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SB63-16/17: Resolution Expanding Free Speech Zones on Campus

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1 **The Associated Students of the University of Montana**
2 **Resolution Expanding Free Speech Zones on Campus**

3 **September 13, 2016**

4 **SB63-16/17**

5 **Authored by: Garret Morrill, ASUM Senator;**

6 **Sponsored by:**

7
8 Whereas, the University of Montana is a public institution which seeks to pursue the best in
9 academic inquiry and educational excellence;

10
11 Whereas, the First Amendment protects the rights of freedom of expression, which is critical to
12 fostering critical thinking, meaningful inquiry, and the Liberal Arts;

13
14 Whereas, the University of Montana currently designates the area between the Mansfield Library
15 and the University Center as the 'Free Speech Zone';

16
17 Whereas, the University of Montana currently restricts Freedom of Expression on the Oval to
18 allow only events organized with the Center Event Planning Office and by approval of the
19 University President;

20
21 Whereas, the University of Montana currently restricts the distribution of printed materials to
22 Centennial Circle, the walkway up to it from Arthur Avenue, and the aforementioned locations;

23
24 Whereas, the concept of a 'Free Speech Zone' runs contrary to the fundamental goals of a
25 University and inhibits academic inquiry and critical thought;

26
27 Whereas, Montana State University revised its Freedom of Expression Policy in 2011 to allow
28 Freedom of Expression across all outdoor areas of its campus with sensible guidelines to protect
29 the academic functions and students of the campus;

30
31 Whereas, students, faculty, and the public ought to be able to freely express themselves on the
32 campus grounds as per their Constitutional rights and goals of higher learning;

33
34 Whereas, the language contained in the 'UM Free Speech Policy' document fully and succinctly
35 details the rights and responsibilities of both the University and individuals concerning free
36 expression on campus;

37
38 Whereas, the complexity of changing this policy in terms of debate and contention behooves a
39 measured approach and further debate on various aspects of the Free Speech Policy's designs;

40

41 Therefore, Let It Be Resolved, that the language of the Free Speech Resolution currently under
42 consideration reads as follows:

43

44 *“A. Acts of violence, clear and present threats of violence, or attempts to infringe upon the rights*
45 *of others are strictly prohibited. Individuals are prohibited from modifying, removing, defacing,*
46 *or obscuring the posted expressions of others without their prior permission.”*

47

48 *“B. The use of sound-amplifying or noise-making devices requires prior written permission from*
49 *the University Center Event Planning Office. No sound-making may unreasonably interfere with*
50 *the University learning environment, regardless of device usage.”*

51

52 *“C. Individuals may not obstruct or prevent the flow of vehicular or pedestrian traffic anywhere*
53 *on campus by means including but not limited to forming bodily blockade, erecting structures,*
54 *posting materials on vehicles, or placing impeding objects on roads, parking lots, or pathways.”*

55

56 *“D. Any demonstrations, petitions, speeches, distributions of materials, or assemblies may occur*
57 *in outdoor areas that are at least 40 feet away from any building entrance between 7am - 8pm*
58 *without prior written permission from the Montana Event Services Office. Otherwise prior*
59 *written permission must be obtained from the UC Event Planning Office.”*

60

61 *“E. Postings, banners, literature, and other tangible expressions may not obstruct or obscure*
62 *windows, doors, or other posted material. No printed materials of any kind may be posted or*
63 *placed on vegetation, lampposts, handrails, vehicles, or non-designated exterior building walls*
64 *located on campus without prior written permission from the Montana Event Services Office.”*

65

66 *“F. Chalking and other non-permanent expressions are permissible on non-wall surfaces that*
67 *are at least 40 feet away from any campus building entrance without prior approval. Permanent*
68 *expressions such as paintings or carvings require express prior written permission from the*
69 *Montana Event Services Office and the Vice President of Administration and Finance.”*

70

71 *“G. Materials may be posted without prior permission only on appropriate public bulletin*
72 *boards and on the kiosks located on the Oval, near Urey Lecture Hall, southeast of the*
73 *University Theatre, and upon any other kiosk erected by the University in the future. The*
74 *University will remove these materials at regular intervals.”*

75

76 *“H. Permanent or non-permanent structures, including but not limited to freestanding signs and*
77 *shelters, may not be erected on campus grounds without written permission from the Montana*
78 *Event Services Office.”*

79

80 *“I. Individuals and organizations are fully responsible for the content of their expressions and*
81 *for any cleanup or damage resulting from their activities. The University takes no responsibility*

82 *for and does not endorse the content of any materials that are distributed, posted, or freely*
83 *expressed by individuals or groups on its campus. Permission for expression may not be denied*
84 *on the basis of content, affiliation, or politics.”*

85
86 *“J. Individuals may not interfere with or disrupt University activities including but not limited to*
87 *classes, employment, research, or University-approved events without written permission from*
88 *the University Center Event Planning Office. In addition individuals may not disrupt, block, or*
89 *physically displace other individuals, events, performers, or programs that have reserved*
90 *campus venues or facilities.”*

91
92 *“K. The President reserves the right to prospectively exclude individuals and organizations from*
93 *campus based on articulable facts that they pose a risk of harm to individuals, University*
94 *property, or University activities. This requires prior notice given to said individuals or*
95 *organizations and affords them a hearing to challenge exclusion. No student may be excluded*
96 *from campus, and no one may be excluded from campus based on political/religious affiliations,*
97 *beliefs, or the content of their communications.”*

98
99 *“Individuals who are in violation of these rules may be subject to disciplinary action, including*
100 *but not limited to warning, citation, exclusion, or ejection from the campus. Any expressions that*
101 *are in violation of these rules may be removed or modified at the discretion of the University.”*

102
103 Therefore, Let It Be Further Resolved, that ASUM approves the functional language and policies
104 contained within the 'UM Free Speech Policy' document and recommends it to be adopted into
105 University Policy;

106
107 Therefore, Let It Be Further Resolved, that ASUM recommends Montana Events Services update
108 its documentation to reflect the policy changes described in the 'UM Free Speech Policy' when
109 this Resolution is reviewed by the Administration;

110
111 Therefore, Let It Be Further Resolved, that ASUM will continue to review the 'Free Speech
112 Policy' and, upon the consideration of the full document in future Resolution(s), that the ASUM
113 President submit the completed 'Free Speech Policy' and its attendant documentation to Cabinet
114 at the soonest available opportunity;

115
116 Passed by Committee: _____, 2017

117
118 Passed by ASUM Senate: _____, 2017

119
120 _____
121 Connor Fitzpatrick, Elizabeth Engebretson,
122 Chair of Relations and Affairs Committee Chair of ASUM Senate