

TALK TALK TALK

A Quick Guide to Free Speech at Colorado State University



RESOURCES



Bystander Intervention Strategies



Student Support Resources



Free Speech @ CSU System

First Amendment to the U.S. Constitution

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.

Passed by Congress September 25, 1789
Ratified December 15, 1791

WHAT IS FREEDOM OF SPEECH AND WHAT DOES IT PROTECT?

Freedom of speech is essential to a strong democracy. The First Amendment generally prevents the government (which includes CSU as a public university) from controlling what people say or limiting their expression. The First Amendment guarantees your right to speak and express yourself. It gives you the power to control what you think and the freedom to say what you want. The First Amendment does not, however, give you the right to control what other people think or say, or limit their expression. It doesn't guarantee that other people have to listen or agree with you, and it doesn't give anyone the right to silence the free speech rights of others through threats, intimidation, or violence. Other people also have the right to speak their ideas and debate your ideas, or just to ignore you. **Universities are places for the exchange of ideas, discourse, and debate – learning from the different views, experiences, and knowledge of other people, including those who disagree.** So it's important to know the rules and responsibilities that go along with your rights.

WHAT IS SPEECH?

- Expression of ideas, perspectives, and values
- Peaceful protests/demonstrations
- Clothing
- Posters/flyer
- Refraining from speaking

YOUR VOICE

Your voice has power, and you can use it to have an impact on your world and the issues that matter to you. Most speech is protected, some is not – knowing the difference and what you can do gives you power to make your voice heard.

CSU is required by the First Amendment of the U.S. Constitution to have an open exchange of ideas and dissenting points of view, even when such expression might be deemed offensive and run counter to our Principles of Community, which can be viewed at col.st/ames7, or other institutional values. It is important to remember that embracing free speech is a core value, and our Principles of Community declare that the university is "committed to freedom of expression, critical discourse, and the advancement of knowledge." We also uphold the rights of our campus community to present counter narratives through peaceful means.

WHAT ARE WAYS TO PUT YOUR VOICE TO WORK?

- Use social media to express your views
- Engage in conversation with friends and classmates
- Organize a petition drive
- Email or phone your local, state, or federal representatives
- Join a peaceful gathering or protest
- Write a letter to the editor
- Find a club that's focused on an issue you care about – or create one
- Volunteer with local, regional, or national civic groups that address issues you care about
- Get involved with ASCSU, your student government, or your faculty and/or staff councils
- Write your university president or other leaders
- Vote!

As you use your voice, it's important to:

- Educate yourself about the issues, both pro and con
- Consider your own arguments through a critical lens
- Listen
- Set and be respectful of your own boundaries and the boundaries of others
- Get out of your comfort zone and get into the learning zone by considering perspectives and arguments that contradict your own
- Prioritize your well-being, particularly when pushing your comfort zones
- Remember that we all come from varying experiences and backgrounds, which shape our perspectives in different ways
- Learn the difference between dialogue and debate
- Remember that freedom of speech is not freedom from consequences
- Keep in mind that criminal threats and harassment of individuals, as well as violence, are not protected speech
- Recognize that, just as the First Amendment protects your right to express yourself, it equally protects the rights of others to express themselves, even if you strongly disagree with the speech

OTHER VOICES

As you walk around campus and through the Lory Student Center Plaza, you may pass a lot of people who want to talk to you about all sorts of things, including politics, current events, and campus organizations. A public university campus has locations that are "open to all individuals for the purpose of exercising free speech and assembly" subject to the applicable campus policies and their content-neutral time, place, and manner restrictions.

This generally means that members of the public and the CSU community have the right to peacefully

express their views in an area of campus that is a public forum or designated public forum, even if those views are controversial or offensive.

When speakers get particularly assertive or obnoxious, it can be annoying, offensive, or even hurtful but it's usually still protected speech. The Supreme Court continues to affirm that **public colleges and universities can't punish or censor the expression of an idea simply because it is offensive, disagreeable, or even hateful.** In those situations, the Supreme Court recognizes that you can exercise your own free speech rights, or you can walk away. Often, provocative speakers are looking to get a reaction from people walking by; denying them a strong reaction defeats their objective. As a Supreme Court Justice has said, just because you have the right to say something doesn't mean that you should say it.

As a public university, CSU can impose reasonable content-neutral restrictions on speech. Some examples of these types of restrictions, which apply to everyone regardless of the content of their speech, include limiting the amplification of sound, prohibiting those who engage in speech from blocking entry and exit to buildings or disrupting university activities, and disallowing the use of unsafe items.

Outside of an area on campus that is a public forum or designated public forum, there are certain places that are not considered public forums. Those spaces may include, among others, office spaces, classrooms, and residence halls. In those places, different rules apply – so you want to **do some homework about what's allowed where.**

Read the full CSU policy on free speech and peaceful assembly at: col.st/KICxV

WHEN SPEECH GETS UGLY

Sometimes people say terrible, hurtful, and highly offensive things. They may use language that is hateful, racist, sexist, homophobic, transphobic, insults someone else's religious or political beliefs, or is just plain mean.

Most of this ugly speech is still protected, free speech. That doesn't make it right – it just means the university and other government agencies can't censor it. CSU may use its own free speech rights on some occasions to condemn speech that is antithetical to university values and the Principles of Community, but it cannot censor or punish people for exercising their free speech rights unless they cross a line into unprotected speech that might involve criminal threats or behavior.



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WHEN IS SPEECH NOT PROTECTED UNDER THE FIRST AMENDMENT?

- When it's used to incite a breach of the peace
- When it fits into a category of unprotected speech or involves criminal conduct
- When non-verbal symbols are used to encroach on or desecrate private property
- Acts of physical violence and threats

TIPS FOR DEALING WITH HATEFUL SPEECH

The government (including CSU as a public university) generally can't silence ugly or hateful speech unless it crosses a very specific line into unprotected speech. **That doesn't mean that such speech doesn't sometimes cause real harm. It does.** And individuals can use their own voices and respond in a lot of different ways, ranging from ignoring it to calling it out publicly on social media.

Members of the campus community may **engage in counter-speech and counter-programming** to combat hate speech, so long as they do not interfere with the rights of others to exercise their right of free speech.

Some speakers intentionally choose to engage in provocative speech to bait people into a reaction that they can record and post on social media channels. **These speakers gain their notoriety by being provocateurs.** Sometimes, the best response to these speakers is not engaging at all.

Hateful speech can occur unexpectedly. The unpredictable nature of such encounters can leave us feeling unprepared when an incident occurs. If you remember these key points, however, you can effectively respond.

- Prioritize yourself, your friends, and your well-being
- Engage bystander intervention strategies (see QR code #1 on front side or visit col.st/h1q1m to learn more)
- Use the campus student support resources available to you (see QR code #2 on front side or visit col.st/HYVw to learn more)

FREEDOM OF SPEECH IS NOT FREEDOM FROM CONSEQUENCES

Exercising your right to free speech comes with a responsibility to use that right thoughtfully and intentionally. That begins with those rights and how they apply to your own lives, work, and voices. You have the right to free expression, but that doesn't mean that your speech will be free from possible consequences just because it is protected by the First Amendment.

While the university may not silence most hate speech, it can use its own speech to condemn specific acts of hate. Additionally, your peers may use counter speech in response to your speech. If you say something offensive, you may find yourself publicly called out for it by others on social media or in other forums. Others may choose to ostracize you. People might decide to protest against a speaker you bring to campus.

The consequences can be particularly severe for social media users. An offensive post on your private social media account can be spread widely and generate public backlash, impact your relationships with others, and follow you for years, including when you are seeking employment or other opportunities.



For more information on Your Voice, Your Vote, and Your Rights, visit: csusystem.edu/free-speech



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Frequently Asked Questions

Q If a speaker on the Plaza says something hateful, can't CSU tell them to stop?

A No. The Plaza is a public free-speech zone where people can exercise their right to free speech, and CSU, as a public university, can't interfere with that right.

Q If someone is holding an event on campus, can I protest it?

A The university acknowledges the right of students and others to assemble in groups at certain locations on the university campus for peaceful rallies, counter demonstrations, and gatherings, so long as the act doesn't unreasonably interfere with the rights of others to peaceably assemble or to exercise their right of free speech, disrupt the normal functioning of the university, damage property, or endanger the health or safety of oneself and others.

Q If people are bothering me near my residence hall, can I tell them to stop?

A Like classrooms, residence halls are considered non-public areas, even at public universities. The courts have ruled that in these spaces, and on the sidewalks leading up to them, students have the right to be left alone from unwanted speech – in the same way that someone living off campus has the right to decide who gets to come into their home and talk to them.

Q I think someone crossed the line into unprotected hate speech at CSU. How do I report it?

A CSU offers a bias reporting website that is open to everyone at biasreporting.colostate.edu. All reports receive a thoughtful review by a campus team well-trained in the First Amendment and bias incident response.

Q If a speaker has created significant unrest or disturbances at other institutions does that allow the university to deny their ability to speak?

A No, as a public university CSU will do everything in its power to support the right to free speech and peaceful assembly, though reasonable restrictions around time, place, and manner may be enacted.

Q Can the university take action if someone posts offensive or false messages on social media?

A CSU, as a public university, generally can't control what you post on your private social media channels, but the First Amendment does not apply to private actors, including those companies that operate private social media sites, in the same way. A private business owner or citizen has the ability to control their private space as they see fit. If a business owner, roommate, or friend asks you not to say something in their private space, they have that right – they're not the government. So it's important to think about how we talk to each other.

Protests & Assemblies: WHAT IS AND ISN'T ALLOWED?

ALLOWED:

- **Peaceful assemblies:** Assembling in groups for peaceful rallies, demonstrations, and gatherings on parts of the university campus that are designated public forums and comply with applicable policy guidelines. Public health restrictions may also apply.
- **Countering speech:** The First Amendment encourages speech and counter speech, and you may exercise your own First Amendment rights to counter someone else's speech with your own, provided it does not interfere with the rights of others to peaceably assemble or exercise their right to free speech.
- **Events:** Authorized organizations may reserve spaces on campus and in campus facilities for events. The sponsoring organization and participants must comply with law enforcement and the campus's relevant policies and event guidelines.
- **Chalking:** In certain designated locations, you may express yourself with washable chalk (no spray chalk or paint) on horizontal concrete ground (no steps, paving stones, buildings, or walls). Please check with the applicable policy beforehand to learn where chalking is or is not permitted.
- **Posters:** Only posters that are sponsored by registered student organizations or an official university unit or department are allowed in designated areas, with university permission.
- **Silent and symbolic protests:** Displaying a sign in certain locations on campus, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access to facilities. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention to a lawful assembly and/or an official university event.
- **Campaigning:** CSU encourages its students, faculty, staff, and other members of the community to participate in political discourse, enlightenment and action, and welcomes these activities to our campuses. As a public university system of the State of Colorado, CSU is subject to the limitations of the Colorado Fair Campaign Practices Act (FCPA), which generally prohibits CSU (and other public entities) from expending any public money for contributions to a campaign for elected office or from urging electors to vote in favor or against any ballot issue or referred measures. Employees and students are free to express their political opinions when speaking or writing as individuals in their personal capacity and not as a representative of an institution.

NOT ALLOWED:

- **Unlawful activity.**
- **Disruptive activity:** Any act that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal functioning of the university, damages property, interferes with a university event/function, or endangers health or safety is specifically prohibited.
- **Blocking reasonable access:** The university is required by law to provide and maintain reasonable access to, and exit from, any office, classroom, laboratory, or building. This access must not be obstructed at any time.
- **Silencing or attempting to silence a speaker.**
- **Preventing others from seeing or hearing at an event:** Displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access to facilities. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention to a lawful assembly and/or an official university event.
- **Unsafe items:** The display of firearms or weapons and the illegal possession of firearms or weapons, as well as the possession of torches or other items with an open flame greater than one inch, sticks, poles, shields or other items that may be used to cause injury is prohibited. Persons may carry signs or flags as long as those signs or flags are not attached to a stick or pole. In addition, depending upon the event and its location, the university may have additional restrictions that limit the possession of other items.
- **Unpermitted events outside public hours:** Using campus public areas, including the LSC Plaza area, for events, demonstrations, meetings, assemblies, or other expressive activity before 7 a.m. and after 7 p.m., without a prior reservation for an official university event that has been approved by the university, is prohibited.
- **Posting signs, posters, or banners of any kind on campus trees.** It's just hard on the trees and wildlife.
- **Posting signs, posters, or banners without official permission or in areas not designated for this purpose.**
- **Disrupting classes.** Classroom speech is different from speech in public forum areas. Certain types of speech aren't allowed, including any activity that interferes with a faculty member's ability to conduct class.