

Free Expression on Campus

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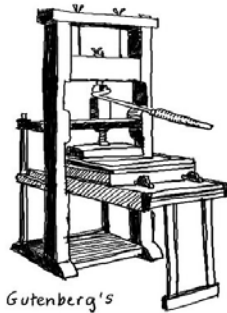


University of Colorado **Boulder**

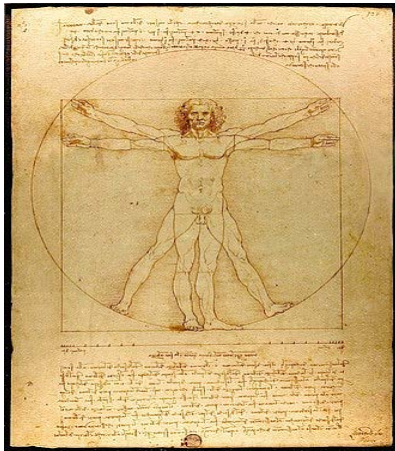
Amendment I

- **“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.”

Historical Underpinnings



Gutenberg's
Press



Beantwortung der Frage: Was ist Aufklärung?

„Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit. Unmündigkeit ist das Unvermögen, sich seines Verstandes ohne Leitung eines andern zu bedienen. Selbst verschuldet ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschließung und des Muthes liegt, sich seiner ohne Leitung eines andern zu bedienen. Sapere aude! Habe Muth, dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung.“

Gaulheit und Feigheit sind die Ursachen, warum ein so großer Theil der Menschen, nachdem sie die Natur längst von fremder Leitung frei gesprochen (Naturaliter majorennos), dennoch gerne Zeit Lebens unmündig bleiben; und warum es Andern so leicht wird, sich zu deren Vermündern aufzuwerfen. Es ist so bequem, unmündig zu seyn. Habe ich ein Buch, das für mich Verstand hat, einen Seelsorger, der für mich Wes wissen hat, einen Arzt, der für mich die Diät beurtheilt, u. s. w., so brauche ich mich ja nicht selbst zu bemühen.



Historical Underpinnings



Some History of Speech on College Campuses

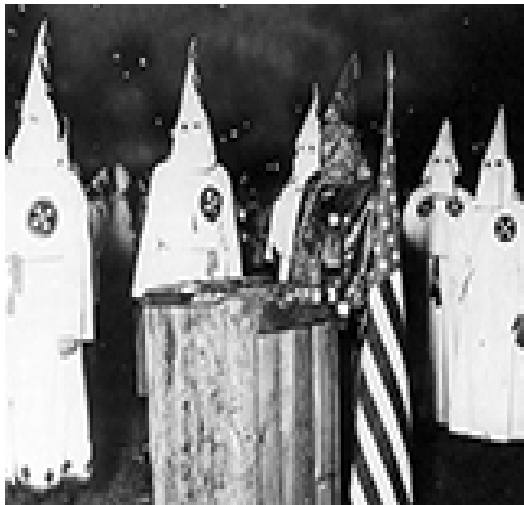


Some History of Speech on College Campuses



Some History of Speech on College Campuses





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Widmar v. Vincent

- *Widmar v. Vincent* (1981): A religious group was excluded from using university buildings, regulation prohibited use of university buildings “for the purposes of religious worship or religious teaching.”
 - University cannot exclude religious worship and discussion



Content Neutrality

- Fundamental free speech principle: **no content-based restrictions** on speech
- Time, place, manner restrictions

Time Place and Manner

Be Boulder.



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Campus Use of University Facilities

Note: All procedures and appendices related to the CUUF policy can currently be found in this document.

I. Purpose

This policy is adopted pursuant to [Laws of the Regents Article 14.B.3](#), which directs the Chancellor to adopt regulations and procedures governing the use of grounds, buildings, and facilities for the campuses.

The University of Colorado Boulder is dedicated to the pursuit of knowledge through a free exchange of ideas, and this shall be a pivotal principle in determining whether a proposed use of a CU Boulder Facility and/or Outdoor Space is appropriate. This policy shall be interpreted consistent with the University's Mission, Vision, and Values; with the First Amendment to the United States Constitution and Article II, Section 10 of the Colorado Constitution; and with section 23-5-144 of the Colorado Revised Statutes, which designates Outdoor Spaces as a Student Forum available for student expression.

II. Policy Statement

The intent of this policy is to support the Purpose and prevent interference and material and substantial disruption of University functions or activities; to promote safety; to protect University property; to maintain the visual appeal of the campus environment; to facilitate scheduling and management of University Facilities and/or Outdoor Spaces; to make Student Forums available for student expression, consistent with the requirements of section 23-5-144 of the Colorado Revised Statutes; and to establish time, place, and manner regulations for expression in the University's Facilities and Outdoor Spaces.

No Facility or Outdoor Space may be used in a manner that materially and substantially disrupts University teaching, research, administrative, and/or

Significant Events Team ("SET")



SET In practice



Heckler's Veto



Ann Coulter event, Berkeley



Charlottesville

Heckler's Veto: Security at Events

Do controversial speakers pay more for security costs?

- No. Content of a speaker's message NOT considered in assessing costs for an event.
- If a particular event requires extra security beyond matrix, then University has absorbed the additional expense for events
- Different venues on campus may charge different rates; Macky Auditorium vs. Biochemistry Room 140

Security at Events

Non-Alcohol Events Planning Matrix			
Venue Capacity	Low Risk Event	Medium Risk Event	High Risk Event
0-499	No Security Required	2 CSO Staff	2 Officers
500-799	2 Officers	2 Officers and combination of CSO	2 Officers, 1 Supervisor
800-1499	2 Officers	2 Officers and combination of CSO	4 Officers, 1 Supervisor
1500-1999	2 Officers	4 Officers, 1 Supervisor and combination of CSO	4 Officers, 1 Supervisor and combination of CSO
2000-3499	Treat as Medium Risk Event	4 Officers, 1 Supervisor and combination of CSO	6 Officers, 1 Supervisor and combination of CSO
3500-4999		6 Officers, 1 Supervisor and combination of CSO	8 Officers, 2 Supervisors and combination of CSO
5000-7499		Treat as High Risk Event	14 Officers, 3 Supervisors and combination of CSO
7500-9999			18 Officers, 4 Supervisors and combination of CSO
10000+			Evaluated on a Case by Case basis

Note: Does not include traffic officers

Note: Outdoor and VIP events will be done on a custom basis

Note: Cyber may be required as part of the risk assessment



Free Expression



“ The fundamental role of a university is to be a place where community members hear from a variety of speakers that may inform or oppose their positions.

- *Chancellor Phil DiStefano*

Conclusion

- Broad free speech protections
- Limited exceptions
- 1st Amendment law is complicated and fact specific

Final Thought

- **“If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence.”** Justice Louis Brandeis, *Whitney v. California* (1927).