

## William Paterson University Policy

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|--------------------------------|--|-----------------------------|---|--|
| <b>SUBJECT:</b>                | Freedom of Expression                                | <b>TITLE:</b>               | Freedom of Expression Policy                  |  |
| <b>CATEGORY:<br/>Check One</b> | <b>Board of Trustees</b><br><input type="checkbox"/> | <b>University</b><br>X      | <b>Functional</b><br><input type="checkbox"/> | <b>School/Unit</b><br><input type="checkbox"/> |
| <b>Responsible Executive:</b>  | President and Cabinet Members                        |                             | <b>Responsible Office:</b>                    | Office of Employment Equity and Diversity      |
| <b>CODING:</b>                 | 00-01-   | <b>ADOPTED:</b><br>10/23/20 |   | <b>AMENDED:</b>                                |

**LAST REVIEWED:** 10/23/20

**I. PURPOSE**

This policy outlines freedom of expression and responsive conduct guidelines to ensure inclusive rights for faculty, staff, students and visitors of the William Paterson University community.

**II. ACCOUNTABILITY**

The Chief Diversity Officer and Director of Talent Management and/or their designee in The Office of Employment Equity and Diversity is the assigned University administrator for this policy.

**III. APPLICABILITY**

This policy applies to all William Paterson University faculty, staff, students and visitors to the University campus.

**IV. DEFINITION(S)**

For the purposes of this policy, the concept “**time, place and manner restrictions**” is defined as when institutions can limit when, where and how one might engage in demonstrations if these limits remain content neutral. **Content-neutral** refers to free expression that will not be limited by the subject matter. Any restrictions that may apply would be only necessary to preserve the University’s interest such as safety or delivering education without disruption.

For the purposes of this policy **disruption** is defined as conduct by any person that obstructs, impairs, or interferes with: (1) teaching, studying or administration of the University, (2) the authorized and other permissible use of University facilities, and (3) the rights and privileges of other members of the University community to engage in educational pursuits.

**V. BACKGROUND**

William Paterson University of New Jersey (WP) has had a long-standing commitment to the core values of expecting academic excellence, developing knowledge, fostering student success, embracing diversity and promoting active citizenship. WP is deeply committed to integrating inclusion into each core value by creating and supporting inclusive spaces for the respectful exchange of individual and group ideas, beliefs and values. WP demonstrates a commitment to encouraging and accepting diversity and

inclusion by fostering a learning environment that is centered on community engagement and mutual understanding of difference and diversity. WP further supports faculty, staff, students and visitor's freedom of expression and the exercise of voicing individual and collective opinions.

## VI. POLICY

- A. **Requirements:** As a public university, William Paterson University cannot regulate speech in public forums and must remain neutral in subject matter and viewpoint; a direct alignment with the core mission of higher education's protection of the First Amendment. WP is committed to the principals of academic freedom and the free exchange of ideas and expression among all members of the University community. While the viewpoints may differ and the ideas shared by members of the University community may conflict, this policy is not intended to shield individuals from ideas and opinions they may find unwelcomed, disagreeable or even offensive. However, certain forms of expressive conduct may appropriately be subject to reasonable restrictions as to time, place, and manner and should not disrupt normal University operations, block access to campus buildings, or obstruct the free movement of persons about campus. All organized and spontaneous events must ensure the safety of individuals, the protection of property, and the continuity of WP educational activities and business operations. It is the duty of WP administration and the responsibility of the faculty, staff, students and visitors to not abridge the rights of all protected expression and shall not limit full and equal access for members to pursue their education and participate in the benefits of William Paterson University.
- B. **Responsibilities:** The Associate Vice President for Campus Life, the Director for the Center for Diversity & Inclusion, and/or the Chief Diversity Officer have been identified as resources to provide guidance and intended to ensure students and/or student organizations, faculty and staff clearly understand this policy and can ask questions or seek clarification. This open communication allows for University administration to support student interest and guide students and/or student organizations during the planning, implementation and post event process. These administrators will consult with the University Police, in the event of a pre-planned event, in order to determine in a collaborative and supportive fashion if any restrictions are necessary to ensure the safety and security of all involved.
- C. **Enforcement:** The University grants the Associate Vice President of Campus Life and/or the Chief Diversity Officer and/or their designees in consultation with the appropriate University administrator(s) the authority throughout the University to declare a faculty, staff, students and visitor activity to be disruptive. They must, if possible, alert demonstrators that they are in violation of the University's Freedom of Expression Policy. At this point, the Associate Vice President of Campus Life and/or Chief Diversity Officer or their designees have the discretion to call upon the University Police Department to also respond to the disruption. Disruptions that the University Police are unable to manage alone may require assistance from local law enforcement authorities.

## VII PROCEDURE(S)

William Paterson University will not restrict faculty, staff, student and/or student organization's ability to hold an event or host a speaker based on the topic. Public areas may be used for purposes of constitutionally protected free speech, peaceable assembly, or expression without obtaining formal permission from the University. For purposes of safety and security, however, participants must provide identification when requested to do so by a University administrator. Faculty, staff, students and/or student organizations intending to use reservable space must adhere to the Room Reservation process. Any other individual or group not directly affiliated with the University may utilize outside unrestricted spaces for freedom of expression related activities. Persons requesting the use, or spontaneously using campus property for the exercise of first amendment rights shall be provided a copy of this policy including time, place and manner restrictions and be held to the same standard. Failure to comply may result in being directed by University Officials to cease the activity.

For the purposes of this policy, "time, place and manner restrictions" is defined by William Paterson University as the ability of the institution to limit when, where and how an individual, group, or organization might engage in demonstrations if these limits remain content neutral. Content-neutral refers to free expression that will not be limited by the subject matter. Any restrictions that may apply would be solely based upon time, place, and manner and only necessary to preserve the University's interests, including but not limited to ensuring campus safety or delivering education without disruption.

*Public use areas on the WP campus are available for expression and demonstration but such use cannot interfere with or impede others' safety or education. Some examples where time, place and manner restrictions may be considered include, but are not limited to:*

- When noise level of speech may cause disruption (see definition below)
- Early morning or late evening demonstrations that cannot readily be supported or evaluated by designated University officials
- Activities that prohibit or limit access to educational facilities and/or events

*Other critical considerations:*

- Some locations on campus require prior reservations and therefore, it would be in the organizer's best interests to reserve the space through the Office of Events and Conference Scheduling.
- Clubs and organizations should follow guidelines governing clubs and organizations for hosting events.
- Students not involved with a club or organization, can work with the Center for Diversity & Inclusion for assistance.

### **Disruption**

William Paterson University maintains the right of freedom of expression for all persons while prioritizing safety for everyone in the community. The First Amendment protects this right to freedom of expression which includes non-disruptive assembly, protests, orderly demonstrations and non-disruptive counterdemonstrations. WP has long recognized that the right of free expression does not include the right to engage in conduct that substantially disrupts the University's operations or endangers the safety of others. This section outlines the difference between expression and substantial disruption and the potential ramifications.

For the purposes of this policy disruption is defined as conduct by any person or group that obstructs, impairs, or interferes with: (1) teaching, studying or administration of the University, (2) the authorized and other permissible use of University facilities, and (3) the rights and privileges of other members of the University community to engage in educational pursuits. Further, the right to demonstrate does not include the right to engage in conduct that interferes with the University's operations, infringes on the rights of other members of the community, incites violence and/or harassment, or creates a hostile academic/environment in accordance with discrimination and harassment laws and University policy. Substantial disruptive conduct includes, but is not limited to, the following: obstruction, impairment, or interference with University sponsored/authorized activities or facilities in a manner that deprives, or is likely to deprive, others of the benefit or enjoyment of the activity or facility.

*Faculty, students, and university personnel who act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of WP may be subject to appropriate disciplinary action by University administration. To ensure individuals and groups do not interfere with the operation of the University or the rights of others, the following actions are not permitted, including but not limited to:*

- obstructing vehicular, bicycle, pedestrian, or other traffic;
- obstructing entrances or exits to buildings, sidewalks, or driveways;
- interfering with educational activities inside or outside any building;
- harassing passersby;
- interfering with or precluding a scheduled speaker from being heard;
- interfering with scheduled University ceremonies or events;
- damaging property, including lawns, shrubs, or trees; or
- engaging in any other activities that disrupt university business or infringe upon the rights of others.
- threatening individuals or causing an injury to someone
- harassing, threatening violence, or intimidating others
- violating State and federal laws or University policy
- entering a restricted area without authorization

The University grants the Associate Vice President of Campus Life and/or the Chief Diversity Officer and/or their designees in consultation with the appropriate University administrator(s) the authority throughout the University to declare a faculty, staff, students and visitor activity to be disruptive. They must, if possible, alert demonstrators that they are in violation of the University's disruption policies. At this point, the Associate Vice President of Campus Life and/or Chief Diversity Officer or their designees has the discretion to call upon the University Police Department to also respond to the disruption. Disruptions that the University Police are unable to manage alone may require assistance from local law enforcement authorities.

## VIII. RELATED POLICY INFORMATION

### **Digital and Online Engagement**

William Paterson University is committed to maintaining a learning environment where all viewpoints, free expression, and exchange of ideas are protected; this includes and extends to online communities and digital environments. The guidelines for digital and online platforms are in adherence with guidelines of this policy. WP supports individual and group First Amendment rights to engage in free expression through digital and online communities such as social media. Free expression on digital and online communities

follow the disruption guidelines stated in Section VIII of this policy. WP recognizes all campus community members' rights to engage in free expression of ideas on social media platforms and various digital and online communities not affiliated with the university and reserves the right for more formal restrictions in moderating platforms designated for the purposes of promoting the interests of the university, our student body, faculty, and staff. *Disclaimer: Third party sites that are not affiliated with the University are subject to the policies of the third party. We also remind all campus constituents that once expressions are posted online, they are beyond the control of the user.* Speech on such third-party sites may be subject to the University discrimination/harassment policies and/ or federal, state and local laws.

### **The Role of University Police**

William Paterson University Police and Public Safety Personnel are an integral part of the University Community. William Paterson University Police Department Administrators, Sworn Police Officers, Public Safety Officers, and Communications Officers strongly embrace the importance of creating an inclusive campus environment. Community policing is at the core of their engagement with members of the university community. The University Police Department creates opportunities to build interpersonal relationships and collaborative partnerships with students, faculty, and staff. They work to address concerns and develop solutions to sustain mutual respect and trust with university community members. To this end, the William Paterson University Police Department is committed to:

- Respecting and protecting the rights of all persons to exercise their First Amendment rights on the University campus.
- Working closely with University administration, individuals and groups considering planned demonstrations, events or spontaneously occurring events on campus to determine appropriate police or security participation levels.
- Working in partnership with event coordinators as requested.

Consistent with the principles of community policing, the University Police Department maintains the responsibility to appropriately respond and restore safety for the well-being of all persons on the campus as well as the property of both individuals and the University. During a demonstration, event, or program, where necessary, University Police may exercise appropriate discretion in determining the need to respond and ensure the physical safety of any persons and the prevention of the destruction of property is met. While rare, there may be circumstances where such action may be initiated without direction by University Administrators, if necessitated by time constraints.

### **University Resources**

Black Cultural Center

<https://www.wpunj.edu/diversity-and-inclusion/black-cultural-center.html>

Center for Diversity & Inclusion

<https://www.wpunj.edu/diversity-and-inclusion/>

Counseling Health and Wellness Center

<https://www.wpunj.edu/health-wellness/>

Office of Employment Equity & Diversity

<https://www.wpunj.edu/employment-equity/>

Office of General Counsel  
<https://www.wpunj.edu/general-counsel/>

Office of the Vice President for Student Development  
<https://www.wpunj.edu/enrolled/student-development/>

University Police Department  
<https://www.wpunj.edu/police/>

*\*During the COVID-19 pandemic, all forms and acts of freedom of expression done publicly or privately by any member of William Paterson University should always adhere to the University, State and Center for Disease Control and Prevention health guidelines to maintain the safety and well-being of the university environment. For more information, visit <https://www.wpunj.edu/covid19/>*

By Direction of the President and Cabinet:

Date: October 23, 2020