

POL 04.05.01
Free Speech Event Policy

Authority: Chancellor

History:

- First Issued: April 2006
- Revised: May 22, 2012; February 14, 2018; July 25, 2023; April 9, 2024
- Last Revised: November 8, 2024

Related Policies:

- [UNC Policy Manual 1300.8 - Free Speech and Free Expression Within the University of North Carolina](#)
- [UNC Policy Manual 700.4.1 – Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.2 - Policy on Student Conduct](#)
- [UNC Policy Manual 700.4.3\[G\] - Guidelines on Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”](#)

Additional References:

- [UNCP Facilities Use Policy for External Groups](#)
- [UNCP Student Code of Conduct](#)
- [UNCP Student Handbook](#)
- [N.C.G.S.14-132 - Disorderly conduct in and injuries to public buildings and facilities](#)
- [Free Speech Event Application](#)
- [UNCP Event Coverage Regulation](#)
- Appendix 1 – UNCP Free Speech Event Areas

Contact Information: Vice Chancellor for Student Affairs, 910.521.6305

1. PURPOSE

1.1 In order to carry out the University’s responsibility to promote the free expression and 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 of North Carolina at Pembroke (UNCP) has developed the standards for conduct at events and guidelines for facility use and reservations.

1.2 In accordance with [UNC Policy 1300.8, Section VIII](#), the chancellor has designated the associate vice chancellor for Student Affairs to be the responsible officer for UNCP. The responsible officer shall be the primary point of contact for any student, faculty, staff or other individual’s questions or concerns regarding compliance with law or policy as it relates to free speech or free expression.

1.3 A Free Speech Event is any organized gathering or assembly, held on university premises, that is intended to express, discuss, or promote ideas, opinions, or viewpoints. These events

encompass a wide range of activities including speeches, protests, demonstrations, vigils, and similar expressive activities. Free Speech Events are governed by this policy and related policies, including but not limited to the Facilities Use Policy, the Solicitation Policy, and the Code of Student Conduct, to ensure that they are conducted in a manner that respects the rights of all participants, maintains public safety, and upholds the educational mission of the university. These events may be spontaneous (for students, employees, and Affiliated Groups only) or pre-planned, and can occur both indoors and outdoors, provided they comply with relevant university regulations and procedures.

2. PRINCIPLE OF NEUTRALITY

2.1 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.

3. SPONSOR(S)

3.1 The sponsor(s) of the 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. FREE SPEECH EVENT RESERVATION PROCEDURES

4.1 Outdoor Facilities

4.1.1. The University supports outdoor assembly of persons for free speech activities, including vigils, protests, demonstrations, and similar activities. Therefore, the University is committed to making outdoor space available to university affiliated or unaffiliated groups or individuals for the purposes of free speech, assembly, and activities related to petition or redress.

4.1.2 The following areas (see Appendix 1) may be reserved for outdoor speech events at UNCP by university affiliated or unaffiliated groups or individuals (as defined in [POL 07.25.01 - Facilities Use Policy](#)) utilizing the :

4.1.2.1. Tommy Statue near University Center Lawn; The area is defined as the patch of grass containing the Tommy Statue rock and does not include sidewalks or adjacent areas.

4.1.2.2. The plaza near the water feature at the Mary Livermore Library. The area is defined as the concrete plaza adjacent to the water and between the water and the amphitheater seating area. A pedestrian pathway must be maintained at all times.

4.1.3 Any use of space that is reserved through official channels shall have priority over any unscheduled or spontaneous/unplanned use of space.

4.1.4 In an effort to allow broad access, individuals, entities, or groups may reserve one campus free speech space no more than once per week. This may be done no earlier than one semester in advance of the reservation.

4.1.5 Additional reservations by the same entity for the same week may be made 5 business days in advance if space remains available.

4.1.6 Space requests may be denied or limited if overuse of the space limits the access of the space for others to an unreasonable extent. Likewise, space requests may be denied if groups reserve the space but fail to show for the reservation following at least one warning for such behavior.

5. FREE SPEECH EVENT TIME, PLACE, AND MANNER RESTRICTIONS

5.1 The opportunity for spontaneous or unplanned free speech events in outdoor spaces to be permitted only extends to students, faculty, staff, and/or Affiliated Groups and is subject to time, place, and manner restrictions. Spontaneous or unplanned free speech events hosted by Unaffiliated Groups are prohibited.

Time restrictions for free speech activities ensure that events do not disrupt the core functions of the university, such as classes or exams, or extend into inappropriate times when the campus is closed or when residential students have a reasonable expectation of limited disruption. Time restrictions include but may not be limited to evening events and early morning activities occurring between 10:00 pm and 6:00 am, during exam periods, and/or during breaks between semesters.

5.1.1 The available times of reservable use of these spaces are during normal University operating hours only, which are weekdays between 8:00 am and 5:00 pm. Free speech space is unavailable to be reserved during breaks between semesters or University closure.

Place restrictions for free speech activities ensure that expressive activities occur in locations where they will not impede on university operations, create safety hazards, or adversely impact the learning environment. Place restrictions include but may not be limited to the designated outdoor areas as identified in Section 4.1.2 above and in Appendix I. Spontaneous activities occurring outside of these designated locations must not obstruct building entrances, pathways, or access to university facilities. A minimum distance of 10-feet must be maintained from building entrances.

5.1.2 If a reserved speech event area is closed by the university for an extended period, the vice chancellor for Student Affairs will identify an alternative site.

5.2 Indoor meeting spaces may be reserved for speech events. Sponsor(s) must follow POL 07.25.01 - Facilities Use Policy.

5.3 Manner restrictions for free speech activities ensure that events remain non-disruptive, peaceful, and respectful of others. Manner restrictions include but may not be limited to restrictions on sound amplification, tent or structure restrictions, restriction on threats of violence

or when language is used that is intended to incite violence, and/or requirements for clean-up following the event.

5.3.1 Sound amplification may be permitted as long as (a) it is registered with the university as part of the reservation process for the event and (b) it does not interfere with university functions or the core academic environment.

5.3.2 Tents or other structures may not be erected without prior approval. Submission of requests to erect tents or other structures should be submitted through the Free Speech Event Application to initiate the review and approval process. Tents or other structures must be removed by the group immediately following the event.

5.4 All individuals are required to respect outdoor spaces' normal closure times as posted. If any individuals refuse to depart at such time upon the direction of a University official, they will be warned that they are trespassing and that they are subject to arrest. They will be warned first by a University administrator and then by UNCP Police. Should they choose to continue to occupy the space, they are subject to being removed from the premises by UNCP Police and arrested. For spaces without posted closure times, individuals are expected to be respectful of the surrounding area, such as residences where students are sleeping, and noise ordinances, and will be subject to arrest and trespass if they are asked to leave and fail to do so.

6. ADDITIONAL GUIDELINES FOR PROTESTS OR DEMONSTRATIONS

6.1 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 is acceptable inside an event before the event is called to order or after the meeting is adjourned. The sponsor(s) are required to clean up debris for which they are responsible immediately after the event (e.g. brochures, signs, flyers, chalk, etc.). Likewise, dissenters are required to clean up debris for which they are responsible.

6.2 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 or hearing of the speaker. The first effort in dealing with interference should be to ask the protestors to move to the side or back of the room.

6.3 At no time should the speech event interfere with the educational services provided at the University. Free speech events scheduled during exam weeks will be approved by the vice chancellor for Student Affairs or designee on a case-by-case basis. Speech event participants must not block entrances into facilities. A distance of at least 10 feet must be maintained between speech event participants and building entrances. All participants are required to adhere to [N.C.G.S.14-132 - Disorderly conduct in and injuries to public buildings and facilities](#).

6.4 Physical force or violence against another person, threatening to use physical force or violence against another person, or intentionally restraining another's freedom of movement, are never permitted and are serious violations of personal rights, regardless of whether or not the contact was wanted or unwanted. A personal space clearance of a least five feet is required

between the speaker and the dissenting members of the audience during any event. Law enforcement authorities may use force consistent with the rules of law and to restore order.

7. DISSENT OR PROTEST IN CONNECTION WITH FREE SPEECH EVENTS

7.1 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 his/her message to the audience during her/his 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. It is also unacceptable for such dissent to interfere with the free flow of traffic into or out of the event or to interfere substantially with the speaker's communication.

7.2 The speaker must respect the right to dissent. The speaker may continue with the speech even through picketing, silent or symbolic protest as discussed in 5.2.1 and 5.2.2.

7.3 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 the dissenter who violates the rights of the speaker or audience and may be asked to leave by campus police.

8. SECURITY AT FREE SPEECH EVENTS

8.1 When space is reserved for a speech event, the vice chancellor for Student Affairs, regardless of sponsorship, shall determine whether the protection of free speech at an open event requires measures to provide beyond normal security.

8.2 Upon making a determination that security measures are required, the chancellor or his designee, acting through the UNCP Department of Police and Public Safety, will have and will exercise the responsibility to determine the nature and extent of security measures required.

8.3 When the speech is closed, the sponsoring organization will ordinarily be responsible for funding extraordinary security measures required by the university. The determination of such security measures will be made using content- and viewpoint-neutral criteria, such as the size and nature of the venue; the anticipated size of the audience; whether the event will be open to the general public or limited to the campus community; and related factors. At no point will the content or viewpoint of the speech be a consideration in the determination of security measures.

8.4 Outdoor free speech events in which more than 50 people are expected to attend shall require the responsible sponsor(s) to notify Police & Public Safety of the event (910-521-6235) in advance of the event. When an outdoor speech event was not initially expected to have more than 50 people, but evolves to exceed 50 people, the responsible sponsor(s), as applicable, shall make reasonable efforts to inform Police & Public Safety (910-521-6235) of the activity with as much lead time as possible under the circumstances.

9. SANCTIONS FOR VIOLATORS

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

9.1.1 Expulsion from the meeting or event;

9.1.2 Disciplinary proceedings under the [UNC Pembroke Code of Student Conduct](#) such as disruptive, endangering, or threatening behavior, etc.; and/or

9.1.3 Disciplinary procedures for faculty and staff as described by human resources guidelines;

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

Appendix 1 – UNCP Free Speech Event Areas

