


HOW MUCH FOR THE "FREE" SPEECH?

A Review of the University's Commitment and Obligation to Foster and Protect Free Speech on Campus




"Talk is Cheap. Free Speech Isn't."

- Overview of Some Recent First Amendment Incidents or Events on College Campuses
- Summary of Applicable Law and University Policy
- Why We Value Free Speech at UNC Charlotte
- How We Balance Protecting and Promoting Free Speech Against Our Commitment to Maintaining a Welcome and Inclusive Working and Learning Environment
- How We Prepare for Free Speech Events on Campus to Ensure Safety

Free Speech Isn't Always Free

Political speech afforded the greatest protection under First Amendment Jurisprudence;

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



Free Speech Can Be Very Expensive



Hosting Controversial Speakers on Campus has cost Campuses around the Country Millions;

Cancelling or Prohibiting Speakers Based on Anticipated Public Safety Concerns Is Constitutionally-Suspect.

What Constitutes “Protected Speech” on Campus Can Be Confusing

Engaging in impromptu speech activities during official University activities, particularly when the activities are undertaken for academic credit, may be lawfully restricted.



The First Amendment

“Congress shall make no law...abridging the freedom of speech.”

- Freedom from v. Freedom to
- The “Government Action” Requirement
- Constitutionality of Government’s Restrictions on Protected Speech subject to “Strict Scrutiny”
 - “Strict in Theory; Fatal in Fact.”

Unprotected Speech

- True threats
- Inciting or Producing an Imminent Lawless Action
- Fighting Words
- Obscenity
- Libel & Defamation
- Discrimination/Harassment
- Disruption

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Time, Place and Manner Restrictions

- A public university is constitutionally permitted to place reasonable time, place and manner restrictions on speech activities



- Content neutral
- Narrowly tailored/government interest
- Ample alternative means of expression

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North Carolina Free Speech Bill

- Requires BOG to craft a policy on free expression that can be limited only by "narrowly tailored viewpoint and content-neutral restrictions on time, place, and manner of expression"
- Requires that the policy include a range of disciplinary sanctions for behaviors that "substantially disrupt the functioning of the constituent institution or substantially interfere with the protected free expression rights."



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UNC Charlotte's Speech Policies

- Balance the University's commitment to free speech, commitment to diversity and inclusion, and commitment to the efficiency of University operations
- Restrictions based on "Fighting Words" Doctrine, State and Federal Civil Rights Statutes, and Reasonable Operational Considerations

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Campus Conundrums

- What Speech is Protected by the First Amendment:
 - When Speaking as a Student Inside and Outside the Classroom;
 - When Speaking Within and Without the Scope of Employment; and
 - When Speaking as a Private Citizen?

Balancing Our Commitment to Create and Maintain a Welcoming and Inclusive Learning Environment

Bias Assessment Resource Team (BART)

The purpose of BART is to:

- Receive and monitor reports of bias-related incidents to better understand the climate of the student experience at UNC Charlotte.
- Review and assess reports and direct those reports to the appropriate unit or department for response
- Raise awareness of bias and the impact of biases through education and awareness
- Provide assistance, support and guidance to those negatively impacted by bias-related incidents

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BART is not...

- a *disciplinary body and does not investigate or adjudicate* bias-related incidents beyond offering support and assistance to those impacted and directing reports to appropriate unit/departments for response.

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Reporting Options

- BART.uncc.edu
- An individual can decide if they want to submit the incident as *information only* or request a meeting to further discuss the incident.

What Happens When A Report is Submitted?

"When a report is submitted, the report will be routed to the Chair of BART for initial review"

- BART Chair or team member will reach out to the reporting party to gather information, provide support and connect students to campus resource if needed
- BART Chair will forward the incident report to the appropriate unit/department for review and response

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Continued...

- If the reporting party believes the incident is a hate crime or violates a university policy, the reporting party is encouraged to report the incident directly to campus police or Student Conduct and Academic Integrity in addition to submitting the Bias Incident Form

Putting Safety First

- Role of PPS in advance of and during speech events that we anticipate may pose some public safety concerns
- PPS resources for Students and Employees planning to host speech events on campus

QUESTIONS?
