

**POCKET GUIDE**

# **FREEDOM OF EXPRESSION AT TU**

*TU is committed to fostering a welcoming community where ideas are shared freely, respect for each other is promoted, and students, faculty and staff feel valued and heard.*

## **WHAT IS TU'S POSITION ON FREEDOM OF EXPRESSION?**

The University values freedom of expression and the open exchange of ideas. The free exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. With certain exceptions, such as threats of physical violence and unlawful harassment, free speech and expression is protected by the First Amendment to the U.S. Constitution. As a public institution, the University endeavors to protect each person's free speech rights, and may not limit speech or expression, however offensive or disagreeable, based solely on the content or the views being expressed.

## **WHAT CAN TU DO ABOUT HATEFUL OR OFFENSIVE EXPRESSION?**

There is a very important distinction between “Speech or Expression” and “Behavior or Conduct.” While the First Amendment protects most speech and expression, even hateful or offensive speech and expression, discriminatory or harassing behaviors and conduct are NOT protected by the First Amendment.

The University is tasked with protecting every individual’s freedom to speak and to hear all views. Hateful or offensive speech that does not rise to the level of a true threat or unlawful harassment cannot be banned or punished. Exposure to all perspectives, including those that may be deemed disagreeable or even offensive, can be an essential part of the educational experience and can help foster a greater understanding of how to respect a person while communicating a differing opinion. The protection afforded speech and expression by the First Amendment does not mean that we as a community encourage hate, condone harassment or in any way tolerate discriminatory behaviors or conduct.

The University also has support services available for those affected by hateful or offensive, but protected, speech.

### **More information about these and related topics may be found in the following policies:**

- TU Code of Student Conduct
- Chalking Policy
- Policy Prohibiting Discrimination
- Policy on Threats and Violence
- Policy and Procedures for the Reporting of Hate Crimes and Bias Incidents
- Policy on Sexual Misconduct
- Policy on Time, Place and Manner of Expressive Activity

## **ARE THERE ANY LIMITS ON FREEDOM OF EXPRESSION ON CAMPUS?**

Yes. TU may establish reasonable and view point-neutral restrictions on the time, place, and manner of speech and expression on its campus to address concerns such as significant public safety interests and disruptions of classes and campus life as we have done in our Policy on Time, Place and Manner for Expressive Activities (TU Policy: 06-04.11) to ensure that expressive activities on campus do not unreasonably disrupt University operations, violate the protected speech of others, put others in danger, or risk damage to University property. This policy DOES NOT, however, restrict the content or view point being expressed.

**The University’s Policy on Time, Place and Manner for Expressive Activities is applicable to expressive activities on campus (i.e., University property). Expressive activities taking place on public rights-of-way, including those surrounding and bisecting campus such as the side-walks along York Road and Towsontown Boulevard, and along Cross Campus Drive and Osler Drive are not covered under the policy.**



## **CAN STUDENTS PARTICIPATE IN EXPRESSIVE ACTIVITIES SUCH AS PROTESTS OR COUNTER-PROTESTS ON CAMPUS?**

Lawful protests and counter-protests are permissible in accordance with University policy, and the University encourages all students participating in such expressive activity to do so in a peaceful manner. Remember, while the expression of opinions and viewpoints are protected by the First Amendment, engaging in illegal, harassing, violent or abusive conduct and behavior is not and may result in legal and/or administrative action.

Additional information regarding student engagement in expressive activity on campus can be found in the University's Policy on Time, Place, and Manner for Expressive Activities.



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