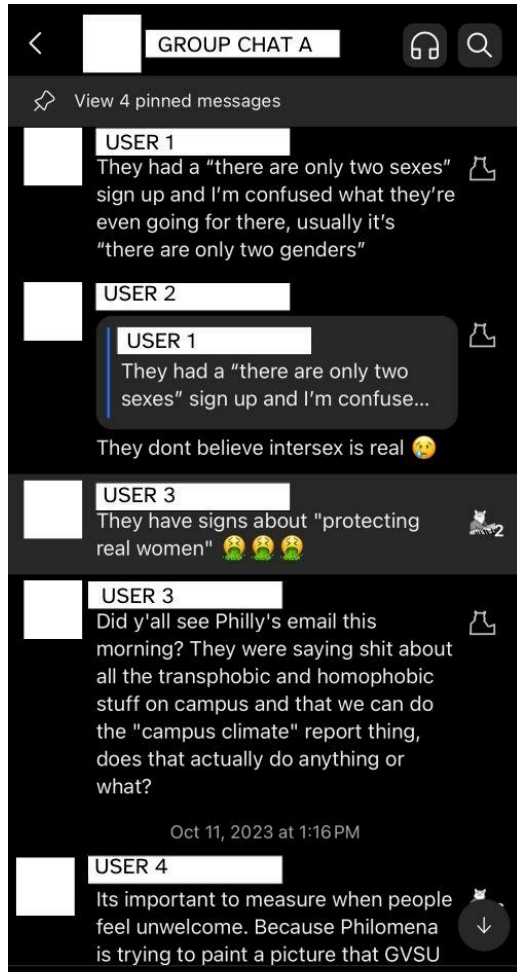
This incident not only united the queer community on campus but also revealed our lack of readiness to participate in EA. Soon after the SJC GAs met with SJC leadership to propose a project focused on addressing EA. The name "Action Without Reaction" was coined by El Beringer to encapsulate our community's approach to dealing with harmful public displays: to act without direct confrontation. This philosophy continues to guide the project's mission.

Turning Point USA

Figure 4:



Figure 5:



Turning Point USA (TPUSA) is a national organization with affiliate student chapters at universities around the country. The organization fosters the next generation of conservative advocates on our campuses. The organization also has partnerships with law firms that will do pro bono work on behalf of students who have a potentially viable case that serves the interests of the organization (TPUSA, 2019). On October 17, 2016, the TPUSA chapter at GVSU was actively engaging with students in EA just outside the student services building in Allendale. During this period, GVSU's regulations strictly limited EA to two designated spaces and mandated prior registration with event services. After being confronted by GV admins and police they connected with the Alliance Defending Freedom (ADF). The ADF funded and represented the TPUSA students in this case (*Turning Point USA at Grand Valley State*

University et al. v. The Trustees of Grand Valley State University et al., 2016). GVSU settled for \$11k and changed its policies to prevent a case like this from occurring again (Alliance Defending Freedom, 2017). It is unclear exactly what was changed. It seems that our EA policies were clarified and the requirement to register was somewhat removed. What continues to be unclear is where someone can participate in an EA if not blocking paths, or not within 50 feet of the educational building. This is not a legal analysis report but if we want to prevent another lawsuit these policies should be understood more widely by the institution.

The most notable TPUSA EA at GVSU this school year took place on October 11th, 2023. The "Protect Women's Sports" event staged a transphobic narrative under the guise of an experiment to showcase the supposed inherent differences in athletic abilities between male and female sexes. This event is a part of the broader dialogue about transfeminine exclusion in athletics (LGBT Faculty Staff Association & Felker, 2023). To our knowledge, there was no controversy surrounding this event in terms of EA. Figure 4 is a screenshot of an LGBT-aligned group chat that discussed the event. Through the course of the 2023-2024 school year, the queer community at GVSU has developed strong communication networks dedicated to documenting and warning our community about the presence of these groups and their behavior. For this event, we had to warn transfeminine students to avoid this area entirely for safety reasons. The comment about President Mantella's email was regarding the "National Coming Out Day" email sent on October 11, 2023 (Office of The President, 2024). The discussion that followed focused on evaluating the effectiveness of filing climate reports in response to transphobic incidents. SJC staff and student leaders have continued to recommend the submission of climate reports.

Crisis Pregnancy Centers

Crisis Pregnancy Centers (CPCs) is the term used to describe a collection of different organizations with shared strategies and objectives. Crisis Pregnancy Centers (CPCs) are Christian outreach facilities and present themselves in a manner that might confuse individuals seeking an

unexpected pregnancy consultation into believing they are accessing medical services. Here is a list of known groups at GV: Protect Life MI (and their Project Rosie), Alpha Women's Center, and Positive Options. There is also Protect Life, a GVSU affiliate student organization that directs students to the same CPCs. CPCs have been the most dominant political programmatic users of the EA spaces and beyond.

They are best known for displaying gory photos of aborted fetuses with shameful boldface captions. Our students have had to learn how to navigate these groups by utilizing the student communication networks to warn each other ahead of time, along with documenting the content of their displays. To see a detailed examination of their marketing techniques please refer to Appendix C: The Marketing Tactics of CPCs at Grand Valley. Their engagement tactics often include asking passersby for their views on abortion, distributing pamphlets, or giving out roses with information. While there's inherently nothing problematic with such interactions, issues arise when they obstruct traffic, impede personal space, or insult those who decline to participate. Reports indicate that individuals preferring not to engage are not only repeatedly asked about their abortion stance but are also followed throughout the EA space, facing persistent inquiries despite attempts to disengage.

The team at Abortion Access Front (AAF) has organized around educating and fighting against CPCs and was instrumental to the SJC's team in organizing critical information about the function of CPCs and the threat they pose to GV Students (Abortion Access Front, 2024). The AAF has received many accounts from people around the US detailing their experiences in CPCs. We recommend reading some of the accounts on the Expose Fake Clinics website ([linked here](#)). We have featured Nwajelyn Jackson's account from the AAF (2024):

A WANTED PREGNANCY - PUT AT RISK BY A FAKE CLINIC

One of our volunteers, Cheryl, found herself with an unexpected but wanted pregnancy and was referred to a CPC by the Department of Public Health. Cheryl and her partner were under the impression that they were being seen by a real nurse; instead, an unlicensed, untrained

volunteer in scrubs spent the visit lecturing them. Instead of providing accurate medical information, **Cheryl was given an incorrect due date, which delayed her first prenatal visit with her primary care physician.** A legitimate healthcare provider would have been able to diagnose Cheryl with a medical condition that would have put her on bed rest, but she didn't find out until too late. Cheryl went into preterm labor and lost her baby.

Georgia has some of the worst maternal mortality rates in the country, with rates that are nearly four times higher for Black women than for white women. Meanwhile, Georgia is investing in CPCs that do nothing to address these disparities, and may actually be directly contributing to them.

- Kwajelyn Jackson from the Feminist Women's Health Center, a member of the Abortion Care Network

Here are the titles for a few more accounts found on the site:

- ***IGNORING DOMESTIC VIOLENCE***
- ***LEGIT PROVIDERS DON'T DISCOURAGE HEALTHCARE***
- ***MANIPULATIVE ADVERTISING AND COERCIVE PRACTICES***

The most dominant users of our EA spaces pose a variety of threats to our students, staff, faculty, and visitors. The ways they encourage people to engage creates a dogmatic environment that discourages peaceful discourse. While GVSU must remain content-neutral in the enforcement of its EA policies, it still has an obligation to its community to protect them from harm. An article written by Garcés et al., (2021) titled "Repressive Legalism: How Postsecondary Administrators' Responses to On-Campus Hate Speech Undermine a Focus on Inclusion" is a useful study to guide institutional responses to controversial events. Recreation & Wellness programming could enhance medically accurate information to prevent misinformation from spreading in these spaces. Additionally, ensuring that the University Counseling Center is aware of current EA events and the potential impacts they have

on the mental health of our vulnerable population is critical to ensuring students feel welcomed and supported. Additionally having a hardline stance on doxxing can safeguard against disasters.

Policy Areas Lacking Clarity

Our research consistently highlights a prevailing ambiguity in the definitions and enforcement of EA and Free Speech policies. This lack of clarity seems to derive from a noncentralized distributed policy and authority structure. This results in staff responsible for policy enforcement holding differing views on the permitted and prohibited actions within the EA space. This section will name specific points of contention among the following departments: General Counsel, Dean of Students, GVPD, Inclusion & Equity (I&E), Event Services, and The Office of Student Conduct and Conflict Resolution (OSCCR).

The content covered in this section is not intended as accusations of wrongdoing against any department or specific staff. The AWR team is motivated by the hope of collaboration with all current parties so that we can have a campus environment that is safer for everyone.

Who has the authority regarding Expressive Activity & Free Speech enforcement/ policy interpretation?

In the early parts of this research, the AWR team directed questions to who we thought was responsible for the policy, General Counsel. The General Counsel is listed as the “Responsible Office” on SLT 10.4 (Grand Valley State University, 2021). DL McKinney (The Director of the LGBT Resource Center), had brought a list of questions prepared by the SJC GAs to the General Counsel, Patricia C. Smith. To see the full questions & answers see Appendix D: GVSU Legal Counsel Responses to Questions. These questions are the source of some glaring confusion about what is allowed in these spaces. Some of the General Counsel's answers were superseded by Event Services, senior leadership, and GVPD. When we inquired about these discrepancies there was continued disagreement between Kellie Pnacek-Carter and Chief Brandon DeHaan. The lack of alignment has continued with the admins who work closely with SJC directors. When admins are asked directly about a given application of policy the answer we receive is

frequently overruled by an admin with a higher rank within the institutional hierarchy. Each administrator we spoke to gave us the best answer they could given their understanding of how these policies work. We do not expect each admin or staff to have all the answers, but surely someone should. Even if we have agreement on the policy, that does not guarantee it will be enforced in that manner.

This is further muddled by the variety of places EA policy can be found. Each of these individual pages has information unique to their resource. Most of them also link/ reference each other, usually suggested as a method to get more information on the policy.

- Featured on this policy are the images of where EA can be done. However, the boxes that are drawn are not accurate to how the spaces are used/ enforced (Event Services, 2023).
- (Dean of Students Office, 2023)
- (Grand Valley State University, n.d.)
- (Grand Valley State University, 2021)
- This document was given to us by General Counsel but can't be found online and is a photocopy (Grand Valley State University, n.d.)
- This page is linked to another PDF for the policy but does not seem to function (Division of Inclusion and Equity, 2023)
- This is Appendix B (Office of the Provost, 2023).
- It should be noted that SLT 10.4 is named "Grounds and Facility Usage Policy". Searching Grounds and Facilities online brings users to the Facilities Services webpage. That page does not have any information on the policy. It is commonly referred to as the "Expressive Activity Policy".

Who is responsible for enforcement in the event of a policy violation?

Enforcement is the most underdeveloped part of how GVSU handles EA and Free Speech. Several variables may influence who is responsible for enforcement. For example: The nature of the violation (Violence, destruction of property, technical violations, disruption of audio or paths, violated

someone's rights), who violated the policy (Faculty, staff, student, invited outside speaker, member of the public), the policy that was violated (Expressive Activities & Grounds, Free Speech, Collegiality, Political Activity, Title XI, etc.), proof of violation (photos/videos, witnesses, security camera footage, material evidence). GVPD is responsible for the enforcement of laws, but what constitutes a crime is not well understood (as we saw with Student X). If someone refuses to leave our campus when asked by staff they can be considered to be trespassing (Hayden Rhodea, 2024), but when is GVPD supposed to be called?

When asked about whether or not someone can record in the public spaces/EA spaces General Counsel stated that GVPD should be called immediately and they will be removed from the campus. When this was applied and GVPD was called, GVPD stated that Event Services oversees the EA space. When Event Services was asked they stated that people may record in that space.

The consequences of breaking policies are also not defined. During a Free Palestine march the Young Democratic Socialist Association ((YDSA), now the Students for a Democratic Society (SDS)) walked by the Zumberge building, crossed Little Mac Bridge, passed Mackinac, passed Hulton-Hooker, and eventually crossed North Campus Drive to end near the Field House. The YDSA soon received an email stating they must attend a meeting with the OSCCR or face consequences. The YDSA during their march was allegedly within 50 feet of an academic building (violating SLT 10.4). What is curious is that when the Black Student Protest occurred they had walked a similar route walking by the same buildings, but they were not asked to attend a meeting with the OSCCR and face consequences. This lack of consistency suggests a non-content-neutral application of policy.

Staff Rights

It is unclear whether or not staff have the right to protest against GVSU without the fear of being fired. Multiple admins had been asked directly and we received no clear responses. We wanted to go through official channels to make sure that what we were doing was not going to allow GVSU to fire us.

When we had pressed the issue we were told to name the event a rally instead. Two weeks later they told us to change the name again. Admins felt that a rally or protest against GVSU may put GVSU in a negative light. We changed the name finally to Empowerment Assembly. This process took five months and was extremely confusing because of how many mixed messages we got. Even if we don't have any part to play in a protest we are still accused of organizing it.

After the Black student protest on March 20th, some individuals on campus believed they may have been helped by faculty and staff based on the identified list of demands. As was later identified, there were faculty allies who assisted the students.

Recommendations: The Expressive Activity Refresh

Outlined in this section are our team's professional recommendations for how the institution can remedy these pressing issues. The word 'refresh' is used to communicate that no changes are occurring to our policies, but rather we are streamlining and re-initializing the function of these policies within our work.

1. **Respond quickly:** Given the upcoming 2024 presidential election and Donald Trump's presence on the ballot, we must act swiftly before students return for the Fall semester.
2. **Clarify authority, responsibility, and protocol:** One office should have clear oversight and final authority on EA & Free Speech policies. This would require us to define and communicate each department's specific roles in policy enforcement to prevent discrepancies. To facilitate its function there would need to be dedicated channels for communication on policy queries and enforcement issues.
3. **Educate relevant staff on institutional policy:** Implement mandatory training on EA to ensure uniform policy understanding and enforcement across staff responsible for enforcement.
4. **Install signage in the EA space that communicates rights, policy, and process:** Bellow is our attempt at creating signage that communicates the most critical information in an accessible manner. Note that our approach is not a simple translation of the SLT 10.4 policy but combines the full context of the space and what participants would need to know to participate. This is just a draft and is used here simply to demonstrate what information should be included. The finalized printed signage would be made in accordance with signage policy and be large enough to be read at a distance.

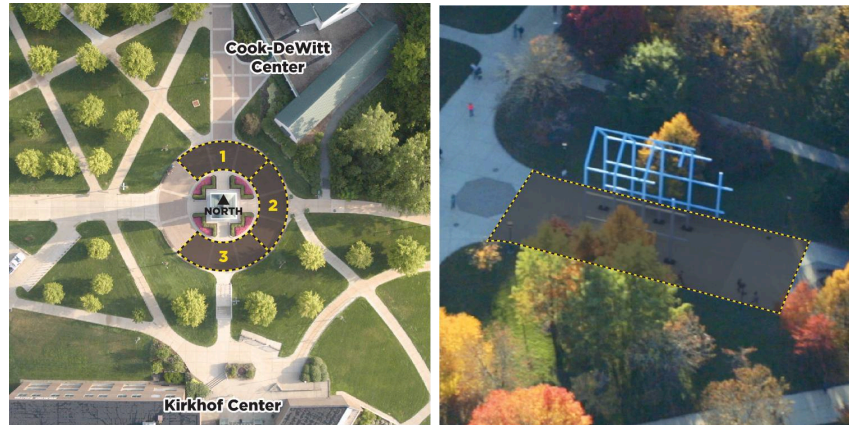
Welcome to the Expressive Activity Space

Before You Participate, Please Note:

1. **Freedom of Expression:** Your right to express your ideas and opinions is protected.
2. **Public Space:** Expressive activities are welcome in designated public forum areas.

COOK CARILLON TOWER

TRANSFORMATIONAL LINK



3. **Violence:** Do not engage in or incite violence. Assault, including pushing, kicking, or spitting, is strictly prohibited and subject to disciplinary action.
4. **Threats:** Direct threats of violence and harassment are not protected speech.
5. **Recording Is Allowed.**
6. **Disruptions:** Ensure that your activities do not block access to campus facilities or impede the movement of others. Maintain a minimum distance of 50 feet from all educational buildings.
7. **Law & Policy Enforcement:** University administrators have the authority to enforce institutional policies and their instructions should be followed. Police will be called to intervene if needed.
8. Policies may be applied differently depending on affiliation with GVSU.
9. Groups who reserve space with Event Services are given priority.

Reporting: If you feel your rights have been violated or wish to report inappropriate behavior, please contact Event Services: (616) 331-2350

Reading the full policy is advised: GROUNDS AND FACILITY USE POLICY (SLT 10.4)

5. **Announce the refresh:** Communicating that these issues are being addressed to the wider community is important. This announcement must clearly articulate the specific changes being implemented and the goals of the update.
6. **Centralize information:** Centralizing information on a dedicated webpage can streamline the understanding of EA, ensuring that policies on expressive, political, and speech activities are accessible and comprehensible from a single source. This approach also mitigates the risk of discrepancies arising from updates, which might occur if policies were scattered across multiple web pages.
7. **Be prepared to respond to incidents:** It's vital to balance content neutrality with protective measures. Use the EA space for programming for our on-campus health resources. Additionally, a strict policy against doxing is critical to ensuring a secure environment for all community members. Checking in with institutional partners or communities about how they are affected by controversial events in the EA space demonstrates a commitment to marginalized communities.

Conclusion

We hope these recommendations will be taken seriously as solutions put forth by the Social Justice Centers. Implementing these strategies before the start of the fall semester can create structures to facilitate more effective enforcement of policy, but also demonstrates a commitment to community protection. Without these adjustments, our community will have to proceed unsure if the institution will uphold its policies. The historic status quo of silencing advocates and empowering bigots will continue to repeat if action is not taken. We want consistency through documented systems and consciousness of political realities. Most of all we want to work together, be included in decisions, and be trusted in our vision. By committing to collaboration and proactive measures we can take action without reaction.

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Appendix A: Timeline of Various Expressive Activity Events

Fall 2023

- Sep 21, 2023 - Team Jesus Preachers (Adam LaCroix) (First of pattern)
- Oct 3, 2023 - Unknown, Said He Knew Team Jesus Preachers (Likely Associated), saying to not take women's studies and to vote for Trump, among other things.
- Oct 10, 2023 - Turning Point USA, Advertised as an event to display the differences between men and women, and to protect women's sports from trans women.
- Oct 16, 2023 - Anti-Abortion Group (Fortress w/ screen)
- Oct 17, 2023 - Same Anti-abortion group as 16th, no fort (first 2-time in a week)
- Oct 25, 2023 - Anti-Abortion group.
- Nov 11, 2023 - Protect Life MI, promoting Project Rosie, saw a pop-up poster (fairly large) around 11 am.
- Dec 4-8, 2023 - Anti Abortion Youtuber Debater, Hayden Rhodea
- Dec 11-12, 2023 - Hayden Rhodea

Winter 2024

- Jan 8th, 2024 - "Taking a pill is murder", standing at clocktower
- Feb 6th & 7th, 2024 - Hayden Rhodea, discussed Rape and Moral Relativism, at clocktower
- Feb 8th, 2024 - Clocktower "Abortion is murder" debater
- March 13th, 2024 - Project Rosie, pro-life group inside Kirkhof

Appendix B: Additional University Policies Related to Expressive Activity

Additional University Policies Related to Expressive Activity**Prepared by the Office of the Provost, October 2023**

Table of Contents – this document contains relevant excerpts from the following.

1. “Free Speech in the Classroom: What does GVSU say about this topic?” – Office of the Provost Teaching FAQ
2. Grounds and Facilities Usage Policy – SLT policy 10.4
3. Political Activity Policy – SLT policy 10.5
4. Conflict of Interest Policy – BOT policy 4.1.6.3
5. Policy Prohibiting Title IX Sexual Harassment, Sexual Misconduct, and Discriminatory Harassment – SLT policy 9.1
6. Collegiality Policy – SLT policy 3.3
7. Faculty Responsibilities – SG policy 3.01
8. Professional Ethics – SG policy 3.05
9. Obligation of Employees (Oath of Teachers) – BOT policy 4.1.10.3
10. Conflict of Interest (SLT) – SLT policy 10.1
11. Links to relevant GVSU websites.

(Note: the current Academic Freedom policy is available here – BOT policy 4.2.2)

Teaching FAQs on the Office of the Provost includes this section:

Q. Free Speech in the Classroom: What does GVSU say about this topic? A. There are several places to look.

- GVSU has an extensive (password-protected) site “Expressive Activities & Grounds and Facility Use” where several detailed questions on free speech in the classroom are addressed. That website begins with this statement: “GVSU is a community of scholars. Like most universities, our basic purposes are to advance, to disseminate, and to apply knowledge. An essential condition for achieving these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas ceases, and teaching and learning are diminished.”
- GVSU’s Political Activity Policy includes excerpts from the Academic Freedom policy, as well as the following: “Classroom discussions of candidates and ballot questions must be related to course content as described in the catalog and course syllabus. A reminder to students to register to vote and to vote is permissible.”
- The Dean of Students has published a website on the topic of “expressive activity” on campus. It includes tips for engagement with “expressive activity you find offensive”.
- Also published are guidelines for expressive activities in specific public gathering spaces at GVSU.

Grounds and Facilities Usage Policy – SLT policy 10.4

Introductory part of the policy:

Pursuant to Article VIII of the Michigan Constitution of 1963, Grand Valley State University (“the University”) has the responsibility to serve as a public institution of higher education. To carry out this Constitutional mandate, the University owns and/or controls property and facilities. The University has established the following grounds and facility use policy to ensure the University’s educational mission

is actualized, while allowing for the exchange of ideas.

This policy applies to all buildings, grounds, and other spaces owned or controlled by the University.

For purposes of this policy, the term "Expressive Activity" includes:

1. Meetings and other group activities of students and student organizations;
2. Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
3. Distributions of literature, such as leafleting and pamphleting; and
4. Any other expression protected by the First Amendment to the U.S. Constitution. University property is primarily dedicated to academic, student life and administrative functions. But it also represents the "marketplace of ideas," and especially for students, many areas of campus represent a public forum for speech and other Expressive Activities. For students and registered student organizations, certain areas of campus are venues for free expression, including speeches, demonstrations, and the distribution of literature, as provided by this policy.

The University shall not consider the content or viewpoint of the Expressive Activity or the possible reaction to that Expressive Activity in applying this policy. The University shall not impose restrictions on students, student organizations, or university employees due to the content or viewpoint of their Expressive Activity or the possible reaction to that Expressive Activity. In the event that other persons react negatively to a student's, registered student organization's, or university employee's Expressive Activity, the University (including representatives from the Department of Public Safety) shall take all necessary steps to ensure public safety while

allowing the Expressive Activity to continue, unless the University's operations are materially and substantially disrupted.

No Expressive Activity shall be permitted to violate or hinder the rights of others within the campus community.

The University does not assume any obligation or responsibility for the content of the materials distributed.

Political Activity Policy – SLT policy 10.5

POLICY STATEMENT

Political activity of faculty and staff members at Grand Valley State University as addressed in the Grand Valley State University Board of Trustees' Policies BOT 4.1.6.3, in pertinent part, states: “The University affirms the rights of its faculty and staff members as citizens to be active in political affairs which do not conflict with the professional standards and ethics in employment.”

Further, the Board of Trustees address the subject of Academic Freedom of faculty in the Grand Valley State University Board of Trustees' Policies BOT 4.2.2 specifically sections 2 & 3:

2. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter, which has no relation to their subject. (The words faculty member as used in this document are understood to include the investigator who is attached to an academic institution without teaching duties.)

3. University or university faculty members are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times act in a professional and responsible manner, and should make every effort to indicate that they are not institutional spokespersons.

In addition to University policy, state law, specifically the Michigan Campaign Finance Act, regulates political activities of public bodies, such as state universities, and its employees.

PROCEDURES

In light of University Board of Trustees' policies and state law, the following guidelines are intended to help faculty and staff with compliance:

1. Faculty and staff members may engage themselves, as private citizens, in political activities including support or opposition to candidates for office or ballot questions on their own time. If you are working for the University and charging your time to a federal grant, any activity to support a political candidate or ballot question must be conducted on personal time. For questions about federal grants, contact the Office of Sponsored Programs for more information.
2. University departments or programs may sponsor presentations and discussion groups about an upcoming election provided that the purpose is to provide factual information on a political subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear inference.
3. Classroom discussions of candidates and ballot questions must be related to course content as described in the catalog and course syllabus. A reminder to students to register to vote and to vote is permissible.

4. Faculty and staff members may express their support or opposition to candidates or ballot questions by wearing buttons.
5. Faculty and staff members, as private citizens, may elect to lend their names to support one or more candidates for office or in support of or opposition to a ballot question. However, care must be exercised to assure that the faculty or staff member does not use their University title in relation to such advocacy.
6. Faculty and staff members shall not use University resources for political activity to support or oppose candidates for office or ballot questions. "University resources" includes, but is not limited to:
 - a. University funds or money administered through a University budget;
 - b. University facilities including office space or meeting rooms (except speech in open forum areas) or use of University office address;
 - c. University equipment including office or cellular telephones, computer hardware or software, printers, copiers and facsimile machines;
 - d. University-provided email addresses or use of the University email system; e. University supplies including stationary, paper, postage, pens, pencils, and other office supplies;
 - f. University identifying marks including trademarks, logos, University letterhead, and University titles; and
 - g. University time including when the faculty or staff member is working or the use of clerical or student worker time.

4.1.6.3 Political Candidates or Office Holder. The University affirms the rights of its faculty and staff members as citizens to be active in political affairs which do not conflict with the professional standards and ethics of their employment. It shall be the responsibility of the President (or designee) to ensure that conflicts involving professional standards and ethics do not occur with University faculty and staff members who are political candidates or office holders, and to take such steps to protect the University as may be required.

Policy Prohibiting Title IX Sexual Harassment, Sexual Misconduct, and Discriminatory Harassment –
SLT policy 9.1

Section III on Freedom of Expression and Academic Freedom

Because freedom of expression and academic freedom are fundamental to GVSU's academic mission and must be protected even when the views expressed are unpopular or controversial, GVSU will take both into account when determining whether Harassment has occurred and what type of remedy, if any, is appropriate. This Policy is not intended to proscribe or inhibit any form of speech that is protected by federal or state law, including the First Amendment, or any conduct that arises for legitimate academic and pedagogical purposes, including intellectual inquiry, debate, and dialogue.

Collegiality Policy – SLT policy 3.3

Excerpt:

A range of thoughtful perspectives is necessary for open inquiry, liberal education, and a healthy community. Recognizing this, we seek and welcome a diverse group of students, faculty and staff. We value a multiplicity of opinions and backgrounds and seek ways to incorporate the voices and

experiences of all into our University. We value our local community and embrace the participation of individuals and groups from Michigan, the nation and the world. We also encourage participation in educational opportunities abroad.

In order to foster a healthy and diverse environment, we will act with integrity, communicate respectfully, and accept responsibility for our words and actions. This University is a community whose varied functions, responsibilities, and contributions are supportive of the instructional, research, and service mission of the institution. Collegial interactions as referenced throughout this policy are those interactions that occur among and between colleagues, subordinates, supervisors, administrators and students. Collegial interactions are essential to support that mission in an effective, efficient, and ethical manner.

Faculty Responsibilities – SG policy 3.01

First paragraph of the policy:

The role of a faculty member involves an interlocking set of responsibilities to students, to colleagues in both the institution and the wider profession, to the institution itself and its surrounding community, to the advancement of knowledge and understanding in the faculty member's field, and to the ideals of free inquiry and expression. Normally, these are articulated as the areas of teaching (Regular Faculty) or professional effectiveness (Library Regular Faculty), scholarship and creative activity, and service, as outlined in the Board of Trustees' Policies BOT 4.2.9.

Professional Ethics – SG policy 3.05

First paragraph of the policy:

The University recognizes that membership in the academic profession carries with it special responsibilities and that the University bears a responsibility for articulating and maintaining ethical standards. The University normally handles questions concerning propriety of conduct internally by reference to either faculty committees convened to review particular infractions or to standing committees such as college personnel committees.

Obligation of Employees (Oath of Teachers) – BOT policy 4.1.10.3

4.1.10.3 Oath of Teachers. Before serving in a teaching position, an appointee will have taken and subscribed the following oath or affirmation as required by Act 23 of the Public Acts of 1935: "I do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Michigan, and that I will faithfully discharge the duties of my position according to the best of my ability."

Conflict of Interest (SLT) – SLT policy 10.1

Introductory paragraph:

In the pursuit of its mission, Grand Valley State University through its Board of Trustees, Senior Leadership Team, faculty, staff, and other representatives operates with the highest level of ethical behavior including, but not limited to, acting with integrity, reasonableness and fairness in our dealings, and avoiding bias or undue influence. Consistent with these values, the Board of Trustees has adopted institutional policies for identifying and managing potential, actual and perceived conflict of interest situations, including Grand Valley State University Board of Trustees' Policy BOT 4.1.6: Conflict of Interest and Grand Valley State University Board of Trustees' Policy BOT 7.9: Economic Development.

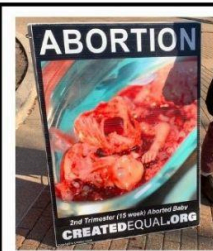
Appendix C: The Marketing Tactics of CPCs at Grand Valley.

THE MARKETING TACTICS OF CPC'S AT GRAND VALLEY

This summary highlights various strategies used by CPCs and pro-life organizations at GVSU. Central to their approach is the intent to evoke feelings of shame among students. It's important to point out that the distressing nature of these exhibits often prompts students to warn their peers to steer clear of the Expressive Activity spaces.

1 GORY AND DISTURBING IMAGES

Students should not have to worry about encountering graphic and disturbing images simply while navigating across campus. Frequently, these groups distribute pamphlets containing further graphic content, often without any prior warning.



2 MISLEADING DATA OF DUBIOUS CREDIBILITY

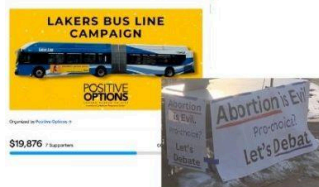
The factual foundation of their claims remains unregulated, as religious organizations face no such oversight. Additionally, there are no policies in place to curb misinformation that may lead to adverse public health effects. Often, the sources they cite are rooted not in science but in Christian academic perspectives.

3 CO-OPTED FEMINIST SYMBOLS+LANGUAGE

By focusing on feminist students, these groups aim to undermine the central tenet of feminism, 'Bodily Autonomy,' which champions the right of individuals to make independent decisions about reproduction.



2024 GVSU Laker's Bus Ad Campaign

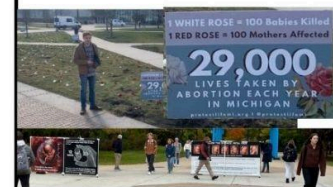


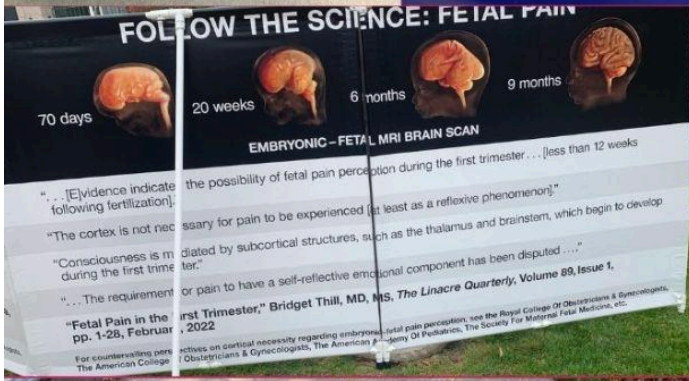
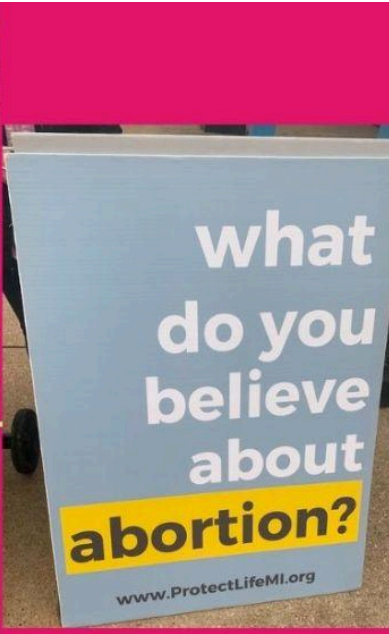
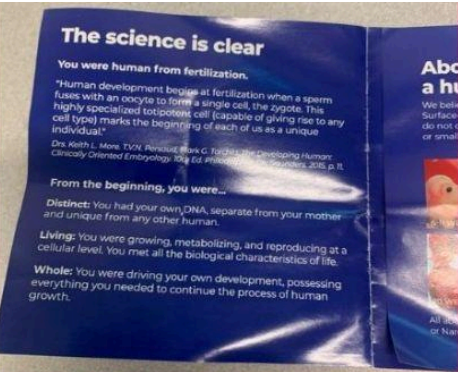
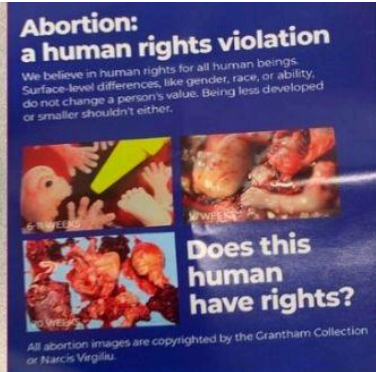
4 CONSTANT AND SUBLIMINAL MESSAGING

The variety in format, location, timing, and tactics used throughout the 2023–2024 academic year is vast, ensuring these ideas continually infiltrate the consciousness of vulnerable groups. It's important to recognize that many of these organizations are backed by significant financial resources for their operations.

5 BLOCKING PATHS, UNWANTED ENGAGEMENT

In utilizing the free speech zones, these groups frequently extend into the paths of students, compelling them to notice, sidestep, and dodge these organizations as they try to initiate interactions with unsettling questions and remarks.





Appendix D: GVSU Legal Counsel Responses to Questions.

GVSU Legal Counsel Responses to Questions.

These are summary notes from a conversation between DL McKinney and Patricia C. Smith. **Not direct quotes.**

Question	Answer
<p>Can people display gore? Aborted fetuses are commonly shown when pro-life groups are on campus. We want to know to what extent someone can display this kind of content. Are fetuses okay only? What about adult dead bodies? Is it okay if it's fake? Like the movie Saving Private Ryan? Can it be a video or audio?</p>	<p>Yes, specifically for protesting outdoors. There may be volume restrictions, but protestors and counter-protestors can show visuals in different ways. Indoors has another set of guidelines. This goes back to whether things tied to education are being disrupted (classrooms and such).</p>
<p>Can groups of students surround these displays to block the view of others? What if it was a wall of art?</p>	<p>Yes</p>
<p>Are graduate assistants allowed to participate in or organize protests or counter-protests? Can this happen during their shifts? What can't they do?</p>	<p>Yes. If during working hours, get approval from the supervisor (this was not clearly stated but aligns with staff guidelines).</p>

<p>Can you share misinformation? What if anti-vaxxers started handing out pamphlets? Who is responsible for fact-checking?</p>	<p>Yes. A counter-protest can fact-check and hand out their own materials.</p>
<p>Can groups be openly racist? Sexist? Transphobic?</p>	<p>Yes ☹️. Conduct, from my understanding, stands along physical and destruction of property, not language.</p>
<p>Who is allowed to bring speakers or amplification device in these spaces?</p>	<p>Overall, depending on volume, things like microphones and music can be used outdoors. Indoors is a different set of guidelines. Legal and event services should be followed up with beforehand just to be sure.</p>
<p>If we wanted to post signage nearby, would that be protected? Like they can't destroy it?</p>	<p>Destruction of property is a conduct issue and against university policy, so others should not be destroying items.</p>
<p>What symbols are allowed? Swastikas? Guns? Blood?</p>	<p>Yes ☹️.</p>
<p>Are these groups allowed to film students without their consent? (going off the groups that have "security" cams on their boards or jackets)</p>	<p>If we note this happening, we must alert GVPD immediately, and they will be removed. If it is noted after the event (seen on YouTube, for example), please forward it onto legal, and they can work to get the actions to cease.</p>

Additional Notes from Conversations

- Rules regulating Faculty's relationship to these spaces needs a deeper dive.
- Counter protests indoors have different rules. The context at which the speaker was brought into campus is important.
- FIRE-First Amendment Conservative Group who would get involved in the case of speech violations at GV.
- Supervisor must give approval to participate in some way in a protest