

# FREE SPEECH & PROTESTING

## FAST FACTS

- In 1948, the UN recognized free speech as a human right in the International Declaration of Human Rights. <sup>1</sup>
- The Free Speech Movement (FSM) was a college campus phenomenon began in 1964 inspired first by the struggle for civil rights and later fueled by opposition to the Vietnam War.<sup>2</sup>
- “Hate speech” (speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits) is protected in the US by the First Amendment.<sup>3</sup>



## BASICS

### The First Amendment says...

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.

### Everyone's Rights

Knowing your rights is important for the protection of your rights and to respect the rights of others.

***To deny people their human rights is to challenge their very humanity.”***

***– Nelson Mandela***

## RIGHTS

### Do I have the freedom to say what I want, when I want?

Yes and no. The First Amendment protects your right to express your opinion, even if it is unpopular.<sup>4</sup> However, in compliance with the First Amendment and UNLV Student Conduct Code, your words may not incite “taking any action that creates a substantial risk that potentially compromises the safety of an individual or the community.”<sup>5</sup> In other words slander, obscenity, “true threats,” or speech that incites imminent violence or law-breaking is not protected speech. For example, if you shout “loot the store” or “beat them up”, you will reasonably receive consequences. Therefore, remember that while you can say what you want, words have impact and consequences.

### What is hate speech, hate crimes and bias incidents?

Hate speech is speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits. While any form of discrimination runs contrary to the goals of UNLV, all campus community members should be aware that there is a difference between “hate crimes” and “bias incidents,” as not all hateful acts are illegal. Like hate crimes, bias incidents involve behaviors that are motivated by a bias against a victim's race, color, religion, national origin, sexual orientation, gender, or disability; however, bias incidents are not criminal acts. Hateful speech and behaviors only become crimes if they place a potential victim in reasonable fear of physical injury or when they directly incite perpetrators to commit violence against a person or property.<sup>6</sup>

### Do I have the right to protest on campus?

Yes, UNLV has an obligation to protect free expression that is open to the public so that all persons may exercise their constitutionally protected rights of free expression, speech, and assembly. In order to provide a suitable educational environment without interference or disturbance, time, place and manner can be regulated. For example, free speech activities cannot occur in University buildings, reserved spaces, or within 20 feet of University buildings.<sup>7</sup> Keep in mind noise levels as amplified sound cannot be heard inside buildings. Also, in compliance with ADA regulations please ensure there is suitable space around your demonstration on walkways for those who need to use the pavement to move past.

### Can I stop people on the sidewalk?

Yes. You have the right to approach a willing passerby to hand them a leaflet, engage them in conversation, or ask them to sign a petition. But you may not obstruct or harass a passerby after they have informed you that they are not interested.<sup>4</sup>

DISCLAIMER: The information provided here is based on current public information and is meant to inform the reader. Contents do not constitute legal advice. Please consult an attorney for legal advice.

### **Can I choose what is said and who enters my reserved room/space?**

Yes, when you reserve a space you control the speech and who is allowed in the space. While the University is a public institution, by reserving a room or space you effectively have made that space private.

### **I am a student employee on campus, am I required to be non-partisan?**

Yes, as a student staff member whose principal employment is in a federally funded program the state of [Nevada Employee Handbook](#), NAC 284.770 the Federal Hatch Act as amended in Title 5 U.S.C. 1501–1508 applies to you. Therefore, you must utilize only personal email addresses and social media platforms for political activity rather than unlv.edu accounts. You also must request leave work to participate in activism during normally scheduled hours. When engaged in political activity you must remove identifiers that associate you with the University such as office uniforms, nametags, and/or electronic signatures.<sup>8</sup>

### **Are students and registered student organizations required to be non-partisan?**

Registered Student Organizations (RSOs) may only access the University benefits of being a RSO such as reserving space or advertising for activities consistent with the mission of the RSO. Therefore, if you are a political organization with a partisan mission, you are not required to be non-partisan. However, RSOs should be aware of certain limitations such as not being allowed to use (or allowing others to use) University resources. See next question for clarification.

### **Can I utilize SORCE, the UNLV logo, or University resources for political activity?**

Yes, you are able to utilize University resources for non-partisan activities such as Rock the Vote campaigns and voter registration drives. However, resources such as listservs, printers, web, funding, and supplies may not be utilized for partisan activity. In addition, UNLV's name, seal or logo in any communication (e.g., letters, emails, websites, solicitations) may not be used in connection with partisan activity. While you may utilize your unlv.nevada.edu email address for political activity, you may not represent yourself as a representative of the University.

### **What do I do if police stop me?**

Stay calm and do not interfere, touch, run away from, or physically resist police even if you are innocent. If requested, you must share your name but you have a legal right to refuse to provide additional information or answer questions. Police may "pat down" your clothes but make it clear you do not consent to any further search. Remember the police officers' names and badge numbers.<sup>9</sup>

### **How can I report an incident?**

If there is immediate danger, contact UNLV police (dial 9-1-1). To report a UNLV student, faculty or staff member, you may contact the UNLV Office of Student Conduct ([officeofstudentconduct@unlv.edu](mailto:officeofstudentconduct@unlv.edu); [www.unlv.edu/studentconduct](http://www.unlv.edu/studentconduct)) to receive a consultation and to file a report.

### **What if I have experienced emotional distress?**

UNLV's Student Counseling and Psychological Services (CAPS) has counselors available to work with you to manage your stress and feelings. All clinical services are provided at no charge to currently enrolled UNLV students who have paid their Health Fee. In addition, all information gathered in counseling is held in strict confidence and will not be accessible to others without your written permission. To schedule an appointment call 702-895-3627 or email [caps@unlv.edu](mailto:caps@unlv.edu). CAPS also has triage services for urgent situations during regular office hours: M-Th 8am-6pm and F 9am-5pm. If unable or uncomfortable seeking counseling services, please speak with friends/family and engage in self-care practices.

### **Presidential Debate 2016 – as the host of one of the Presidential Debates in 2016 special policies may apply.**

See [www.unlv.edu/2016debate](http://www.unlv.edu/2016debate) for up to date information. The following are some points to keep in mind:

- UNLV students may publish articles expressing their personal views on candidates or legislation if a statement on the editorial page indicates that the views expressed are those of the student and not those of the University.
- Access to parts of the campus may be restricted for security reasons near the time of the debate and the Commission for Presidential Debates may designate specific free speech, campaigning and protesting spaces during the debate.
- Events related to politics, candidates, and the election will require additional advanced approval.

### **MUST READ**

- Taylor, K. (2016). *From #BlackLivesMatter to black liberation*. Chicago, IL: Haymarket Books.
- Rodriguez, S. (2001). *Giants among us: First-generation college graduates who lead activist lives*. Vanderbilt University Press.

## RESOURCES

- Idiot's Guide to Free Speech: <http://goo.gl/qUqLwy>
- Know Your Rights - Photographers: <https://goo.gl/eU8hci>
- Mental Health Resources: <http://goo.gl/GfyS3g>
- Newseum Institute: [www.newseuminstitute.org/first-amendment-center](http://www.newseuminstitute.org/first-amendment-center)
- UNLV Student Conduct Code: [www.unlv.edu/studentconduct/student-conduct](http://www.unlv.edu/studentconduct/student-conduct)

## REFERENCES

1. United Nations. (2014). *The universal declaration of human rights*. Retrieved from <http://www.un.org/en/documents/udhr/>
2. University of California. (2005). *The free speech movement*. Retrieved from <https://calisphere.org/exhibitions/43/the-free-speech-movement/>
3. The White House. (2016). *The Constitution*. Retrieved from <https://www.whitehouse.gov/1600/constitution>
4. American Civil Liberties Union. (2015). *Know your rights: Free speech, protests & demonstrations*. Retrieved from <https://www.aclunc.org/our-work/know-your-rights/free-speech-protests-demonstrations>
5. Office of Student Conduct. (2015). *Student conduct*. Retrieved from <https://www.unlv.edu/studentconduct/student-conduct>
6. Police Services. (2015). Hate crimes. Retrieved from <https://www.unlv.edu/police/tips/hate-crimes>
7. Student Union and Event Services. (2012). *Guidelines for scheduling university facilities*. Retrieved from <https://www.unlv.edu/campuslife/scheduling-guidelines#expressive>
8. Division of Human Resource Management. (2015). *State of nevada employee handbook*. Retrieved from [http://hr.nv.gov/uploadedFiles/hrnvgov/Content/Resources/Publications/Employee\\_Handbook.pdf](http://hr.nv.gov/uploadedFiles/hrnvgov/Content/Resources/Publications/Employee_Handbook.pdf)
9. American Civil Liberties Union of Nevada. (2015). *How to protect your rights*. Retrieved from <http://www.aclunv.org/files/protest.pdf>

Compiled Aug 2016. Information subject to change.