



## **GUIDELINES FOR FREEDOM OF EXPRESSION, PROTESTS, AND SPEAKERS AND EVENTS**

### **INTRODUCTION**

The Connecticut State Colleges and Universities (“CSCU”) supports the concepts of freedom of thought, inquiry, speech and lawful assembly. It also supports the right of all individuals and groups at all times to pursue their normal activities at CSCU and to be protected from physical injury or property damage.

The purpose of these guidelines is to promote, instill and support habits of communication and character that will help CSCU be an inclusive community that encourages respect and learning. These guidelines are not intended to and do not restrict any individual’s ability to engage in all forms of lawfully protected personal speech. While the moral and legal concept of academic freedom is undoubtedly connected to free speech, these guidelines do not address academic freedom nor do they intend to infringe upon faculty’s or students’ rights to academic freedom.

These guidelines are intended to complement existing CSCU policies, procedures, handbooks and guidelines, including the CSU Board of Trustees’ Policy Resolution on Campus Freedom and Order, dated August 7, 1970.

### **DEFINITIONS**

**Community Members:** Any employee of the CSCU institutions, including administrators, faculty, staff, temporary, and student employees; all CSCU institutions; any individual using institution or CSCU resources or facilities or receiving funds administered by the State; and volunteers and other representatives when speaking or acting on behalf of CSCU or any of its constituent institutions.

**CSCU Institution or Campus:** Include four constituent Connecticut State Universities, Charter Oak State College, and the Connecticut State Community College comprised of twelve consolidated regional community colleges.

**Institution Resources:** Include but are not limited to the CSCU institution’s name, logo, or other identifying mark, the CSCU institution’s funds, facilities, office supplies, photo equipment, letterhead, telephones, fax machines, and computers; and the CSCU institution’s information technology resources such as email, websites, social media and on-line discussion boards.

**Institution Property:** Buildings, grounds, and land that are owned by the CT Board of Regents for Higher Education or controlled by CSCU institutions via leases or other formal contractual arrangements to house ongoing CSCU operations.

**Outside Entity(ies):** Candidates, campaign or political organizations, not-for profits, and all other outside groups.

**Student Organization:** A student group that is recognized in accordance with any CSCU institution specific policies or practices.

## 1. Freedom of Speech

### a. What is freedom of speech and what does it protect?

Freedom of speech is the right of a person to articulate opinions and ideas without interference or retaliation from the government. In this context, the term “speech” is not limited to spoken words; it may also include symbolic speech, such as what a person wears, reads, performs or protests.

Freedom of speech is protected by the First Amendment of the United States Constitution, as well as many state and federal laws. The United States has some of the strongest and broadest free-speech protections in the world. For instance, the First Amendment protects even speech that many would see as offensive or hateful.

### b. Which types of speech are not protected by the First Amendment?

Generally, the First Amendment guarantees freedom of speech by default, but some exceptions do exist. Types of speech that are not protected by the First Amendment include the following:

- **Incitement of violence or lawless action:** There is no right to incite people to break the law, including to commit action of violence. For an action to constitute incitement, there must be a substantial likelihood of imminent illegal activity and the speech must be directed to causing imminent illegal activity. For example, a speaker on a CSCU campus who encourages the audience to engage in acts of vandalism and destruction of institution property or resources is not protected by the First Amendment if there is a substantial likelihood of imminent illegal activity.
- **True Threats:** Speech where a person reasonably would perceive as an immediate threat to his or her physical safety is not protected by the First Amendment. The speaker does not have to act on his or her words (e.g., commit a violent act) in order to communicate a true threat. For example, if a group of students yelled at a student in a menacing way that would cause the student to fear a physical assault, such speech would not be protected.

- **Fighting Words:** Speech that is personally or individually abusive and is likely to incite imminent physical retaliation. Fighting words are those personally abusive epithets which are inherently likely to provoke a violent reaction.
- **Harassing speech:** Harassing speech based on a protected category (e.g., race, disability, veteran status, sex, gender identity, sexual orientation, religion) is conduct that is so severe, pervasive and objectively offensive, and also undermines and detracts from the victim's educational experience, that the victim is effectively denied equal access to a CSCU institution's resources and opportunities.
- **Obscene Speech:** Speech or materials may be deemed obscene, and therefore unprotected, if the speech meets the following (extremely high) threshold: (1) overtly sexualized or lascivious (2) is patently offensive by community standards; and (3) lacks literary, scientific, or artistic value.
- **Material and substantial disruption:** An action that materially and substantially disrupts the functioning of a CSCU institution or that substantially interferes with the protected free expression rights of others.
- **Certain symbolic actions:** The First Amendment does not protect the use of nonverbal symbols to directly threaten an individual or encroach upon or destroy CSCU institution property. Examples might include hanging a noose above a residence hall room door or spray-painting swastikas.
- **Interference with medical treatment:** Speech that interferes with the treatment of patients.
- **Invasion of privacy:** An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
- **Defamation:** An intentional and false statement about an individual that is publicly communicated in written (called "libel") or spoken (called "slander") form, causing injury to the individual.
- **False Advertising:** A knowingly untruthful or misleading statement about a product or service.
- **Child Pornography:** Images or work that visually depict sexual conduct by children.

Use of the above forms of speech may violate the Student Code of Conduct and may be investigated and addressed as appropriate.

### **c. What is “hate speech” and is it protected?**

The term “hate speech” refers to speech that insults or demeans a person or group of people on the basis of attributes such as race, religion, ethnic origin, sexual orientation, disability or gender. While CSCU condemns speech of this kind, and it may sometimes be difficult to accept, speech that is hateful or offensive is protected by the First Amendment.

However, hate speech that is actually “fighting words,” “true threats” or “harassing speech” is not protected speech.

While hate speech may be protected by the First Amendment, “hate crimes” are regulated by state and federal criminal and civil laws, including but not limited to anti-discrimination laws. Hate crimes are overt acts that can include acts of violence against persons or property, violation or deprivation of civil rights, certain “true threats,” or acts of intimidation, or conspiracy to commit these crimes. A hate crime is more than offensive speech or conduct; it is specific criminal behavior that ranges from property crimes like vandalism and arson to acts of intimidation, assault, and murder.

#### **i. How does CSCU respond to hate speech?**

CSCU is dedicated to fostering free speech in an environment where students, faculty and staff can learn from one another and where all are treated with dignity and respect. CSCU denounces all forms of hate speech. CSCU encourages students, faculty, and staff to use their free-speech rights to help create opportunities for each campus community to understand and learn from these actions.

#### **ii. But aren’t restrictions on hate speech an effective and appropriate way to send a strong message against white supremacy, misogyny, bigotry and discrimination against marginalized individuals?**

Hate speech is an indicator of larger issues in our communities and society at large. As public institutions, CSCU is bound to honor First Amendment rights and cannot regulate hate speech. Nonetheless, CSCU campuses may respond to hate speech with speech reinforcing CSCU values of intellectual freedom, inclusion and diversity, and foster an environment for the campus communities to engage in civil discourse, to listen and create forums and workshops to raise awareness and promote dialogue on issues of race, sex, sexual orientation, gender identity, and other relevant issues. However, CSCU students and community members should not expect CSCU administrators to comment on or condemn every campus speech act that some individual considers offensive.

#### **d. Guidance on Social Media**

The CSCU system encourages the use of social media technologies to enhance communication, engagement, collaboration and information exchange in support of its mission. Social media offers a variety of positive experience and benefits, but they also harbor a number of known risks, such as: bullying, harassment, defamation and injury to reputation. An individual's use of social media technology follows the same standard of conduct and ethics consistent throughout the CSCU system. This guidance is intended to set forth expectations of community members when engaging in CSCU-affiliated social media technologies.

##### **i. CSCU-Affiliated Social Media**

CSCU-affiliated social media technologies are a common and important communication tool for CSCU institutions. CSCU community members who use a CSCU institution's social media technology must act responsibly and abide by all [CSCU Information Technology Policies](#). Additionally, each CSCU campus may have its own set of policies and guidelines. Within that, each department, school or college might have also established separate policies and guidelines. Be aware of specific requirements.

When engaging with CSCU-affiliated social media technologies, individuals should follow these general guidelines:

- **Do not misrepresent CSCU:** No individual CSCU community member should misrepresent their social media presence as representing a CSCU institution or use the word "official" in any title, post, or description.
- **Think twice, post once:** Privacy does not exist in the world of social media. Social media postings, including comments and responses, can be stored and shared with millions around the world. Search engines can find posts years after they are published, and comments can be forwarded or copied. Consider what would happen if a post becomes widely known and how that may reflect both on the poster and CSCU.
- **Protect confidential and proprietary information:** Do not post private, restricted or sensitive information about a CSCU institution or its students, staff, faculty or alumni. Types of private information include FERPA-protected student information, Social Security numbers, credit card numbers and medical records.
- **Respect copyright and fair use:** When posting, be mindful of the copyright and intellectual property rights of others and of the CSCU institutions.

Social media postings that fall into one of the categories of unprotected speech, described above (See Section 1.b) may be removed.

## **ii. Personal Social Media**

Individual's social media communication are not monitored. However, no individual CSCU community member should misrepresent their social media presence as representing a CSCU institution or use the word "official" in any title, post, or description on their personal media account.

## **e. Time, Place & Manner Restrictions**

As public institutions of higher education, CSCU institutions have the right to impose certain "time, place, and manner" restrictions on the use of their campuses for free-speech purposes. The First Amendment does not guarantee access to CSCU institution property for expressive activity simply because the property is owned or by CT Board of Regents for Higher Education or controlled by CSCU institutions. CSCU campuses are not required to make all of its institution property available to students and non-students alike, or grant free access to all of its grounds and buildings. The right to speak on CSCU campuses is not a right to speak at any time, at any place and in any manner that any individual wishes. CSCU's primary mission is education, and CSCU campuses can regulate where, when and how speech occurs to ensure the functioning of each CSCU campus and impose reasonable regulations compatible with its mission.

Examples of acceptable time, place, and manner restrictions may include event planning and facility rental requirements, notice periods, public address and sound amplification system approval requirements, sponsorship requirements for outside speakers, limiting the duration and frequency of the speech and restricting speech during final-exam periods. For information regarding political activity on CSCU campuses, see Guidelines for Communication with Federal and State Public Officials (need hyperlink).

Time, place and manner restrictions may be imposed to address health and safety concerns related to the COVID-19 pandemic. This may include mandating the use of face masks and limiting the number of persons congregating in close proximity on campus buildings and grounds to contain the spread of the disease.

## **2. Freedom of Expression, Assembly and Advocacy**

Planning is of the utmost importance for any kind of demonstration, protest or assembly. Planning is necessary to guarantee that all criteria are met to keep the campus and community safe. For more information about planning your event, first contact NVCC's Event Planning Committee through Associate Dean B.L. Baker at [BBaker@nv.edu](mailto:BBaker@nv.edu).

CSCU institutions affirm and support the concepts of freedom of thought, inquiry, speech, and lawful assembly, the rights of individual students and student groups on CSCU campuses to assemble or protest on CSCU campuses including the use of signs, banners, and posters, and

within the limits of administrative guidelines and CSCU BOR policies. The following are examples of such expression:

- Signs or boards worn on the body
- Distribution of leaflets or pamphlets
- Groups of people peaceably assembling or spectating (provided they do not block access to an event or other CSCU activities).

**a. Demonstrations, Protests, Meetings or Assemblies**

All demonstrations, protests, meetings or assemblies are expected to be conducted in a lawful and peaceful manner. Conduct that disrupts or interferes with CSCU campus events or operations is not permitted. Planned or spontaneous demonstrations, protests, meetings or assemblies may be conducted in those appropriate areas of the CSCU campuses that are regularly available to the general public, provided such demonstrations, protests, meetings or other assemblies do not:

- Shout down or interfere with the freedom of any person to speak, including invited speakers;
- Disrupt the orderly conduct of instruction, research, administration, disciplinary proceedings, or other CSCU activities;
- Interfere, in any manner whatsoever, with the vehicular or pedestrian traffic or access to or exit from any CSCU campus or the buildings, classrooms, libraries, meeting rooms, offices, or other campus premises;
- Erect permanent or semi-permanent structures for any activity unless the construction itself is undertaken and approved by the CT BOR for Higher Education or CSCU institution administration;
- Occupy or utilize without authorization any institution property or portion thereof;
- Damage or destroy institution property or institution resources, or remove or use such institution property or resources without authorization;
- Involve the possession of firearms or any other weapons, torches, sticks, poles, or any other items that may be used as weapons (demonstrators may carry signs or flags as long as those items are not attached to a stick or a pole) on any CSCU campus premises (except weapons carried by authorized public safety personnel);
- Physically restrain or detain any person or remove such person from any place where he or she is authorized or otherwise free to remain; and

- Interfere with or violate the directions of CSCU institution officials acting in the performance of their duties.
- b. Guidelines for Peaceful and Safe Engagement in Freedom of Expression, Assembly and Advocacy Activities**

CSCU institutions encourage all who engage in freedom of expression, assembly and advocacy activities to do so peacefully and safely:

- Avoid activity that infringes on the rights of others, such as blocking and preventing the movement or access of others.
- Follow the lawful instructions of a police officer or public official, such as staying behind barricades, dispersing from an area declared an unlawful assembly, not resisting arrest. It is against the law to disobey a lawful order by a police officer.
- Leave the area where others are engaging in illegal activities and acts of violence. (Your presence may be interpreted as participating in a riot or illegal group action.) Staying overnight in a campus building after hours is prohibited.
- Refrain from speech that incites others to commit acts of violence such as pushing, kicking or spitting on others, or other unlawful actions.
- Make informed decisions. If you choose to engage in civil disobedience and get arrested, know the potential consequences.

### **3. Speakers & Events**

While CSCU institutions are committed to enabling student organizations and other groups to host a variety of events on their campuses, permission to host events or speakers on CSCU institution property is subject to specific approval. To that end, each CSCU campus makes certain facilities and spaces available to student organizations and outside entities for speaker invitations and events. For more information, contact NVCC's Event Planning Committee through Associate Dean B.L. Baker at [BBaker@nv.edu](mailto:BBaker@nv.edu). Also, see [CSCU Guidelines for Communication with Federal and State Public Officials and Political Activity on Campuses](#) for a discussion on political activity and hosting politicians on campus.

**a. How does the First Amendment right to free speech apply to invited speakers?**

The First Amendment right to free speech is not absolute. CSCU institutions may restrict outside entity or speaker expression that constitutes a true threat of imminent violence or an incitement of lawlessness. CSCU campuses may also impose reasonable restriction on the time,



place and manner of speech so long as the restrictions are content-neutral, are narrowly tailored to serve a significant CSCU campus interest and leave open alternative channels for the communication of information.

Otherwise CSCU student organizations and community members are free to invite whomever they like to speak at events, including speakers promoting popular viewpoints or provocative speakers who may tout disagreeable viewpoints – all are entitled to the same constitutional protections. CSCU campus administrators cannot dictate which speakers students or student organizations or community members may invite to campus on their own initiative. If a CSCU institution usually allows students or community members to use campus resources (such as auditoriums) to host outside entities or speakers, the campus administration cannot withdraw those resources simply because students or a student organization or community member has invited a controversial or provocative outside entity or speaker to campus.

**b. Can CSCU students or campus community members who oppose a speaker’s message use their own freedom of speech to shout down or otherwise disrupt the speaker’s message?**

No. When CSCU campuses or student organizations host outside entities or speakers, the guests are generally free to express their views, even if unpopular or controversial. Discrimination on the basis of the speaker’s viewpoints is not permissible under the First Amendment, and the audience’s reaction is not a content-neutral basis for regulation. Dissenting students may protest and express disagreement, but they may not interfere with a speaker’s ability to speak or the audience’s ability to attend, listen and hear. Freedom of speech does not include the right to silence the speech of others by shouting down, heckling or otherwise disrupting speech to the point that the speaker cannot continue or that the audience can no longer listen and hear. The free-speech rights of the speaker would be violated if the audience could silence anyone with whom they disagreed, and open and free debate and exchange of ideas would be impossible. Speakers have the right to speak without being shouted down, and students and the campus community enjoy a twin right to attend, listen, and hear. Shouting down or intentionally interfering with a speaker may result in disciplinary sanctions against the disruptive individual.

**c. Can CSCU institution cancel a student-sponsored event if the administration or the campus community disagrees with the speaker’s views?**

CSCU institutions are not permitted to cancel student-sponsored events based on the views of the speaker. Concerns that a speaker’s presence on a CSCU campus may cause a negative student response is not a valid ground for denying access. Freedom of speech and public expression of many sharply divergent points of view are fundamental to our democracy and to CSCU’s mission and values. The role of CSCU institutions is not to shield students or community members from positions that they find unwelcome, or even reject or loathe. Rather, CSCU institutions are a place for free expression and open debate where CSCU students and

community members can listen, challenge each other and be challenged in return. While CSCU institutions are not permitted to make content-based decisions on who may speak on CSCU campuses, CSCU institutions may require students to follow the proper processes to secure space and staffing as well as implement content-neutral restrictions such as time, place and manner of campus speech.

**4. How does CSCU seek to provide a safe and secure environment in light of freedom of speech?**

While CSCU campuses want to provide a safe and secure environment for its students and community members, we realize that there are individuals who may criminally prey on those attending special events, become involved in affrays, and otherwise disturb events or campus activities causing injury or damage to individuals or personal or CSCU institution property or resources. Individuals engaging in such disruptive or criminal activities may be subject to disciplinary proceedings or law enforcement action as applicable.

All students and CSCU community members are encouraged to meet with the respective CSCU campus Dean of Student, Director of Student Center/Student Activities, or Events Coordinator to discuss the details of any proposed event. If there are safety concerns in hosting an invited speaker at a CSCU institution, the institution must ensure that security plans are in place. The institution may also require the outside entity or speaker to have adequate insurance coverage, and may consider ticketing the event to limit the audience to students or campus community members.

**For additional information, contact our Dean of Students, Sarah Gager, at [SGager@nv.edu](mailto:SGager@nv.edu), or our Director of Student Activities, Karen Blake, at [KBlake@nv.edu](mailto:KBlake@nv.edu).**