

University Governance

Policy on Free Expression and Dissent

Section PDF

The University of Southern California is committed to fostering a learning environment where free inquiry and expression are encouraged and celebrated and for which all its members share responsibility. Dissent (defined as disagreement, a difference of opinion, or thinking differently from others) is an integral aspect of expression in higher education, whether it manifests itself in a new and differing theory in quantum mechanics, a personal disagreement with a current foreign policy, opposition to a position taken by the university itself, or by some other means.

The university is a diverse community based on free exchange of ideas and devoted to the use of reason and thought in the resolution of differences. Whether in free debate or in the exchange of information, this community must rely on self-restraint and self-discipline if it is to retain its freedom to search and question. However, when self-restraint and self-discipline fail, the university will initiate such action as necessary to prevent disruption of or substantial interference with its community and to preserve the rights of its individual members.

The university's position is set forth in the following statement on Student Rights and Responsibilities:

“Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinion publicly and privately. They shall be free to support causes by all orderly means which do not disrupt or substantially interfere with the regular and essential operations and activities of the university, since such disruption or substantial interference violates the responsible exercise of free inquiry and expression. Students and organizations shall make it clear to the academic and larger communities that in their public expression they speak only for themselves.”

If any student member of the university community believes that the university has acted in an arbitrary, capricious or discriminatory manner in exercising the Policy on Free Expression and Dissent (or its related policies), he or she may submit a formal grievance as outlined in the Student Grievance Procedures.

Reasonable Time, Place and Manner

In exercising its responsibility to provide and maintain an atmosphere of free inquiry and expression, the university may establish reasonable time, place and manner restrictions for the purpose of avoiding disruption to or substantial interference with its regular and essential operations and activities. The university will not base decisions regarding time, place and manner upon the content of the message, except as permitted in those narrow areas of expression devoid of federal or state constitutional protection.

The university recognizes the crucial importance of preserving First Amendment rights and maintaining open communication and dialogue in the process of identifying and resolving problems which arise in the dynamics of life in a university community. The legitimate expression of differing opinions and concerns, including unpopular, controversial or dissident viewpoints, is an essential element of the academic process; the imposition of these opinions and concerns upon those who in turn dissent from them is not to be condoned and is inconsistent with a university's process and function.

Lawful and peaceful demonstration as an expression of favor or dissent will be permitted and protected. On the other hand, the university will not tolerate coercive disruption, defined generally herein as activity that imposes the will of other persons or groups within the university community, outside of the established university procedures and policies for the expression of opinion and the resolution of differences. Coercive

disruption is construed to include any activity which, contrary to law:

- a. Denies the rights of other students, the faculty or the staff of the university.
- b. Disrupts or obstructs educational and other activities of the university.
- c. Reacts to the expression of the peaceful dissent of others by attempting to deny their rights.
- d. Obstructs or restricts free movement of persons on any part of the university campus, including the free entry to or exit from university facilities.
- e. Denies or interferes with the use of offices or other facilities to the students, faculty, officers, staff or guests of the university.
- f. Threatens or endangers the safety of any person on the university campus. This includes but is not limited to signs on any forms of stakes.
- g. Results in damage to or destruction of property.
- h. Contains "fighting words" where (i) the speech, considered objectively, is abusive and insulting rather than a communication of ideas and (ii) it is actually used in an abusive manner in a situation that presents an actual danger.
- i. Constitutes "hate violence," meaning any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group, or the property of any person or group because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. (Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group, that the person or group against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat.)
- j. Makes sustained or repeated noise in a manner which substantially interferes with a speaker's ability to communicate his or her message or the rights of others to listen.

Since a clear differentiation between lawful or peaceful dissent and coercive disruption may often be difficult, the foregoing list is illustrative and not exhaustive; this list is expected to evolve, based on experience and changes in the law. It should be understood that the application of this policy also takes situational factors into consideration. For example, conduct appropriate at a political rally might constitute a violation of this policy if it occurred within a classroom.

Any coercive disruption initiated by a visitor or a student member of the university community or occurring during any university-sanctioned activity or function may be met by the action of the university that is necessary to restore the order and communication required for the rational solution of problems and free debate. In addition, any coercive disruption by students may be subject to disciplinary action through the Office of Student Judicial Affairs and Community Standards up to and including suspension or expulsion and/or legal action through local, state or federal courts.

If any member of the university community believes that disruption of or substantial interference with the regular and essential operations and activities of the university is occurring or that this policy is otherwise being violated, the established procedure is to inform university Public Safety officers and/or university administrators. It is the responsibility of designated university officials to protect the university community to the fullest extent possible.

Guidelines for Campus Demonstrations

All student members of the university community have the right to hold a demonstration (including, but not limited to, a rally, gathering, protest, parade or procession) on campus. Any property damages related to the demonstration may result in the assessment of fees associated with cleaning or repair costs to either the organization or the individuals.

Reservations and prior arrangements are not required for campus demonstrations. However, if students do not make advance reservations, their event may be moved or rescheduled in order to accommodate previously scheduled reservations, in accordance with the university's right to establish reasonable time, place, and manner for campus events.

All demonstrations are encouraged to follow these guidelines, which serve as a mechanism to ensure a successful and safe demonstration:

1. Reservations for outdoor spaces or other venues to conduct campus demonstrations are encouraged and should be made through the Student Life and Involvement (SLI) Scheduling Office online at usc.edu/campuscenter. These spaces are made available to the campus community on a first-come, first-served basis. Students may also reserve space to protest approved speakers, presenters or programs as long as those protests are consistent with the guidelines stated in the Reasonable Time, Place and Manner section of this policy.
2. Representatives of the sponsoring organization wishing to stage a demonstration are encouraged to complete an Outdoor Event Questionnaire and a USC Event Permit Application at least two weeks prior to the demonstration. The SLI staff will check on the availability of the venue requested and can facilitate communication with Safety and Risk Management, Operations and Maintenance, Public Safety and Student Affairs, as needed.
3. Representatives of the organization sponsoring a demonstration are encouraged to attend a meeting with the Director of Campus Activities or other Student Affairs staff so that expectations, rights and responsibilities are mutually understood. The sponsoring organization is responsible for the behavior of the organization's members and of guests from off campus. Informing these members and guests of the university's expectations is the responsibility of the sponsoring organization's representatives. The sponsoring organization's representatives should also explain to the organization's members and guests the individual and organizational implications for failure to adhere to these expectations.
4. When a campus demonstration is scheduled, organizers can expect the university personnel present (typically staff from the Division of Student Affairs) to help ensure that organizers' rights are protected and the university's regular and essential operations and activities continue. Such regular and essential operations and activities include, but are not limited to, classes, meetings, and the standard operation of university offices and facilities. As the university is concerned about the entire university community and visitors, particular attention will be spent on managing crowds, maintaining access to buildings, sidewalks, streets, etc. and personal safety for all.

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Name