

ELIZABETH CITY STATE UNIVERSITY

Freedom of Expression and Speech Policy

Purpose

Consistent with Article 36 of Chapter 116 of the North Carolina General Statutes, Elizabeth City State University (University) adopts this policy to ensure our continuing efforts to embrace the free speech and free expression rights of the members of our campus communities. This policy supplements other University of North Carolina System policies (UNC Policy 1300.8), regulations, and guidelines related to free speech and free expression.

1. Academic freedom, free speech and free expression are fundamental to the mission and purposes of Elizabeth City State University. Elizabeth City State University supports, encourages and upholds the freedom of inquiry for students, faculty and staff, to the end that they may pursue these goals responsibly through teaching, learning, research, discussion and publication without restraints that would unreasonably restrict their academic endeavors. Furthermore, students, faculty, and staff share the responsibility for maintaining an environment in which free speech flourishes and in which the rights of each member of the University community are respected.
2. Free expression guaranteed to students, faculty, and staff shall also be provided to invited speakers at Elizabeth City State University. All invited speakers shall be allowed to present their views without “material and substantial” disruption and without “substantial interference” as those terms are defined by UNC Policy 1300.8. Invited speakers’ appearances shall be in accordance with Elizabeth City State University policies and regulations. Elizabeth City State University is committed to an orderly process of inquiry and discussion. It is necessary to preserve our free society, and that Elizabeth City State University remains free to examine all ideologies to the end that the educational purposes of this institution shall be served.
3. The right to free discussion of divergent ideas shall be protected, defended, and upheld in a manner consistent with federal and state laws. The right to present the opposing point of view in an appropriate manner, forum, and time shall be assured. At the same time, the appearance of any individual on the campus does not mean that the University approves of what that individual says or represents and does not imply an endorsement for that individual.
4. Students, faculty, or staff who “materially and substantially disrupts” the functioning of the University, or any unit or entity of the University, or who “substantially interferes” with the protected free expression of others, will be considered to have engaged in misconduct and will be subject to the full range of disciplinary sanctions in accordance with applicable procedures consistent with UNC Policy 1300.8, and may face criminal charges under state law. Visitors who engage in such misconduct may be barred from campus and may face criminal charges under state law.

5. Procedures concerning the use of space and solicitation on campus are outlined in university regulations. The standards set forth in this and other applicable policies are intended to be content neutral and shall be applied without regard to the content of the speech. Space requests may be denied or limited if overuse of the space unreasonably limits the access of the space for others. Likewise, space requests may be denied if groups reserve the space but fail to show for the reservation following at least one warning for such behavior.
6. The chancellor has delegated authority to adopt regulations and to implement this policy to ensure compliance with UNC Policies 1300.8, 700.4.4., and other applicable policies, as may be amended from time to time. The chancellor may make further delegations to fulfill this duty. See ECSU policies 500.3.7.6 and 900.1.10[R] for additional information on reserving university spaces.

TIME, PLACE, AND MANNER RESTRICTIONS

The opportunity for spontaneous or unplanned free speech events in outdoor spaces only extends to students, faculty, staff, and/or Affiliated Groups and is subject to time, place, and manner restrictions. Spontaneous or unplanned free speech events hosted by groups not affiliated with the university are prohibited.

1. Time restrictions for free speech activities ensure that events do not disrupt the core functions of the university, such as classes or exams, or extend into inappropriate times when the campus is closed or when residential students have a reasonable expectation of limited disruption. Time restrictions include, but may not be limited to, evening events and early morning activities occurring between 8:00 pm and 8:00 am, during exam periods, and/or during breaks between semesters.
2. People wishing to gather in groups larger than 50 people must reserve or otherwise provide not less than 24-hours' notice to the campus administration and the appropriate campus safety official of the intent to gather in indoor spaces located on campus or in specified outdoor areas. This approval is required when gathering occurs in indoor spaces located on campus or in specified outdoor areas, such as the Outdoor Classroom, for purposes other than university-sponsored athletic events, instruction, classes, or research.
3. The available times of reservable use of these spaces are during normal University operating hours only, which are weekdays between 8:00 am and 5:00 pm. Free speech space is not available for reservation during University breaks or closures. Place restrictions for free speech activities ensure that expressive activities occur in locations where they will not impede university operations, create safety hazards, or adversely impact the learning environment. Place restrictions include, but may not be limited to, the designated outdoor areas as identified in ECSU Regulation 900.1.10R. Spontaneous activities occurring outside of these designated locations must not obstruct building entrances, pathways, or access to university facilities. A minimum distance of 50 feet must be maintained from building entrances.

4. If a reserved speech event area is closed by the university or becomes otherwise unavailable for an extended period, the vice chancellor for Student Affairs will identify an alternative site. The vice chancellor or his/her designee reserves the right to make modifications or adjustments to space reservations that are in the best interest of the university.
5. Indoor meeting spaces may be reserved for speech events. Individuals or groups must follow ECSU's applicable space reservation policies, Student Life Facility Venue Reservation Policy or other applicable policies, regulations, or guidelines pertaining to space or facility reservations.
6. No outdoor assembly may be conducted within 200 feet of a childcare playground or facility during operating hours, within 50 feet of any building, or within 50 feet of any other individual's or group's outdoor assembly. The University may take additional measures as necessary to provide adequate safety and security.

SOUND AMPLIFICATION AND CAMPING ON CAMPUS

1. Manner restrictions for free speech activities ensure that events remain non-disruptive, peaceful, and respectful of others. Manner restrictions include, but may not be limited to, restrictions on sound amplification, camping restrictions, restrictions on threats of violence or when language is used that is intended to incite violence, and/or requirements for clean-up following the event.
2. Sound amplification may be permitted if (a) it is registered with the university as part of the reservation process for the event and (b) the sound amplification equipment is stationed more than 50 feet from an academic building. Amplified sound may be restricted if it disrupts or interferes with university functions or the core academic environment or otherwise violates local city noise ordinances.
3. Camping on University Property is prohibited without prior approval of the vice chancellor for Student Affairs or designee as well as the Chief of Police. In accordance with UNC Policy and applicable state and federal law, any requests for approval from campus officials shall be determined in a viewpoint neutral manner considering necessary time, place, and manner restrictions.
4. All individuals are required to respect outdoor spaces' normal closure times as posted. If any individuals refuse to depart at such time upon the direction of a University official, they will be warned that they are trespassing and that they are subject to arrest. They will be warned first by a University official and then by ECSU Police. Should they choose to continue to occupy the space, they are subject to being removed from the premises by ECSU Police or ECSU security officials and arrested. For spaces without posted closure times, individuals are expected to adhere to noise ordinances and be respectful of the surrounding area which include, but is not limited to, living spaces where students are sleeping and academic spaces

when classes are in session. Individuals not adhering to these conditions will be subject to arrest and trespassed if they do not comply.

MISCONDUCT ON OTHER CAMPUSES

An ECSU enrolled student who is cited or arrested by law enforcement authorities or cited by another constituent institution for engaging in misconduct, disruption, trespass, or other conduct creating a public safety threat to the student or others is subject to disciplinary proceedings at ECSU in accordance with ECSU's Code of Student Conduct and/or applicable policy.

DEFINITIONS:

1. Camping" is defined as any of the following:
 - a. The establishment of, or attempt to establish, temporary or permanent living quarters at any location on University Property other than residence halls, apartments, or other university managed housing;
 - b. Sleeping outdoors on University Property with or without bedding, tent, hammock, tarp, or similar device, protection, or equipment overnight (between sunset and sunrise);
 - c. Sleeping in, on top of, or under any parked vehicle on University Property;
 - d. Establishing or maintaining outdoors, or in or under any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place on University Property for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock, or other sleeping equipment, or by setting up any cooking equipment that has not been approved by the appropriate University health and/or safety officer.
2. Exceptions. Actions that constitute "camping" as defined above may be permitted under the following special circumstances:
 - a. When expressly authorized by the constituent institution in connection with a ticketed event.
 - b. In extraordinary circumstances, such as times of natural disaster, when approved in writing in advance by the chancellor or designee.
3. "University Property" is defined as any building, structure, or outdoor space that is owned, leased, operated, managed, or controlled by the University.