

Kean University Policy Statement on Free Speech and Dissent

Preamble

Kean University has a long-standing commitment to basic constitutional freedoms. These freedoms are important not only because they are guaranteed within the constitution, but also when considered in light of our University's public dedication to the "transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society."

The Kean University Bill of Rights and Responsibilities, adopted in 1972, affirms the commitment of the University to free speech and to dissent and recognizes the inherent link between these two. It underscores the importance within the educational process of the "search for truth and its free presentation" while extending to members of the campus community the right to "engage in non-violent demonstrations." The importance of the link between free speech and the right to dissent as well as the responsibility for orderly dissent is embodied in the statement that members of the community who wish to dissent have the "obligation not to interfere with any member's freedom to hear and to study unpopular and controversial views on intellectual and public issues."

Similarly the University Policy on Dissent and Campus Demonstrations, adopted in 1972, encourages members of the University community to "register their dissent from any condition, issue, or proposed action by any orderly means." The Policy on Dissent and Campus Demonstrations recognizes also that those who exercise their right to dissent have the responsibility to do so in ways that do not interfere with the basic freedoms of all members of the campus community.

The statement presented in this document derives from and is consistent with the framework established within the University Bill of Rights and Responsibilities and the Policy on Dissent and Campus Demonstrations.

Statement on Free Speech

Kean University is committed to maintaining an environment which fosters free speech and open discussion and debate of ideas. Members of the campus community are encouraged to listen to the ideas of any person. This commitment includes supporting the right of a group or individual to sponsor speakers or events with unpopular or controversial points of view, while enabling those who oppose these points of view the opportunity to express disagreement or dissent in ways that do not restrict the ability of individuals to hear the ideas being presented. It is understood also that sponsorship of a speaker or event does not necessarily imply approval of the views presented.

Scope of Statement

The Classroom

As stated in the University Bill of Rights and Responsibilities, academic freedom extends to a faculty member "the right to determine the specific content of his or her course within the established course definition." This right of a faculty member to conduct his or her course free of intrusion from those outside the class is considered inviolate* and therefore, the guidelines (i.e., the Statement) for external speakers delineated in the "Policies and Procedures for University Facilities" manual does not apply to academic instruction. The guidelines (i.e., the Statement) do apply to all other meetings on campus

to which an outside speaker is invited (open meetings).

Open Meetings and Events

All meetings and events to which outside speakers or groups are invited are open, even though sponsoring organizations may limit the audience to members of their groups. For all open meetings or events, provision must be made for members of the campus community** who wish to do so to have access to the words of the speaker.*** This may be accomplished by permitting attendance at the part of the function which includes the talk or by recording (videotaping or audio taping) the talk and making the tape generally available for viewing by the members of the campus community. In accordance with copyright laws, recording may only be done with permission of the speaker.

Statement on Dissent and Protest

Kean University recognizes that the right to dissent is the complement of the right to free speech. Where dissent does occur at the same time and location of the talk,* it must not interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. The dissent might also be expressed in a forum other than at the original talk.

Peaceful dissent (i.e., picketing, distribution of literature, and silent or symbolic protest) is widely recognized as an acceptable means of dissent. Protest should never be disruptive or violent, nor should it result in damage or destruction.

The following examples are meant to suggest the limits of acceptable dissent. They are not intended to be comprehensive.

- a. **Picketing and the Peaceful Distribution of Literature.** Picketing in an orderly way or distributing literature outside a meeting is acceptable as long as these activities do not interfere with gaining access to the meeting or event.
- b. **Silent and/or Symbolic Protest.** The wearing of symbolic clothing or emblems or the engaging in noiseless protests that involve gesturing, standing, or displaying signs are acceptable expressions of dissent, but these activities should not obscure the speaker from the audience's view or prevent the audience from hearing the speaker.
- c. **Vocal Dissent.** Dissenting vocally from a speaker's views, especially if the vocal protests are similar in kind and degree to the reaction of those supporting the speaker, is acceptable. Disrupting a meeting or event with prolonged chants or other noise in a manner that interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
- d. **Force or Violence.** Using force or violence is never an acceptable form of protest. Freedom of movement may not be interfered with.

All persons at a talk must respect the right to dissent, as defined above. Any person who interferes with acceptable forms of dissent is considered in violation of this policy in the same way as is a dissenter who violates the rights of the speaker or the audience.