Conduct at Speech Events

University Policy 802

Institutional Integrity

Executive Summary

The focus of this Policy is on balancing free expression rights so that speakers may speak, audiences may hear, and protestors may protest at campus speech events. The Policy describes standards for conduct at speech events, including the principle of neutrality, whether events are open or closed to the public, and whether identification may be required to permit attendance. It describes different forms of dissent or protest at speech events, describes those actions that will be considered disruptive because they interfere with the rights of others, and lists possible responses to disruptive acts.

I. Policy

The Code of The University of North Carolina provides:

1. The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

2. The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn and otherwise to seek and speak

the truth.

3. Faculty and students of The University of North Carolina shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

(See Section 600 of The Code, "Freedom and Responsibility in the University Community.")

Those lofty standards assert fundamental values of higher education in the United States. They require the University to assure freedom of inquiry and discourse without unreasonable restraint, and to protect faculty and students in their responsible exercise of those freedoms.

The transmission and advancement of knowledge and understanding flourishes in an environment in which the broadest range of ideas and ideologies may be freely expressed, examined, and debated. Consistent with this tradition, individuals and groups within or outside the University community may sponsor meetings or events for the purpose of presenting to an audience the views of a particular speaker or speakers from within the University or from elsewhere, or for hearing various ideas discussed and debated.

In order to carry out its responsibility to promote free expression and the robust exchange of ideas in an atmosphere of mutual respect for the rights of those who wish to speak, those who wish to hear, and those who wish to protest against the ideas expressed, the University has developed the following standards for conduct at speech events at The University of North Carolina at Charlotte.

II. Standards

1. Principle of Neutrality Respecting Content of Speech

The standards set forth in this policy are intended to be content neutral and shall be applied without regard to the content of the speech under consideration.

2. "Speech Event"

The provisions of this policy apply to "speech events." A "speech event" for purposes of this policy is a meeting or assembly to which one or more named speakers have been invited to speak to an audience in one of two types of locations:

a. Space on the UNC Charlotte campus for which advance reservation has been made, through the University Conference, Reservations and Event Services Office, as provided in UNC Charlotte University Policy 601.6, or

b. Off-campus space under University control.

3. "Sponsor"

The "sponsor" of a speech event is the individual or group with primary responsibility for planning and executing the event. The sponsor may be the University itself, an individual or group within the University community, or an off-campus group.

4. Open or "Closed" Events

The sponsor may determine that the speech event will be "open" or "closed."

5. Limitations on Closed Event

The sponsor of a closed event may limit attendance to members of the sponsoring organization, or by invitation to designated persons or groups, but no such event may be closed on the basis of any criterion or category which is, or is a pretext for, discrimination in violation of law or the University's published nondiscrimination policies. Any advertising providing notice of a closed event must clearly disclose that the event is closed.

6. Clarification of "Open" Event

An event is considered to be open even though the sponsor limits the audience to members of the University community (current members of the faculty, staff, student body, and alumni) or to a portion of that community (e.g., current students only, faculty members only), unrelated to the sponsoring organization.

7. Identification

Attendees at a speech event may be required to produce identification, but only if

a. Timely and adequate notice is given of the specific type of identification required, and

b. Identification procedures are enforced consistently and uniformly, and are not used as a pretext for discrimination in violation of law or the University's published nondiscrimination policies.

8. Dissent and Protest in Connection with Speech Events

a. General Principles

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate their message to the

audience during their allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

When a speech event is closed, dissent by non-attendees is limited to activity outside the event that does not impede access to or departure from the meeting or substantially interfere with the communication inside. When an event is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the event, and on whether the dissenter is acting before or after the speech event or during the event. However, it is not acceptable for such dissent to interfere substantially with the free flow of traffic into or out of the event or to interfere substantially with the speaker's communication.

b. Some Examples of Dissent

The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:

1. Picketing; literature. Picketing in an orderly way or distributing literature outside the speech event is acceptable unless it interferes with the free flow of traffic into or out of the meeting. Distributing literature inside an open event is acceptable before the event is called to order and after it is adjourned.

2. Silent or symbolic protest. Displaying a sign, wearing clothing symbolic of particular ideas, gesturing, standing, or otherwise protesting noiselessly is acceptable unless such action substantially interferes with the audience's view of the speaker, or substantially prevents the audience from hearing the speaker. A moderator's first effort in dealing with interference should be to ask the protestors to move to the side or back of the room so that the audience can see and hear the speaker.

3. Noise. Responding vocally to the speaker, chanting, or making other sustained or repeated noise, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in their favor. If noise, whether in support of or in opposition to the speaker, substantially interferes with the speaker's ability to speak or with the audience's ability to hear the speaker, a moderator should first warn those responsible that continued interference could lead to expulsion from the meeting.

4. Force or violence. Using physical force or violence against another person, or threatening to use physical force or violence against another person resulting in reasonable apprehension that

force or violence will occur, or intentionally restraining another's freedom of movement, are never permitted and are serious violations of personal rights. Law enforcement authorities may use force consistent with the rules of law to restore order.

c. Relation to Nature of Speech Event

A moderator should recognize that certain events should provide the widest possible latitude for symbolic protest and noise. For example, protest and noise at open-air rallies open to the public should generally be permitted unless they present a substantial disruption of normal University function or a present and substantial threat of physical force or violence.

d. The Speaker's Responsibility

Like the audience, the speaker must respect the right to dissent. It is the University's expectation that a speaker will continue with a speech even though picketing, silent or symbolic protest, or noise as discussed in Section 8.b.(l)-(3) occurs. Refusal to speak where protest does not exceed University standards interferes with the audience's right to receive the speaker's message. In events where the University has assigned a moderator, that moderator, rather than the speaker, has the responsibility to determine whether the speech event will proceed or be temporarily suspended or terminated.

e. The Audience's Responsibility

The audience must respect the right to dissent. A member of the audience or the sponsoring organization who substantially interferes with acceptable dissent is violating these guidelines to the same extent as a dissenter who violates the rights of the speaker or audience.

9. Security

a. When space is reserved for the conduct of a speech event, the Chancellor or a designee, regardless of sponsorship, shall determine whether the protection of free speech at an open event requires measures to provide security.

b. Upon making a determination that security measures are required, the Chancellor or a designee, acting through the Office of Public Safety, will have and will exercise the responsibility to determine the nature and extent of security measures required.

c. When a speech event is closed, the sponsoring organization will ordinarily be responsible for funding extraordinary security measures required by the University.

10. Use of Moderator

a. Determination of Need

In rare circumstances, the Chancellor or designee may determine that the protection of free speech at an open event requires the presence of a Moderator. If so, a Moderator shall be present at the event. When possible, the Chancellor or designee should consult before making the decision with the presidents of the faculty, staff, and student body organizations or their representatives.

b. Selection

The Chancellor will select the Moderator. If time permits, the Chancellor will notify the sponsoring organization of the selection in time to permit the sponsoring organization to object to the selection. The Chancellor may select another Moderator at the request of the sponsoring organization but in any event the ultimate decision as to the identity of the Moderator is for the Chancellor. The principal criterion for selection of a Moderator by the Chancellor, and for objection by the sponsoring organization, is that the person selected to be Moderator shall be generally perceived as fair and objective. They will generally be a member of the University faculty or administration.

c. Role

A Moderator should be unobtrusive. Under ordinary circumstances, a Moderator need take no active role at a speech event.

If circumstances require that the Moderator take an active role at a speech event, they should make clear that the Moderator's role reflects no position for or against the views of the speaker or sponsoring organization.

At the event, final decisions regarding balancing the rights of the speaker, audience, and protestors will be made by the Moderator. These decisions include, but are not limited to:

1. Whether to require a disruptive person to move to a different location at the event.
2. Whether to eject a disrupter from the room.
3. Whether to suspend a speech temporarily if disruption occurs.
4. Whether to move an event because of disruption or security concerns.
5. Whether to cancel an event because of security concerns.

III. Violation of Policy

Violation of the free speech rights of any person, as described in this Policy, will be treated as a serious violation of University policy. Violators may be subject to one or more of the following University sanctions:

1. Expulsion from the meeting or event.

2. As to University students, disciplinary proceedings under the UNC Charlotte Code of Student Responsibility.

3. As to other members of the University community, reference to appropriate disciplinary procedures.

In addition, behavior which constitutes a violation of law may result in arrest and criminal prosecution.

Related Resources:

- Free Speech Website
- University Conference, Reservations and Event Services Office
- University Policy 406, Code of Student Responsibility
- The Code of The University of North Carolina

Authority

Chancellor

Policy Revisions

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RESOURCES

HEALTH & SAFETY

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