

## FAYETTEVILLE STATE UNIVERSITY

### FREEDOM OF SPEECH/EXPRESSION

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	University-Wide
<b>Applies to:</b>	•Administrators •Staff •Faculty •Students •Visitors
<b>History:</b>	First Issued – April 23, 2019
<b>Related Policies/ Regulations/Statutes:</b>	<ul style="list-style-type: none"> <li>•<i>Code of Student Conduct</i></li> <li>•<i>Use of University Space</i></li> <li>•<i>Free Speech and Free Expression Within the University of North Carolina</i> [The UNC Policy Manual #1300.8]</li> <li>•<i>Campus Free Speech</i> [NC General Statutes §116-300 - §116-304]</li> <li>•<i>Disorderly Conduct in and Injuries to Public Buildings and Facilities</i> [N.C. General Statute §14-132]</li> <li>•<i>Campus of State-Supported Institution of Higher Education Subject to Curfew</i> [N.C. General Statute §116-212]</li> <li>•<i>Disruption of Official Meetings</i> [N.C. General Statute §143-318.17]</li> </ul>
<b>Contact for Info:</b>	Office of Legal Affairs (910) 672-1145 Office of Student Conduct (910) 672-1385

Fayetteville State University believes in the fundamental right of freedom of speech/expression as guaranteed under the First Amendment of the U.S. Constitution and Article 1, Section 14 of the North Carolina Constitution and will ensure its faculty, staff, and students the fullest degree of intellectual freedom and free speech/expression. As such, the University shall permit an individual to articulate opinions and ideas without interference, retaliation or punishment from the University as long as such speech/expression is lawful and does not materially and substantially disrupt the functioning of the University. A “material and substantial disruption” includes, but is not limited to, any or all of the following:

- Any action that qualifies as disorderly conduct under N.C.G.S. § 14-288.4;
- Any action that qualifies as a disruption under N.C.G.S. § 143-318.17;
- Any action in violation of a chancellor’s designation of a curfew period pursuant to N.C.G.S. § 116-212; or
- Any action that results in the individual receiving a trespass notice from law enforcement.

Additionally, the University will restrict speech/expression for an activity not protected by the First Amendment under State or federal law, including but not limited to, all of the following:

- Expression that a court has deemed unprotected defamation.
- Unlawful harassment.

- True threats, which are defined as statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
- An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.

Reasonable time, place, and manner restrictions on expressive activities, consistent with N.C.G.S. § 116-300(4).

Any access to University property for purposes of free speech/expression activities shall be consistent with UNC Board of Governors' *Free Speech and Free Expression Within the University* of North Carolina policy and the University's Use of University Space policy.

The following University officials are responsible for ensuring compliance with this policy, the Board of Governors' Free Speech and Free Expression Within the University of North Carolina policy and Article 36 of Chapter 116 of the North Carolina General Statutes.

**General Counsel or  
Associate General Counsel**  
Office of Legal Affairs  
(910) 672-1145

**Director of Student Conduct**  
Office of Student Affairs  
(910) 672-1385

These University officials shall also serve as the primary points of contact for any student, employee, or other individual who has questions or concerns about compliance with the laws/policies governing free speech/expression and to assist with any interpretations of such laws/policies.