

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	1	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES

PREAMBLE AND STATEMENT OF POLICY

These regulations shall be interpreted in accord with the requirements of the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accord with generally accepted concepts of academic freedom as followed nationally and at the University of Utah. It is the purpose of these regulations to protect and enhance the free exchange of ideas in the University and on the University campus. The primary function of a University is to discover and disseminate knowledge by means of research and teaching. To fulfill these functions a free interchange of ideas is necessary. It follows that the University must insure within it the fullest degree of intellectual freedom and protect the opportunity of all members of the University community and their guests to exercise their intellectual freedom and protect their right to communicate with others in the University community.

Academic freedom, the free flow of ideas, the right to speak and the right to hear must be protected not only from censorship but also from those committed to interference with a speaker's presentation through acts of disruption. It is the responsibility of all members of the academic community to refrain from such conduct and the University shall apply appropriate sanctions under proper procedural safeguards to those who violate this obligation.

All persons on the campus of the University of Utah, whether administrators, faculty, students, employees or guests, are subject to the law and the regulations of the University. Those who violate the law or the University's regulations while on the campus do so at the risk of prosecution in the courts by appropriate government officials or proceedings authorized by University regulations. By virtue of regulating the exercise of free speech on the campus, the University does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

TITLE I

DEFINITIONS

SECTION 1. ACADEMIC FREEDOM AND TENURE COMMITTEE

The Academic Freedom and Tenure Committee is the elected committee provided for in Chapter VII, No. 8-7, Section 2 of the University Regulations.

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	2	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES (continued)

SECTION 2. COMMITTEE ON STUDENT AFFAIRS

The Committee on Student Affairs is a committee of students and faculty with the responsibility of developing and implementing policies pertaining to student life in relationship to the University as provided for in Chapter XI, Section 4 of the University Regulations.

SECTION 3. STUDENT CODE

The Student Code is the Code governing student rights and responsibilities found in Chapter X of the University Regulations.

SECTION 4. FACULTY CODE

The Faculty Code is the Code governing faculty rights and responsibilities found in Chapter XII of the University Regulations.

SECTION 5. MEMBER OF THE UNIVERSITY COMMUNITY

Members of the University community shall include all students, members of the University faculty and teaching staff, all employees holding administrative or staff positions and all personnel associated with the University.

SECTION 6. DEPARTMENTS AND COLLEGES

For the purpose of these regulations, the terms "department" and "college" shall mean those academic units of the University of Utah that are from time to time authorized and established by the Institutional Council of the University of Utah or the Utah State Board of Regents.

SECTION 7. DEPARTMENT OR COLLEGE STUDENT ORGANIZATIONS

For the purpose of these regulations, the terms "department student organizations" or "college student organizations" mean those organizations of students authorized and established by the faculty or College Council of any department or college of the University, that are responsible to the faculty, college council or administrative head of that department or college and in which students in the department or college are eligible for membership.

SECTION 8. SYMBOLIC SPEECH

"Symbolic speech" shall include structures, actions and any other thing or activity for the purpose of expressing views

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	3	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES (continued)

or opinions that is not otherwise included in the concepts of oral or written speech, signs, handbills, posters or other methods of communication.

SECTION 9. COMMERCIAL SPEECH

For the purpose of these regulations, "commercial speech" includes all spoken, written and symbolic speech intended in whole or in part for the personal profit of the person, organization or institution engaged in the speech.

SECTION 10. SCHEDULING DIRECTOR

For the purpose of these regulations, the Scheduling Director shall be the person so designated by the University Administration and charged with scheduling the use of University classrooms, auditoria, and other indoor and outdoor space with the exception of such University facilities as shall be designated by written rules published by the Scheduling Director as outside the jurisdiction of the Office of the Scheduling Director or where administrative directives have vested scheduling authority for facilities in the administration of a college or other subdivision of the University.

TITLE II

GENERAL POLICIES

SECTION 1. FREEDOM OF SPEECH AND ASSEMBLY

Members of the University community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner.

SECTION 2. ACADEMIC FREEDOM

Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University of Utah. Academic freedom shall be recognized as a right of all members of the faculty, whether of tenure or nontenure rank, of all administrative officers, of all academic librarians, and of all students. The University of Utah endorses and hereby incorporates in these regulations the following statements of the American Association of University Professors related to defining academic freedom: "The 1940 Statement of Principles on Academic Freedom and

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	4	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES (continued)

Tenure" and the "1970 Interpretive Comments" thereon; the "1970 Statement on Professors and Political Activity"; the "1970 Statement of the Association's Council: Freedom and Responsibility"; and, the "1967 Joint Statement on Rights and Freedoms of Students".

SECTION 3. FREEDOM OF THE PRESS

Members of the University community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Reasonable and nondiscriminatory rules and regulations, consistent with these regulations, may be adopted regarding the operations of student and faculty publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.

SECTION 4. DUE PROCESS

Due process of law is recognized as essential to the proper enforcement of University rules, and accordingly no disciplinary sanction may be imposed on a member of the University community or an organization by or in the name of the University except in accordance with the written regulations, policies or procedures of the University and the Constitution of the State of Utah and the Constitution of the United States.

SECTION 5. CONDUCT OF CLASSES

Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may dismiss the student from the class and may refer the matter to the University's Student Behavior Committee. Upon dismissing a student from class, the instructor shall immediately notify the Dean of Student Affairs of the action so the student may be informed of the student's right to appeal the dismissal.

SECTION 6. NONDISCLOSURE OF STUDENT VIEWS

Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential and is not to be disclosed to others without the prior written consent of the student involved or under legal compulsion.

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	5	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES (continued)

SECTION 7. ACADEMIC RIGHTS OF FACULTY MEMBERS

- A. A faculty member has the legal rights and privileges of a citizen. He or she may not be subject to punishment or reprisal for the exercise of such rights and privileges. He or she may be subject to sanctions for breach of the rules and responsibilities enumerated in the Code of Faculty Responsibility, University Regulations, Chap. XII.
1. Every faculty member has the right to academic freedom and the right to examine and communicate ideas by any lawful means even where such activities generate hostility or pressures against the faculty member or the University.
 2. A faculty member's exercise of freedom of communication, association, or assembly, or his or her participation in political activities, does not constitute a violation of duty to the University, to his or her profession, or to students, except in situations specified in the rules of the Code of Faculty Responsibility.
- B. Where his or her rank and status are appropriate, a faculty member has the right to vote on faculty appointments, promotions, and tenure and to vote for representatives to department, college and University legislative bodies.
- C. In any disciplinary matter, a faculty member has a right to adequate notice, to be heard, and to decision and review by impartial persons or bodies. In disciplinary proceedings involving a possibility of substantial sanctions, a faculty member has a right to full due process and peer judgment.
- D. Faculty members are entitled to support and assistance from the University in maintaining a climate suitable for the exercise of rights of academic freedom, scholarship, research, and effective teaching and learning. A faculty member is entitled to a classroom free from violence or systematic disruption. The University shall strive to assist the faculty member in improving his or her skills and developing his or her talents as teacher and scholar.

UNIVERSITY OF UTAH
POLICY AND PROCEDURES MANUAL

No.	8-9	Rev.	1
Date	May 15, 1987		
Page	6	of	20

Subject UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES (continued)

SECTION 8. RIGHT TO FORM STUDENT ORGANIZATIONS

Student organizations may be established for any lawful purpose. Affiliation of any student organization with lawful off-campus groups shall not, in itself, disqualify that organization from enjoying the benefits and privileges which the University affords to student organizations. Organizations shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers or representatives may be required by the University as a condition for registration or access to University funds or enjoyment of University privileges.

SECTION 9. REGISTRATION PROCEDURE FOR STUDENT ORGANIZATIONS

A. Registration

Any qualified organization may be added to the University register upon:

1. the filing of a completed University registration form, as provided for in subsection B of this section, with the Executive Secretary of the Committee on Student Affairs, and
2. the recording of the completed form with the Committee on Student Affairs by the Executive Secretary of the Committee.

B. Registration Form

A completed registration form shall include the following:

1. name of organization;
2. address;
3. official representative(s);
4. constitution, charter, or official statement of the organization that:
 - a. sets forth the purposes and organization of the group;
 - b. defines the qualifications for membership;