

Free Speech at UCI

Learn more about free speech at UCI.

UC Irvine's Commitment

- All persons may exercise the constitutionally protected rights of free expression, speech, and assembly.
- Variety of viewpoints and expression are at the core of UC Irvine's mission of teaching, research and public service.
- UCI actively attempts to engage the community to promote and model civil and respectful dialogue on campus.

Watch a brief video on expression, featuring UCI Chancellor Howard Gillman and Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement.

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UC Irvine's Institutional Values

UCI is a multicultural community of people from diverse backgrounds. Our activities, programs, classes, workshops, lectures and everyday interactions are enriched by our acceptance of one another, and we strive to learn from each other in an atmosphere of positive engagement and mutual respect.

Our legacy for an increasingly multi-cultural academic community and for a learning climate free from expressions of bigotry is drawn from the United States and California Constitutions and from the charter of the university of California, which protects diversity and **reaffirms our commitment to the protection of lawful free speech. Affirmation of that freedom is an effective way of ensuring that acts of bigotry and abusive behavior will not go unchallenged within the University.** Tolerance, civility and mutual respect for diversity of background, gender, ethnicity, race and religion is as crucial within our campus community as is tolerance, civility and mutual respect for diversity of political beliefs, sexual orientation and physical abilities. Education, and a clear, rational and vigorous challenge are positive responses to prejudice and acts of bigotry.

<https://freespeech.uci.edu/principles-and-policies/>

The First Amendment to the U.S. Constitution Protects Free Speech

What is freedom of speech?



The right of a person to express opinions and ideas without interference or retaliation from the government (or UCI).



“Speech” does not only include words, but also what a person wears, reads, performs, protests and more.



The United States' free speech protections are among the strongest in any democracy in the world.



The First Amendment protects event speech that many would see as offensive, hateful or harassing.



Learn more UCI's Free Speech website
freespeech.uci.edu

First Amendment Pop Quiz

What are the 5 rights protected by the First Amendment?

The First Amendment to the U.S. Constitution

Congress shall make no laws 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 people peaceably to **assemble**, and to **petition the Government** for a redress of grievances.

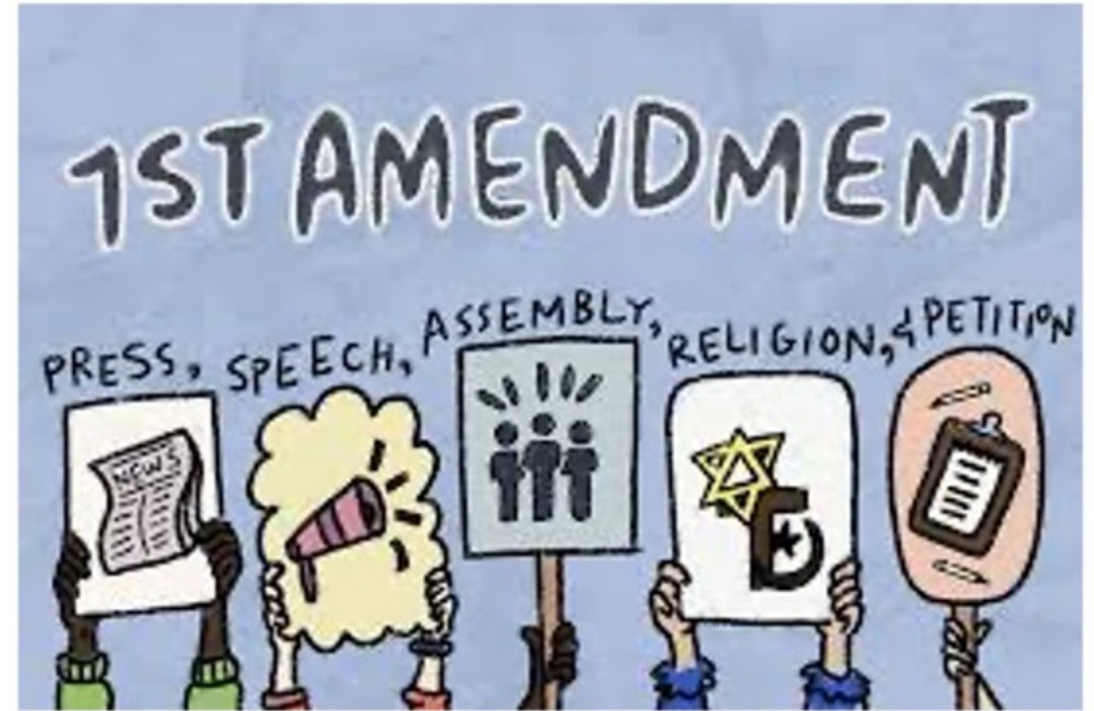


Illustration by Rachael Dempsey / The Daily Nebraskan (2021)

The First Amendment is about the Government

The First Amendment prevents the government from censoring or restricting the public from expressing their views.

- This means that the First Amendment applies to state and local governments, and therefore to public institutions funded by the government, such as public universities like the University of California.

The First Amendment does NOT apply to private companies or private universities.

- California exception: Leonard's Law applies First Amendment principles to private K-12, colleges and universities (with exception of religious institutions).

First Amendment Pop Quiz

True or False: The First Amendment applies to social media platforms.

First Amendment Pop Quiz

Answer: False

Social media platforms are private companies and therefore do not fall under the purview of the First Amendment.

First Amendment Pop Quiz

Does the First Amendment
mean that ALL speech is
protected?

First Amendment Pop Quiz

Answer: No

The U.S. Supreme Court has established narrow categories of speech that are unprotected by the First Amendment.

Unprotected Speech

While the “government cannot punish people merely for expressing ideas,” some “speech” is NOT protected by the First Amendment.

Narrowly defined, including:

- Incitement to Illegal Activity
- Harassment
- Fighting Words
- True Threats
- Obscenity
- Fraud/Perjury
- Defamation
- Invasion of Privacy

Watch a brief video on hate speech, featuring UCI Chancellor Howard Gillman and Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement.

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First Amendment Pop Quiz

Does the First Amendment
protect hate speech?

First Amendment Pop Quiz

Answer: Yes

Why Protect Hateful Speech?

What is hateful is a subjective inquiry. We need to ask ourselves if we trust the politicians in power in our government to determine what speech is dangerous, harmful or offensive.

In response to recent campus anti-war protests the governor of Oklahoma remarked: “We’re all about free speech in Oklahoma. But hate speech isn’t going to be tolerated.”

Social movements that have shaped today’s society, such as the women’s suffrage movement, the Civil Rights Movement, the anti-Vietnam war movement and the LGBTQ marriage equality movement were considered dangerous, offensive or hateful by some in power at the time.

Even in the last five years, the 2020 Black Lives Matter protests have been characterized by some government officials as “violent riots.” These officials have then used these “violent riots” as impetus for proposing legislation that censors and restricts protest.

Regulations of Free Speech

Time, Place, and Manner -The Supreme Court has said that public entities like UC Irvine have discretion in regulating the “time, place, and manner” of speech.

The right to speak on campus is not a right to speak any time, at any place and in any manner that a person wishes.

Regulations of Free Speech

The campus can regulate where, when and how speech occurs to ensure the campus operations (i.e., instruction) are maintained and achieve important goals. Regulations need to be content neutral.

Whether the content/message being delivered is offensive and unpopular, if the group/person followed the campus policies, they can share the unpopular message.

For example, restricting amplified sound to certain hours to ensure classrooms, libraries, and offices are not disrupted by loud noise. This regulation must apply consistently to all groups and events (must be content neutral).

Time, Place and Manner

To learn more about time, place and manner restrictions watch this video clip from the 2023-2024 Year of Free Speech Kick-Off event hosted on October 5, 2023.

Michelle Deutchman, Executive Director of the [UC National Center for Free Speech and Civic Engagement](#) will dive deeper into time, place and manner restrictions and how they are applied at UCI.

You can watch the full event recording by visiting the freespeech.uci.edu – the UCI Year of Free Speech page.

Watch this video to learn more about Time, Place and Manner. This video is from the 2023-2024 Year of Free Speech Kick-Off Event recorded on October 5, 2023. You can find and watch the entire video on the [UCI Free Speech website](#). The video clip features Michelle Deutchman, Executive Director of the UC National Center for [Free Speech and Civic Engagement](#).

[View Here](#)

Forum Analysis: What Does this Mean for YOU?

When you want to use space on campus, how the forum is designated will dictate when and how you can use it:

- **Traditional Public Forum:** Aldrich Park, Ring Road, Outdoor Plazas – are open to the public (not just to campus affiliated) and expressive activity can freely take place without permission or reservations AS LONG AS you follow the time, place and manner restrictions.
- **Designated Public Forums:** Rooms at the student center – are available for expression by reservation as long as you follow the time, place and manner rules.
- **Limited Public Forums:** Classrooms, laboratories and other academic spaces or residence hall common areas and living spaces – expression is limited by the purpose of the space.
- **Non-Public Forums:** Not open for general expressive activity

Protest on Campus

- Individuals have a right to express disagreement, and a right to protest, but these rights are limited by other principles:
- Protesters may not interfere with normal operation of the University or obstruct access to buildings
- Protesters have no right to damage University property or cause injuries
- University must prevent “heckler’s veto” – including not cancelling events based on fear of audience reaction to unpopular views
- Disruption/civil disobedience has consequences

The Heckler's Veto

- An individual exercises a Heckler's Veto when they are so disruptive as to preclude the target speaker from being heard; and the audience from receiving the message.
- Under the rule against a Heckler's Veto, the government is not allowed to shut down speech simply because of the threat of counter-protests or Heckler's Vetoes.
- This speech is NOT protected by First Amendment

The Heckler's Veto

1. Why is the heckler's veto not protected by the First Amendment?

- Because the First Amendment is about access to differing viewpoints and ideas and, while dissent is encouraged in our democracy, the heckler's veto is about stopping certain ideas from even entering the marketplace of ideas.
- The heckler's veto infringes both on the speaker's right to free speech and the audience's corollary right to receive information.

2. Why is the heckler's veto antithetical to the mission of higher education?

- Because meeting the mission of UCI necessitates allowing all ideas – even unpopular ones – into classrooms and quads to enhance learning and progress.

Watch a brief video on academic freedom, featuring UCI Chancellor Howard Gillman and Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement.

[View Here](#)

Academic Freedom – Faculty

The concept of “free speech” is a broad category that encompasses general rights of expression.

By contrast, “academic freedom” applies specifically to faculty when they are engaged in their professional activities – for example, in classroom settings, research environments, or conveying information relating to their disciplinary knowledge.

A person who, in a public park, says that the moon is made of cheese will face no official consequences. But a faculty member in an astronomy department who expresses the same opinion will have those views reviewed by peers, and those peers may conclude that she should be denied tenure because her views do not demonstrate mastery of the required disciplinary knowledge.

To learn more, visit freespeech.uci.edu, the UCI Year of Free Speech page to watch videos on Academic Freedom.

Planning a Protest: Exercising Your Free Speech Rights

1. Before your demonstration, review relevant UCI campus policies.
2. Develop a plan: Meet with [Student Center & Event Services](#) to identify available locations, request use of amplified sound, etc.
3. Reserve a venue: Make a reservation for an appropriate venue with [Student Center & Event Services](#). Utilize the time, place and manner regulations along with areas for public gatherings, sound amplification policies, canopies, tents and non-university speaker requirements

(as mentioned in Speech and Advocacy, section 30.30 – policy.ucop.edu/doc/2710523/PACAOS-30)

Planning a Protest: Exercising Your Free Speech Rights

4. Report safety concerns promptly: If safety is a concern, contact the UC Irvine Police Department (UCIPD) at [949.824.5223](tel:949.824.5223) immediately.
5. Confrontation: Meet with your group and discuss how they should respond in case they are confronted with offensive speech, behavior or violence during your demonstration. Do not respond physically and contact UCIPD.
6. Always Inform your participants of the university policies.

Consider the Following Policies

Student Conduct Policies

<https://conduct.uci.edu/policies/pacaos/index.php>

1. Blocking of entrances to or otherwise restricting the free flow of traffic into and out of campus buildings, parking lots, campus roads and walkways with tables or movable stands (section 102.13, 102.15)
2. Obstructing or disrupting campus activities, classes, and offices (section 102.13)
3. Utilizing amplified sound without prior approval that disrupts campus activities (section 102.13)

Consider the Following Policies

Student Conduct Policies

<https://conduct.uci.edu/policies/pacaos/index.php>

4. Engaging in physically abusive or threatening conduct toward any person (section 102.08)
5. Exhibiting disorderly or lewd conduct (section 102.14)
6. Participating in a disturbance of the peace or unlawful assembly (section 102.15)
7. Failure to comply with a university official acting in the performance of their duties (section 102.16)
8. Engaging in theft, destruction of, or damage to any university property or equipment (section 102.04)

Watch a brief video on "making students safe for ideas", featuring UCI Chancellor Howard Gillman and Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement.

[View Here](#)

Engage in Dialogue and Learning

During the free speech debates of the 1960s, the University of California President Clark Kerr shared, “the university is not engaged in making ideas safe for students. It is engaged in making students safe for ideas.”

We are committed to learning as much as we can from each other, and beyond that, let us commit to supporting each other as human being engaged in the generation of knowledge.

Let us engage in dialogue with our UCI community, even when we do not agree with each other.

[*https://freespeech.uci.edu/free-speech-faqs](https://freespeech.uci.edu/free-speech-faqs)

Resources

freespeech.uci.edu

[UC National Center for Free Speech and Civic Engagement](#)

Policy on Speech and Advocacy policy.ucop.edu/doc/2710523/PACAOS-30

Policies Applying to Campus Activities, Organizations, and Students
conduct.uci.edu/policies/pacaos/index.php

Campus Climate Reporting ucsystems.ethicspointvp.com/custom/ucs_ccc/

[*https://freespeech.uci.edu/free-speech-faqs](https://freespeech.uci.edu/free-speech-faqs)

Resources

Office of Academic Integrity & Student Conduct

<https://conduct.uci.edu/>

Office of Campus Organizations and Volunteer Programs

<https://campusorgs.uci.edu/>

Dean of Students

<https://dos.uci.edu/>

Student Center & Event Services

949- 824- 4804

<https://studentcenter.uci.edu/>

Student Life & Leadership

949 824-5181

<https://studentlife.uci.edu/>

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