

## Campus Resources/Questions About Rights and Responsibilities

These offices can provide assistance with reserving facilities, planning events, or conducting a peaceful protest.

- \*Campus Events and Visitor Services 752-2813
- \*Student Programs & Activities Center 752-2027
- \*ASUCD (student government) 752-1990
- \*GSA (graduate student government) 752-6108
- \*Student Judicial Affairs 752-1128
- \*Campus Police 752-1230



<sup>i</sup> UC Policies Applying to Campus Activities, Organizations, and Students, Section 30.10.

<sup>ii</sup> UC Policies Section 40.40.

<sup>iii</sup> PC 415 (public places) and PC 415.5 (University grounds, applies to non-students, students from other UCs but not to registered students of the campus where activity occurs).

## A Quick Overview of Lawful Protest

All individuals may exercise rights of free expression at outdoor University areas open to the public, as long as they comply with rules regarding time and place and the way in which expression takes place, to assure orderly conduct.

- UCD departments and student/campus organizations may reserve facilities for events and use amplified sound. Reserved events have priority for space and other protections as recognized activities.
- The scope of permitted protest differs with the nature of the event, the campus facility, and location (e.g., outdoor vs. indoor). Events in outside spaces can accommodate a higher degree of oppositional speech and activity.
- Protest activity can be organized and presented in response to a reserved event, but may not interfere with the reserved event to the extent that it would cause substantial modification/cancellation of the event.
- On-campus protests are governed by law and University policies. Off-campus activity is subject to local laws and law enforcement practices.
- Individuals must identify themselves to and comply with directions of campus officials; if they engage in civil disobedience and refuse to comply with directions to leave an area for safety or other reasons, or because a building is closed, they may be arrested/subject to discipline.
- Individuals have wide latitude for expressing their views, but certain conduct is unlawful or violates University policy. Those who engage in activities such as making threats of violence toward specific individuals, disturbing the peace, obstructing or disrupting campus functions, or behavior that threatens health and safety may be prosecuted and/or disciplined.

## Freedom of Expression, Peaceful Protest, and Civil Disobedience on Campus: *Rights and Responsibilities*



### University of California, Davis Office of Student Affairs

## Freedom of Expression on Campus

The pursuit of knowledge demands free exchange of ideas and open expression of opinions and findings, even if disturbing or offensive. Yet the right to participate in debate is meaningless if all speak at once and no one can be heard. Participants, audience, and protestors are all entitled to dignity and fair treatment. Attempts to suppress other opinions (e.g., by shouting down a speaker) undermine this exchange, and breach campus free speech policies. University and campus policies, and the UC Davis *Principles of Community*, articulate this balance of rights and responsibilities.

The speaker and the protester, the politician and the dissident, the preacher and the atheist have the same rights of expression. If an event is pre-scheduled and the facilities reserved, the speaker has a right to communicate her message to the audience, and those wishing to receive the message have a right to see and hear her. Any dissenters must do so in a way that does not substantially impair/obstruct communication. The University has legitimate concerns for

*"ensuring that some individuals' unruly assertion of their rights of free expression does not imperil other citizens' rights of free association and discussion. . . Freedom of everyone to talk at once can destroy the right of anyone effectively to talk at all. Free expression can expire as tragically in the tumult of license as in the silence of censorship." McMabon v. Albany School Dist., 104 CA 4th 1275 (2002).*

## Constitutional Protections

The Constitutions of the United States and the State of California protect free expression -- the right to say or write even unpopular, intolerant, or hateful ideas, so long as such expression does not unlawfully interfere with the rights of others. Generally, expression may not be banned or restricted because of its content (**what** is said). But certain kinds of expression **are** prohibited because of the harm they cause (threats of violence toward specific individuals, libel, fraud, pornography, etc.). The protections for free expression prevent government censorship of discussion, teaching, research, or news media, and prohibit government from mandating what people must believe (religion, political creed), wear (clothing, hair style) or display (symbols, art).

## The University's Policy on Speech and Advocacy:

"All persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship."<sup>1</sup> In campus areas open to the public generally, people may engage in free expression, and distribute/sell noncommercial literature "incidental to the exercise of these freedoms," unless the activities interfere with orderly operation of the campus or violate time, place, and manner regulations.<sup>1</sup>

## Peaceful Protest: Rights and Expectations

Throughout US history, individuals and groups have exercised the right to engage in dissent and protest, including actions such as demonstrations, picketing, displaying or carrying signs or posters, burning the American flag, or engaging in vigils. Most peaceful protest and related expression in public places is protected by the First Amendment and University policies.

But such expression is limited when necessary to prevent interference with lawful functions/activities (such as disrupting classes or offices, obstructing entrances or exits, causing traffic congestion), or to protect other important rights (endangering safety, breaching the peace/public order, infringing others' rights to free speech, privacy).

## Time, place and manner

The campus regulates **how** expression occurs (when/where it takes place, and the means of communication used) to prevent interference with its functions and activities. Campus time, place, and manner rules implement valid concerns for preserving order, preventing disruption, protecting safety, fairly assigning resources, and enabling many views to be heard. University officials have "comprehensive authority... consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools," based on the special characteristics of the event. *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969).

## Campus policies

The campus accommodates events during specific times and at specific locations by providing procedures and guidelines to reserve space/facilities and to obtain permission for limited use of amplified sound. Campus procedures and

guidelines also facilitate other speech-related activities, including the following:

- \* *using the East Quad, West Quad, MU South Patio, and other campus facilities*
- \* *distributing literature, including student publications*
- \* *reserving tables, bulletin boards, etc.*
- \* *engaging in fundraising on campus*
- \* *planning campus events*

Speakers, events, and protestors may be directed by University officials to confine their activities to a specific location for safety and traffic control, or to prevent disruption that would otherwise cause the event to be cancelled or substantially modified.

## Non-Public Campus Areas

Classrooms, labs, libraries, offices, and residence halls are not 'public' areas of campus open to access/use by all at any time. Instead, use of facilities is restricted to University functions and activities (e.g., only enrolled students may attend class, unless faculty give permission, and "door-to-door" sales are barred in residence halls).

## Student Discipline/Student Organization Administrative Sanctions

Students/student organizations that violate *Standards of Conduct* can be disciplined or administratively sanctioned with censure, probation, exclusion from campus activities or grounds, loss of student or organizational privileges or loss of registered student organization status, suspension, or dismissal. *UC Standards of Conduct for Students, Section 102.*

## State Laws

Students or others who violate the law may be subject to police or citizen's arrest and criminal prosecution; these laws apply to both on- and off-campus. The following are misdemeanors:

**\*Disrupting public meetings** by deliberate acts that violate express rules or implicit customs of a public meeting and substantially impair the ability to conduct the meeting.

*California Penal Code Section 403 (PC 403)*

**\*Fighting, challenging to fight, or disrupting another** (maliciously disturbing by "loud and unreasonable noise" causing "clear and present danger of violence" or "as a guise to disrupt lawful endeavors") in public places or on University grounds.<sup>1</sup>

**\*Assembling for purpose of disturbing the peace or committing unlawful act, failing to disperse** after directed to do so by a public officer. *PC 416.*