

# Westfield State University

Policy concerning:

APPROVED: June 8, 2006

Section Public Safety

Number 3020

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REVIEWED: June 2023

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## FREE SPEECH / DEMONSTRATION / PICKETING POLICY

### PURPOSE

As an educational institution, Westfield State University supports the constitutional right of free speech. Exposure to a wide array of ideas, viewpoints, opinions, and creative expression is an integral part of a university education, preparing students for life in a diverse global society. The rights of freedom of speech, expression, petition, and public assembly are basic and essential to an individual's intellectual and social development. At the same time, in light of the university's commitment to allowing students and members of the community access to all services, resources and support, all activities, including expressive activities and speech, must be balanced in consideration of the university's educational mission.

Westfield State University supports the right of individuals to exercise free speech, including but not limited to political, symbolic, or artistic speech, provided only that such does not materially disrupt normal University activities, create a clear and present danger of the commission of unlawful acts, or infringe upon the rights of others.

Westfield State University recognizes the right of individuals to exercise all forms of constitutionally protected expressive activities (i.e. symbolic speech) and free speech without prior restraint or censorship. The university acknowledges that public discourse may include the discussion of controversial ideas, and the University will not limit public discourse based solely on its communicative content.

The University also recognizes the fact that any individual or group may demonstrate. Demonstrations must be carried out in such a way as not to inflict bodily injury; obstruct physical movement to, from, or within any place on the campus; or disruptive of any activity on campus. Such forms of demonstration may be (but are not limited to) distribution of literature, silent or symbolic protest, vocal dissent, and/or picketing. In the event any type of demonstration materially disrupts normal University activities, the University will take appropriate action. All activities must be conducted in accordance with the reasonable and content-neutral time, place and manner restrictions set forth in this policy.

It shall not be inferred or implied that the University endorses the messages expressed in accordance with this policy.

### POLICY

1. Faculty, staff and/or students must notify the Dean of Students 48 hours in advance of any demonstration and or picketing activity.
2. All students, faculty, and staff have a right to demonstrate on University property provided, however, that no such demonstration shall be permissible which for any reason of time, place, or type of behavior materially disrupts normal University activities, including, but not limited to class work or other University business, or involves substantial disorder or invasion of the rights of others.

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3. Campus buildings are for University business. Any form of demonstration that interferes with normal University activities, including, but not limited to, business in office or classroom spaces, is a violation of this policy. Picketing is not permitted inside University buildings or within 15-20ft from the entrances of University buildings.
4. Demonstrators are prohibited from blocking free entry to or free exit from buildings, interfering with free movement, or presenting obstacles to regular University activities. "Interfering with free movement" is defined as any physical denial or restriction of a person's ability to freely reach or leave a given geographical area, or harassment, which prevents them from normal movement. Obstacles include, but are not limited to, physical devices, bodies, or signs which cause interference with free movement or sounds which prevent normal communication.
5. Speech or demonstrations that qualify as solicitations to commit crimes; harassment, threats, defamation, perjury, blackmail or obscenities, including child pornography; true threats; fighting words; incitement of imminent violence or lawless action is not protected speech under this policy. T. These activities have a specific meaning and shall be interpreted in accordance with law.
6. No person shall intentionally and substantially interfere with the freedom of speech or expression of another person on University property or at University-sponsored activities.
7. All persons shall comply with the directions of University officials lawfully acting in the performance of their duties. Failure to cease any activity in violation of this policy or other University policies immediately following either written or oral notice by a University official shall also be a violation of this policy.
8. Any violation of this policy will subject the violators to applicable actions as defined in the Student Handbook, Equal Opportunity, Diversity and Affirmative Action Plan, collective bargaining agreements, and/or Massachusetts General Laws.
9. University organizations may sponsor a speaker or event, at the expense of the organization, under the University's usual event registration procedures. Such sponsorship does not necessarily imply that the views presented are endorsed by the organization or the University..
10. All persons at a event or demonstration must respect the right to dissent. Dissenters, however, may not disrupt the rights of the speakers to speak and/or the audience to listen. Preventing speech from occurring by disruptive protest is prohibited.
11. Persons or organizations responsible for a demonstration or other expressive event must remove all resulting structures, signs, and litter from the area at the end of the event. If this is not done, the persons or organizations responsible for the event will be held financially responsible for clean-up services.

**REVIEW**

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This policy will be reviewed every three years, and revised as needed, by the Director of Public Safety and the Dean of Students.