

Freedom of Expression at WSSU

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Freedom of speech is one the most cherished traditions of the academic community.

A community of scholars cannot pursue truth without the ability to publish critical information. One of the most important responsibilities of Winston-Salem State University is to protect the right of expression in a manner that does not infringe upon the rights of others to pursue their studies or work.

In guaranteeing free speech, the administration's obligations is to provide reasonable regulations of time, place and manner, so that disruption of normal educational activities is avoided. - *900.9 Outdoor Assemblies Policy at WSSU*



The University encourages assemblies and public addresses by University, faculty, staff, and students, affiliated student organizations, affiliated persons or groups and Non-University persons or groups invited in writing by affiliated student organizations or university units at the Thompson Center Breezeway, the Clock Tower, or other appropriate sites.

Groups (including individuals) must obtain permission from The Office of Student Activities. Permission for the Office of Student Activities will be granted, subject only to reasonable time, place, or manner limits.

The University may not create restrictions based on the lawful content of speech.

- 900.9 Outdoor Assemblies Policy at WSSU

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Limits to Free Speech

[HTTPS://FIRSTAMENDMENTWATCH.ORG/VIDEO-
LESSONS-ON-FREE-SPEECH-PRINCIPLES/](https://firstamendmentwatch.org/video-lessons-on-free-speech-principles/)

SOURCE:

First Amendment Watch at NYU

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The First Amendment

“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

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Freedom of Expression

The freedom to communicate ideas without restraint, whether orally or in print or by other means of communication.

- Duhaime's Law Dictionary

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What types of expressions/speech are protected under the First Amendment?

- ✓ Face-to-face
- ✓ Internet communication
- ✓ Art
- ✓ Music
- ✓ Clothing

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What types of expressions/speech are *NOT* protected under the First Amendment?

- ✓ We do not have the freedom to provoke a riot.
- ✓ We cannot speak or write in a way that leads immediately to criminal activities or efforts to overthrow the government by force.
- ✓ We may not spread lies that harm a person's reputation (libel/slander).
- ✓ We may not violate time, place and manner restrictions established by WSSU.

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What is meant by “Time, Place and Manner” related to the First Amendment?

"Time, place, and manner" can refer to restrictions on freedom of expression that limit when, where, and how people can express themselves.

These restrictions are also known as "time-place-or-manner restrictions". The government can impose these restrictions as long as they are neutral in content, serve a significant government interest, and don't violate the First Amendment.

They also need to leave open other ways for people to communicate.

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North Carolina Law

It is a violation of North Carolina law for students, faculty, or staff to
“interfere with the free expression of others.”

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What rights are covered by the freedom of assembly?

- Protects our right to gather in groups for any reason, so long as the assemblies are peaceful.
- Schools can make rules about when and where assemblies are permitted but cannot ban them as long as they are peaceful.
- School cannot disinvite or prohibit a speaker based on their message or affiliation

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What is the difference between Hate Speech and Hate Crime?

- “**Hate speech**” is not a recognized legal term in the U.S. The SCOTUS has consistently ruled that even profane, scurrilous and hateful words and symbols are protected speech provided they don’t directly cause imminent violence against others (NYU).
- A “**hate crime**” is a crime typically involving violence motivated by prejudice on the basis of race, religion, sexual orientation [or other protect status].
(*Dept. of Justice*)

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Rights of External Entities



The law requires that public universities provide space for both internal and external speakers, even those not sponsored by the university or student orgs.



When external speakers are on campus, the university will make an effort to inform the community of who such guests are and enable the WSSU community to participate or avoid the area. WSSU does not endorse or condone the speech of external speakers who visit but must enable them to speak here as long as the event doesn't jeopardize campus safety or interfere with the academic mission or regular operations of the campus.

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When Expression May Violate Campus Policy

Although the expression of an idea or point of view may be offensive to some, it may not be a violation of law unless it meets all these criteria from a reasonable person standard:

- ✓ directed at a person's protected status; and is
- ✓ unwelcome, severe and pervasive; and is
- ✓ objectively offensive and creates an intimidating, hostile or offensive environment; and which
- ✓ so unreasonably interferes with one's environment that it effectively denies them access to WSSU's resources and opportunities.

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As a WSSU student, how can I lawfully counter speech with forms of protected speech?

- Civil dialogue and civil discourse
- Lawful speech through various outlets on campus
 - Individual expression
 - Creating programs for counter perspectives and discussion
 - Aligning with student organizations to sponsor programs

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Memorable Quotes

"We have to uphold a free press and freedom of speech -- because, in the end, lies and misinformation are no match for the truth." -President Obama

"Our lives begin to end the day we become silent about things that matter." -Martin Luther King, Jr.

"I disapprove of what you say, but I will defend to the death your right to say it." -
Commonly attributed to Voltaire

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Questions?

Please feel free to email us at
deanofstudents@wssu.edu

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