



Overview:

Companies must understand how their product/service access and use policies impact the freedom of individuals and groups to publicly voice diverse viewpoints, operate businesses and nonprofits consistent with a wide array of beliefs, and participate equally in the marketplace. While it's common for companies to require customers/users to comply with certain standards as a condition of using their products and services (e.g., prohibiting certain illegal or unethical practices such as using a product/service to commit fraud or violate intellectual property rights) businesses must guard against including terms that could be used to unduly restrict stakeholders' speech or expressive activity.

Relevant Policies or Practices:

Any policy or requirement that conditions access/use of a product or service on adherence to certain standards of conduct or speech. Depending on the company and industry, this might include:

- non-discrimination policies,
- terms of use/service,
- content moderation policies/guidelines,
- e-commerce marketplace seller guidelines/standards,
- algorithmic system use policies,
- ad content policies, and
- ad targeting policies,
- risk avoidance/risk mitigation/identifying and managing social risks or impacts/social risk policies,
- code of ethics,
- human rights policy.

Risk Factor(s):

Policies that could be used to condition/restrict use of a product or service based on the expressed ideology, opinion, or perspective of a person or group.

Steps to Identify and Mitigate Risk:

Eliminate viewpoint-based restrictions on what stakeholders can say.

Policies are viewpoint-based if they target speech because on the specific motivating ideology, opinion, or perspective of the person or group communicating the message. Unlike unclear or imprecise policies, which grant unfettered discretion that may be used to suppress disfavored views, viewpoint discriminatory policies ban specific views on particular topics, such as abortion, climate change, etc.

While certain subjects might be considered "controversial," open discourse is essential to innovation and democracy. Respecting the freedom to voice different beliefs about matters of public concern is the moral responsibility of every business – especially those that provide important mediums for communication and commerce in the modern marketplace.



Examples of Viewpoint Discriminatory Policies



[We] prohibit ads for, and monetization of, content that contradicts well-established scientific consensus around the existence and causes of climate change. This includes content referring to climate change as a hoax or a scam, claims denying that long-term trends show the global climate is warming, and claims denying that greenhouse gas emissions or human activity contribute to climate change.

<https://support.google.com/google-ads/answer/11221321?hl=en>



"Religious or belief organizations, [are not eligible to host] except when the activities being sponsored are non-sectarian, such as soup kitchens or shelters, and are open to all faiths. Organizations that discriminate or have exclusionary practices on the basis of religion, gender, sexual orientation, or other issues of diversity, even if this could be permitted by local laws."

<https://www.airbnb.com/help/article/1578/hosting-a-social-impact-experience>

Terms that May Indicate the Targeting of Particular Views:

Companies should refrain from restricting stakeholders' speech on specific topics, events, or activities. Viewpoint discriminatory policies often limit what stakeholders can say about certain topics, such as the following.

Abortion
Climate change/Climate denial
Conversion therapy
Fossil fuels
Gender

Identity/Pronoun use
Gun rights
Gun safety
Gun violence
Immigration
Political views

Religion
Science
Sexual orientation
Sexuality
Vaccinations

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