First Amendment of U.S. Constitution

"**Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

* The First Amendment has been interpreted to cover all government action, both state and federal, including UNC Charlotte as a public institution.

"Freedom is always purchased at a great price, and even those who are willing to pay it have to admit that the price is great."

- Gerald W. Johnson, first professor of journalism at the University of North Carolina

"the proudest boast of our free speech jurisprudence is that we protect the freedom to express 'the thought that we hate.'"

- U.S. Supreme Court in *Matal v. Tam* (2017)

Free Speech Isn't Always Free

- Political speech is afforded the greatest protection under First Amendment case law

- Political speech and expression encompasses political symbols, such as the flag seen here

Unprotected Speech

- Offensive and even hateful speech is generally protected by the First Amendment

- Examples of <u>unprotected</u> speech:
  - True threats
  - Inciting or producing an imminent lawless action
  - Obscenity
  - Defamation (libel or slander)
  - Unlawful discrimination/harassment
  - Disruption

Reasonable Time, Place, and Manner Restrictions on Speech

- Traditional public forum (*e.g.* streets, sidewalks, Belk plaza)
    - Reasonable time, place, and manner restrictions
    - Content-neutral, viewpoint-neutral

- Limited public forum (*e.g.* university website, BOT meeting)
    - Reasonable time, place, and manner restrictions
    - Specified topic or specified invitees, viewpoint-neutral

- Nonpublic forum (*e.g.* classrooms, staff meetings, offices)
    - May or may not be permitted to speak
    - Any restrictions still must be viewpoint-neutral

Employee Speech

- Faculty:
  - In general, within a faculty member's job duties, speech within the classroom or within research endeavors is protected
  - If a faculty member is speaking outside job duties and on a matter of public concern, then the faculty member's interest is weighed against the employer's interest

- Staff:
  - If a staff member is speaking within job duties, the employer can set parameters
  - If a staff member is speaking outside job duties and on a matter of public concern, then the staff member's interest is weighed against the employer's interest

Free Speech at UNC Charlotte

- As a public institution, the University is dedicated to the robust exchange of ideas and is committed to protecting individuals' freedom of speech and expression.

- There are times when an expression of an idea or point of view may be offensive or inflammatory to some individuals and even bias-motivated, but it may not equate to a violation of law or University policy and may be protected by the First Amendment.

- The University will not tolerate threats, discrimination, harassment, or other violations of law or University policy.

- In situations where words may be hurtful or offensive, but protected by the First Amendment, the University remains committed to supporting community members affected by those words.

- https://freespeech.charlotte.edu/

Speakers on Campus

What is the Demonstration Activity Resource Team
at the University of North Carolina Charlotte?

Speakers on Campus

- The Demonstration Activity Resource Team (DART) is utilized to provide information for and observing and responding to campus demonstration activities

- UNC Charlotte supports a culture of free expression and debate of ideas

- Overseen by Student Affairs General Administration, DART is comprised of the following individuals:

  - The Associate Vice Chancellor of Student Affairs,

  - The Senior Associate Director of Conferences, Reservations, and Event Services

- Team members might include a number of campus colleagues

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How Does DART do its work?

- Utilizing staff that are adept at building relationships with students
- De-escalating potential conflict
- A structured tiered response
- Prioritizing speech, activism and safety

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Response Tiers

- **Tier One: Safety Monitors or Local Building Administration**

  - Eyes and Ears

- **Tier Two: DART Volunteer**

  - Active engagement to communicate expectations of compliance and directive oriented

- **Final Response: UPD**

  - DART team member provides final volunteers and then work with PD for any continued non-compliance.

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Interested in more training?

Contact Information:
- Lucian Wilhelm
  - 704-687-7105
  - lwilhelm@charlotte.edu

- Sujit Chemburkar
  - 740-591-6488
  - chemburkar@charlotte.edu

- dart-team@uncc.edu
- Website: https://dart.charlotte.edu/

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When (free) speech hurts and harms

- Assume the best in most people, but some are driven by hate and are ok to tell you so

- Research article on teacher education initiated the hate of people
  - Misrepresented our work
  - Sloppy journalism
  - Opinion led

- Campus reform, Breitbart and other websites, social media, personal information posted publically

- Home was vandalized

Self-Generated Solutions

WORK

- Protocol???

- ADVANCE office

- Dean, department chair

- University Police

- Protocol??

- Working groups to explore

- Emotionally depleted, but still had to generate solutions for myself

HOME

- Increased security around my home

- Therapy

- Connecting with my friend and family groups

- Still overly cautious

University Resources

- Harassment, stalking, true threats, vandalism (or other crimes), and any other <u>unprotected</u> speech should be reported to police

- If harassment or other harmful/nonbusiness communication is occurring via email, OneIT may be able to block certain addresses

- Civil Rights & Title IX (CRTIX) can provide support and resources in harassment or stalking situations and may also be helpful for general digital safety tips

- If anyone feels unsafe at work, Human Resources and/or CRTIX can develop safety plans with the individual and with departments

- For employees, the Employee Assistance Program (EAP) and the Ginger app are resources for mental health support

- For students, Counseling and Psychological Services (CAPS) is a resource for mental health support (or the Center for Integrated Care (CIC) for off-campus connections to care)

What can we do?

- We are living in polarizing times!

- Cannot afford to stay in silos, but also have to stay safe

- Learn about ourselves (biases) to learn about others

- Understand the systems that perpetuate marginalization

- Understand the systems that should be supportive

- Being relational vs. transactional

- Hold people/systems accountable for their actions – learning opportunity

Constructive Dialogue

"Listening and trying to understand the needs of those we would communicate with seems to me to be the essential prerequisite of any real communication."

- Mister Rogers

Creating Value through Dialogue

- Free expression is necessary but not sufficient for knowledge creation

- Value creation from dialogue requires parties remain open-minded

- Model value creation in classrooms through open-minded and productive discussion

Principles of Constructive Dialogue

1. Let go of winning.
2. Ask questions to understand.
3. Share your story and invite others to do the same.
4. Make yourself and others feel heard.
5. Find what's shared.

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Resources

- Constructive Dialogue Institute: https://constructivedialogue.org/
  - Including free Perspectives curriculum

- Free Expression & Constructive Dialogue Task Force: https://freeexpression.charlotte.edu/

- Spring 2024 Constructive Dialogue Faculty Learning Community – applications are open (see Free Expression website)

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Questions?