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Balancing free expression rights so that speakers may speak, audiences may hear, and protesters may protest at campus speech events is the subject of this policy. It deals with such issues as whether the event is open or closed to the public, and whether identification may be required to permit attendance. It describes different forms of protest or other participation which will be permitted, describes those actions, which will be considered disruptive because they interfere with the rights of others, and lists possible responses to disruptive acts. The Chancellor may designate another person to make determinations about security and the need for and selection of moderators, and to eliminate the necessity to appoint a committee.

Policy

The Code (<http://www.northcarolina.edu/ass/policy/index.html>) of The University of North Carolina provides:

1. The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.
2. The University and each constituent

The transmission and advancement of knowledge and understanding flourishes in an environment in which the broadest range of ideas and ideologies may be freely expressed, examined, and debated consistent with this tradition, and individuals and groups within or outside the University community may sponsor meetings or events for the purpose of

violation of law or the University's published nondiscrimination policies. Any advertising provided notice of a closed event must clearly disclose that the event is closed.

6. Classification of "Open" Event

An event is considered to be open even though the sponsor limits the audience to members of the University community (current members of the faculty, staff, student body, and alumni) or to a portion of that community (e.g., current students only, faculty members only, unrelated to the sponsoring organization).

7. Identification

Attendees at a speech event may be required to produce identification, but only if

- a. Timely and adequate notices given of the specificity of identification required, and
- b. Identification procedures are enforced consistently and uniformly, and are not used as a pretext for discrimination in violation of law or the University's published nondiscrimination policies.

8. Disruption and Protest in Connection with Speech Event

a. General Principle

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 the message to the audience during the 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.

When a speech event is closed, dissent by non-attendees is limited to activity outside the event that does not impede access to or departure from the meeting or substantially interfere with the communication inside. When an event is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the event, and on whether the dissenter is acting before or after the speech event or during the event. However, it is not acceptable for such dissent to interfere substantially with the free flow of traffic into or out of the event or to interfere substantially with the speaker's communication.

b. Specific Examples of Disruption

The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:

- 1 Picketing Literature Picketing in an orderly way or disruptive picketing outside the site of each event is acceptable unless it interferes with the free flow of traffic into or out of the meeting. Disruptive picketing inside an open event is acceptable before the event is called to order and after it is adjourned.
- 2 Silent or symbolic protest Displaying a sign, wearing clothing symbolic of particular ideas, gesturing, standing, or otherwise protesting non-violently is acceptable unless such act substantially interferes with the audience's view of the speaker, or substantially prevents the audience from hearing the speaker. Moderator's first effort in dealing with interference should be to ask the protesters to move to the side or back of the room so that the audience can see and hear the speaker.
- 3 Noise Responding vocally to the speaker, chanting, or making other sustained or repeated noise, spontaneously and temporarily, is generally acceptable, especially if it reacts against the speaker's similar rank and degree to react in the favor. If noise, whether in support of or in opposition to the speaker, substantially interferes with the speaker's ability to speak or with the audience's ability to hear the speaker, a moderator should first warn those responsible that continued interference could lead to expulsion from the meeting.
- 4 Force or violence Using physical force or violence against another person, or threatening to use physical force or violence against another person resulting in reasonable apprehensions that force or violence will occur, or intentionally restraining another's freedom of movement, are never permitted and are serious violations of personal rights. Law enforcement authorities may use force consistent with the rules of law to restore order.

c. Relevant Nature of Speech Event

A moderator should recognize that certain events should provide the widest possible latitude for symbolic protest and noise. For example, protest and noise at open-air rallies open to the public should generally be permitted unless they present a substantial disruption of normal University function or a present and substantial threat of physical force or violence.

d. The Speaker's Responsibility

Like the audience, the speaker must respect the right to dissent. It is the University's expectation that a speaker will continue with a speech even though picketing, silent or symbolic protest, or noise as discussed in Section 8 b (1)-(3) occurs. Refusal to speak where protest does not exceed University standards interferes with the audience's right to receive the speaker's message. In events where the University has assigned a moderator, that moderator, rather than the speaker, has the responsibility to determine whether the speech event will proceed or be temporarily suspended or terminated.

e. The Audience's Responsibility

The audience must respect t

If circumstances require that the Moderator take an active role at a speech event, they should make clear that the Moderator's role reflects no position for or against the views of the speaker or sponsoring organization

At the event, final decisions regarding balancing the rights of the speaker, audience, and protestors will be made by the Moderator. These decisions include, but are not limited to:

- 1 whether to require a disruptive person to move to a different location at the event
- 2 whether to eject a disrupter from the room
- 3 whether to suspend a speech temporarily if disruption occurs
- 4 whether to move an event because of disruption or security concerns
whether to cancel an event because of security concerns

11. Sanctions

Violation of the free speech rights of any person, as described in this Policy, will be treated as a serious violation of University policy. Violators may be subject to one or more of the following University sanctions:

- a Exclusion from the meeting or event
- b Suspension from University students, disciplinary proceedings under the UNC Charlotte Code of Student Responsibilities ([/policies/u-40](#))
- c Suspension from other members of the University community, reference to appropriate disciplinary procedures

In addition, behavior which constitutes a violation of law may result in arrest and criminal prosecution

(See also University Policy 01-13 ([/policies/u-01-13](#)), "Interference with University Operations")

