

910 Right of Expression

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910.1 Overview of Policy

Because Indiana State University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, Indiana State fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of 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 find unwelcome, disagreeable, or even deeply offensive. Although Indiana State greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. As further described in this Policy 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. 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 the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation 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 wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress 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 the University's educational mission.

As a corollary to Indiana State'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 on campus, and to criticize and contest speakers who are invited to express their views on 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 debate and deliberation, but also to protect that freedom when others attempt to restrict it.

910.2 Applicability of Policy

This policy applies to all invited guests and visitors to the University and to the following members of the University community:

- a. Students;
- b. Student organizations;
- c. University employees, including faculty, administrators, and staff;
- d. Individuals using University resources or facilities or receiving funds administered by the University; and
- e. Other individuals when speaking or acting on behalf of the University.
- f. Parties contracting with the University.

910.3 Policy Statement

The University is committed to protecting the rights of the University community, invited guests and visitors to engage in free speech and protected expressive activity. Protected expressive activity includes:

- a. Conduct and speech protected by the First Amendment to the United States Constitution.
- b. Communicating by lawful verbal, written, audio visual, or electronic means.
- c. Participating in peaceful assembly.
- d. Protesting.
- e. Making speeches, including speeches of guest speakers.
 - f. Distributing literature.
- g. Carrying signs.
- h. Circulating petitions.

Except when an outdoor area of campus has been reserved in advance, individuals may engage in protected expressive activity in any outdoor area of campus that is generally accessible to the public.

910.3.1. Religious, Political, or Ideological Student Organizations. The University will not deny any benefit or discriminate against a religious, political, or ideological student organization on the basis of the organization's protected expressive activity or a requirement that a leader of the student organization:

- a. Affirm or adhere to the sincerely held beliefs of the student organization;
- b. Comply with a standard of conduct of the organization; or
- c. Further the mission or purpose of the student organization.

910.3.2. Speakers and Visitors. The University does not limit who may speak at or visit the University on the basis of their views or beliefs, nor does it endorse the views or beliefs of any speaker or visitor who does. The University likewise does not prohibit others from expressing their objections to the views and beliefs of any speaker or visitor.

910.4 Prohibited Activities

The University may regulate the time, place and manner of free speech and protected expressive activities if necessary to ensure the safety of individuals, the protection of property, and the continuation of University functions. To that end, individuals engaged in protected expressive activities must comply with all federal, state, and local laws, and with the following restrictions. Expressive activities may not, whether by physical, auditory, or other means:

- a. Materially and substantially disrupt the protected expressive activity of another individual or group or prevent the communication of a message by that individual or group.
- b. Prevent the transaction of business at a lawful meeting, gathering, or procession including by:
 - i. Engaging in fighting, violence, or other unlawful behavior; or
 - ii. Physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity.
- c. Endanger the safety and well-being of individuals.
- d. Result in the destruction of property.
- e. Constitute harassment.

Examples of prohibited activities include substantial disruption to classroom instruction, interference with the normal functioning of the University, interference with the flow of pedestrian or vehicular traffic, disruption to scheduled programs or events, and similar activities.

It cannot be emphasized more that physical violence, threats or implied threats of physical violence, intimidation, and destruction of property are strictly prohibited. The University reserves the right to ban any individual from its property and facilities who engages in such activity.

Nothing in this section is designed to interfere with or prohibit members of the University community from spontaneously and contemporaneously assembling and distributing literature.

For more information, refer to Policy 710 Use of University Facilities

910.5 Sanctions

Violations of this policy by any member of the University community, including any member of the faculty, any employee, any student, or any Student Organization (as defined in Policy 450.2 Definition of Student Organization), or contractor will be addressed in accordance with applicable University policies and procedures, which may include disciplinary action, up to and including suspension, termination or expulsion from the University.

Any person who is not a member of the University community and who violates this policy may be removed from University property. The University reserves the right to pursue legal remedies, including trespassing.

Anyone who is suspected of violating the law will be referred to law enforcement and may be subject to criminal penalties.