

POL 04.05.01
Free Speech Event Policy

Authority: Chancellor

History:

- First Issued: April 2006
- Revised: May 22, 2012
- Last Revised: February 14, 2018

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: Associate Vice Chancellor for Campus Safety and Emergency Operations, 910-775-4500

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 Campus Safety and Emergency Operations 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.

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 ASSEMBLY RESERVATION PROCEDURES

4.1 Outdoor Facilities

4.1.a. 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.b. Nothing in this section shall be interpreted as limiting the right of student expression elsewhere in the outdoor, publicly available areas of campus. This includes the right to engage in spontaneous, unregistered expression, provided the expressive activity or related student conduct does not violate any other applicable university policies.

4.1.1 The following areas (see Appendix 1) may be reserved for outside speech events at UNCP by university affiliated or unaffiliated groups or individuals (as defined in [POL 07.25.01 - Facilities Use Policy for External Groups](#)) utilizing the [Free Speech Event Application](#):

4.1.1.a. Tommy Statue near University Center Lawn; and

4.1.1.b. Plaza near water feature at Faculty Row

4.1.2 Outdoor speech events in which more than 50 people are expected to attend shall require a reservation to be made at least two business days prior to the start of the event utilizing the [Free Speech Event Application](#). Where 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 Campus Police (910-521-6235) of the activity with as much lead time as possible under the circumstances.

4.1.3 Any reserved use shall have priority over any unscheduled use, even when reserving space is not required by this Policy. Except as noted in Section 4.1.2 above, request for reservations to use outdoor space should be made at least one business day in advance of the start of the event.

4.1.4 Sound amplification may be permitted for university affiliated groups 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.

4.1.5 Locations may not be available during exam periods if expected noise level is determined to be objectively disruptive to the educational environment.

4.1.6 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.

4.2 Indoor. UNCP meeting rooms may be reserved for speech events. Sponsor(s) must follow the UNCP [facilities use policy](#) and guidelines.

5. DISSENT OR PROTEST IN CONNECTION WITH SPEECH EVENTS

5.1 Rights. 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.

5.2 Some examples of dissent. The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent.

5.2.1 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 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.

5.2.2 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 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.

5.2.3 At no time should the speech event interfere with the educational services provided at UNC Pembroke. Free speech events scheduled during exam weeks will be designated by the vice chancellor for Student Affairs on a semester by semester 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](#).

5.2.4 Force or violence. 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. 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.

5.3 The speaker's responsibility. 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.

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

6. SECURITY AT SPEECH EVENTS

6.1 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.

6.2 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.

6.3 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.

7. SANCTIONS FOR VIOLATORS

7.1 Violation of 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:

7.1.a. expulsion from the meeting or event;

7.1.b. disciplinary proceedings under the [UNC Pembroke Student Code of Conduct](#) such as disruptive, endangering, or threatening behavior, etc. described in the Student Handbook;

7.1.c. disciplinary procedures for faculty and staff as described by human resources guidelines; and

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