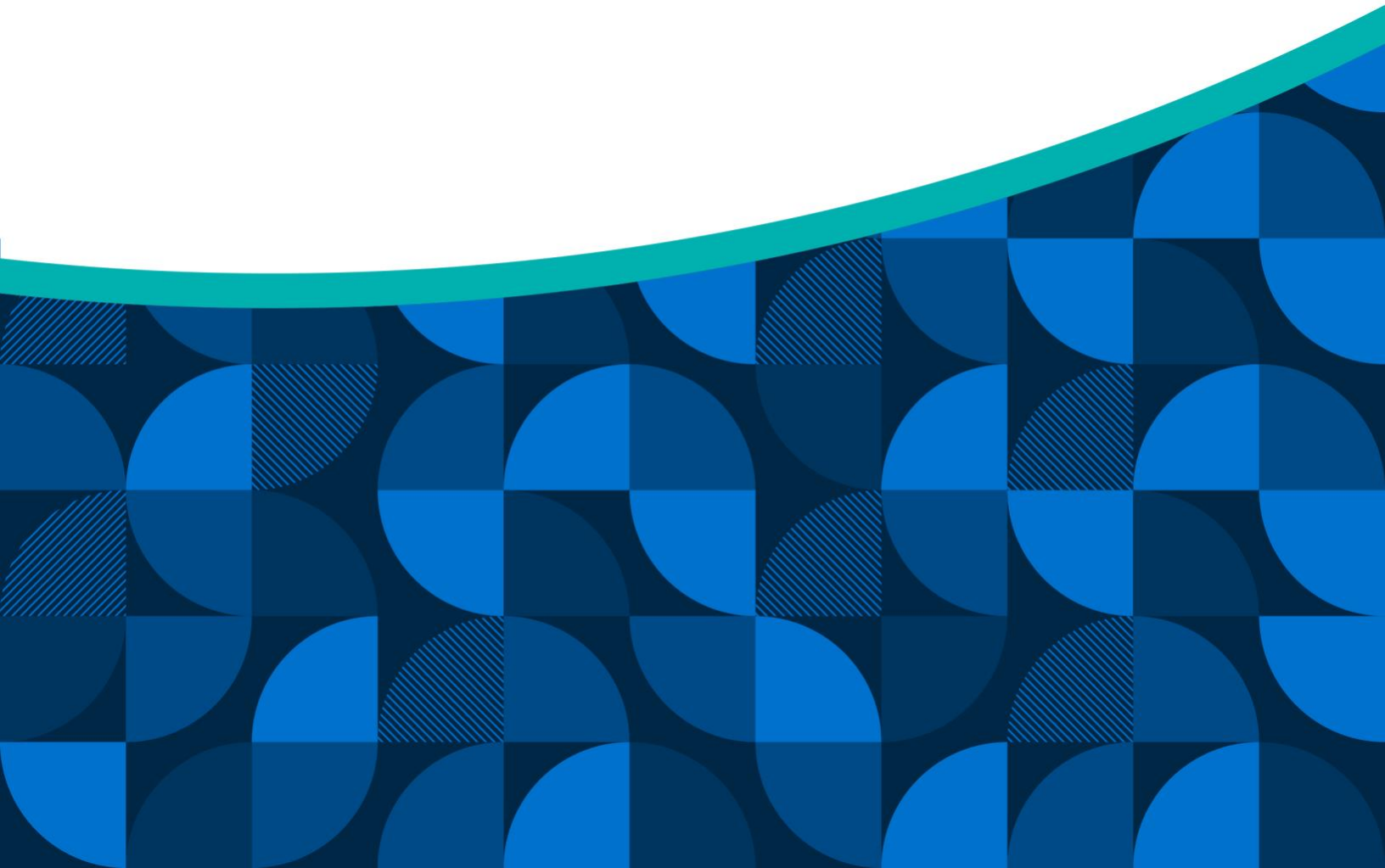




TOOLKIT

# Free Speech Policy Compendium

Policies and Statements Related to Free Speech on Campus



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# Free Speech Policies and Statements

## A Reader's Guide to This Resource

As issues related to free speech continue to fuel debate and unrest on college campuses, senior leaders are actively reviewing institutional policies to better prepare for controversial external speakers, campus activism, and an increasingly politicized environment across higher education. For example, a recent survey of Provosts from *Inside Higher Ed*<sup>1</sup> found that nearly 4 in 10 respondents agree or strongly agree "that current world events have stressed their institution's speech policies to the point that they may need to be revisited." Institutions without current and/or comprehensive free speech policies risk finding themselves grappling with complex situations on the fly, leaving themselves vulnerable to increased scrutiny from students, faculty, staff, alumni, third-party organizations, and the media.

To help institutions re-evaluate their policies and statements related to free speech on campus, EAB developed this Free Speech Policy Compendium. This resource provides campus leaders and their teams with free speech policy and statement examples from a variety of institutions in the United States and Canada.



### Navigating This Resource

This compendium features free expression policies, literature posting policies, external speaker policies, and official statements on free speech from over 20 colleges and universities in the United States and Canada. Each policy includes the following structure and information:



#### Organization

Within each section, policies are organized by institution type and then alphabetically



#### Observations

When the policy was updated, where it is posted, and key highlights



#### Institutional Characteristics

Institution type, Carnegie classification, and size<sup>2</sup> are included with each policy



#### Source Link

Each policy includes a direct link to its online source

### How to Use This Resource

- Compare existing campus policies to those from similar institutions
- Inform efforts to audit, revise, or update current policies
- Consider developing new policies or issuing statements regarding free speech on campus

#### Next Step:

#### Use EAB's Free Speech Policy Audit

Use EAB's [Free Speech Policy Audit](#) to guide conversations on evaluating and updating your free speech policies and statements. This toolkit includes:

- Policy Element Audit
- Policy Awareness Building Audit
- Standalone Policy Development Guide
- Policy Drafting Template

1) Inside Higher Education's [2024 Annual Provosts' Survey](#) asked 331 provosts about pressing issues such as AI, faculty turnover, and free speech.

2) Institution size categories are based on total enrollment and are as follows:

Very Small: less than 4,000 students

Small: 4,000-9,999

Midsized: 10,000-19,999

Large: 20,000-29,999

Very Large: 30,000+ students

# Key Takeaways:

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**Although many institutions wait to evaluate their free speech policies until a controversy occurs, EAB recommends institutions regularly review these policies at least every three to five years.**

Higher education institutions often wait until there is a free speech flashpoint on campus or their guidelines come under intense scrutiny from key stakeholders before they re-evaluate these policies. While colleges and universities should always audit free speech policies after relevant campus flashpoints, they should also plan to proactively review these policies every three to five years. Doing this work before crises hit will reduce the need to adjust these policies on the fly or in reaction to an emerging issue on campus.

During the audit, it is important to make sure that free speech policies remain aligned with other policies on campus and consistent with the institution's mission and values. One important policy element to pay attention to is ensuring policies don't contradict each other or other statements issued by the university (i.e., a free speech policy that promotes university neutrality while the president is known for taking sides on controversial political issues). Something else to look out for are free speech policies that have not been updated in over a decade as they may no longer be relevant to the university in its current state (i.e., a policy states students need to seek approval for their postings from an office that no longer exists or has changed names).

The consequence of not regularly auditing these policies is that institutions may be left vulnerable to losing public support, enrollment, and donations by mishandling flashpoints that aren't covered by existing policies. Moreover, inadequately reviewed policies can also harm students' educational experiences, limiting their freedom and ability to express themselves and preventing them from building community with other students.

**EAB's review of free speech policies highlights how challenging it can be to find these policies online. To make free speech policies more easily accessible to students, faculty, staff, and interested community members, EAB recommends that institutions create a central webpage that contains all the relevant free speech policies.**

Many institutions' free speech policies are buried on university websites and not easily found through an online search. In some cases, it can take five to six clicks to find these policies and there is little clarity around whether the policy found is current or if there are related policies that also apply. While these policies are usually findable if people are interested and invest enough time in searching, the way these policies are currently being stored will deter most campus community members who want to quickly understand what their institution's free speech policies are.

Free speech policies should be easily accessible to everyone on campus. Some institutions such as [California State Polytechnic University - Pomona](#) and [Ohio State University](#) have created central webpages to house all of their current free speech policies and statements, making it easy to find this material in only one or two clicks. Ohio State's website also breaks out the content into dedicated sections for students, faculty, and staff. Moreover, these webpages are easily found through search engines; thus, enabling anyone who is looking for this information to find it quickly.

**Free speech policies should always clearly state who is impacted by these policies.**

Free speech policies should always clearly state who these policies apply to. This detail is typically included at the beginning of a policy or is implied due to the policy's location in a student or faculty handbook. In the event a free speech policy has multiple versions for different groups on campus, it's best practice to provide links to all these resources in each policy (e.g. here is where the faculty policy is located).

Out of the 22 policies included in this compendium, 17 are applicable to the whole campus, and five are only applicable to students.

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# Free Speech Policies

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SECTION

1

## **Freedom of Expression Operating Procedure**



### **EAB Observations**

- Last updated 08/01/23
- Accessed from the Student Union webpage
- Declares that campus is not a public forum for assembly and expression of free speech
- Comprehensive restrictions on allowable expression, with an emphasis content neutrality

### **Purpose**

This Operating Procedure is adopted to comply with Act 184 of 2019 and Act 614 of 2023 as well as the First Amendment of the United States Constitution and Article 2, Section 6 of the Arkansas Constitution.

### **Definitions**

This Operating Procedure adopts and incorporates the terms and definitions set forth in Act 184 of 2019 and Act 614 of 2023.

### **Freedom of Expression**

Expressive activities are allowed on all campus forums as defined by Act 614 of 2023, subject to the reasonable time, place, and manner restrictions set forth in this Operating Procedure as well as all applicable state and federal laws. The campus shall not create free speech zones or other designated outdoor areas of campus outside of which expressive activities are prohibited. The campus maintains a position of neutrality as to the content of any protected speech.

### **Outdoor Areas of Campus**

All outdoor areas of campus shall be deemed a campus forum for members of the campus community. This does not include outdoor areas where access by a majority of members of the campus community is restricted.

### **Indoor Areas of Campus**

Any non-academic and publicly open portion of a campus facility that the campus has traditionally made available to members of the campus community for expressive purposes shall be deemed a campus forum.

### **Expressive Activities**

Expressive Activities and protected expression are those enumerated by Act 184 of 2019 and Act 614 of 2023 as well as all forms of expression protected by the First Amendment to the United States Constitution and Article 2, Section 6 of the Arkansas Constitution.

### **Lawful Limitations on Expressive Activities**

Members of the campus community who want to engage in noncommercial expressive activities may do so freely in the public forums of campus so long as that member's conduct is 1) not unlawful, 2) does not materially and substantially disrupt the functioning of a state supported institution, 3) does not materially and substantially disrupt another person's expressive activity, and 4) does not disregard a policy pertaining to the productive and efficient operation of an instructional or work environment.

### **Freedom of Association**

The campus shall not deny a student organization any benefit or privilege that is available to another other student organization or otherwise discriminate against an organization based on the expression of that organization.

### **Use of Campus Property for University Sponsored Activities and Events**

All areas, owned and operated by the campus, shall be made available for use by the University for University sponsored activities and events. Official university activities and events on campus have precedence over all other events and activities taking place on campus. Any expressive activity that occurs at a location reserved for a University sponsored activity or event shall be accommodated at another area of campus so long as the accommodation is consistent with this policy.

### **Prohibited Activities**

The right to engage in Expressive Activities under this Operating Procedure does not include the right to engage in the following:

- (a) Obstructing vehicular or pedestrian traffic.
- (b) Engaging in unlawful activity.
- (c) Engaging in activities that create a clear and present threat to public safety.
- (d) Engaging in true threats and expression directed to provoke imminent lawless actions and likely to produce imminent lawless actions.
- (e) Engaging in unlawful harassment.
- (f) Utilizing sound amplification devices.
- (g) Posting materials on University property.

### **Damage to Property owned by the Campus**

Any damage to campus property caused by individuals and/or groups engaging in Expressive Activity are the financial responsibility of the individuals and/or groups who caused the damage to the property.

### **Commercial Speech**

This policy does not apply to commercial speech. Off-campus individuals and organizations are not allowed to conduct or solicit commercial sales or distribute commercial pamphlets, handbills, circulars, newspaper, magazine and other written material on campus. Parties having a contract with the campus authorizing commercial advertising shall be allowed to distribute or post commercial material in accordance with the terms of their contract.



### **Grievance Process**

Any member of the campus community may file a written grievance for any violations of this procedure. The grievance should be sent to the Vice Chancellor for Student Affairs. Upon receipt of a grievance, the Vice Chancellor shall have 10 business days to review the grievance and either grant or deny the grievance. If the grievance is granted the Vice Chancellor shall work with the member and the campus to remedy the grievance.

If the grievance is denied, the member may appeal that denial to the Chancellor. The appeal must be made within 10 business days from the date the member receives the decision of the Vice Chancellor. The Chancellor shall have 10 business days to issue a decision. The decision of the Chancellor is final.

### **Sources:**

#### **Act 184 of 2019:**

<http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act184.pdf>

#### **Act 614 of 2023:**

<https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FACTS%2F2023R%2FPublic%2FACT614.pdf>

## **Time, Place, and Manner of Free Expression Policy**



### **EAB Observations**

- Last updated 4/26/23
- Accessed from university directive webpage
- Comprehensive policy includes time, place, and manner guidelines, campus event guidelines, and advertising/leafleting guidelines

### **Policy Objective**

Through this policy, the university seeks to foster and sustain a forum for the free, civil and orderly exchange of ideas, values and opinions, recognizing that individuals grow and learn when confronted with differing views, alternative ways of thinking and conflicting values.

### **Policy Statement**

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have a special obligation not only to tolerate but also to encourage and support the free expression of ideas, values and opinions, even where they may be unpopular or controversial. California State University, East Bay (herein after the university) accepts and embraces this obligation, recognizing that such expression may take a variety of forms, such as speeches, signs, written materials, public assemblies, parades, demonstrations and artistic representation.

Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, the university shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order.

To ensure that exercise of the right of free expression does not interfere with university functions, imperil public safety, or obstruct or damage university facilities, the university will establish and enforce campus regulations regarding the time, place and manner of the exercise of free expression by individuals and groups.

The university recognizes that causing discomfort and even causing offense is not, of itself, a basis for limiting free speech. At the same time, all members of the university community should recognize that freedom of expression includes respecting the dignity of others and acknowledging the right of others to express differing opinions.

### **Authority**

This policy is promulgated under the authority of Title 5 of the California Code of Regulations, the California Education Code, state and Federal law, and subsequent directives, resolutions, standing orders, and Executive Orders of the Board of Trustees and Chancellor of the California State University, and the President of California State University, East Bay.

## **General Limitations and Guidelines for Campus Events and Activities**

At California State University, East Bay, the time, place, and manner of expression are limited solely by the following general conditions and by additional specific conditions as defined in this policy:

The exercise of free speech and assembly rights must comply with all applicable federal, state, and local laws. In addition, such activities may not:

- Interfere with University activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs or with use of the University Library;
- Obstruct the flow of pedestrian or vehicular traffic;
- Interfere with or disrupt the conduct of University business and operations;
- Employ unauthorized sound amplification or create unreasonable noise disruptive of normal University activities; or
- Violate any federal, state, local, or University safety code, such as regulations set by the State Fire Marshal.

There shall be no restrictions on legal free speech activity based on the content of such speech or expression or on the political, religious, or other affiliations of speakers. Illegal speech activity, not protected by the First Amendment to the U.S. Constitution or by this policy, includes defamation, obscenity, terrorist threats, false advertising, and the promotion of actual or imminent violence or harm.

### **Time, Place and Manner Guidelines**

The University may impose reasonable time, place and manner restrictions on exercise of the right of free expression, to preserve the safe and orderly operation of the campus.

#### **Guidelines as to Time**

Indoor events and activities are not assigned fixed limits as to time of day or day of the week, but University scheduling protocols must be followed. (See Scheduling of Campus Events and Activities and Guidelines as to Place sections).

Outdoor events and activities that involve amplified music or speech are prohibited during the hours of: 10:00 pm to 7:00 am, Sunday through Thursday; and 11:00 pm to 7:00 am. Friday and Saturday. University scheduling protocols must be followed. (See Guidelines as to Place and, Scheduling of Campus Events and Activities sections).

Outdoor events and activities that do not require use of amplified sound (for speech or music) may be held between 7:00 a.m. and midnight, Monday through Sunday. Use of the University's scheduling protocols is encouraged to facilitate coordination with other events and among potential campus service providers.

Regardless of the time they are held, events and activities must be conducted in a manner consistent with General Limitations Section and in conformity with any additional guidelines pertinent to a particular venue.

### **Guidelines as to Place**

Freedom of expression is an individual right, and therefore is not restricted to place. While freedom of expression is encouraged everywhere on campus, the Agora Stage area is the most common place where individuals and groups

assemble to exercise the right of free expression unless the space has already been scheduled in advance. (See Scheduling of Campus Events and Activities section).

Other outdoor spaces on campus may be used as public gathering spaces for events and activities. Where amplified sound, equipment, or commercialism is

involved, use of University scheduling protocols is required. (See Scheduling of Campus Events and Activities section.) Use of University scheduling protocols is encouraged in all cases to facilitate coordination with other events and among potential campus service providers.

All indoor facilities and certain campus outdoor spaces must be reserved in advance, through the University Scheduling Office. (See Scheduling of Campus Events and Activities section).

Whether conducted indoors or out of doors, activities must be conducted in a manner consistent with General Limitations Section and in conformity with any additional guidelines pertinent to a particular venue

### **Guidelines as to Manner**

This document contains guidelines as to manner all throughout.

### **Solicitation**

As defined in Title 5 of the California Code of Regulations (Section 42350),

"'Solicitation' means to importune, or endeavor to persuade or obtain by asking, but does not include 'commercial' solicitation." As further provided by Title 5, Section 42350.5:

"Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited."

Organizations or individuals wishing to engage in commercial solicitation at the University must contact Commercial Services. (See Appendix A – Reference List).

### **Electronic Communications**

All use of university information technology resources for purposes of individual or collective free expression must adhere to the provisions of the CSUEB Acceptable Computing Use Policy found at: [Computing Use Policy](#).

### **Assemblies, Marches and Demonstrations**

Freedom of expression extends to the right to demonstrate, protest and advocate through public assemblies, marches and demonstrations.

These activities must be consistent with the University's general requirements regarding preservation of campus order and public safety, as presented in General Limitations, and Time, Place and Manner Guidelines sections.

To address public safety issues (routes of march, necessary public safety staffing, etc.), groups contemplating holding public assemblies, marches or demonstrations are strongly encouraged to notify the University Police in advance of the event, preferably at least 72 hours in advance. In addition, to avoid conflicts with other scheduled University events, and to reserve other necessary support services and ensure event success, organizers of public assemblies, marches or demonstrations are also strongly encouraged to notify the University Scheduling Office.

Where facilities or equipment are required, formal scheduling protocols must be followed. Procedures for booking equipment for campus events found at [Facilities Reservations](#).

The University President has delegated oversight of campus demonstrations to the Vice President of Student Affairs (SA) and the Chief of University Police, to ensure protection of freedom of expression and constitutional rights, participant safety, and, if needed, to implement dispersal procedures only when participants have exceeded the limits of their constitutional rights or exceeded the general limitations of this policy (See General Limitations Section).

### **Withholding or Withdrawal of Approval**

Approval for events or activities encompassed by the campus wide policies on free expression may be withheld or withdrawn where determined by the university President or designee to be inconsistent with Federal or state law, with existing university policies, with the orderly conduct of university business, with preservation of the campus learning environment, with the preservation of public safety, with maintenance of university property, and/or with the free flow of pedestrian and vehicular traffic.

### **Advertising in Publications**

Advertising may be permitted in faculty, staff, alumni and student publications subject to the policies of each publication. Restrictions regarding advertising of alcohol and tobacco products at the university are contained in the Policy on Alcohol and Other Drugs ([Alcohol Policy](#)). Publications in electronic format, utilizing campus information technology resources, are subject to the CSUEB Acceptable [Computing Use Policy](#).

### **Use of the University Buildings and Grounds**

See California Education Code, § 89030-31; Title 5, California Code of Regulations, Sections 41301 and 42350-42354 for specific references.

### **Approved and Priority Uses of University Facilities**

Use of those university facilities that may be scheduled for activities or events is limited to the following purposes and is normally granted in the following order of precedence:

The Regular University Instructional Program: Actual classes and scheduled meetings that are part of the regular academic program.

The Broad University Instructional Program: Discussions, instructionally related activities/programs such as music, drama, forensics, journalism, intercollegiate athletics; special programs and other activities, that are a part of normal class-associated or academic programs; courses that are a part of the authorized campus Continuing Education program.

**Research and Consultant Activities:** Programs that are research-oriented in nature which contribute to the professional development of students, faculty and staff and consultant activities that have been approved by the university.

**Educational and Co-Curricular Activities:** Events such as conferences, meetings, lectures, musicals, concerts, films, productions, contests or public assemblies concerned with the professional, cultural, recreational, or entertainment phases of university life. Participants and guests may include students, faculty, and staff of other educational institutions and the general public when such participants or guests are appropriate to the function.

**Other Uses:** Use of facilities for programs consistent with the objectives of the university may be granted to those agencies and organizations with whom the university is authorized to make lease agreements ([See Facilities Reservation Policy](#)).

### **Costs and Fees**

Use of campus facilities or other property may be subject to a fee and/or require liability insurance and/or an indemnity agreement. Where this is the case, persons or groups granted the use of campus facilities or other property are responsible for payment of any fees and for reimbursing the university or its auxiliaries for any costs incurred. Fee schedules and additional details can be found on the [Scheduling Office web site](#) and the [University Union web site](#).

### **Scheduling of Campus Events and Activities**

The University has established formal procedures for events and activities to ensure effective campus coordination and to provide individuals and groups with a means by which to reserve facilities, spaces, equipment, and other resources and support services. These scheduling protocols apply to all campus events and activities, including but not limited to speeches, musical and artistic performances and exhibitions, public assemblies and events, marches and parades, non-commercial solicitation and commercial activities.

Unless otherwise noted below, all campus events and activities for the Hayward campus are scheduled through the University Scheduling office; and for the Concord campus through the Concord Campus Events Coordinator. The University Union is scheduled through the ASI office. (See Addendum A – References and Contacts).

Any events or activities held in CSUEB's residential communities are subject to the policies of CSUEB's Housing and Residence Life Program. Questions about these policies may be directed to the Office of Housing and Residence Life.

During certain campus wide special events (e.g. Commencement, Preview Day, Orientation), priority will be given to event-related activities in the scheduling of campus facilities, grounds and resources.

In carrying out the scheduling function, the University will retain a position of strict neutrality regarding the views groups or individuals may wish to express. The institutional control of campus facilities shall not be used as a device for censorship. The University will not preclude groups or individuals from expressing their views because of disagreement with the views to be presented.

## **Leafleting and Handing Out of Non-Commercial Written and Printed Materials**

All groups or individuals wishing to leaflet, hand out or otherwise distribute non-commercial written or printed materials on campus must comply with the [CSUEB Posting Guidelines](#).

Individuals may, however, without prior scheduling, distribute non-commercial written and printed materials in any outdoor area of the university (excepting roadways) or in any university building.

Where facilities or equipment are required or commercial activity is involved, use of campus scheduling protocols is required. (See Scheduling of Campus Events and Activities section). Student clubs must consult with the Student Life and Leadership office for assistance in ensuring that leaflets and fliers comply with the provisions of campus policy before they are distributed. Other individuals, order and public organizations or groups may consult with the University Scheduling Office. Littering is not permitted. Posting of written and printed materials on vehicles without the owner's permission is not permitted.

Distribution of materials in electronic format using university information technology resources must comply with the [Acceptable Computing Use Policy](#). These activities must be consistent with the university's general requirements regarding preservation of campus safety, as presented in General Limitations section.

### **Temporary Non-Commercial Signage**

All temporary signage on university property must comply with the [University Posting Guidelines](#).

### **Posting and Signage**

All requests for commercial signage must go through Commercial Services.

Guidelines and restrictions on signage (non-commercial) and on posting of materials (including flyers, posters, chalking, banners) must comply with the [University Posting Guidelines](#).

## Interim Time, Place, and Manner of Free Expression Policy<sup>1</sup>



### EAB Observations

- Updated on 2/17/23
- Includes broad Time, Place, and Manner guidelines. This webpage includes more specific guidelines for specific types of demonstrations (i.e., Chalking, Amplified Sound)
- This policy shall be reviewed five years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed, as necessary, before that time

### Purpose

CSU Monterey Bay is committed to free expression as essential to its educational mission. The University is also committed to enabling all campus community members, recognized student organizations, University-affiliated groups, and the public in hosting a variety of events on campus to supplement and enrich the educational experience.

However, it is recognized that some events may substantially disrupt the orderly operation of the University and/or can raise significant security or safety concerns. To ensure the safety of the University and the campus community while protecting First Amendment rights of those who wish to participate in events hosted on University property, the University will enforce this policy. This policy shall be applied in a viewpoint-neutral manner

### Scope

Except where noted and/or where other policies are incorporated by reference, this policy is intended to be the controlling document regarding the University's time, place, and manner requirements.

This policy and the accompanying [Time, Place, and Manner Requirements](#) apply to all persons and entities accessing and using University facilities, buildings, and grounds, including students, faculty, staff, guests, and the public.

All use of University information technology resources must adhere to the provisions of the University's [Policy on the Acceptable Use of Computing & Information Technology Resources](#) and its Addendum, and other policies governing the use of University information technology resources.

### Activities Associated with Freedom of Expression and First Amendment Rights

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have a special obligation not only to tolerate but also to encourage and support the free expression of ideas, values, and opinions, even where they may be unpopular or controversial. The University accepts and embraces this obligation, recognizing that such expression may take a variety of forms, including but not limited to speeches, signs, written materials, public assemblies, parades, marches, demonstrations, and artistic representation.

<sup>1</sup>) It is unclear why this is an interim policy.



Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, the University shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order and safety.

The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws. Illegal speech activity not protected by the First Amendment to the United States Constitution or by this policy includes defamation, terrorist threats, false advertising, or the promotion of actual or imminent violence or harm.

All members of the University community should recognize that causing discomfort and even causing offense is not a basis for limiting free expression. At the same time, they should recognize that freedom of expression includes a responsibility to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to do so in a lawful manner at all times.

Sometimes, freedom of expression activities and posted materials direct hurtful and/or hateful messages toward an individual or group. While there will always be disagreements over what may constitute good taste or appropriate comment, there can be no question, particularly in a university setting, that freedom of expression as guaranteed by the First Amendment of the United States Constitution, is a cherished and protected right.

Accordingly, the campus community promotes tolerance of differing points of view and to respect the rights of others to express themselves. While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view. Free speech is allowed and supported as long as it does not violate the law or University policies and procedures.

#### **1. Off-Campus Speech by State Employees**

In publicly expressing opinions on off-campus issues, state employees have an obligation to take every reasonable precaution to make it clear that they are expressing their personal views and not purporting to represent the University.

#### **2. Political Activity in Election Campaigns by State Employees**

Generally, under state law, state employees have the same rights as other citizens to engage in political activities, except that state law places the following limits on state employees' participation in election campaigns:

Employees shall not solicit political funds or contributions from co-workers (other than requests for political contributions sent to a significant segment of the public that may include employees).

An employee who holds or is seeking election or appointment to any political office shall not use that position to influence any University-related personnel matter.

Employees may not use or permit others to use state resources to support or oppose a ballot proposition or a political candidate. Examples of prohibited activity include making telephone calls, writing letters, and sending email messages using University resources or during working hours.

### **Time, Place, and Manner Requirements for the Use of Facilities and Grounds**

All use of University facilities and grounds use must adhere to the Time, Place, and Manner Requirements, and be in conformance with all applicable federal, state, and local laws. Activities must not substantially disrupt instructional programs or the operation of the campus, in accordance with the Facilities and Grounds Use Policy and Procedures.

Reasonable time, place, and manner restrictions on the use of University property are permissible, provided that they are carefully designed to (1) coordinate the appropriate use of a particular location for speech activities, remain viewpoint-neutral, and not prohibit particular forms of expression; (2) serve a significant government interest and are not more extensive than necessary to serve that interest; and (3) leave open ample alternative channels for communication of the information. They must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden.

#### **1. Time Limitations**

Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, and University and auxiliary employees who may engage in freedom of expression activities at any time.

#### **2. Place Limitations**

Freedom of expression activities may take place on-campus except within parking lots, vehicular roadways, inside all University buildings and facilities, and within 20 feet of any location in which instructional, educational, residential, and/or official business activities are being conducted. This rule does not apply to private activities within residential spaces, unless the activities violate the law or cause substantial disruption to others who reside in residential spaces.

Popular locations for freedom of expression activities include outside the Tanimura and Antle Family Memorial Library or the Otter Student Union, and on the Main Quad.

### 3. Manner Limitations

Freedom of expression activities must be conducted in a manner that shall not:

- a. interfere with or obstruct the free flow of pedestrian or vehicular traffic;
- b. substantially disrupt the conduct of university business or the quiet enjoyment of residents in private residential spaces;
- c. be carried out in a manner that creates excessive noise that causes substantial disruption of university business and educational activities;
- d. substantially disrupt classes in session or other academic, educational, cultural/arts, and University programs;
- e. cause an unlawful end, such as defamation; illegal harassment; terrorist threats; and/or promoting or inciting actual or imminent violence or bodily injury or harm to property;
- f. and, violate any federal, state or local safety code, including but not limited to State Fire Marshal regulations.

For specific guidance on freedom of expression activities, see the Time, Place, and Manner Requirements below.

### Violations

Violation of this policy is subject to intervention by University officials. In the event of an alleged or perceived violation, those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities.

If a violation persists or is repeated, or if the behavior poses an imminent threat or danger to public safety, the individual(s) in violation may be required to disperse or depart University property immediately. Continued violation may result in code of conduct violations for students, discipline for employees, and subsequent legal action by the University.[2] If the violation occurs at a scheduled event, permission for the event may be summarily revoked. and future requests by the individual or group(s) found to be in violation of this policy may be canceled or denied.[3]

Personal or corporate liability for the reasonable cost(s) incurred by the University due to violations of this policy may be imposed upon the responsible party(s).

Unauthorized removal of properly posted materials is an act of vandalism and subject to appropriate disciplinary action.

University disciplinary action against CSUMB students and employees alleged to have violated this policy and/or its accompanying procedures shall be in conformity with the Code of Student Conduct and Student Conduct Procedures - Executive Order 1098, and/or applicable collective bargaining agreements.

### Continuous Renewal

This policy shall be reviewed five years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed, as necessary, before that time.

## **Expressive Activity Policy**



### **EAB Observations**

- Last updated 3/24/21
- Accessed from the Office of University Compliance University Policies webpage
- One of only 63 schools to have earned a “green light” for its campus speech protection policy in FIRE’s Spotlight database.<sup>1</sup>

### **Purpose**

- (1) The purpose of the policy is to promote the free exchange of ideas on university property and the safe and efficient operation of the university by:
  - (a) Fostering free speech, assembly and other expressive activities on university property by all persons, whether or not they are affiliated with the university.
  - (b) Maintaining an appropriate educational and work environment for all persons present on university property, including but not limited to students, faculty, employees, customers and visitors.
  - (c) Maintaining the personal security of all persons present on university property and protecting the property of the university and of persons present on university property.
  - (d) Adopting a policy on harassment that is consistent with and adheres strictly to its definition in Ohio Revised Code Section 3345.0211 and providing guidelines in accordance with Ohio Revised Code Sections 3345.0211 to 3345.0214, known as the Forming Open and Robust University Minds Act or the Forum Act.
- (2) In developing this policy, the university recognizes the constitutional freedoms of speech, press, and peaceable assembly guaranteed by the United States and Ohio constitutions. The university shall not prohibit any individual from engaging in noncommercial expressive activity on campus, so long as the individual’s conduct is lawful and does not materially and substantially disrupt the functioning of the university. The university also recognizes the need to preserve and protect its property, students, guests and employees of the university, and to ensure the effective operation of educational, business and related activities of the university. Expressive activities on the university’s campus may be subject to reasonable regulation with regard to the time, place and manner of the activities when in the service of a significant university interest if such regulations are viewpoint and content neutral and provide for ample alternative means for expressive activities. University employees will not consider the content of expressive activities when enforcing this policy. No policy can address every possible activity or situation that may occur on university property, and the university reserves the right to address such situations as circumstances warrant.
- (3) This policy does not apply to use of university facilities and grounds for official events sponsored by the university. Expressive activities carried out under this policy shall not be considered to be speech made by, on behalf of or endorsed by the University.

- 1) FIRE is the Foundation for Individual Rights in Education. Learn more:  
<https://www.thefire.org/colleges/cleveland-state-university>

## **Definitions**

"Campus community" means students, student groups, faculty, staff, and employees of the university and their invited guests.

(2) "Expressive activity" means any noncommercial lawful verbal, written, audiovisual, or electronic means by which individuals may communicate ideas, including all form of peaceable assembly, protests, speeches, distribution of literature, carrying and displaying signs, and circulating petitions.

(3) "Harassment" means unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

(4) "Materially and substantially disrupts" means when a person, with the intent to, or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents communication of their message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either engaging in violent or otherwise unlawful behavior or physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participation in an expressive activity. This does not include conduct that is protected under the First Amendment to the United States Constitution or Section 3 of Article I of the Ohio Constitution.

(5) "Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways and other similar common areas. This does not include outdoor areas where access is restricted to a majority of the campus community.

(6) "Student group" means an officially recognized group at the university, or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the university.

## **Outdoor Areas of Campus**

### **(1) Publicly Accessible Outdoor Areas**

- (a) Any person or group may use for expressive activity, without prior approval or reservation, any outdoor area of campus except parking lots, garages and driveways. Federal, state and local laws will be enforced as applicable. The use of walkways or other common areas for expressive activity may not block the free passage of others or impede the regular operation of the university. Members of the campus community may spontaneously and contemporaneously assemble and distribute noncommercial literature.
- (b) Use of the publicly accessible outdoor areas may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions. There is no limit to the number of times a month a person or group may access those areas.
- (c) The university does not maintain free speech zones. The university may maintain and enforce reasonable time, place, and manner restrictions specifically developed in service of a significant institutional interest when such restrictions are viewpoint and content neutral and provide for ample alternative means for expressive activities.

- (a) Except in circumstances described in paragraph (B)(2)(b) of this policy, any person or group whose use of an outdoor area is expected or reasonably likely to have more than one hundred people should notify the university's police department at 216-687- 2020 at least five business days before the day of the expressive activity and provide information as to the specific location of the event, the estimated expected number of persons, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which shall include at least one person who will be personally present.
- (b) Prior notice is necessary to ensure that there is sufficient space for the large group event, that the large group event does not conflict with any other scheduled use of the outdoor area, and that sufficient university resources are available for crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, the person or group shall provide the university with as much advance notice as circumstances reasonably permit.

### **Student Use**

- (1) In addition to the right of access to publicly accessible outdoor areas of campus described above, any student or student group may seek to reserve the use of specific outdoor areas by contacting conference services at 216-523-7203. Reserving the area is not required but does result in priority use.
- (2) Any request by a student or student group to reserve such area should be made at least one business day prior to the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate this policy.
- (3) A student or student group that has reserved a specific area under this policy will have priority over any other persons seeking to use the area during the scheduled time period. Any decision denying a request shall be promptly communicated in writing to the requester and shall set forth the basis for the denial. The content of the expressive activity shall not form the basis for a denial.
- (4) The university will not charge security fees to a student or student group based on the content of their expression, the content of the expression of their invited guest, or the anticipated reaction to an invited guest's expression.

### **Harassment**

- (1) The university strives to provide an environment for the campus community that is free from harassment as defined in paragraph (B)(4) of this policy.
- (2) The university community shall refrain from harassment as defined in paragraph (B)(4) of this policy while conducting expressive activities.
- (3) Any member of the campus community may file a complaint alleging harassment as defined in paragraph (B)(4) of this policy pursuant to the university's policy against discrimination, harassment, sexual violence and retaliation and related procedures.
- (4) The definition of harassment set forth in paragraph (B)(4) of this policy is specific to this policy and varies from the definition of harassment set forth in other university policies.

(2) Large  
Groups

Cleveland State University, cont.

## **University Space**

- (1) Use of indoor university space is governed by university policies 3344-90-01 university space and 3344-90-02 use of space for nonacademic purposes

## **Prohibited Activities**

- (1) Any event or activity that significantly disrupts the ability of the university to effectively and peacefully teach students, provide client services, or conduct any of its other business and support operations is prohibited. Examples include but are not limited to excessive noise, impeding vehicle or pedestrian traffic, and conduct otherwise unlawful.
- (2) No activity may damage university property. Prohibited actions include but are not limited to driving stakes or poles into the ground, affixing items to a building, and attaching anything to sidewalks, paved areas, or any part of any building, structure or fixture. This prohibition does not limit the otherwise authorized decoration of offices and residences by non-destructive means.
- (3) Distribution or solicitation by placing any material on vehicles in the parking lots or garages is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.
- (4) Expressive activity that meets the definition of harassment under this policy is prohibited. Any member of the campus community may file a complaint alleging harassment as defined herein pursuant to university policy 3344-2-02, policy against discrimination, harassment, sexual violence. Such complaints will be addressed pursuant to the office for institutional equity procedures for addressing reports of discrimination, harassment, sexual violence and retaliation. Conduct that intentionally, materially, and substantially disrupts another individual's expressive activity if it occurs in a campus space reserved for exclusive use or control of a particular individual or group, also known as "heckler's veto".

## **Enforcement**

Any person who violates paragraph (G) of this policy may be subject to an order to leave university property. Employees in violation of this policy may be subject to discipline. Students may be subject to charges under the code of student conduct.

## **Procedures**

The university administration has adopted procedures to administer this policy.

## **Interpretation**

- (1) This policy shall not be interpreted as restricting or impairing the university's obligations under federal law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1962, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, Age Discrimination in Employment Act, and the Age Discrimination Act of 1975 as addressed through other university non-discrimination and Title IX policies.

## **Use of Indoor**

- (2) This policy is not intended to impair any constitutionally protected expressive activity.



## Free Speech and Assembly Policy



### **EAB Observations**

- Last updated 10/24/22
- Accessible from the university's policies webpage
- Defines disruptive activity: "Any action by an individual, group, or organization to impede interrupt, interfere with or disturb the holding of classes, the conduct of the university business, or the authorized scheduled events and activities of any and all segments of the university."

Mississippi State University recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, freedom of thought, and freedom of expression. The university encourages the search for truth and knowledge and does not abridge searchers' rights to reveal their findings, by both spoken and written word, even if in so doing they might find themselves at variance with their peers as well as the lay community. To dissent, to disagree with generally accepted truth and knowledge is acceptable.

The university also stands for the right of all the university community to pursue their legitimate activities without interference, intimidation, coercion, or disruption. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly and affirms all rights and freedoms guaranteed under the Constitution of the United States.

Finally, the university recognizes that the right to dissent and the right not to speak are essential components of free expression. To ensure these rights are respected, the university requires that public statements on issues of current importance made on behalf of the institution or any division thereof receive appropriate review and prior approval.

### **PROCEDURE**

Reasonable time, place, and manner restrictions will be enforced. However, the enforcement will not depend, in any way, on the subject matter involved in an expressive activity. It is strongly suggested that all activities be registered with the Dean of Students' office 48 hours in advance in order to make adequate arrangements for safety and security and to insure the space desired is available. Registration information can be obtained at the Dean of Students' office.

Mississippi State University provides forums for the expression of ideas and opinions, such as the following:

1. Traditional public forums include the university's parks and similar common areas such as the Drill Field and Junction. These areas are generally available for non-amplified expressive activity, planned or spontaneous, for the individual or small group at any time without the need for reservation or prior approval, unless the space is already scheduled. No individual or small group shall be permitted to set up on or obstruct the traffic flow on sidewalks, roadways, or through plazas. Reasonable setback and distance requirements from roads, sidewalks, plazas, and other areas will be enforced to preserve access and traffic flow.
2. Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by the

university. Examples of designated forums include parking lots and athletic fields.

3. Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purpose and are typically not available for public expressive activity. Examples include, but are not limited to, classrooms, residence halls, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer labs, and private residential housing on campus.

4. Additionally, security considerations may affect the availability of spaces that would otherwise be available.

Disruptive activities will not be allowed. The university has defined a disruptive activity as any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conduct of the university business, or the authorized scheduled events and activities of any and all segments of the university. Furthermore, any activity that incites imminent lawless action or that triggers an automatic violent response will be considered disruptive. In addition to any potential criminal penalties, students engaging in disruptive activities will be referred to the Dean of Students' office, and employees will be referred to Human Resources.

### **GUIDELINES**

1. Registered university organizations and university departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Dean of Students' office located in 608 Allen.
2. Literature can be distributed in public forums. However, the party distributing the literature is responsible for cleaning up any discarded paper and restoring the campus to its previous condition. Literature may not be distributed in non-public forums.
3. No amplification equipment may be used.
4. Use of campus land is on a temporary basis.
5. Flyers may be placed on open bulletin boards inside or outside university buildings.
6. No activity will be permitted that blocks access to university buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized university activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.
7. Private business or commercial solicitation on campus is generally prohibited. (Refer to OP 91.110: Campus Solicitation.)

## **Free Speech Policy**



### **EAB Observations**

- Revised on 5/30/23
- Accessed from the website for the Office of Academic Affairs
- Students have a fundamental constitutional right to free speech
- Ohio State University's free speech policies are housed in a [centralized location on the university website](#)

### **Purpose of the Policy**

To affirm principles of campus free speech and communicate the process for submitting and addressing complaints alleging free speech violations in accordance with Ohio Revised Code (ORC) 3345.0215.

### **Policy Details**

1. In accordance with ORC 3345.0215, the university affirms the following principles:

- A. Students have a fundamental constitutional right to free speech.
- B. The university is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to Policy Details III.
- C. The university is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- D. The role of the university's individual students and faculty is to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.
- E. The proper role of the university is not to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- F. The university greatly values civility and mutual respect. Nevertheless, concerns about civility and mutual respect may never be used as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- G. All students and faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the campus. Nevertheless, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the university has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.

- H. The university is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who will always remain free to inquire, study, evaluate, and gain new understanding.
  - I. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.
2. Only students, student groups, and faculty may submit complaints about alleged violations of this policy by university employees to the Office of University Compliance and Integrity at [compliance-integrity@osu.edu](mailto:compliance-integrity@osu.edu) or through the university's Anonymous Reporting Line at 866-294-9350 or [ohio-state.ethicspoint.com](http://ohio-state.ethicspoint.com).
3. Nothing in this policy will be interpreted as preventing or prohibiting the university from imposing lawful measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution, such as:
- A. Constitutional time, place, and manner restrictions;
  - B. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
  - C. Restricting the use of university property to protect the free speech rights of students and faculty and preserve the use of the property for the advancement of the university's mission;
  - D. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution; and
  - E. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules and expectations.
- E. Nothing in this policy will be construed to interfere with any faculty member's academic freedom under Faculty Rule 3335-5-01 or will be interpreted as restricting or impairing the university's obligations under federal law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, Age Discrimination in Employment Act, and the Age Discrimination Act of 1975 as addressed through the Non-Discrimination, Harassment, and Sexual Misconduct policy.
- F. Nothing in this policy will be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum. See ORC 3345.0215.
- G. The university encourages all students, student groups, and faculty to file complaints about alleged violations of this policy, including any violation which results in a penalty imposed on a student's grade for an assignment or coursework that is unrelated to ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and is instead based on the contents of student's free speech. Anyone filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a policy violation. The university is committed to protecting individuals from interference with making a complaint under this policy and from retaliation for having made such a complaint.

## Ohio State University, cont.

### **Procedure**

1. The university will review and respond to all complaints alleging violations of this policy as set forth in the Campus Free Speech Policy Complaint Investigation, Hearing, and Resolution Process.
2. The university will report complaint information annually to Ohio's chancellor of higher education in accordance with ORC 3345.0215.

## External Speaker Policy



### **EAB Observations**

- No date showing when it was created or revised; accessed online on 3/28/24
- Accessed from the code of Students' Rights and Responsibilities
- External speakers must complete a form
- Pittsburg State reserves the right to deny a request by any external speaker if it would "constitute a clear and present danger to the institution's orderly operation."

An External speaker is any individual, group, or organization wishing to appear or speak on campus but not officially sanctioned or invited by Pittsburg State University or its respective registered campus organizations. The following serves as procedures regarding External speakers at Pittsburg State University:

1. An External Speaker shall complete an [External Speaker policy form](#) at the Office of Student Life, 221 Russ Hall, (620)235-4231.
2. Upon completion of the form, the Office of Student Life will notify the proper University officials and will coordinate the allocation of University facilities for public address.
3. All External Speakers will be informed of all related policies regarding public address as stipulated by the University, Board of Regents, and State of Kansas.
4. All External Speakers are expected to abide by all existing policies, procedures, regulations, and guidelines.
5. Pittsburg State University reserves the right to specify locations for public address and reserves the right to deny a request by any External Speaker if determined that the proposed public address would constitute a clear and present danger to the institutions orderly operation by the External speakers Advocacy of such actions as:
  - a. The violent overthrow of the government of the United States, any individual state, or political subdivision;
  - b. The willful damage or destruction, seizure, and subversion of the institutions buildings or other property;
  - c. The forcible disruption or impairment of, or interference with the institutions regularly scheduled classes or other functions; and
  - d. The physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students; and,
  - e. Other campus disorders of a violent nature.
6. Pittsburg State University will deny approval for a location on the Oval in all requests which utilize amplified speech or music equipment. Exceptions will be approved by the Vice President of Student Life.

## **Rules on Expressive Activity on Campus**



### **EAB Observations**

- Revised 11/12/21
- Accessed from the Office of Risk, Ethics, and Compliance webpage
- Outlines freedom of speech provisions under each domain under the University's ownership

### **Rule Statement:**

Texas A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the U.S. Constitution and Texas state law. Texas A&M University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent. In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education "adopt a policy detailing student's rights and responsibilities regarding expressive activities" on its campus. As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

### **Definitions [...]**

### **Official Rule:**

#### **I. Expressive Activity Rights**

1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any



anticipated controversy related to the event.

3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
  - a. As outlined in Section 3, Texas A&M University may require advance reservation of events in certain circumstances to ensure safety and to promote an environment conducive to study.
  - b. There are areas such as residences, the Bush Library, the nuclear reactors, utility buildings, etc. that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available. Information about existing 08.99.99.M1 Expressive Activity on Campus Page 4 of 7 requirements, restrictions, or security concerns will be discussed at the time a reservation request is processed.
5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

## **II. Reservable Designated Public Forums**

1. Rudder Fountain Area, Lawrence Sullivan Ross Statue Area, and the West Mall Area are reservable designated public forums and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in Section 3. Each area available for reservation is described below.
  - a. Rudder Fountain Area – space between Memorial Student Center and Rudder Tower. Sound equipment is allowed and is available for use in this area at a small fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.
  - b. Lawrence Sullivan Ross Statue Area – space west of the Academic Building and near the statue of Lawrence Sullivan Ross. No sound equipment is permitted in this area. (This area is not available for expressive activity during Silver Taps and/or during the Ross Volunteer practice for Silver Taps.)
  - c. West Campus Mall Area – space east of the Heep Center and marked by flagpoles and plantings. No sound equipment is permitted in this area.
2. Texas A&M University branch campuses and remote locations may identify reservable designated public forums on their respective campuses.

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place.

#### **IV. Reservation Procedures**

1. Individuals or groups who are either required to make advance reservation (see Section 3) or those individuals or groups who otherwise wish to make advance reservations on main campus in College Station shall request use of the space through the Scheduling Office on the second floor of Rudder Tower. Individuals or groups who are either required to make advance reservation (see Section 3) or those individuals or groups who otherwise wish to make advance reservations at branch campuses or remote locations should contact the designate administrator at that location. If advance reservation is required (see Section 3), requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from a building/space proctor. Usually use of the space will be assigned to the person or organization that requests the area first.

University sponsored events have first priority on the use of campus facilities. The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.

2. The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

At the time of the request, the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

### **III. Advance Reservation Requirements**

Texas A&M University, cont.

## Expression

- a. Disruptive Activity – Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
- b. Reasonable Access – It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
- c. Picketing – Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
- d. Literature may be distributed in traditional and designated public forums. Such activities should not become disruptive nor should they impede access.
- e. Symbolic Protest – Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention.
- f. Noise – Making sustained or repeated noise in a manner that substantially interferes with speakers' ability to communicate their message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
- g. Force or Violence – Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
- h. Presenting Identification – In accordance with Texas Education Code § 51.209, it is unlawful for any persons on any property either owned or controlled by the university to refuse to identify themselves to a university official in response to a request. For the purpose of this rule people identify themselves by presenting student or faculty/staff ID card or government issued ID card.
- i. Damage to Property – Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
- j. Aesthetics – Exterior-facing messages, including but not limited to signs, posters, flags, or banners, on the windows of any Texas A&M University building, other than a student's room in the residence halls or the university apartments, are prohibited. University approved health and safety messages are not included in this prohibition.
- k. Other University Rules – All applicable University Rules and University Student Rules should be followed whenever engaging in activities on campus. Consult the University Student Rules booklet for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

### 3. Guidelines for

## **V. External Client Events**

Events organized by an external party but held on the Texas A&M University campuses must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member (see University Standard Administrative Procedure 24.99.99.M0.02 for applicable procedures).

## **VI. Grievance Procedure**

1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
2. Students may file a grievance with the Office of the Dean of Student Life. Faculty may file a grievance with the Dean of Faculties. Staff may file a grievance with Human Resources. Third parties may file a grievance with Human Resources.
3. Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. Any participant in a disruptive activity may also face criminal charges. The offices listed in section 6.2 of this rule are responsible for the complaint according to its normal procedures. Grievances may be referred to another office for review and further action, when appropriate.

## **VII. Implementation**

1. A copy of this rule shall be provided to students during New Student Conferences and other new student orientation programs.
2. This rule shall be posted on the university's website

## Principles on Diversity of Thought and Freedom of Expression



### **EAB Observations**

- Board of Regents approved policy on 1/16/24
- Accessed from the Office of the President's webpage
- Not all ideas are of equal value. That is precisely why they must be subject to intense scrutiny and thoughtful debate

The University of Michigan serves the public through teaching and research. We create and advance knowledge. We prepare the next generation to participate in democracy. We fulfill our mission through rigorous scholarship and scrutiny in the humanities and sciences, in the arts and engineering, in every field and every discipline. Open inquiry and spirited debate-the lifeblood of our institution-promote discovery and creativity.

We have a proud history of engaging with issues of great societal importance. Our 1988 Freedom of Speech and Artistic Expression policy, built upon the Board of Regents 1977 Freedom of Speech Guidelines, affirms protections for speakers, performers, and the audiences who assemble to watch and listen and for protesters who are free to disagree but not disrupt the presentations. Our practice of confronting controversial topics is a hallmark of our culture. We uphold "the right to intellectual freedom" by practicing "firm traditions of self-criticism, by learning to respect differences of opinion and belief, and by recognizing that the progress of a society is inextricably linked to a diversity of opinions and beliefs and the freedom to express them." When we fall short of these ideals, we vow to learn from our missteps as a community that aspires to be "leaders and best."

As a great public university guided by the letter and spirit of the First Amendment, we enthusiastically embrace our responsibility to stimulate and support diverse ideas and model constructive engagement with different viewpoints in our classrooms and labs, lecture series and symposia, studios and performance halls, exhibits and publications, and among our entire community of students, teachers, researchers, and staff. When we disagree on matters of intellectual significance, we make space for contesting perspectives. We must listen critically and self-critically.

Our commitment to freedom of expression is entirely consistent with our commitment to nurturing a diverse, equitable, and inclusive community. By bringing together individuals with different backgrounds, experiences, and viewpoints-and supporting and empowering them to use their voices and share their views-we make our community stronger and advance our mission.

We affirm the value of exchanging ideas; questioning assumptions; learning from those with whom we disagree and those whose voices have been marginalized; challenging views we find misguided or pernicious; and engaging with the broadest range of scholarly subjects and materials. We strive to meet conflict and controversy with understanding and reason, refuting our opponents rather than revoking invitations or refusing them a platform, and contesting their ideas instead of attacking their character.

Not all ideas are of equal value. That is precisely why they must be subject to intense scrutiny and thoughtful debate. Our deep commitment to free expression does not extend to speech or conduct that violates the law or University policy, including targeted speech that constitutes bullying, defamation, destruction of property, discrimination, harassment, violence, or threats. And the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the University's ordinary activities. We recognize that free inquiry and expression can offend. Every member of our academic community should expect to confront ideas that differ from their own, however uncomfortable those encounters may be. We commit to these Principles because they help us to create, discover, and fulfill our vital mission.

## **Disruptive Activity Policy**



### **EAB Observations**

- Drafted on 3/27/24
- No one has the right to infringe on the exercise of others' speech and activities by disrupting the normal celebrations, activities, and operations of the University
- In the event of a conflict with another University policy, this Policy shall apply

### **Purpose**

The University of Michigan-Ann Arbor (the University) respects, encourages, and defends free speech and free expressive activity as bedrock principles of our academic community. Those principles extend to engagement in the University community, including academic and social activities, gatherings, and celebrations. Being members of a community means respecting one another's right to engage in speech, expression, and activities that are important to each and every member of the community.

No one has the right to infringe on the exercise of others' speech and activities by disrupting the normal celebrations, activities, and operations of the University ("University Operations"). The purpose of this Policy is to address disruption to University Operations so that all members of the University Community and guests may exercise their rights, including their right to hear from speakers; attend classes, activities, and open meetings; and participate as guests at University ceremonies. See, e.g., UM SPG 601.01.

### **Scope**

This Policy applies to all students, employees, contractors, volunteers, and visitors ("Person") engaging in disruptive activity that either impairs the University's ability to engage in University Operations or prevents others from participating in them, as set forth by this Policy, on University property, or in University controlled spaces (University Facilities).

### **Policy**

1. No Person without legal authority may prevent or impede the free flow of persons about campus, whether indoors or outdoors, including any pedestrian, bicycle, or vehicular traffic.

2. No Person may disrupt the University Operations of UM Facilities, including but not limited to the communications or activities of speakers or performers on University Facilities, or of any class, laboratory, seminar, examination, performance, formal proceeding, activity in a reserved space, field trip, or other educational, research, artistic, athletic, medical, operational, or service activity occurring on UM Facilities by obstructing lines of sight, making loud or amplified noises, projecting light or images, or otherwise creating substantive distractions.

3. All Persons in violation of this policy, or those who knowingly aide or assist others in committing a violation of this policy, must comply with lawful requests to leave UM Facilities.

### **Violations and Enforcement**

To the extent practicable under the circumstances, a Person in violation of this policy either will be instructed to bring their activities into compliance with the requirements or will be asked to leave UM Facilities.

If the University has good cause to believe that a Person has violated this Policy, the University may take immediate action to prevent ongoing and further disruption and hold the Person accountable to the full extent of its authority under existing laws, ordinances, and University rules—including requests for misdemeanor charges under Article XII of the Regents' Ordinance and state trespass law, MCL 750.552. In applying this policy, the following procedures will apply:

#### **A. Students**

1. A student accused of violating this Policy will receive written notice of their alleged violation and evidence relevant to the alleged violation. Within 10 (ten) business days of receiving notice, the student will have the opportunity to meet with a University official to discuss the alleged violation, ask questions, and respond. At this meeting, the student may agree to voluntarily accept responsibility for the alleged violation and an assigned sanction, which will be documented in a follow up written communication to the student.
2. If the student does not voluntarily accept responsibility for the alleged violation and assigned sanction, a hearing will be provided for the student to determine responsibility and, if applicable, sanctions. The University will appoint a hearing officer, who will consider all relevant evidence and make a finding of responsibility based on a preponderance of the evidence. The student may access all information that will be considered by the hearing officer before the hearing. The student may call witnesses and ask questions of any witness providing testimony in support of the alleged violation. The student may bring a silent advisor to attend the hearing.
3. If applicable, the hearing officer may assign any of the following sanctions: formal reprimand, disciplinary probation, restitution, restriction from employment at the University, class/workshop attendance, educational project, service, removal from specific courses or activities, no contact with certain persons, suspension, or expulsion.
4. The hearing officer will issue their decision in writing to the student within 10 (ten) business days of the hearing.
5. A student has the right to appeal the hearing officer's decision only if one or more of the following grounds are met:
  - a. the demonstration of a clear error in the hearing process or procedures;
  - b. the availability of new evidence that was not reasonably available at the time of the hearing;
  - c. the hearing officer's finding was clearly erroneous; or
  - d. the assigned sanctions are excessive relative to the violation.



6. To initiate an appeal, the student must provide written notice to the hearing officer within ten (10) business days of receiving notice of the hearing decision. \_\_\_\_\_ will determine whether there are grounds for an appeal. If granted, an appeal officer will review the case and may sustain or reverse the finding of responsibility and/or modify the assigned sanctions. The student will be informed in writing of the appeal officer's decision, which is final.

**B. Staff**

If it is determined that a University staff member has violated this policy, such violation shall constitute "misconduct" under UM SPG 201.12 and the University may institute discipline, up to and including termination. In such cases, the staff member will be afforded all rights under University policy and any applicable collective bargaining agreement, including but not limited to UM SPG 201.12 (Discipline) and SPG 201.08 (Grievances and Dispute Resolution).

**C. Faculty**

If it is determined that a University faculty member has engaged in conduct in violation of this policy, such conduct will be assessed under the University rules and regulations applying to faculty, including but not limited to UM SPG 201.96, and other rules and regulations of the University.

**D. Contractors, Volunteers, and Visitors**

If it is determined that a contractor, volunteer, or visitor has violated this policy, the University may terminate the contractual relationship in accordance with the provisions of any contract, terminate the volunteer opportunity, require the visitor to leave campus, or bar them from campus in accordance with state trespass law, MCL 750.552.

**Other University Policies**

In the event of a conflict with another University policy, this Policy shall apply.

## **Commitment to Academic Freedom and Freedom of Expression**



### **EAB Observations**

- Last modified 10/6/17
- Accessed from the regents' policies webpage
- Applies to students, employees, and visitors
- Sets clear sanctions for students who disrupt the free expression of others
- Commits to report annually regarding efforts to uphold academic freedom and freedom of expression
- Requires each UW institution to include information about this policy at orientation

### **Scope**

This policy applies to all UW System students, employees, and visitors.

### **Purpose**

The purpose of this policy is to communicate the Board of Regents' commitment to academic freedom and freedom of expression, and expectations for those who violate these freedoms.

### **Policy Statement**

#### **1. Commitment<sup>1</sup>**

The Board of Regents of the University of Wisconsin System has a longstanding tradition of support for academic freedom, dating back to 1894 and the famous "sifting and winnowing" statement contained in the University of Wisconsin Board of Regents' Final Report on the Trial of Richard Ely. The Board of Regents of the University of Wisconsin System hereby reiterates its commitment to the principle of academic freedom and affirms its commitment to the principle of freedom of expression.

Academic freedom includes the freedom to explore all avenues of scholarship, research, and creative expression, and to reach conclusions according to one's own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom. These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters, or on matters of public concern. The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn.

Of course, different ideas in the university community will often and quite naturally conflict. But it is not the proper role of the university to attempt to shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive.

Although the university greatly values civility, concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members within the university community.

The freedom to debate and discuss the merits of competing ideas does not mean that members of the university community may say whatever they wish, wherever they wish. Consistent with longstanding practice informed by law, institutions within the System may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or discriminatory harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university. In addition, the institutions may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt ordinary activities. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with each institution's commitment to a completely free and open discussion of ideas.

These principles carry responsibilities. Academic freedom carries the responsibility for the faithful performance of professional duties and obligations. All members of the university community at each of the institutions in the University of Wisconsin System share in the responsibility for maintaining civility and a climate of mutual respect. Although members of the university community at each institution are free to criticize and contest the views expressed on campus, they may not obstruct or otherwise interfere with the freedom of others, including speakers who are invited to campus, to express views they reject or even loathe. Freedom of expression also carries the obligation to make clear that when speaking on matters of public interest or concern, one is speaking on behalf of oneself, not the institution.

Each institution in the University of Wisconsin System has a solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them. Exploration, deliberation, and debate may not be suppressed because the ideas put forth are thought by some or even by most members of the university community (or those outside the community) to be offensive, unwise, immoral, or wrong-headed. It is for the members of the university community, not for the institution itself, to make those judgments for themselves, and to act on those judgments not by seeking to suppress exploration of ideas or expression of speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the university community to engage in such debate and deliberation in an effective and responsible manner is an essential part of each institution's educational mission.

Accordingly, the University of Wisconsin System Board of Regents expresses its expectation that the principles of academic freedom and freedom of expression will be upheld because today, as previously stated by Regents on September 18, 1894: "Whatever may be the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

## **2. Conduct on University Lands; Student and Employee Discipline**

Chapters UWS 17 (Student Nonacademic Misconduct Procedures) and UWS 18 (Conduct on University Lands) of the Wisconsin Administrative Code and other relevant Administrative Code provisions, UW System and UW institution policies, and

State statutes govern the conduct of students, employees, and visitors on all real property owned or leased by, or otherwise under the control of the Board of Regents. These Administrative Code provisions, statutes and policies provide UW institutions with authority to address disruptive behavior by students, employees, and visitors.

Chapter UWS 17.09 describes misconduct that may subject a student to discipline, including but not limited to: disruption of university-authorized activities; dangerous conduct; unauthorized use of or damage to property; violation of criminal law; serious and repeated violations of municipal law; violation of university rules; and violation of Chapter UWS 18. Chapter UWS 17.10(1) contains a range of disciplinary sanctions for students under the jurisdiction of the institution who engage in violent or other disorderly conduct that materially and substantially disrupts the free expression of others.

Chapter UWS 18 describes misconduct that may subject a student or an employee to discipline, and that may subject students, employees, and campus visitors to municipal fines or criminal sanctions, including but not limited to Chapter UWS 18.10 (offenses against public safety), Chapter UWS 18.07 (use of campus facilities), and Chapter UWS 18.11 (offenses against public peace and order). Chapter UWS 18.13 describes forfeiture penalties for violation of certain sections of Chapter UWS 18.

Students charged with misconduct by the University shall be provided the procedural protections in Chapter UWS 17 and parallel UW institution policies. Those protections include, but are not limited to: the right to a written report detailing the alleged misconduct, describing all information available to the university regarding the alleged misconduct, and specifying the sanction sought; the right to a hearing before an impartial hearing examiner or hearing committee; the right to question adverse witnesses; the right to present information and witnesses; the right to be heard; the right to be accompanied by an advisor who may be an attorney; and the right to an appeal.

A formal investigation and disciplinary hearing is required the second time a formal complaint alleges a student has engaged in violent or other disorderly misconduct that materially and substantially disrupted the free expression of others. Any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others at any time during the student's enrollment shall be suspended for a minimum of one semester. Any student who has thrice been found responsible for misconduct that materially and substantially disrupted the free expression of others at any time during the student's enrollment shall be expelled. This paragraph shall be effective upon amendment of Chapter UWS 17 of the Wisconsin Administrative Code under Chapter 227 of the Wisconsin Statutes to include a parallel provision. The report regarding repeat violators described in Section 5 of this policy will not be required after the effective date of the amendment to Chapter UWS 17.

Employees charged with misconduct described in Chapter UWS 18 and UW institution policies governing employee conduct shall be provided the procedural protections in applicable Wisconsin Administrative Code sections and UW institution policies.

### **3. Freedom of Expression**

Students and employees have the freedom to discuss any problem that presents itself, as the First Amendment of the U.S. Constitution and Article I of the Wisconsin Constitution permit. Students and employees shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity does not materially and substantially disrupt the functioning of an institution.

Protests and demonstrations that materially and substantially disrupt the rights of others to engage in or listen to expressive activity shall not be permitted and shall be subject to sanction. This policy shall not prohibit administrators, faculty, or other instructors from maintaining order. Access to UW institutions for purposes of free speech and expression shall occur within the limits of reasonable viewpoint-neutral and content-neutral restrictions on time, place, and manner of expression and the provisions of Chapter UWS 21 (Use of University Facilities) of the Wisconsin Administrative Code.

#### 4. Restriction of Expression

UW institutions may restrict expressive activity not protected by the First Amendment of the U.S. Constitution or Article I of the Wisconsin Constitution, including any of the following:

- Violations of state or federal law.
- Discriminatory harassment.
- Sexual harassment.
- True threats.
- An unjustifiable invasion of privacy or confidentiality.
- An action that materially and substantially disrupts the function of an institution.
- A violation of a reasonable time, place, and manner restriction on expressive activities.

Nothing in this policy shall be construed to prevent institutions from regulating speech or activity as allowed by law.

#### 5. Accountability

**Annual Report:** The Wisconsin Constitution recognizes in Article I, Section 3, that “Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right,” and in Article I, Section 4, that the “[R]ight of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.” The First Amendment to the U.S. Constitution provides parallel protection for these rights. Upholding the constitutional rights of persons who have differing viewpoints can be challenging within the academy and elsewhere.

The UW System shall report annually to the Board of Regents regarding the efforts of its institutions to uphold the principles expressed in this policy and to fulfill the Board’s Commitment to Academic Freedom and Freedom of Expression. The UW System’s report shall describe any affirmative steps its institutions have taken in furtherance of the Board’s Commitment, as well as any material barriers to these freedoms within the System and steps being taken to remove those barriers. The report also shall describe any formal complaints of violations of these freedoms during the reporting period and the administrative response to those complaints, including any disciplinary proceedings involving students or employees. The report shall comply with all federal and state law privacy protections for students and employees.

**Report Regarding Repeat Violators:** Until the proposed Chapter 227 rulemaking described in section 2 of this policy is completed, if a UW institution does not suspend or expel a student who has been found responsible through the student disciplinary process on two or more occasions of materially and substantially disrupting the expressive rights of others at any time during the student's enrollment, the UW institution's chancellor shall report to the Board of Regents regarding the disciplinary process and decision. The report shall comply with all federal and state law privacy protections for students.

## **6. Neutrality**

Each UW institution shall not take action, as an institution, in such a way as to require students or employees to express a particular view on a public policy issue.

## **7. New Student Orientation**

Each UW institution shall include in orientation for freshman and transfer students information regarding freedom of expression consistent with this policy.

## **8. Notice**

Each UW institution annually shall provide notice to all enrolled students and employees informing them of this policy.

## **9. Inconsistent Policies**

This policy supersedes and nullifies any provisions in the policies of a UW institution that improperly restrict speech at that institution and are, therefore, inconsistent with the policy. Each UW institution shall remove or revise any such provisions in its policies to ensure compatibility with this Board policy.

## **Oversight, Roles, and Responsibilities**

Each chancellor shall be responsible for implementing the provisions of this policy.

<sup>1</sup> Sources: Richard Ely Trial Committee Final Report, September 18, 1894, University of Wisconsin Board of Regents; Report of the Committee on Freedom of Expression at the University of Chicago; Johns Hopkins University Statement on Academic Freedom; Princeton University Statement on Freedom of Expression; Purdue University Commitment to Freedom of Expression

*History: Res. 10600, adopted 12/15/2015; Res. 10906, adopted 07/07/2017; Res. 10952, adopted 10/06/2017, created Regent Policy Document 4-21.*



## Political Activity Policy



### **EAB Observations**

- Adopted 11/13/23
- Accessed from the Policies and Procedures webpage
- This policy applies to all representatives of the College, including faculty, staff, students, and alumnae, who organize College events, otherwise utilize College resources, or purport to communicate on the College's behalf

This policy sets forth restrictions on political activity that Barnard College must follow to retain our legal status as a tax-exempt, not-for-profit organization. All faculty, staff, students, and alumnae must follow this policy when utilizing College resources or speaking as a representative of the College or on behalf of the College. The College may change this policy at any time without notice.

### **Executive Summary**

The College encourages community members to participate in the political process as individuals, but federal law absolutely prohibits tax-exempt educational institutions from participating directly or indirectly in campaigns on behalf of, or in opposition to, any candidate for public office. In addition, tax-exempt educational institutions may not engage in substantial activities that attempt to influence legislation (commonly known as lobbying). The College may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing the College's tax-exempt status. This policy sets forth who may make political statements on behalf of the College and delineates activities that are permissible and impermissible when using College resources or purporting to speak as a representative of the College or on behalf of the College.

### **Who is Governed by this Policy**

This policy applies to all representatives of the College, including faculty, staff, students, and alumnae, who organize College events, otherwise utilize College resources, or purport to communicate on the College's behalf.

### **Who is Responsible for this Policy**

The Barnard College General Counsel is responsible for the maintenance of this policy and for responding to questions regarding this policy.

### **Policy Statement**

Under the U.S. Internal Revenue Code, IRS guidance, and applicable regulations, Barnard College is strictly forbidden from directly or indirectly engaging in partisan political activity on behalf of or in opposition to any candidate for elective public office at any level. In addition, the College is not permitted to engage in substantial activities that attempt to influence legislation (commonly known as lobbying). These prohibitions apply to all representatives of the College, including faculty, staff, students, and alumnae, who organize College events, otherwise utilize College resources, or purport to communicate on the College's behalf.

Given these prohibitions, only the Chair of the College Board of Trustees and the College President, or their respective designees, may make political statements on behalf of the College. All such statements must be aligned with the mission of the College and adhere to federal law.

Faculty are expected and encouraged to research, teach, write, and engage publicly on topics that may be relevant to political issues of the day, including issues on which the College has made political statements and issues on which the College has remained silent. Faculty may analyze and explain any such issues and provide their individual views through scholarship, teaching, press interviews, and all forms of off-campus communication so long as they expressly state that they are sharing their individual expertise and analysis and not speaking on behalf of the College.

### **Definitions**

**Attempting to Influence Legislation:** contacting, or urging the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or otherwise advocating for the adoption or rejection of legislation.

**College Resources:** property of the College including, but not limited to, College letterhead, College website, College-sponsored campus communication tools or systems, mailing lists, office and event space and other facilities, electronic devices, campus mail systems, listservs, College computers and internet networks, telephones, computers, and photocopying equipment.

**Legislation:** action by Congress, any state legislature, any local council, or similar governing body with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office) or action by the public with respect to referendums, ballot initiatives, constitutional amendments, or similar procedures. Legislation does not include actions by executive, judicial, or administrative bodies.

**Partisan Political Activity:** participation or intervention in any political campaign on behalf of, or in opposition to, any candidate for elective public office at any level, including the publishing or distributing of statements regarding candidates for elective public office.

**Political Statements:** all written communications that comment on specific actions, statements, or positions taken by public officials or governmental bodies at local, state, federal, and international levels; attempt to influence legislation; or otherwise advocate for an outcome related to actions by legislative, executive, judicial, or administrative bodies at local, state, federal, and international levels.

### **Permissible Activities**

Examples of activities that are permissible under this policy include, but are not limited to:

- Faculty creation and publication of research, scholarship, and academic materials related to faculty areas of expertise.
- The posting of research, published or working articles, and academic resources on websites bearing the barnard.edu name or otherwise maintained by the College so long as such posting complies with the College's [Website Governance Policy](#).
- Hosting issue-specific speakers, events, or other fora on College property so



- long as such activities support the College's mission, adhere to the College's [Events Policy](#), do not purport to speak on behalf of the College, do not include any candidate for public office, and do not involve any statements in favor of or in opposition to a candidate for public offices; comment on specific actions, statements, or positions taken by a candidate; or promote voting with regard to an issue identified by a candidate.
- Hosting an event or other fora on College property at which a candidate for public office appears so long as the event supports the College's mission, adheres to the College's [Events Policy](#), other candidates for that office are afforded a similar opportunity to appear, and the hosts of the event present the candidates in a neutral manner without endorsement or objection.
- Hosting an event or other fora on College property in which candidates for public office appear in non-candidate capacities so long as the event supports the College's mission, no reference to the election is made, and the College maintains a non-partisan atmosphere at the event.
- Faculty press interviews and other forms of off-campus communication related to faculty expertise so long as that activity is not attributable, in reality or perception, to the College.
- Creating and conducting voting information programming, or providing information and resources on the electoral process, so long as such activity is not coordinated with campaign events, does not rate candidates, and is otherwise published in a nonpartisan and neutral fashion.
- Participating in nonpartisan voter registration encouragement or get-out-the-vote activities, including by sending email or texts or by using the College's social media platforms.
- Assisting students in the process of voting, including by providing information about voter registration and absentee and mail-in ballots, clarifying the voting process, sending deadline reminders, and providing stamps or resources to assist with the process of voting.
- Rearranging the academic calendar to permit faculty, staff, and students to participate in the election process so long as such rearranging is done without reference to specific campaigns or issues.

Engaging in political activity, including partisan political activity, in a personal capacity outside of work hours and in a manner that does not interfere with work for the College so long as that activity is not attributable, in reality or perception, to the College. Those who frequently speak for the College in their work capacities and those whose views could reasonably be construed as attributable to the College must explicitly state that they are speaking only for themselves and not stating a College position. College titles or positions may be invoked for identification purposes only.

### **Prohibited Activities**

Examples of activities prohibited under this policy include, but are not limited to:

#### Statements/Endorsements:

- The College may not issue any statements in favor of or in opposition to a candidate for public office; comment on specific actions, statements, or positions taken by a candidate; or promote voting with regard to an issue identified by a candidate.
- No member of the College may use the College's physical or virtual spaces, including the College's buildings, websites, social media, message boards, or other fora, to support or oppose a candidate for public office; comment on

## Barnard College, cont.

- specific actions, statements, or positions taken by a candidate; or promote voting with regard to an issue identified by a candidate.
- No one acting in their capacity as a representative of the College may endorse a candidate for public office; comment on specific actions, statements, or positions taken by a candidate; or promote voting with regard to an issue identified by a candidate.
- No member of the College may make comments at a College meeting or event in support of a candidate, political party, political action committee, or issue identified by a candidate.
- No member of the College may post signs containing political statements on the grounds of the College.
- Members of the College may not post political statements on websites bearing the barnard.edu name or otherwise maintained by the College or on social media sites bearing a Barnard name unless they are designated to do so by the Chair of the College Board of Trustees or the College President and comply with the College's [Website Governance Policy](#).

### Use of College Resources

- No College resources may be used in support of or in opposition to a candidate for political office. No portion of the websites bearing the barnard.edu name or otherwise maintained by the College may be used to support or oppose a political candidate.
- No College resources may be used to solicit political campaign funds on behalf of candidates.
- The College may not and will not reimburse any political campaign contributions made by individual members of the College.
- the Chair Members of the College may not post political statements on websites bearing the barnard.edu name or otherwise maintained by the College or on social media sites bearing a Barnard name unless they are designated to do so by of the College Board of Trustees or the College President and comply with the College's [Website Governance Policy](#).

### Contributions

- The College may not make any contributions to political campaigns or otherwise support partisan political activity.
- The College may not coordinate College fundraising with fundraising in favor of or in opposition to a candidate for public office.
- No College resources may be used to solicit political campaign funds on behalf of candidates.

The College may not and will not reimburse any political campaign contributions made by individual members of the College.

- Members of the College who wish to make or solicit contributions to candidates may not do so during working hours, may not use College resources or the College name, and may not suggest any support or endorsement by Barnard.
- Faculty and staff may not solicit contributions or other forms of support for candidates from the employees or students they supervise.

## **Campus Protests and Demonstrations Policy**



### **EAB Observations**

- Last updated in 2023
- Accessed from the Student Rights and Responsibilities Handbook
- Only applies to students

**Protests and Demonstrations — Time, Place, and Manner:** The University community is one of inquiry and persuasion. The University has a responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it. A member of the University community may protest, rally, or demonstrate, provided such protests or demonstrations do not disrupt University operations or obstruct physical movement to, from, or within any place on the campus, including University property located off the main campus. Though the campus must be open to the free exchange of ideas, the University may limit the time, place, and manner of demonstrations. The DOSO encourages students to provide it with advance notice of any planned demonstrations. In encouraging groups and individuals to provide prior notice, the University's goal is not to restrict free speech or peaceable assembly. Rather, it is so that the DOSO may help students navigate the guidelines for demonstration and give the University the opportunity to provide space that accommodates the reasonable needs of both the University community and those engaged in acts of speech or protest.

All members of the community are expected to conduct dialogues with dignity and courtesy. Students must allow other community members freedom of movement on campus, along with the freedom to engage in the performance of their duties and the pursuit of their educational activities (see Section 12.). Public Safety may review and address any safety concerns occurring during a protest or demonstration. Please review Appendix H. Principles of Free Speech and Freedom of Expression.

**Academic Freedom:** Brandeis University adheres to the principles and traditions of academic freedom, and recognizes that these freedoms must be in balance with the rights of others, including the right of individuals not to be subjected to discrimination or harassment. It is understood that the principles of academic freedom permit topics of all types to be part of courses, lectures, and other academic pursuits. Materials that are used or displayed in an educational setting should be related to educational purposes.

**7.1 Interference with University Functions:** A protest, rally, or demonstration must not interfere with the missions, processes, procedures, or functions of the University (see section 2.3.). Therefore, protesters must allow the staff and faculty of the University to engage in the performance of their duties, and students to pursue their educational activities. Impeding or restricting these activities by making noise, by blocking entrances to or exits from University facilities, or by coercion, intimidation, or threats or use of violence is unacceptable (see section 2.4.). Proper means of egress must be maintained at all times.

**7.2 Use of Public Space for Demonstrations:** An activity that is neither disruptive nor obstructive is permitted in public areas of campus buildings only during those hours when the building in question is normally open. An activity that is neither disruptive nor obstructive is permitted in outdoor areas of the campus. Placement on University property of structures or displays requires permission of the DOS.

**7.3 Occupancy Limits:** The number of persons who may be safely accommodated in any area where demonstrations occur shall be determined by the Waltham Deputy Chief for Fire Prevention. Occupancy information is available from the Department of Public Safety and Conference and Events Services.

**7.4 Official Order to Vacate:** Students are expected and required to vacate an area or facility of the University when directed to do so by an authorized official of the University (see section 2.1.).

**7.5 Disruption of scheduled speakers or events:** Brandeis maintains a high tolerance for protest, but disruptions that prevent a planned event from continuing are not permissible. Students who disrupt in a way that interferes with the ability of an event to continue as planned will be warned and then asked to leave. If such disruptions do not cease, Brandeis students who do not comply with requests to leave face disciplinary consequences.

## **Care of University and Personal Property Policy**

### **EAB Observations**

- Last updated 2017
- Accessed from the Student Rights and Responsibilities handbook
- Student Activities must approve postings

**6.1 Respect for Brandeis Property:** Respect, maintain, and preserve University grounds, academic and administrative buildings, residence halls, dining facilities, and associated structures, as well as faculty, staff and other students' personal property.

**6.2 Posted Notices:** Posters, banners, lawn signs, handbills, or notices may be displayed only on spaces designated for that purpose, such as bulletin boards. Postings in Usdan and Shapiro Campus Center require the stamped approval of the Department of Student Engagement. Postings in the residence halls require the approval of the Department of Community Living (see [9.8.](#)). If you are posting in a different building on campus, you are responsible for ensuring you align with their specified posting policies. Placement of posters, handbills, notices, and the like on trees, lawns, sidewalks, statues, motor vehicles, permanent University signage, emergency blue light phones, stairwells, windows, fire suppression equipment, or fire exterior doors is prohibited. Postings that violate other policy Sections, including but not limited to, Policy Against Discrimination, Harassment and Sexual Violence, and disruption of scheduled speakers or events, [Section 7.6](#), will not be approved and may be removed. All postings must have a group or sponsor identified. Failure to do so may result in removal of the posted material. If you are seeking to post in relation to a campus protest and/or demonstration, you are encouraged to reach out to the Dean of Students Office to assist in accommodation of reasonable needs for both the University community and those engaged in acts of speech or protest.

a) **Appropriate Posting Materials:** Students are expected to use only appropriate posting materials that will not cause damage ([see Section 9.8](#) and/or the Department of Student Engagement with regard to non-residential spaces).

**6.3 Respect for Personal Property:** Respect, maintain, and care for property belonging to others. Vandalism, littering, theft or attempted theft of, destruction of or damage to, and unauthorized possession or inappropriate use of property (including intellectual property) belonging to the University, a member of the University community, or any other individual or entity is unacceptable. This Section also applies to the grounds, and to personal and public property that surrounds the campus.

**6.4 Library Materials:** Respect, maintain, and care for library materials and other academic materials or equipment. Destruction, mutilation, or defacement of or tampering with any of the above is unacceptable.

**6.5 Appropriate Access to Property:** Observe University guidelines and policies regarding access to or occupancy or use of University property and facilities and the University's name, seal, or logo ([see Sections 9., 12., and 15.](#)). Storage closets and utility rooms in any University building, and the roof areas of any University building, may not be accessed by students without explicit permission.

**6.6 Appropriate Hours and Areas of Access:** Access University buildings and facilities during posted hours and in authorized areas only ([see Section 9.14.n.](#)).

**6.7 Respect for Campus Flora, Fauna and Animals:** Respect and preserve the plant and animal life found on the campus. Mistreatment or abuse of any animals, trees or plantings is unacceptable.

## Speech and Expression Policy



### **EAB Observations**

- No date listed as to when it was created or revised; accessed online on 3/22/23
- Accessed from the Division of Student Affairs webpage
- Although members of the University community are free to criticize and contest the views expressed by other members of the community, or by individuals who are invited to campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe

### **General Policy**

As an institution of higher education, one specifically committed to the Catholic and Jesuit tradition, Georgetown University is committed to free and open inquiry, deliberation and debate in all matters, and the untrammelled verbal and nonverbal expression of ideas. It is Georgetown University's policy to provide all members of the University community, including faculty, students, and staff, the broadest possible latitude to speak, write, listen, challenge, and learn.

The ideas of different members of the University community will often and naturally conflict. It is not the proper role of a University to insulate individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Deliberation or debate may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or ill conceived.

It is for the individual members of the University community, not for the University as an institution, to judge the value of ideas, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting those arguments and ideas that they oppose. Fostering the ability of members of the University community to engage with each other in an effective and responsible manner is an essential part of the University's educational mission.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. The University prohibits expression that violates the law, falsely defames a specific individual, constitutes a genuine threat, violates the University's Harassment Policy, or unjustifiably invades substantial privacy or confidentiality interests. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the institution. Finally, to the extent that appointment letters, confidentiality agreements or policies, professional conduct policies, or HR policies regulate conduct that may include speech and expression, they are not superseded by this policy. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions not be used in a manner that is inconsistent with the University's commitment to a free and open discussion of ideas.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression.

Although members of the University community are free to criticize and contest the views expressed by other members of the community, or by individuals who are invited to campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of deliberation and debate, but also to protect that freedom when others attempt to restrict it.

In 1990 Ernest Boyer, President of Carnegie Foundation wrote, “[A] university is an open community, a place where freedom of expression is uncompromisingly protected, and where civility is powerfully affirmed.” Because it is essential to free and open inquiry, deliberation, and debate, all members of the University community share in the responsibility for maintaining civil and respectful discourse. But concerns about civility and mutual respect can never be used as a justification for closing off the discussion of ideas, no matter how offensive or disagreeable those ideas may be to some members of our community.

### **Guidelines**

The following guidelines implement the foregoing propositions:

#### **A) Event Sponsorship**

An individual member or group of members of the academic community may invite any person to address the community. For purposes of this document, an event is any public meeting organized by such an individual or group primarily for the dissemination or exchange of ideas. Events may be sponsored by individual students, groups of students, or student organizations with access to University benefits. “Public meeting” shall not be construed to include formal academic convocations, regularly scheduled classes, or regular business meetings of University organizations. Student organizations with access to University benefits may engage in co-sponsorships with any group, regardless of Access to Benefits status of the partner group. Guidelines on co-sponsorship are available on the Center for Student Engagement website. Student organizations that co-sponsor an event with any other group will not be sanctioned on that basis.

#### **B) Events**

Classrooms are places of dialogue and free exchange for the Georgetown University community. The University will accommodate equally all students and student groups who wish to schedule an event or meeting exclusively for the Georgetown community in a classroom space, subject to availability. Restrictions shall not be placed on individual’s reserving classrooms for the purpose of limiting, managing or controlling the content of the gathering. Individuals must comply with the Classroom Use Policy (new window) and any other relevant university policies. The individual reserving the classroom is responsible for ensuring compliance with all relevant policies. Failure to comply with the Classroom Use Policy or other relevant policies may result in an individual’s or organization’s loss of ability to reserve classrooms in the future. Classrooms are reserved through the Office of the Registrar. This policy does not pertain to commercial activities or gatherings or use of classrooms; commercial activity – the conducting of any business for exchange of goods and services for money or personal financial gain – is not permitted in Georgetown University classrooms. This policy does not pertain to external organizations.



Requests to host external groups or speakers in university classrooms are subject to review and consideration under the Classroom Use Policy and the Access to Benefits policy and must be approved. External groups are not permitted to use university classrooms without sponsorship by a university department or organization with access to benefits, or a contract defining the terms of use.

Physical space to conduct dialogue is a critical component of free speech. Individual students who seek to host events to promote dialogue or discussion can attend training hosted by the Center for Student Engagement to clarify and affirm their understanding of policies related to classroom use for free speech purposes. Students who attend training will have access to the same expedited classroom reservation process as student organizations with access to University benefits for internal group meetings only.

The individual or group hosting such an event must reserve the place where it will occur, in accordance with registration requirements. However, certain areas of campus shall be considered “public squares” and shall be available, without prior arrangement, for individuals and groups during daylight hours for the purpose of exchanging ideas. These areas include: Red Square (the plaza adjacent to ICC), the east area of Regents Lawn between Regents Hall and Tondorf Road, Leavey Lobby, and a portion of the entry foyer in Healey Family Student Center. Because of the proximity of outdoor public square areas like Red Square to classrooms, sound amplification in conjunction with any presentation is prohibited during weekday business hours (Monday through Friday, 9am – 5pm) Indoor public square areas like Leavey Lobby and the Healey Family Student Center are subject to restrictions in the number of tables permitted due to egress and safety concerns. Tabling occupancy limits shall be available from the office managing the designated space.

#### C) Costs

An individual, organization, or department hosting an event is responsible for all costs associated with the event, including security if such is deemed necessary by the University administration). No University subsidy will be available unless by prior arrangement. A group hosting an event is responsible for all costs associated with the event. However, excessive security costs shall not be construed as a disincentive to host an event of a controversial nature, so groups encountering budget limitations should reach out to the Center for Student Engagement as early as possible to plan for event costs accordingly. In rare cases, groups may request a waiver of security costs. For more information, contact the Center for Student Engagement at [getinvolved@georgetown.edu](mailto:getinvolved@georgetown.edu).

#### D) Access to Events

Any event that receives financial support or other benefits of any kind from the University must be open to members of the academic community. If seating is expected to be limited, an equitable means of ticket distribution must be approved by the appropriate campus office. Such events ordinarily shall allow for a period of questions from the audience. All event hosts should incorporate a method to allow event attendees to request reasonable accommodations in order to make the event accessible. This should be included as a statement of accommodation request in all material marketing and advertising an event. The notification should read:

“Accommodation requests related to a disability should be made by [specific date] to [sponsoring department contact person, phone number and email address]. A good faith effort will be made to fulfill requests made after [date].”



E) Protests of Events

An individual or group wishing to protest at an event may do so as long as any speaker's right to free speech and the audience's right to see and to hear a speaker are not violated. Student organizations and university departments are required to plan for the possibility of protests while organizing their events. The sponsoring group or department should prepare an area adjacent to the location of their event for protests, even if that means reserving an outdoor or lobby space. The Center for Student Engagement will train clubs and organizations accordingly and assist with such reservations. This does not mean protests are limited to such areas alone.

Protesting in a public forum or in the media are expressions of free speech, not university benefits extended to student organizations. Expressive activities planned and executed with the intention of protesting an event, policy or other concept can take place in all campus locations regardless of whether the space has been reserved for that purpose, as long as the actions do not violate other university policies, disrupt university business, or curtail the free speech rights of others.

F) Entrance Into University Buildings by Protestors

Protestors who are members of the university community will be allowed entrance into any university building unless they are disturbing university activities such as class or office work. They will be able to stay in the building until the building is closed for the day, or until the office or area closes for business that day. Entrance into the building does not mean entrance into any or all offices. The departments of Student Affairs, the Registrar, Protocol and Events, and Public Safety will confer to determine whether a protest may continue.

Protestors may not enter a building if that space has been secured for a speech to be given in that building. For example, the Healy lobby is often used for entrance to speeches in Gaston Hall. In that case, the protestors must remain outside the building in a space previously designated by the Center for Student Engagement, the Office of Campus Activity Facilities, the Department of Public Safety and the Office of Protocol and Events. This policy applies to any buildings where a major event or speaker is hosted.

G) Literature and Publicity

Georgetown University encourages the community to promote events and activities responsibly through a full range of available media. Certain information and communication channels are open to any individual member of the university community, such as flyering on designated bulletin boards, chalking messages in Red Square, tabling in public square areas, purchasing or requesting advertising in campus media, and using any variety of public social media platforms. Certain information and marketing channels are deemed official university resources and are available only to organizations with Access to Benefits or University departments. These channels include reserved tables in designated campus locations, university broadcast messages, electronic message and display system, and banners in designated banner areas.

Communication and publicity should be conducted in a manner that is respectful of others' rights to share information and recognizes one's part in the University community. The foremost issue in this policy is the safety and security of the University community and visitors. Georgetown also strives to be environmentally responsible. Many of the restrictions exist to ensure safety and respect for all.

## Speaker Policy



### **EAB Observations**

- Last updated 9/1/16; accessed 3/22/24
- Accessed from the university policies webpage
- Includes preamble section outlining institution values

### **PREAMBLE:**

A Loyola education aims to produce graduates who are ethical leaders in solidarity with the real world, well versed in their own tradition, aware of their beliefs and values, and tested in both critical thinking and interfaith and intergroup cooperation. Critical to achieving this goal is discourse, discussion, and debate done in a respectful way throughout a student's time at Loyola ([see Loyola's guidelines on how we, as a community, "Respect the Conversation"](#)).

### **PURPOSE OF THIS POLICY:**

The purpose of this policy is to support Loyola's tenets promoting free speech and expression that foster an open exchange of ideas and opinions to expand knowledge in the service of humanity. This policy aims to protect opportunities for the free expression and exchange of ideas, while lessening conflict between the exercise of that right and the rights of others in the effective use of University facilities, the reduction of possible interference with the University's responsibilities as an educational institution, and the preservation of the University's status as a 501(c) (3) tax exempt organization.

Furthermore, the policy is designed to ensure adequate preparation for an event and to ensure that the event occurs in a manner appropriate to an academic community. The University will pay special attention in those occurrences where an individual, a speaker, or an event might create a safety concern or involve partisan political activity or where the University may be used as a platform to disparage the University's Jesuit, Catholic identity or mission. The University reserves the right to cancel, reschedule and relocate a speaker or event and to limit attendance to members of the campus community.

### **DISCLAIMERS AND RESTRICTIONS:**

1. The views and opinions of speakers and event organizers and the use of the University's facilities in no way imply any endorsement by the University.
2. An invitation to speak at Loyola does not include any license for unlawful activity or activity that endangers or imminently threatens to endanger the safety of any member of the community, any of the community's physical facilities or any activity that disrupts or obstructs the functions of the University or imminently threatens such disruption or obstruction.
3. Expression that is indecent, grossly obscene or grossly offensive on matters such as race, ethnicity, religion, gender, sexual orientation, or any other characteristic protected by applicable law is inappropriate in the University community, and the University will act as it deems appropriate to educate members of the Loyola community violating this principle.

4. Failure to comply with a request by a presiding officer or any other official such as a campus safety officer may result either in expulsion from the event or the termination of the event itself. Disciplinary actions may also be warranted in such cases.
5. These guidelines do not apply to faculty members in the teaching of their classes or to speakers invited by faculty members to make a presentation that occurs in the closed forum of a scheduled course.

#### **INVITING EXTERNAL SPEAKERS:**

These guidelines pertain specifically to **non-University speakers**. Loyola faculty, staff, and students may express their ideas and opinions freely but are expected as members of the community to adhere to the highest standards of courtesy and respect. Faculty, staff and students who invite non-University speakers to campus are the hosts of such speakers and are therefore responsible for their conduct.

Student groups and faculty/staff wishing to invite or host a guest speaker or event on campus for the public are required to adhere to this policy, as well as the University's applicable campus reservation policies and procedures, which are available at:

[http://www.luc.edu/campus\\_reservations/policiesandprocedures/](http://www.luc.edu/campus_reservations/policiesandprocedures/)

Students should be aware that the Community Standards lists the following relevant guidelines and stipulations:

1. Determine who would be an appropriate speaker given the organization's mission statement.
2. Consult with the Dean of Students, or designee, concerning the qualifications and appropriateness of the proposed speaker.
3. For procedures, please see the Student Activities & Greek Affairs website:  
<http://www.luc.edu/saga/studentorganizations/infoforcurrentmembers/handbookpolicies/>

#### **INTERNAL COMMUNICATION AND MEDIA:**

Faculty, staff, and student organizations who have scheduled an event/speaker on campus must:

1. Submit the approved event/speaker to the University Calendar at [LUC.edu/calendar](http://LUC.edu/calendar).
2. Submit event/speaker information to University Marketing and Communication at [umc@luc.edu](mailto:umc@luc.edu) for consideration in Loyola's internal communication channels, alumni magazine, and potential media coverage.
3. Notify the Director of Communication (in the Division of University Marketing and Communication), Office of the Dean of Students, Campus Safety, and
  - a. Provost's Office if the event/speaker may be controversial and could draw interest from the media.

#### **POLITICAL ACTIVITIES:**

All groups wishing to invite political candidates, speakers representing political campaigns, and other speakers with political agendas need to consult the University's "Guidelines for Political Activities for Students, Faculty, and Staff."

<http://www.luc.edu/media/lucedu/policy/pdf/Guidelines-Political-Activity.pdf>

New York  
University

Type: Public

Carnegie: Doctoral

Size: Very Large

## Expectations on Student Conduct: Behavior During Protest Activities



### EAB Observations

- No date listed as to when it was created or revised; accessed on 3/29/24
- Found on NYU's Guidance and Expectations on Student Conduct webpage
- After seven months of deliberation, the previous Guidelines for Protest and Dissent were [repealed in 2022](#) due to these guidelines being outdated

Dissent and protest, while enshrined by our policies as vital to “free discourse,” must nevertheless comply with all specific building rules. These include those on fire safety and ingress/egress and following the direction of Campus Safety or other university staff to prevent a crowd from becoming unsafe. Protests and demonstrations may not use amplified sound (e.g., bullhorns, speakers, drums) indoors or directly adjacent to classrooms or residence halls. Physically accosting someone who is participating in a protest, attempting to grab or move their signs or equipment, and/or sabotaging their equipment are examples of violations. All organizers and participants of a protest or demonstration are responsible for the conduct of the event, and must cooperate with the University and its directives, including with respect to safety and security. These rules apply to counter-protests, as well.

## Speaker and Expression Policy



### **EAB Observations**

- Last updated 7/29/19
- Accessed from the campus event booking webpage
- Includes preamble statement outlining institution values
- External speakers must be approved by the university
- Sponsoring organization may be required to include a statement clarifying that a guest speaker's presence does not imply approval or endorsement by the University

### **Preamble**

Saint Peter's University is an academic community committed to the intellectual life. In accordance with its Mission Statement and The Petrean Creed, Saint Peter's University is committed to discourse intended to seek truth and recognizes its responsibility to provide a forum for the free expression of ideas. In the context of academic freedom, Saint Peter's University gladly invites speakers of various persuasions and convictions to address its community.

### **General Policy**

Saint Peter's is committed to standards promoting free speech and expression. This statement of policy outlines principles that ensure these standards relative to the sponsored engagement of a speaker by any department chair, individual faculty member or officially recognized faculty group, officially recognized student organization, and/or administrators or administrative departments (hereinafter collectively the "University Community"), subject to the conditions set forth below and consistent with the regulations and principles outlined in the University Student Code of Conduct, the Academic Handbook, and the Employee Handbook.

A. Members of the University Community have the right to express points of view on the widest range of public and private concerns and engage in the robust expression of ideas. This freedom, however, is subject to reasonable restrictions of time, place, and manner defined as:

- Disrupting the normal educational and administrative function of the University;
- Infringing upon the rights of students, faculty, staff or guest of the University community;
- Reacting to the peaceful dissent and/or protest of others by denying their rights to free speech or expression;
- Obstructing and/or restricting free movement of persons on any part of the campus;
- Endangering the safety or well-being of any person on the campus;
- Any act resulting in the destruction of University property.

The right of free speech and expression does not include unlawful activity or activity that endangers or threatens to endanger the safety of any member of the University Community. Federal, state and local laws will be enforced as applicable.

B. The University does not condone speech that is grossly offensive on matters such as gender, race, creed, color, religion, national origin, alienage, citizenship, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, disability (including AIDS or HIV infection), pregnancy, liability for service in the United States armed forces, gender identity or expression, genetic information and/or any other classification protected by law; and will act as it deems necessary to promote further education on these matters.

C. In all events, the use of the University forum shall not imply acceptance or endorsement by the University of the views expressed by any speaker.

### **Guidelines**

The Vice President for Academic Affairs and the Vice President for Student Affairs (hereinafter collectively the "Vice Presidents") have the responsibility for administering the guidelines that follow below. In administering these guidelines, the Vice Presidents shall be advised by a Committee on Speakers and Expression, composed of students, faculty, and administrators of the University ("Committee on Speakers and Expression"). The Vice Presidents and the Committee may consider and recommend to the President revisions and improvements to these guidelines in a manner consistent with the ideals articulated at the beginning of this document. It is imperative that members of the University community thoroughly read the entire Speakers and Expression Policy before undertaking efforts to sponsor external speakers on the University's campuses and property.

#### **A. Events**

1. An individual member or group of members of the University Community may organize and sponsor an event at the University inviting any person to speak. For purposes of this document, an event is any public meeting organized and sponsored by an individual member or group of members of the University Community with invited speakers primarily for the dissemination or exchange of ideas. "Public meeting" shall not be construed to include formal academic convocations, regularly scheduled classes, department meetings, or regular business meetings of any University organization.
2. The individual or group sponsoring such an event must reserve the place where it will occur, in accordance with registration requirements. Because of the proximity of the Quad to classrooms, sound amplification in conjunction with any presentation in the Quad is prohibited when classes are in session.
3. The University will make every effort to accommodate an individual member or group of members of the University Community who wish to schedule an event.
4. Members of the University Community who invite someone to speak must reserve an adequate space in advance of the event with the appropriate Office in accordance with that Office's regulations.
5. The person making the final determination to approve guest speakers must consult with Campus Safety to ensure that all safety precautions have been met before making the final decision.
6. If appropriate, the Director of Campus Services and Facilities shall be notified in advance.

B. Procedures

The following describes the procedures for faculty, administrators and student organizations:

1. **Faculty** who wish to invite a guest speaker to campus or host an event on campus shall obtain approval from their academic deans. The Vice-President of Finance and Business of the University must be consulted if a speaker and/or event requires a contract. In addition, the Vice President must sign-off on all contracts. If working with a student club and no money from the club is used for a speaker, student clubs may simply sign-on event as "endorsers." If student club money is used for an event, student clubs sign-on as "co-sponsors" and must apply for approval according to procedures delineated for student organizations (see #3). If the request to invite a guest speaker is denied, the determining Vice President will provide the faculty member with a written explanation for the denial. Any appeal would go to the President of the University, who shall consult if possible with the Faculty Senate President or Student Government Association President, as applicable, and the Chair of the Speakers and Expressions Committee.
2. **Administrators** or administrative departments desiring to invite a speaker and/or host an event on campus shall seek the advice and approval of their department head at least one week before an invitation is extended. The Vice President of Finance and Business must be consulted if a speaker and/or event requires a contract. In addition, the Vice President must sign-off on all contracts. If working with a student club and no money from the club is used for a speaker, student clubs may simply sign-on event as "endorsers." If student club money is used for an event, student clubs sign-on as "co-sponsors" and must apply for approval according to procedures delineated for student organizations (see #3).
3. **For student organizations**, the sponsoring student organization must obtain a Speaker Agreement from the Center for Leadership, Engagement and Orientation. That Agreement details all the necessary terms (costs, security requirements, transportation, etc.) agreed to by the sponsoring student organization and the speaker. The Agreement must then be submitted to the Vice President for Student Life and Development for final approval and signature at least ten business days prior to the proposed date of the event. In special circumstances, at his or her sole discretion, the Vice President may waive the ten business day requirement. (In the absence of the Vice President, the Agreement may be signed by the Dean of Students.)
  - a) Student organizations may invite a speaker under the following conditions: The University expects that students will be exposed to numerous perspectives during the course of their education. The University may encourage an event to include questions from the floor, a debate format, a panel of discussants, or an additional program in order to meet this expectation. The event should take place in a location and in a manner that does not disrupt the normal educational and administrative function of the University;

- b) For events that are open to a limited audience (the University community and guests), preliminary approval must be obtained from the organization's advisor, who will then submit the request to the Director of Leadership, Engagement and Orientation. The director has the authority to overrule approval by the organization's advisor.
- c) For speakers that are open to the whole student body and the outside public, final approval must be obtained from the Director of Leadership, Engagement and Orientation, as well as from the Dean of Students at least ten business days prior to the proposed date of the event. In special circumstances, at his or her sole discretion, the Dean of Students may waive the ten business day requirement.
- d) A student organization sponsoring an event is responsible for all costs (including security if such is deemed necessary by the University administration) associated with the event.

#### C. Access to Events

Any event that receives financial support or other benefits of any kind from the University must be open to the University Community. If seating is expected to be limited, an equitable means of ticket distribution must be approved by the appropriate University Office.

#### D. Literature and Publicity

Saint Peter's University encourages the University community to promote their events and activities responsibly through a full range of available media. Communication and publicity should be conducted in a manner that is respectful of others' rights to share information and recognizes one's part in the community. The foremost issue in this policy is the safety and security of the University, its students, faculty, staff, administrators, guests and facilities. Many of the restrictions exist to ensure safety and respect for all.

Any media outreach that involves contacting publications or broadcast outlets to cover a campus event must be coordinated with the Office of University Communications. This Office shall be notified of all external speakers and respond to all media inquiries.

#### E. Protests and Events

An individual or group wishing to protest at an event may peacefully do so as long as any speaker's right to free speech and the audience's right to see and to hear a speaker are not violated.

#### F. Disciplinary Procedures

1. Violations of the policy and/or guidelines by students will be handled through the Student Activities Office. Individual students will be referred to the Dean of Students.
2. Violations of the policy and/or guidelines by department heads, faculty and officially recognized faculty groups will be handled through the Office of the Vice President for Academic Affairs.
3. Violations of the policy and/or guidelines by administrators and/or administrative departments will be handled through the Office of the Vice President of Finance and Business.



## Posting and Distributing of Announcements and Event Publicity Policy



### **EAB Observations**

- Last updated 7/29/19
- Accessed from the campus event booking webpage
- Each individual member or group of members of the University Community will be allowed a maximum of 50 flyers or 20 posters to be approved for each event

Posting and distributing announcements and publicity materials on University property is a privilege, and the University, therefore, reserves the right to regulate the posting and distribution of all notices. All materials must respect the rights of others as well as the goals and principles of Saint Peter's University.

### **A. MATERIALS WILL NOT BE APPROVED IF THEY CONTAIN:**

1. Language and/or graphic illustrations that dehumanize individuals based on gender, race, creed, color, religion, national origin, alienage, citizenship, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, disability (including AIDS or HIV infection), pregnancy, liability for service in the United States armed forces, gender identity or expression, genetic information and/or any other classification protected by law; or,
2. Any information that would violate local, state, or federal law, or University policies.

This policy has been designed to:

1. ensure that any individual member or group of members of the University Community have equal access to common posting areas;
2. avoid violations of fire and safety codes
3. preserve the cleanliness and aesthetic quality of the campus.

The guidelines enumerated below are effective immediately and apply to any individual member or group of members of the University Community. These guidelines apply to all buildings and public spaces on campus with the exceptions of the Mac Mahon Student Center, Recreational Life Center and residence halls, which are governed by the policies mandated by the supervising departments.

### **B. POSTING OF FLYERS/POSTERS**

1. Flyers and posters may be placed on or in the following areas, with the listed adhesive devices:
  - Flyers: designated bulletin boards located in hallways, stairwells, dining facilities, and the Quad – push pins or thumbtacks
  - Posters: walls, columns, etc., which contain tiled surfaces (ceramic, marble, etc.) – Masking tape [Scotch Tape or Staples MAY NOT be used on ANY SURFACE. Flyers/posters put up with staples, scotch tape, or other wall-damaging adhesive, will be removed immediately.]

2. Areas/surfaces where flyers/posters are NOT permitted to be posted:
  - painted surfaces of any kind [includes walls, corridors, stairwells, etc.]
  - glass surfaces (mirrors, windows, etc.);
  - doors of any kind;
  - floors and sidewalks;
  - lockers;
  - restrooms;
  - the Quad's benches, trees, and trash receptacles;
  - street/sidewalk levels of the University's property;
  - in or around the area of the Recreational Life Center (RLC);
  - anywhere on the Pedestrian Bridge, its stairwells, elevators, etc.
  - anywhere in Mac Mahon Student Center

FLYERS, which may be posted on bulletin boards, walls, columns, etc., MAY not EXCEED 8 ½" x14" in size.

POSTERS, which may be posted only on walls or columns (per Section IV (A) (1) above, may not exceed 22" x 28" in size. Exceptions to this size may be granted on a case-by-case basis.

Announcements and publicity material must include all pertinent information regarding the event, i.e., the FULL name of the sponsoring individual or organization, the purpose of the event, date, time, place of the event, and admission cost, if any.

### **Approval Process**

For administrators and/or administrative departments, all flyers/posters must be approved in advance by the Director of University Communications or designee. Flyers and posters must be configured and posted in accordance with regulations listed in this document. Once approved, the lower left of flyers/posters must be stamped with the "APPROVED FOR POSTING" stamp to show official approval.

For department chairs, faculty, and officially recognized faculty groups, all flyers/posters must be approved in advance by the Vice President of Academic Affairs or designee. Flyers and posters must be configured and posted in accordance with regulations listed in this document. Once approved, the lower left of flyers/posters must be stamped with the "APPROVED FOR POSTING" stamp to show official approval.

For officially recognized student organizations, all flyers/posters must be approved in advance by the Center for Leadership, Engagement and Orientation. Once approved by the Director of Leadership, Engagement and Orientation (or their designees) the lower left of flyers/posters must be stamped with the "APPROVED FOR POSTING" stamp to show official approval.

No student organization will be allowed to stamp a flyer or poster. An extra copy of the flyer must be provided for the group's official file. Flyers and posters must be submitted for approval at least one week before the scheduled date of the event/program. If submitted less than one week before the scheduled date of event/program both offices (Student Life and Development, and Student Activities) reserve the right to refuse approval. The Center for Leadership, Engagement and Orientation must respond in a timely manner so that events are not unnecessarily delayed or cancelled due to a lack of advertising.

The sponsoring student organization is responsible for posting the flyers/posters in internal a manner that does not circumvent University policies or infringe on the rights of other organizations and departments to post their material.

The sponsoring student organization is responsible for the removal of its flyers/posters no later than two class days after the event. The cooperation of the sponsoring student organization is critical in maintaining the appearance and cleanliness of the University's bulletin boards, walls, and hallways.

External groups may not post their own material. A maximum of five (5) flyers may be submitted to the Center for Leadership, Engagement and Orientation for approval. A student worker will post the approved material on designated bulletin boards.

Each individual member or group of members of the University Community will be allowed a maximum of 50 flyers or 20 posters to be approved for each event.

Only one flyer OR poster per event, per individual/organization/department may be placed on the same bulletin board or wall space.

During Student Government election periods, additional guidelines will be developed by the Dean of Students to assure the fairness of the election process.

Personnel from the offices of Student Life and Development and Student Affairs, and/or the Campus Services Division will periodically check all bulletin boards and surfaces to ensure that the guidelines enumerated in this policy are being followed. Failure to follow these guidelines will result in immediate removal of the individual/organization or department's flyers/posters. Repeated violations of these policies will result in the indefinite suspension of posting/distribution privileges. The posting of an unauthorized poster/flier should be brought to the attention of the office responsible for approving it.

### **Distribution of Flyers**

Only individual members or group of members of the University Community are permitted to distribute publicity material.

Distribution of announcement and publicity material (flyers, etc.) by hand delivery is generally limited to the Mac Mahon Student Center and the Quad. All official student group material must be approved by the Student Government Association (SGA) before it is distributed. Note: distribution of flyers and other materials in residence halls is governed by the policies set forth by the Office of Residence Life.

Duplication, Cost, and Number Allowed: Officially recognized student organizations are governed by the printing and budgetary policies detailed in The Nexus, the student organization handbook. University department chairs, faculty, officially recognized faculty groups, administrators and administrative departments are governed by the copier policies established by the University and its area vice presidents and deans. The suggested maximum for the number of flyers per event is 200.

Any individual member or group of members of the University Community approved to distribute announcements and publicity materials are to keep the following points in mind:

1. it is preferable that materials are placed on a table accessible to students who wish to take the materials;
2. no one should be imposed upon or pressured to take materials;
3. the University encourages everyone to recycle materials removed from bulletin boards and walls (recycle bins are located throughout the campus).

## University Posting, Advertising, and Solicitation Policies



### **EAB Observations**

- Last updated 5/12/23
- Accessed from the University Services webpage
- Postings must not degrade groups or individuals

Please note: All posting approvals must be submitted online or in person at Campus Services, located in the Lavin-Bernick Center (LBC), Suite 107.

The requirements listed in this policy are for general posting areas on the uptown campus of Tulane University and are not intended to supplant policies for individual buildings. These policies have been developed in collaboration with the Division of Students Affairs, the Associated Student Body, the Office of the University Architect, and the Office of University Communications. Questions regarding this policy should be directed to the Division of Campus Services.

### **General Guidelines for Posting on Bulletin Boards**

1. Any and all items for general posting must be approved by the Division of Campus Services. The approval process requires a minimum of 3 days for review and approval. To receive approval, submit a copy of your posting to Campus Services. Accepted file types are Adobe Acrobat or PDF. A stamp of approval will be placed directly onto the document and sent back to you for printing and posting.

For postings which are already printed, visit Lavin-Bernick Center, Suite 107 for an approval stamp.

Posting inside the LBC, Reily Center or residence halls requires approval from LBC Administration, the Reily Center and the Office of Housing and Residence Life respectively. Fliers promoting Tulane-sponsored events and programs may be posted in academic buildings and should follow the posting rules of that board. See Appendices III and IV.

2. Commercial posting by off-campus businesses, organizations, entities, and individuals is permitted ONLY on General Post boards. See Appendix I for locations. (back to top)

3. All materials to be posted must adhere to the following general publicity guidelines:

- a) The person or organization sponsoring the event must have its name and contact information (phone number, e-mail or website and/or postal address) of the sponsoring group (or individual) visibly on the front of all publicity materials (posters, banners, fliers, etc.). Promotion for closed events must be by invitation and may not be done through the open posting or open distribution of posters, fliers, banners, etc.

- b) Postings are to be no larger than 14" x 22." Anything larger than 14" x 22" should be sent to Campus Services for special consideration and approval. Publicity materials must reflect a responsible attitude toward alcohol. Materials that promote events where alcohol will be served must not overtly or covertly state or imply an invitation to participate in excessive drinking. Publicity materials promoting or advertising an event in which alcohol will be served must follow the Student Guide to the Tulane University Alcohol Beverage Policy as set forth by the University and approved by the University Senate.
- c) Publicity must not degrade groups or individuals.
- d) The Division of Campus Services reserves the right to reject publicity material if it is deemed inappropriate or if it fails to comply with the university guidelines.

4. General posting is only allowed on designated bulletin boards as listed in Appendix I. At no time shall any material be posted or affixed on vehicles, trash cans, trees, sidewalks, support columns, lamp posts, buildings, benches, vending machines, telephone poles, windows or doors.

On General Post boards, it is the responsibility of the party receiving approval to not only to post the material, but also to remove the posted materials within 48 hours of the event. Approved materials may be posted no more than 2 weeks prior to the event.

- a) Only one poster is allowed per board or kiosk, regardless of board size.
- b) Posting over or removing existing material is prohibited.
- c) Items may only be posted with pushpins or tacks. All other adhesives used to affix fliers, posters, or banners to posting surfaces are strictly prohibited. NO STAPLES, NO TAPE!

## Protests and Demonstrations Policy



### **EAB Observations**

- No date listed as to when it was created or revised; accessed online on 3/26/24
- Accessed from the student manual
- Designates dean-on-call to "preserve an environment on spirited and open discourse"
- Describes counter-protest procedures

*While the University respects the freedoms and rights of every individual, there remains an expectation for all who interact on Campus that their behavior be guided by the principles outlined in the 'Civil Behavior in a University' Section.*

The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill this function, a free interchange of ideas is necessary not only within the university but also with the larger society. At the University of Chicago, freedom of expression is vital to our shared goal of the pursuit of knowledge. Such freedom comes with a responsibility to welcome and promote this freedom for all, even in disagreement or opposition.

The right of freedom of expression at the University includes peaceful protests and orderly demonstrations. At the same time, the University has long recognized that the right to protest and demonstrate does not include the right to engage in conduct that disrupts the University's operations or endangers the safety of others.

University Statute 21 states:

"Disruptive conduct is conduct by any member of the University community that substantially obstructs, impairs, or interferes with: (i) teaching, study, research, or administration of the University, including UCMC's clinical mission; (ii) the authorized and other permissible use of University facilities, including meetings of University students, faculty, staff, administrators and/or guests; or (iii) the rights and privileges of other members of the University community. Any member of the University who engages in disruptive conduct will be subject to disciplinary action. Disruptive conduct includes but is not limited to (1) obstruction, impairment, or interference with University sponsored or authorized activities or facilities in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or facility and (2) use or threatened use of force against any member of the University community or his or her family that substantially and directly bears upon the member's functions within the University."

### **The Dean-on-Call**

The Dean-on-Call will often be called upon to be present at and monitor protests, demonstrations, and other events on or adjacent to University property. If called upon, the Dean-on-Call will work actively to preserve an environment of spirited and open discourse and debate, allowing for the opportunity to have all participants contribute to intellectual exchange and full participation in an event. In instances of disruptive behavior or violations of University policies, the Dean-on-Call will respond and provide direct instructions to stop disruption, if it is safe to do so. Failure to adhere to directives may result in referral to one or more University disciplinary systems.

### **Noise Level**

All Protests and demonstrations held outdoors are subject to the same guidelines outlined in the section [Outdoor Events on Campus](#), under the heading Noise Level.

### **Building Occupancy**

For a protest or demonstration attention must be paid to the occupancy limits and general safety of the University community in the space used. Please see [Building Occupancy Limits and Access](#). Adherence to building closures is expected of people participating in a protest or demonstration within a University building and University officials will require that protestors or demonstrators leave at the time of building closure.

### **Placards, Banners and Signs**

Placards, banners, and signs generally are allowed but may not be dangerous for others or impede the participation of others in the life of the University. If the use of placards, banners, and signs are deemed to be dangerous or impede the participation of others, University officials will require the individuals carrying the placards, banners, or signs to move to a different location or remove their materials.

### **Advance Arrangements**

To further the effectiveness of their event, organizations and other groups of students organizing a protest or demonstration are encouraged to make advance arrangements with the staff of the Center for Leadership and Involvement (CLI) and/or their appropriate Recognized Student Organization (RSO) Advisor. Advance notification enables the University to help ensure that the event takes place in a constructive and peaceable manner.

When possible, a request to hold a protest or demonstration should be submitted at least 48 hours before the start of the event to ensure its successful execution. With the appropriate advance notice, RSO Advisors together with the Dean-on-Call will engage with student protestors and demonstrators during the event to help assure that the event is effective, to ensure participants' safety, and to assist organizers in seeing that the demonstration does not disrupt the normal functioning of the University. For events occurring on city sidewalks and streets adjacent to the University, students should make appropriate arrangements to acquire city permits and should adhere to city ordinances and applicable state and federal law.

Please see the [Report of the Ad Hoc Committee on Protest and Dissent](#) for additional information regarding the principles that govern protests and demonstrations on campus.

### **Protest and Demonstration Duration**

Protests and demonstrations normally are permitted until or unless University officials determine that University operations have been compromised and/or the rights of others have been significantly infringed. Interference with instruction and research are viewed as particularly disruptive to the University.



### **Policy Application**

Application of this policy does not preclude the application of other University policies or regulations as may be warranted by a given situation, e.g., Authority to Direct, University ID policy, use of the Dean-on-Call program, and University Disciplinary Systems. Furthermore, a protest or demonstration that significantly disrupts the operations of the University or fails to adhere to building closures may lead to arrest and prosecution for violations of City of Chicago ordinances or State or Federal statutes.

### **Counter-protest**

A protest, demonstration, or event on campus may invite another form of protest. When these occasions arise, the expression of all parties is important. Please note that a separate protest area may be designated by Campus and Student Life for those persons with views that differ from the views held by the event organizers. In order to ensure the safety of all participants, the University Police Department may require the attendance of one or more officers.

All people participating in protests and demonstrations are expected to provide a form of University issued or government issued identification upon request from a University official.

## **Civil Behavior in a University Setting**

At the University of Chicago, freedom of expression is vital to our shared goal of the pursuit of knowledge, as is the right of all members of the community to explore new ideas and learn from one another. To preserve an environment of spirited and open debate, we should all have the opportunity to contribute to intellectual exchanges and participate fully in the life of the University.

The ideas of different members of the University community will frequently conflict, and we do not attempt to shield people from ideas that they may find unwelcome, disagreeable, or even offensive. Nor, as a general rule, does the University intervene to enforce social standards of civility. There are, however, some circumstances in which behavior so violates our community's standards that formal University intervention may be appropriate. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University.

For additional information regarding the University's commitment to free, robust, and uninhibited debate and deliberation among all members of the University's community, please see the [Report of the Committee on Freedom of Expression](#).



# Free Speech Statements

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SECTION

2

## **UVA Statement on Free Expression and Free Inquiry**

*Affirmed by the UVA Faculty Senate in April 2022*

The University of Virginia unequivocally affirms its commitment to free expression and free inquiry. All views, beliefs, and perspectives deserve to be articulated and heard free from interference. This commitment underpins every part of the university's mission. Free and open inquiry is the basis for the scientific method and all other modes of investigation that produce, expand, and refine knowledge. It is at the heart of the principles of academic freedom that protect faculty from interference with their research and their views. Likewise, the educational endeavor for students requires freedom to speak, write, inquire, listen, challenge, and learn, including through exposure to a range of ideas and cultivation of the tools of critical thinking and engagement. These tools are vital not only to students' personal intellectual development but also to their futures as citizen leaders equipped to assess contending arguments and to contribute to societal progress. For all of these reasons, expression of ideas should be given the widest possible latitude.

We endorse principles of free expression and free inquiry not because every idea is equally good. To the contrary, universities test and assess ideas every day, through myriad processes of research and inquiry. These processes identify errors and generate breakthroughs of immense value for local, national, and global communities. Indeed, the University has endeavored to acknowledge its own complex legacy while promoting the free exchange of ideas that creates future advances and progress. Academic commitment to free inquiry reflects the view that every idea must be heard so that it may be subjected to the rigorous scrutiny necessary to advance knowledge. This process requires deep critical engagement, as well as humility in the recognition that many commonly accepted views have proved mistaken, while many ostracized views have illuminated the path toward truth.

The University of Virginia has a unique connection to principles of free expression and inquiry. James Madison introduced the Bill of Rights, including what is now the First Amendment, as a member of Congress representing the district that would become home to the University. James Madison and Thomas Jefferson's Virginia and Kentucky Resolutions were among the earliest extended interpretations of the First Amendment, which, as the Supreme Court observed years later, "carried the day in the court of history" and "first crystallized a national awareness of the central meaning of the First Amendment."<sup>1</sup> Jefferson's vision for the University included the aspiration that "here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."<sup>2</sup>

At the same time, the University has not always fulfilled its aspirations, exploiting enslaved laborers and excluding Black Americans, women, and groups and viewpoints disfavored by the majority. Principles of academic freedom have not always withstood the pressures and fashions of the day, which remains an ongoing challenge. But freedom of speech is among the most powerful tools by which wrongs are righted and institutions are improved or abolished. Principles of free inquiry extend to robust discussion and critical examination of the past. Equally importantly, they live in the present and extend to the future, in a shared commitment to free expression for all speakers and all views.

The University's commitment to free expression and free inquiry arises not only from its role as an academic institution but also from its status as a public university. State institutions are bound by the Constitution, including the First Amendment. As Justice Thurgood Marshall wrote for the Supreme Court, "To permit the continued building of our politics and culture, and to assure self- fulfillment for each individual, our people are guaranteed the right to express any thought, free from government censorship."<sup>3</sup> Actions by the University implicate not only academic values but also this legal principle and the ideals behind it.

Under American law, principles of free expression have important limits. The University may regulate the time, place, and manner of expression for reasons unrelated to its content, including maintaining the normal operations of the University. Free expression also does not protect speech that violates the law, including legally defined categories of incitement, defamation, threats, privacy violation, and intellectual property infringement.

In addition, various types of prohibited conduct can be partially or entirely composed of speech, including stalking, harassment, and unlawful discrimination. These exceptions are defined by law and represent narrow and necessary limits to an otherwise expansive commitment.

Free and open inquiry inevitably involves conflicting views and strong disagreements. Indeed, some ideas may be offensive, noxious, and even harmful. We act as responsible members of a shared community when we engage as empathetic speakers and generous listeners. We further our common project of academic inquiry with mutual respect and intellectual openness. Even as the University affirms values of mutual respect, however, both the First Amendment and principles of free inquiry forbid these values from becoming a basis for closing off discussion. The University must not stifle protected expression, permit others to obstruct or shut down such expression, or regulate the tone or content of responses that stop short of interfering with others' speech or violating the law. Rather than seek to control speech or countenance its silencing, the University must promote values of mutual respect, while emphasizing that their vitality rests with the self- governance of speakers and listeners.

The University's commitment to free expression and free inquiry represents a living ideal, reflected in policy and embodied in the actions of community members every day. We rearticulate and reaffirm it here, as a foundation for the University's third century and beyond.

*[Formally adopted](#) by the University of Virginia Board of Visitors in June 2021.*

*[Affirmed](#) by the UVA Faculty Senate in April 2022.*

Sources:

- 1 *New York Times v. Sullivan*, 376 U.S. 254, 273, 276 (1964).
- 2 Thomas Jefferson to William Roscoe, December 27, 1820.
- 3 *Police Dep't of City of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972).

## Statement on Freedom of Expression

*Statement Issued by President Martha Pollack on April 17, 2023*

Dear Cornell community:

*"Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom."*

### **-BENJAMIN NATHAN CARDOZO, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES**

Free expression is the bedrock of democracy, just as academic freedom is the bedrock of higher education. These twin freedoms are at the heart of our [core values](#), and have always been fundamental to Cornell's excellence and its identity.

Today, as we witness assaults on free expression and academic freedom from both ends of the political spectrum, it is vitally important that we, as a community of scholars, engage deeply with these values and the issues that can emerge in upholding them. To this end, I'm glad to announce our university-wide theme for the 2023–2024 academic year, "The Indispensable Condition: Freedom of Expression at Cornell."

Together we will explore the significance, history, and challenges of free expression and academic freedom through a series of events and experiences designed to build knowledge and foster discussion. The initiative will provide opportunities for the development of skills essential for effective participation in democracy: from active listening and leading controversial discussions – as well as managing one's responses to controversial interactions – to leading effective advocacy. It will also include opportunities to confront the tensions that can arise between our core values of free and open inquiry and expression, and being a community of belonging.

Throughout the academic year, students, faculty, and staff will have the chance to come together and engage with these topics through scholarly and creative events and activities that may include reading groups on free expression; debates among invited speakers who model civil discourse; and exhibitions and performances that may span art, film, and fashion.

The theme year will be anchored by a series of cornerstone events on the Ithaca campus, while academic units and departments and student organizations across Cornell, including on the Weill Cornell Medicine and Cornell Tech campuses, will organize additional events and discussions.

We have set up a suggestion box email at [freeexpression@cornell.edu](mailto:freeexpression@cornell.edu). If you would like to share an idea for a project or event related to the theme, please send it to that address along with the name of your school, college, or unit.

I hope you will join me in engaging with these important issues, and look forward to a year of meaningful exploration of what is, truly, "the indispensable condition" of both our institution and our nation.

Sincerely,  
Martha E. Pollack

## **Statement on Free Speech**

*Statement Issued During President Christopher Eisgruber's 2024 Annual State of the University Letter on January 18, 2024*

Controversy over the war in the Middle East has rekindled arguments about the scope of free speech on campus. The tenor of that debate has shifted considerably. People who recently insisted that universities must protect the hateful bilge spewed by outside agitators such as Milo Yiannopoulos now demand that colleges should punish their own students for the language used in pro-Palestinian protests.

As we consider these new and disturbing demands for censorship, we should begin with basic principles.

Free speech and academic freedom are the lifeblood of any great university and any healthy democracy.

Princeton's mission of teaching, research, and service depends upon giving the members of our community broad freedom to propound controversial ideas about science, humanity, justice, ethics, and every other subject, and to express those ideas forcefully and provocatively. Our mission depends upon a willingness to confront and respond to claims that may be heterodox, shocking, or offensive.

For that reason, Princeton's policy on free expression provides students, faculty, and staff with "the broadest possible latitude to speak, write, listen, challenge, and learn." Our policy, like the First Amendment, protects even speech regarded by "some or ... most members of the University community to be offensive, unwise, immoral, or wrong-headed."

These protections apply not only to the formal discourse of the seminar room but also to the tumult of the public square. At this University and in our nation, the impassioned voices of student demonstrators have played an essential role in drawing attention to issues that have been neglected and groups that have been marginalized.

We know, of course, that offensive and immoral speech—whether published in an article or chanted in a demonstration—can cause great pain. We protect it nonetheless for two reasons.

First, we believe that the free exchange of ideas is essential to the pursuit of truth.

Unpopular or even shocking arguments may ultimately prove meritorious. Ignaz Semmelweis, the nineteenth-century doctor who first suggested that handwashing could prevent infection, was treated as a lunatic (literally: he was committed to an asylum and died after being beaten by guards). Albert Einstein scoffed at some foundational principles of quantum mechanics, saying that "God does not play dice." Computer scientists for decades dismissed "neural nets," the powerful algorithms that drive the current explosion in artificial intelligence, as an unpromising strategy or even a "dusty artifact" of an earlier era. The idea that anyone has the ethical and legal right to marry the partner of their choice, without regard to race or sex, was broadly considered scandalous until recent decades; it is now widely accepted.

Even when arguments are wrong, listening to and rebutting them can deepen our understanding of our own positions, strengthen our capacity to defend them, and help to educate others.

Second, while we recognize that speech can sometimes cause real injury, great universities do not trust any official—their presidents included—to decide which ideas, opinions, or slogans should be suppressed and which should not. Censorship has a lousy track record.

Princeton has accordingly upheld free speech rights even in instances when doing so was unpopular with some or most people on campus. These include our determination that Princeton's policies protected an allegedly racist student skit; the enunciation of a racial slur by faculty members in two different classes; and a student's use of the same slur on a listserv.

When the American Whig-Cliosophic Society invited the controversial law professor Amy Wax to speak at Princeton and then reneged, the University worked with Whig-Clio's trustees to ensure that the student group rescheduled her talk.[24] She eventually spoke without disruption, as have an enormous variety of other provocative lecturers invited to campus by faculty members or student groups.

Many commentators nevertheless suggest or assume that colleges routinely punish student speech. Zakaria's video essay is again illustrative: he alleges that leading universities have "instituted speech codes" prohibiting students from saying "things that some groups might find offensive."

That is untrue at Princeton and, to my knowledge, at our peer institutions. Punishing student speech is and should be exceedingly rare. The mere fact that speech is offensive is never grounds for discipline at Princeton; the speech must fall under one of the enumerated exceptions to our free expression policy, such as those permitting the University to restrict threats or harassment.

Disciplinary cases about speech almost always involve personally targeted speech, such as slurs written on someone's door or hurled at specific individuals. That is harassment, which we rightly prohibit.

Critics of universities tend to slip casually between claims about punishment and teaching. For example, in an effort to prove his point about "speech codes," Zakaria says that universities "advise students not to speak ... in ways that might cause offense to some minority groups."

Universities do indeed advise students to treat one another with respect and to avoid unnecessary offense to anyone, including minority groups. For example, Amaney Jamal, Dean of the School of Public and International Affairs and one of the world's leading experts on Palestinian politics, has advised against using provocative slogans such as "from the river to the sea" that might be construed as endorsing Hamas's terroristic methods and aims.[25]

Advising students to avoid offensive speech, however, is very different from suppressing or punishing that speech. Advice is not a "speech code." On the contrary, advice and counsel are part of education, which is the essence of what we and other universities do.

Universities must protect even offensive speech, but that does not mean we must remain silent in the face of it. On the contrary, we must speak up for our values if we are to make this campus a place where free speech flourishes and where all our students can feel that they are "hosts" not "guests."

We must model and teach constructive forms of dialogue if we are to enable our students to build and inhabit a society more inclusive than the one that exists today.

We must also ensure that students are exposed to competing viewpoints, feel able to express thoughtful ideas and arguments even when they are unpopular, and know how to discuss controversial issues respectfully.

Promoting both free speech and inclusivity is a challenging task. There are, to be sure, times when we or others will make mistakes. When we do, we should strive to correct them and become better. Some critics instead seize on those examples as ammunition for an ideological assault.

Indeed, in the immediate aftermath of the congressional hearing on campus antisemitism, a bevy of articles—including at least four in the New York Times alone—referenced a single two-year-old lecture disinvitation by a department chair at MIT as evidence that universities have a double standard when it comes to free speech. Remarkably, not one of those four stories mentioned that MIT had responded to the incident by strengthening its free expression policy.

Cries of censorship carry great weight, and critics may use them in an effort to smear universities even when we do the right thing.

In 2022, for example, Princeton dismissed a tenured professor for misconduct that included obstruction of the University's investigation into his impermissible sexual relationship with a student. He and his backers claimed that he was fired because of his controversial contributions to campus political debate. Not so: his speech was irrelevant to his dismissal. He was treated neither better nor worse than other tenured faculty members whom Princeton fired after they obstructed investigations into prohibited affairs with students.

Unpopular or offensive speech may be protected, but it never excuses other, independent violations of university policy. Our responsibility is to stand strongly for all the University's defining values, including its commitments to scholarly excellence, inclusivity, and free speech, and to do so even when circumstances are hard and criticism is fierce.



Type: Private

Carnegie: Doctoral

Size: Large

## **Statement of Principle Regarding Freedom of Expression**

*Issued by Chancellor Andrew Martin and Chair of the Board of Regents, Andrew Bursky on November 29, 2023.*

There's no question that recent world events have tested the mettle of campus communities at colleges and universities across America. WashU is no exception. The terrorist attack of October 7 and the subsequent turmoil and loss of innocent lives in the aftermath have inflamed more than just the Middle East, including in close-knit communities like ours.

Expressions of concern, displays of support – and protest – are all anticipated and should be welcomed and protected on university campuses, here and elsewhere. Antisemitism, Islamophobia, and intimidating or threatening speech are never acceptable – and should be condemned by all members of a community whenever they occur. [We have made this clear at WashU.](#)

In times of stress and challenge, we find out who we are. At WashU, our students, faculty, and administrators have managed the current taut environment admirably. Protests have taken place, speeches have been heard, deeply held views have been expressed, and in most cases, these have been done in a manner that respects our community standards. The response of the university community has reflected a shared level of respect for one another and for the campus home we share.

We commend the behavior of the vast majority of the WashU community. This is not to say there haven't been challenges, some of them painful. We are [firmly committed to upholding the fundamental value of free expression](#). Academic freedom is a cornerstone of our institution and we fiercely protect it. In recent months, our commitment has been put to the test. We have had to reckon with difficult questions about how to respond to speech that crosses a line into territory that many in our community find unacceptable, hurtful, or even harmful.

In light of these challenges, we wanted to share some thoughts about the current environment and comment on the responsibilities that attach themselves to freedom of speech.

There have been statements made by members of our community – on social media, in the media, and elsewhere – that seem at best misplaced, and at worst, hurtful and disrespectful. Individuals are certainly entitled to their opinions and to express them freely, however offensive or wrong-minded they may at times be. At the same time, we also have a responsibility to look into instances where members of our community feel that speech crosses the line into harassment or intimidation, which we will not tolerate. Let there be no room for doubt we take this kind of allegation seriously and follow up accordingly. We believe these statements, while difficult to justify, also provide a teachable moment for our community.

While we may personally find some of the opinions expressed in public forums ill-informed and tainted with implicit prejudice, we vigorously protect the right to express these views. At the same time, we condemn the use of antisemitic phrases, Islamophobic rhetoric, the endorsement of criminal activity, or other language that is seemingly deployed in order to incite. Freedom of speech is a constitutional right with an implicit social contract – one which anticipates that respectful, responsible members of the community will each do their part to live our shared values.

These values include the open and respectful exchange of ideas free from harassment, discrimination, or intimidation. To be clear, these values do not represent literal constraints on our freedoms, but rather an expectation that we will exercise our freedoms with their attached responsibilities as members of a community. Those responsibilities include being thoughtful in our engagement with each other and our broader community with the intention of seeking reconciliation and understanding, and reaching out our hands and engaging with those of different views.

For example, the hatred associated with the phrase “from the river to the sea” is well understood by most in our community – and so, too, is the emotional and psychological impact of that phrase. To use that phrase, particularly in circumstances where we know it will have a harmful impact, is well beneath the dignity of every member of our community. This type of language does not build understanding; its contribution to the community is ill will, anger, distress, and sadness.

To our faculty – you are entitled to your opinions and should express them freely. At the same time, as educators, we hope you will consider the lessons you are teaching through your actions. You have an opportunity to express your views and a linked responsibility to do so in a manner that does not inflame members of our community – particularly students, who you are here to teach. We all should model concern for our students and our colleagues.

We believe in the WashU community. We are optimistic that, together, we will continue to weather this storm with dignity and respect for one another.

## **President's Statement on Respectful Debate**

*No date; accessed online on March 27, 2024*

"We are an open, inclusive university whose foundation is intellectual and academic freedom .... we celebrate discovery, diversity and dialogue." Excerpt from SFU Statement of Values and Commitments

Public universities play a unique role in Canadian society: they are places in which people should feel free to exchange ideas, beliefs and opinions. Controversy, conflict, and criticism are inherent to this role. Yet universities also aspire to foster an environment that promotes civility and respects human dignity.

So what position should a university take when one person's speech offends another person's sense of human dignity? Should the university seek to curtail such speech? As tempting as it might be to do so, I believe such action would be misguided in principle and counterproductive in practice.

Universities operate on the principle that freedom of speech is a core component of intellectual enquiry and is central to the pursuit of knowledge. The value universities place on free expression does not imply their endorsement of views that are expressed. On the contrary, it is understood that all ideas, beliefs and opinions are subject to analysis and criticism that may result in their modification or rejection. Critics may themselves face criticism. The expression of provocative, uninformed or distasteful views must be tolerated so their inadequacies can be debated and exposed.

In practical terms, efforts to curtail offensive speech often result in such speech being given greater attention and its purveyors gaining greater prominence than would otherwise be the case. Thus attempts to reduce the influence of offensive speech through regulation are liable to produce the opposite effect.

For these reasons, when disputes arise in our university around major social and political issues, we should err on the side of tolerating free speech. Provided such speech does not overstep legal boundaries, it should not be censored even though it may be provocative or offensive.

This does not relieve us of our responsibility to try to foster an environment of civility and mutual respect. On the contrary, the broad rights of free expression we enjoy oblige all of us to work harder to promote such an environment. Nor does it permit us to disregard the chilling effects that provocative and offensive speech can have on members of our community. These effects are real and we need to show understanding and support to those who suffer them.

I therefore urge all members of the university community to redouble their efforts to create a culture that celebrates robust and vigorous debate within an academic milieu characterized by reason, tolerance, and mutual respect. Freedom of speech is a precious right and, as such, we have a duty to do all we can to ensure that is exercised responsibly and with civility.

## **Freedom of Expression Statement**

*Statement finalized in April 2018*

Freedom of expression matters. It fuels what good universities do.

UBC has long been committed to promoting and defending the freedoms necessary for the pursuit and dissemination of knowledge – providing an environment in which people are comfortable to question the status quo, to challenge old assumptions, and to debate difficult issues. As former UBC President Martha Piper wrote in 2001, “in the university, unconventional ideas and controversial opinions deserve special protection.” President Santa Ono has since added, “UBC fosters a welcoming, open community for discussing and debating all ideas and practices, no matter how complex, contentious, or difficult.”

A commitment to these goals is crucial to maintaining an inclusive, collaborative and innovative learning and research environment. Otherwise, as a Canadian public university, how could we, for example:

1. Learn and share the lessons of the past if objectionable parts of the historical record were suppressed?
2. Optimize innovation if entire lines of inquiry were forbidden?
3. Equip students to tackle future challenges, if they were shielded from demanding, provocative thought?
4. Safeguard the freedoms and rights of all our members, including those facing systemic inequality or historic marginalization?

Three principles underlie our commitment to free expression.

First, the common good of society depends upon an unfettered search for knowledge and its free expression. When carried out responsibly and ethically, free and open exchange advances discovery, understanding and wisdom.

Second, UBC’s scholarly community comprises people with diverse viewpoints and disciplinary perspectives. By enabling these disparate voices to participate equitably in rigorous investigation and intellectual exchange, we provide a venue for learning and research excellence that is distinct to universities and, given our diversity, unique to UBC.

Third, as a self-governing democratic institution, even one in which rights and freedoms are, or have been, distributed unequally, the resolute and equitable protection of free expression, in balance with other constitutionally protected rights and freedoms, offers the best path toward an inclusive environment and a better world.

As the leading formal expression of Canadian values in this regard, the Canadian Charter of Rights and Freedoms recognizes freedom of expression as one of four “Fundamental Freedoms,” and defines it as “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.” But Charter rights and freedoms are neither absolute nor ranked in any kind of hierarchy. When Charter rights conflict, they must be balanced and reconciled; and legislatures may act to limit all rights and freedoms when they can demonstrate justification for doing so – as, for example, in prohibiting hate speech or defamation. (As a practical matter, the Charter does not directly apply to universities, although its protections may apply when the university implements government programs or policies and may apply as well to some limited discretionary decisions the university makes.)

The full and complicated scope of freedom of expression can be illuminated in contrast to academic freedom. These two concepts, while complementary and related, differ in significant detail.

Academic freedom is defined in the UBC Academic Calendar: “The members of the University enjoy certain rights and privileges essential to the fulfilment of its primary functions: instruction and the pursuit of knowledge. *Central among these rights is the freedom, within the law, to pursue what seem to them fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints, to engage in full and unrestricted consideration of any opinion.*” By this definition, UBC scholars are entitled to “full and unrestricted consideration of any opinion” – subject to academic constraints. For example, professors are constrained by the need to teach their subject matter. They are constrained in research and publication by peer review, in which subject area experts discriminate between competent and incompetent work. The Academy does not hold that all ideas are equal.

Academic freedom protects scholars from non-academic constraints on their research and teaching. It also creates positive obligations on the university to protect and support the academic freedom of all members of the community—not just students and faculty—and on scholars to use this freedom responsibly. As President Piper wrote in 2001, “Academic freedom must be accompanied by academic responsibility; that is, [participants] must act responsibly, base statements and opinions on fact and evidence, and use acceptable scholarly methods in the pursuit of truth.”

No such formal mechanism limits or governs the exercise of free expression. Indeed, some in society invoke the rubric of “free speech” to advance ideas and agendas that might be repudiated by those with expertise. By demanding equal time, insisting on the right to “present both sides of an issue,” or dismissing informed criticism as elitist, they can use freedom of expression to assault academic freedom, challenging the very concepts of expertise and knowledge.

Some argue that the best way to counter such attacks is through unfettered public debate. They say that UBC should restrict statements on freedom of expression to a categorical endorsement, subject only to legal limits such as those in the Criminal Code (e.g., hate speech) or in provincial human rights legislation. Anything more, they argue, might be seen as limiting or undermining free expression, rather than supporting it.

UBC’s commitment to freedom of expression, however, should go beyond the observation of basic legal requirements. We must hold in balance concurrent legal and moral responsibilities regarding freedom of expression while providing a respectful, constructive and inclusive environment for all.

UBC President Stephen Toope said in [a 2009 statement](#), “A tension exists between our community values of respect for human dignity and the special place of free expression that universities protect.”

That tension can be both intellectual and emotional. It is inevitable, and sometimes appropriate, that people will feel intellectually uncomfortable when confronting ideas they find noxious, that challenge deeply held beliefs – or when their own deeply held beliefs are decried as noxious and offensive. In such circumstances, openness and respectfulness should be a common goal. That said, the desire for civility ought not be a pretext for shutting down groups or individuals whose views some may find distasteful, disquieting, or disturbing. Principled dialogue does not preclude passion and protest. Tolerance does not demand acquiescence, even if the maintenance of good relationships sometimes requires forbearance.

The tension is also legal and practical. UBC is not an empty public square. As an institution of teaching and research, it is a workplace, a learning environment and, for many community members, a home – multiple contexts in which freedom of expression may be protected differently, as it is honoured in balance with other rights and freedoms, including the right to equality of treatment, and the right to life, liberty and security of the person. For this reason, UBC has created procedures that help community members to work through conflicts together, guided by shared values.

In UBC's 2018 strategic plan, President Ono has offered a framework within which to decide how to balance freedoms and rights. That framework rests on three pillars, one of which is "inclusion," defined as: "a commitment to access, success and representation of historically underserved, marginalized or excluded populations." In making inclusion a priority, the strategic plan reminds us that, in a community and a world where power is not distributed equally, institutions such as UBC ought to ensure that those from historically marginalized groups enjoy full protection of their human rights and freedoms, including the expectation to speak and to be heard, and to learn in a climate free of prejudice. There could be no better example of the need for this priority than the historical abrogation of those rights for the Musqueam and Okanagan First Nations, on whose unceded, ancestral and traditional territories UBC sits.

Everyone at UBC bears the responsibility to recognize the unique vulnerabilities of minority group members and those who have experienced systemic violence or attacks on freedoms. We must ensure that freedom of expression is shared among all. Freedom of expression must never be abused or used to disadvantage members of our community who enjoy less power.

UBC's commitment to freedom of expression is resolute; we must protect it assiduously, in concert with our commitment to an inclusive community. Finding the balance will be an ongoing collective challenge. Each of us has the responsibility to honour freedom of expression in a safe, inclusive UBC. *Tuum est* – it's up to you!



## Reading List

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SECTION

3

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