



Let's  
talk



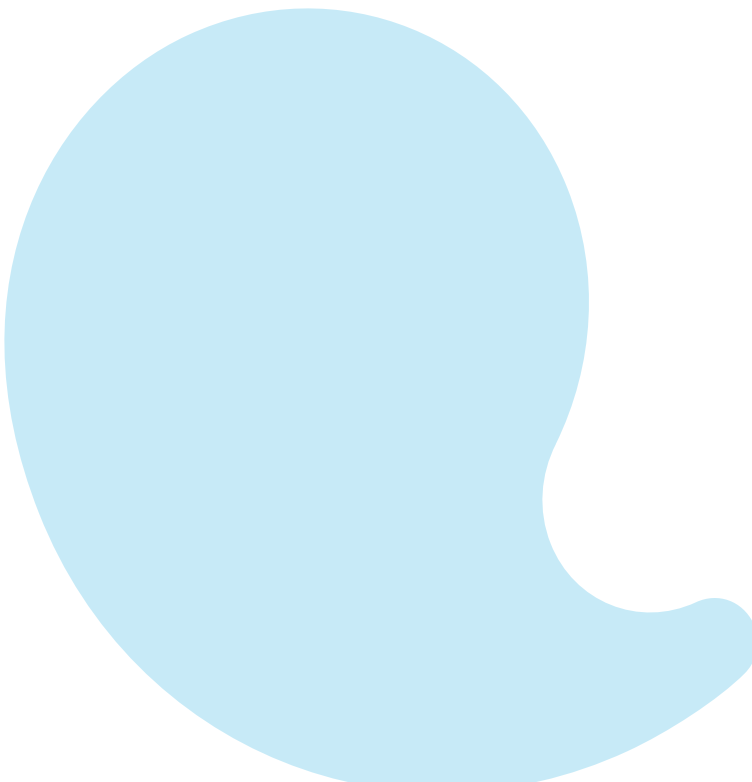


## Leader Moderation Guide

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The goal of every Let's Talk group is to promote civil discourse to a larger audience. With your leadership, your group will engage students in thorough, constructive, and vibrant discussion about tough issues in a healthy atmosphere. You will help students practice and develop their skills as productive **participants** in an **open** and **inclusive** forum. An **active listener** is simply someone you talk to, like a discussant. Discourse groups allow various viewpoints to come together for inquiry through collegial discourse and dialectic, allowing members to learn as much as possible about other people's positions, experiences, and ways of thinking.

A key part of being a Let's Talk leader is recognizing when to intervene during a heated discussion. FIRE has created this guide to prepare leaders for their role as moderator and to give them the tools to diffuse tensions in conversation.





In *The Coddling of the American Mind*, FIRE President Greg Lukianoff and psychologist Jonathan Haidt draw from the expertise of psychologist Adam Grant on how to direct productive discussions:<sup>1</sup>

- 1 “Frame any discussion as a **debate**, rather than a conflict.
- 2 Argue as if you’re right, but **listen as if you’re wrong**.
- 3 Make the **most respectful interpretation** of the other person’s **perspective**.
- 4 Acknowledge where you agree with your critics and what you’ve **learned from them**.<sup>2</sup>

**Takeaway:** Remember that you can be a positive role model for other people on how to engage in civil dialogue. By treating the other person with respect, even if they don’t respond in kind, you increase the odds of having a positive encounter with them in the future.<sup>3</sup>

1 Greg Lukianoff and Jonathan Haidt, *The Coddling of the American Mind*. You can be a

# Discuss What Free Speech Means With Your Members

You should know which speech is protected and unprotected in your discussion group and on campus. Protected speech may be different if you attend a private institution. Familiarize yourself with your school speech codes and the differences between [unprotected](#) and protected speech. You can use [our Spotlight Database](#) to see how FIRE rates your college or university's free speech policies.

The United States Supreme Court provides [a cheat sheet](#): for understanding the definition of freedom of speech in the United States. We've adapted it for university students below.

## Freedom of Speech, First Amendment

- “Congress shall make no law...abridging freedom of speech.”


## Freedom of Speech, First Amendment

- Not to speak or be compelled to speak (specifically, the right not to salute the flag or say the Pledge of Allegiance).  
W. Va. Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)
- To engage in symbolic expression at school to convey a message. Symbolic expression includes things like wearing a t-shirt with a message on it, wearing an armband to protest a war, etc. “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”  
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969)
  - While Tinker applied specifically to high school students, its ruling that the First Amendment prohibits high schools from curbing symbolic expression applies also to university students. As the Supreme Court’s ruling in Healy v. James declares, “[S]tate colleges and universities are not enclaves immune from the sweep of the First Amendment.”  
Healy v. James, 408 U.S. 169, 180 (1972)
- To use certain offensive words and phrases to convey political messages.  
Cohen v. California, 403 U.S. 15 (1971)
- To espouse offensive or provocative ideas. “[T]he mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”  
Papish v. Bd. of Curators of the Univ. of Mo., 410 U.S. 667, 670 (1973)
- To contribute money (under certain circumstances) to political campaigns.  
Buckley v. Valeo, 424 U.S. 1 (1976)  
Citizens United v. Fed. Election Comm’n, 558 U.S. 310 (2010)

- To advertise commercial products and professional services (with some restrictions).  
Va. Bd. of Pharmacy v. Va. Consumer Council, 425 U.S. 748 (1976)  
Bates v. State Bar of Ariz., 433 U.S. 350 (1977)
- To engage in symbolic speech such as burning the flag in protest.  
Texas v. Johnson, 491 U.S. 397 (1989)  
United States v. Eichman, 496 U.S. 310 (1990)



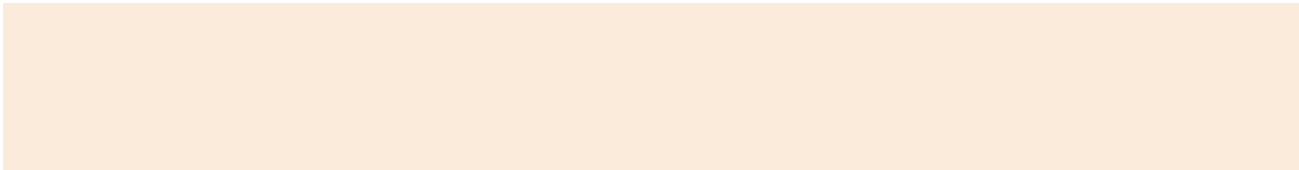
- To incite immediate violence or lawless action.  
Brandenburg v. Ohio, 395 U.S. 444 (1969)  
Hess v. Indiana, 414 US 105 (1973)
- To make or distribute obscene materials.  
Roth v. United States, 354 U.S. 476 (1957)
- To make noises that are so loud that they prevent others from speaking or exercising their First Amendment rights.  
Kovacs v. Cooper, 336 U.S. 77, 87–88 (1949)
- To make threats.  
Virginia v. Black, 538 U.S. 343, 359 (2003)
- To burn draft cards as an anti-war protest.  
United States v. O'Brien, 391 U.S. 367 (1968)



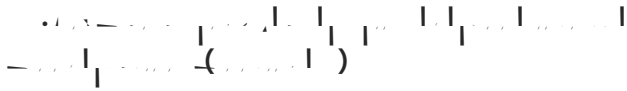
• **Civil Discourse** | In a civil discourse, interlocutors engage in a mutual airing of views without spite. Its sole purpose is a collaborative one, which aims to promote greater understanding between discussants.

• **Good Faith** | A “good faith” argument or discussion is one in which both parties agree on the terms on which they engage, are honest and respectful of the other person’s dignity, follow generally-accepted norms of social interaction, and genuinely want to hear what the other person thinks and has to say. In many cases, they are working together towards a resolution that will be mutually satisfying. “Good faith” is similar to “good will,” in that you wish the other party well and do not intend harm.

• **Bad Faith** | A “bad faith” discussion is one in which one or both of the parties has a







- Try “Around the World.” Before playing, choose four questions from our Topic Escalation Guide, one from each spice level. Players who intend to ask the questions should bring their phones to use as timers. Divide your group into pairs and arrange the pairs into a circle so that there is an inner circle and an outer circle. Ask your spice level zero question and give each pair 5 minutes to discuss. When the 5 minutes are over, ask the players in the inner circle to rotate to the outer-circle player to their right. Then ask your spice level 1 question and give each pair 5 minutes to discuss. Repeat this process until all questions are asked. When finished, sit down with your group and have everyone talk about their experience. Great questions for the group to think about and discuss are: Did things get heated? Why did they get to that point? What did you do to de-escalate the conversation?

- To engage shy participants in the discussions, use these phrases and tips:
  - “I appreciate your comments, but I also would like to hear the opinions of others.”
  - “I’m going to listen to

9 “Moderating Class Discussions,” Ghent University,  
[https:// nderwijstips.ugent.be/en/tips/discussie-modereren-de-klas-online/](https://nderwijstips.ugent.be/en/tips/discussie-modereren-de-klas-online/).

10 “Moderating Class Discussions,” Ghent University,  
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11 “Moderating Class Discussions,” Ghent University,  
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12 “Moderating Class Discussions,” Ghent University,  
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Often, a heated discussion occurs because someone



When people feel threatened (in this case, psychologically), they become resistant and their ego-defense mechanisms kick in. This can happen in a heated intellectual discussion if one person feels themselves. When a member becomes upset, they may lash out at others. As a discourse group leader, it's important to remain attentive to students' high emotional temperatures and to actively intervene when a controversial discussion heats up. When a person's emotional temperature spikes, the person is responding to what's happening based on pure emotion. Overheated emotions can undermine effective discussion in your group.

Members must avoid launching personal attacks

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***A group leader's goal should be to provide appropriate challenges with appropriate levels of support.***

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- “Hmm...that's an interesting idea.”
- “Why do you think that?”
- “That’s been getting a lot of attention lately, huh?”
- “I might have to give that some thought.”
- “I hear you.”
- “You may have a point there.”
- “I didn’t know that.”
- "I never heard that before"
- “I’m not sure I agree with you, but you’ve given me something to think about.”
- “Thank you for telling me that.”
- “Do you have a source that will teach me

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### Heat Level 0

Topic questions designed to encourage participants in a Let's Talk meeting to get to know each other and to learn why their peers decided to attend the meeting. This level of questions allows participants to reach a comfort level with each other before diving into potentially controversial and tense topics of discussion.

- Examples: share goals for the discourse meeting and reasons for attending, discuss feelings about the state of civil discourse at your school

### Heat Level

A topic that causes minimal sensitivity but still provokes debate.

- Examples: pop culture, the definition of freedom, meeting attendees' thoughts about the importance of civil discourse

### Heat Level

A topic that invokes slight sensitivity and emotional investment.

- Examples: university fund allocations, environmental issues, hate speech, privacy and the government, healthcare

### Heat Level

A topic that causes great sensitivity and possible emotional discomfort through disagreement.

- Examples: immigration, racial injustice, criminal justice

## Level 1: Good Faith

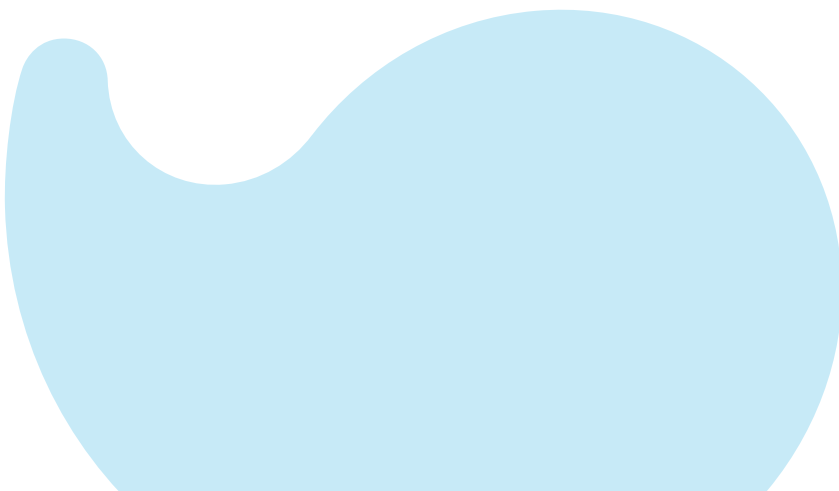
If the students in your discourse group appear to consistently maintain a “good faith” attitude, it’s time to advance to the next heat level! If the discussion devolves from a “good faith” argument to a “bad faith” argument, it is time to reduce the heat level and diffuse some of that hostile energy. Remember to pay attention to the participants’ emotional temperatures.

## Level 2: Differing Opinions

- Discussion is civil, remaining in bounds of “good faith” argument criteria.
- Differing opinions are being shared.

## Level 3: Hostile

- Your group needs to go back a level if you sense emotional temperatures spiking.



## Heat Level 0

- Why are you at this Discourse Group meeting? What do you hope to gain by participating? Discuss your goals.

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## Heat Level

- How does a leader most effectively achieve political reform? If you were President of the United States, for example, what issue would be first on your agenda? And how would you go about achieving your goals in that area?
- Describe a moment in this country's history in which you believe it lived up to its best ideals. What are

## Heat Level

- . Are racial jokes acceptable in comedy?
- . Do you feel clearly aligned with a particular political party? Or are you more conflicted? Why do you think you align or do not align? Discuss.
- . Should the U.S. government recognize the institution of marriage?

- .





Grant, Adam. “Kids, Would You Please Start Fighting?” The New York Times (New York, NY), Nov. 4, 2017. <https://www.nytimes.com/2017/11/04/opinion/sunday/kids-would-you-please-start-fighting.html>.

“Helpful phrases to use in practicing civil discussions.” Foundation for Individual Rights in Education. December 18, 2019. <https://www.thefire.org/presentation/wp-content/uploads/2019/12/18151806/Helpful-phrases-to-use-in-practicing-civil-discussions.pdf>.

Lukianoff, Greg, and Jonathan Haidt. The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting up a Generation for Failure. Penguin Books, 2018.

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“Oxford Style Debate.” United States Courts. <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/oxford>.

“Setting Ground Rules - Civil Discourse and Difficult Decisions.” United States Courts. <https://www.uscourts.gov/educational-resources/educational-activities/setting-ground-rules-civil-discourse-and-difficult>.

“What Does Free Speech Mean?” United States Courts. <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>.

## LET'S GET TOGETHER

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We are counting on you to help cultivate a culture of free speech on your campus! FIRE is here to provide guidance and resources. We have a team of experts at your disposal who can help decode and demystify your school's policies, help you talk to administrators, and offer advice on tricky free speech questions. Additionally, we can send guides, literature, speakers, and FIRE materials. Please do not hesitate to contact us with questions. We are here to help!