

# Free Expression Policy

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## I. INTRODUCTION

Exposure to a wide array of ideas, viewpoints, opinions, and creative expression is an integral part of participating in higher education as students prepare for life in a diverse global society. The rights of freedom of speech, expression, petition, religion, and public assembly are basic and essential to an individual's intellectual and social development. Wheaton College (the "College") is committed to the right of individuals to exercise free expression, including but not limited to political, symbolic, or artistic speech, provided only that such expression does not materially disrupt normal College activities, create a clear and present danger of the commission of unlawful acts, or infringe upon the rights of others. This policy establishes reasonable, non-discriminatory, content-neutral guidelines to protect the rights of speakers and non-speakers, to respect the rights of faculty and students in the classrooms, to ensure fair access and a fundamentally fair process for those who wish to use the College's public forums, and to maintain a safe environment on campus.

## II. GUIDING PRINCIPLES<sup>[1]</sup>

Wheaton College is committed to free and open inquiry and it affords community members broad latitude to speak, write, listen, challenge, and learn. Except in cases where limitations on this freedom are necessary to the functioning of the College or to protect against infringement upon other individuals' rights, Wheaton fully respects and supports the freedom of all community members "to discuss," in the words of former University of Chicago President Robert M. Hutchins, "any problem that presents itself."

Of course, the ideas and perspectives of different community members will frequently and quite naturally be in conflict. However, so long as expression does not violate College policies, it is not the College's role to attempt to shield individuals from ideas and opinions they find disagreeable or even offensive. While the College greatly values and expects civility in discourse, and although all community members are responsible for maintaining a campus climate of mutual respect, concerns about civility and mutual respect cannot be used as a means for suppressing the discussion of ideas, however disagreeable or offensive those ideas may be to some community members.

Free expression on campus to debate and discuss competing ideas and opinions does not, of course, mean that individuals may say or write anything that they wish, wherever and whenever they wish. The College may prohibit expression that violates the law or College policies, that defames or slanders an individual, that constitutes threatening, harassing, or discriminatory behavior, that invades upon the privacy or infringes upon the rights of other individuals, or that is otherwise in conflict with the mission and business of the College. As outlined in this policy, the College may regulate the time, place, and manner of expression to provide that it does not disrupt usual College business and activities. These exceptions to the general principle of freedom of expression are construed narrowly by the College, and are never meant to be used in a manner that is inconsistent with the College's commitment to the principle of free expression.

In sum, The College is committed to the principle that debate or deliberation may not be suppressed because some or even most community members find the ideas discussed to be offensive, unwise, immoral, or wrong. Of course, individual community members may make these judgments for themselves, and act on them not by seeking to suppress expression, but by freely and openly contesting the ideas that they reject. Indeed, providing the environment where community members can engage with one another in an effective, responsible, and civil manner is an essential component of the College's educational mission.

Given the College's commitment to protect and promote free expression and by way of this policy, community members must also act in accordance with the principle of free expression. As an example, while community members are free to openly criticize and oppose views expressed on campus and to contest invited speakers, they may not obstruct, disturb, or otherwise interfere with the freedom of others to express those views. To this end, the College takes serious its responsibility to promote a campus culture of lively and fearless freedom of expression and to also protect that freedom when others attempt to unjustifiably restrict it.

### III. DEFINITIONS

**Event Review Committee.** The Vice President, Director of Campus Safety, the Associate Vice President for Student Affairs or a designee, the Director of Conferences and Events or a designee, the Vice President for Marketing and Communications or a designee, the Provost or a designee, and other internal and external partners as deemed appropriate.

**Vice President.** The Vice President of Student Affairs or a designee.

### IV. SPEECHES, PUBLIC ASSEMBLIES, AND DEMONSTRATIONS

1. All speech, public assembly, and demonstration activities must be conducted in accordance with the following guidelines:
  - a. No speech, public assembly, or demonstration shall interfere with the central educational mission of the College or the primary uses of its premises;
  - b. No speech, public assembly, or demonstration shall disturb or interfere with normal operations and activities of the College;
  - c. No speech, public assembly, or demonstration shall disturb or interfere with any College program, event, or activity;<sup>[2]</sup>
  - d. No speech, public assembly, or demonstration may threaten safety, create a clear and present danger of the commission of unlawful acts, or include any words that by their very utterance threaten to incite an immediate breach of the peace;
  - e. No student or organization may block or otherwise interfere with the free flow of pedestrian, vehicular, or bicycle traffic. The right of way on streets and sidewalks must be maintained;
  - f. No student or organization may occupy campus buildings or block or otherwise interfere with reasonable ingress or egress of campus buildings, or interfere with any use of property belonging to the College or to other persons;
  - g. The safety and well-being of the campus, the community, and visitors must be protected at all times. No student or organization shall engage in physically assaultive conduct towards any other person;
  - h. No student or organization shall damage or deface any article of personal property belonging to another person or property belonging to the College;
  - i. All students and organizations shall comply with the directions of college officials lawfully acting in the performance of their duties; and
  - j. Amplified sound equipment is prohibited (microphones, megaphones, etc.).
  - k. Any person or organization while on College-owned, operated, or controlled property who refuses the request or command of an authorized College official to desist in any prohibited conduct may be removed from the premises where such conduct constitutes a disruption to public order.
2. A student or organization planning to host a speech, public assembly, or demonstration must first receive the College's approval in accordance with the following process:
  - a. The student or organization planning to host the event must submit an Event Proposal Form to the Vice President no later than five business days before the proposed event providing the following information:
    - i. Event title;
    - ii. Proposed date, time and location of the event;
    - iii. The purpose of the event;
    - iv. How the event will add to the educational mission of the institution
    - v. Host information, including the contact information for any staff or faculty advisor;
    - vi. Any proposed marketing and promotional materials;
    - vii. Anticipated staffing needs to ensure a safe environment for the event; and
    - viii. Other logistical information for the event in terms of how to manage flow of persons entering the event, audience interaction and management, how the event will safely conclude, and how students and attendees will disperse.

- b. The Vice President will review the Event Proposal Form to ensure all of the information listed above is included and to schedule an event review meeting with the Event Review Committee.
- c. The Event Review Committee will meet with the host and the staff or faculty advisor (for student organizations) to discuss the event proposal and logistics of the proposed event. Discussion may include, but is not limited to:
  - i. Safety and security of the campus and the community;
  - ii. Safety and security of those in attendance;
  - iii. Staffing and other resources needed to ensure safety and security;
  - iv. Proposed location and other locations available based on the event proposal; and
  - v. How the event will add to the educational mission of the institution, including educational opportunities leading up to and following the event.
- d. The Event Review Committee will determine, in its sole discretion, whether the event will go forward or not. If the Event Review Committee approves the event, the Vice President will send an approval in writing to the host, outlining the logistics to be followed when carrying out the event. If the Event Review Committee does not approve the event, the Vice President will send a written notice to the host. The Event Review Committee may assign a member of the committee or a designee to work with the host to discuss different planning options to support a future proposal of the event.

#### V. MARCHES AND PROCESSIONS

1. All marches and processions may take place only on public streets and sidewalks of the campus and must be conducted in accordance with the following guidelines:
  - a. No march or procession shall interfere with the central educational mission of the College or the primary uses of its premises;
  - b. No march or procession shall disturb or interfere with normal operations and activities of the College;
  - c. No march or procession shall disturb or interfere with any program, event, or activity approved prior to the march or procession;
  - d. No march, or procession may create a clear and present danger of the commission of unlawful acts, or include "fighting words," which are any words that by their very utterance tend to incite an immediate breach of the peace;
  - e. No student may block or otherwise interfere with the free flow of pedestrian, vehicular, or bicycle traffic. The right of way on streets and sidewalks must be maintained;
  - f. No student may block or otherwise interfere with reasonable ingress or egress of campus buildings, or interfere with any use of property belonging to the College or to other persons;
  - g. The safety and well-being of the campus must be protected at all times. No student shall engage in physically assaultive conduct towards any other person;
  - h. No student shall damage or deface any article of personal property belonging to another person or property belonging to the College;
  - i. All students shall comply with the directions of college officials lawfully acting in the performance of their duties;
  - j. Amplified sound equipment is prohibited (microphones, megaphones, etc.); and
  - k. The organizer of the march or procession must obtain any municipal approvals or permits required.
2. A student or organization planning to organize a march or procession must first receive the College's approval in accordance with the following process:
  - a. The student or organization planning to organize the event must submit an Event Proposal Form to the Vice President no later than five business days before the proposed event providing the following information:
    - i. Event title;
    - ii. Proposed date, time and location of the event;
    - iii. The proposed start and end locations, with the proposed path of the event
    - iv. The purpose of the event;
    - v. How the event will add to the educational mission of the institution;
    - vi. Host information, including the contact information for any staff or faculty advisor;
    - vii. Any proposed marketing and promotional materials;

- viii. Anticipated staffing needs to ensure a safe environment for the event; and
  - ix. Other logistical information for the event in terms of how to manage flow of persons arriving at the start location, how attendees and students will be managed during the route, how the event will safely conclude, and how students and attendees will disperse at the end location.
- b. The Vice President will review the Event Proposal Form to ensure all of the information listed above is included and to schedule an event review meeting with the Event Review Committee.
- c. The Event Review Committee will meet with the host and the staff or faculty advisor (for student organizations) to discuss the event proposal and logistics of the proposed event. Discussion may include, but is not limited to:
- i. Safety and security of the campus and the community;
  - ii. Safety and security of those in attendance;
  - iii. Staffing and other resources needed to ensure safety and security;
  - iv. Proposed location and other locations available based on the event proposal; and
  - v. How the event will add to the educational mission of the institution, including educational opportunities leading up to and following the event.
- d. The Event Review Committee will determine, in its sole discretion, whether the event will go forward or not. If the Event Review Committee approves the event, the Vice President will send an approval in writing to the host, outlining the logistics to be followed when carrying out the event. If the Event Review Committee does not approve the event, the Vice President will send a written notice to the host. The Event Review Committee may assign a member of the committee or a designee to work with the host to discuss different planning options to support a future proposal of the event.

#### **VI. POSTING OF WRITTEN MATERIAL**

1. The posting of written materials, including signs, flyers, and posters by students or others is permitted at designated locations throughout the campus, subject to the policies of the Offices of Residential Life and Student Activities, Involvement, and Leadership (SAIL).
2. The College reserves the right in its sole discretion to remove any written materials. Written materials posted on campus may not: (i) contain any obscene content; (ii) target an individual or organization for negative purposes; (iii) be misleading or misrepresentative; (iv) advertise or promote the use of illegal substances; or (v) promote engagement in other illegal activities.

#### **VII. ENFORCEMENT OF POLICIES**

Wheaton College maintains the right to enforce its policies and to immediately dispatch Campus Safety Officers or request outside law enforcement assistance to respond to potential College policy violations and/or any criminal or violent acts

#### **VIII. POLICY VIOLATIONS**

Students who engage in activities in violation of this policy may be subject to disciplinary action.

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[1] The College's guiding principles are adapted from the University of Chicago's "Chicago Principles (<https://freexpression.uchicago.edu/>)".

[2] Demonstrations that do not disturb or interfere with College programs, events, or activities are permissible so long as they otherwise comply with this Policy. Examples of such demonstrations may include, but are not limited to, engaging in forms of silent protest, refusing to attend or participate in programs, events, or activities, or organizing programs, events, or activities to present counter views.

November 2, 2022

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