

Freedom of Expression at UW-Eau Claire

Guiding policies and procedures

University Mission

We foster in one another creativity, critical insight, empathy and intellectual courage, the hallmarks of a transformative liberal education and the foundation for active citizenship and lifelong inquiry.

Purpose

It is the policy of the UW System Board of Regents that the facilities of the university are to be used primarily for purposes of fulfilling the university's missions of teaching, research and public service. University facilities are not available for unrestricted use for other purposes. In order to preserve and enhance the primary functions of university facilities, the policies, principles, and procedures articulated and encapsulated in this document shall guide the University of Wisconsin-Eau Claire's decision-making process when reviewing or preparing for activities on university lands or in university facilities that could potentially disrupt university functioning.

Statement of Principles

The University of Wisconsin-Eau Claire believes in our responsibility as a public institution to open our campus to all ideological perspectives in accordance with the First Amendment of the United States Constitution. To this end, the university adheres to the principles enumerated in [UW System Regent Policy Document 4-21](#) when making decisions about freedom of expression.

Access to and conduct on UW-Eau Claire's campus are governed by [Chapters 18](#) and [21](#) of the UW System administrative code, and student non-academic disciplinary procedures are governed by [UWS Chapter 17](#). A number of campus policies are also in place to ensure equitable access to campus facilities for the purposes of free expression by on- and off-campus stakeholders. These include: [solicitation](#); [distribution of promotional material](#); [placement of lawn signs](#); and [use of tabling](#). Decisions made about allowing access to campus for external groups sponsored by university organizations or that have rented facilities shall be consistent with and pursuant to these guiding policies and principles.

Time, Place, and Manner Restrictions

Per UWS 21.01, "the facilities of the university are to be used primarily for purposes of fulfilling the university's missions of teaching, research and public service." The time, place, and manner of other functions taking place on university lands are subject to restriction. These restrictions are sanctioned by UWS Chapters 18 and 21, as well as RPD 4-21, and implemented by the Chancellor of each UW System university through campus-specific policies and procedures. UW-Eau Claire's spaces can be reserved through [Event Services](#).

Time, place, and manner restrictions can also apply to free expression if that expression violates [UWS Chapter 18.11\(4\)](#) by obstructing activities in alignment with the university's mission. This includes protest activities that obstruct access to university buildings or spaces therein, create noise that unreasonably interferes with university activities, or demonstrations that "intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property." In this instance, "intentionally" means that "the participant or spectator *knew or reasonably should have known* (emphasis added) that his/her conduct

by itself or in conjunction with the conduct of others would have the prohibited effect” of disrupting university activities. Activities on university lands that violate 18.11(4) may be declared unlawful.

UW-Eau Claire will make its facilities available to university groups or external groups affiliated with a university organization, and rent facilities to external groups regardless of the viewpoints, ideologies, and/or beliefs espoused in rented facilities, but reserves the right to refuse to make available or rent facilities if there is a reasonable expectation that planned activities would violate UWS Chapters 18 or 21, or significantly disrupt the institution’s core mission of teaching, research, and public service.

Misconduct

Student conduct that interferes with free expression by other groups may be subject to UW-Eau Claire’s [Blugold Student Conduct Code](#), our campus-specific implementation of [UWS Chapters 14](#) and [17](#), as well as [RPD 4-21](#). Non-students engaging in the same behavior on university lands may be found to have committed [disorderly conduct](#) as prohibited by UWS 18.11(2) and Wis. Stat. § 947.01.

Potentially Disruptive Event Procedure Checklist

To ensure consistency, UW-Eau Claire shall proceed accordingly when made aware of an upcoming campus event that features potentially disruptive activities by a speaker or group:

- Find out as much information about the speaker/event as possible:
 - Is the speaker/event sponsored by a university group? If so, identify the sponsoring organization/department/club
 - Is the speaker/event an external entity seeking to rent university facilities? If so, identify the organization and obtain information concerning similar events at other locations
 - Date, time, location
 - Plans for ticketing and promotion
 - Speaker/event details, including size of anticipated event

- Prior to entering into any facility use agreements, contact the Assistant Chancellor for Facilities and University Relations who will convene/consult with representatives of:
 - Chancellor’s Office
 - Academic Affairs
 - University Police
 - Risk Management
 - University Centers
 - Dean of Students Office
 - Affirmative Action Office
 - Integrated Marketing and Communications
 - Student Senate leadership
 - Others as necessary depending on proposed location/nature of speaker or event

- If applicable, Assistant Chancellor and appropriate representatives listed above will consult with the sponsoring organization/department/club to explore issues such as:
 - Why are you inviting the speaker/event? What are the goals of the event?
 - Do you understand the speaker/event and their/its motives?

- Have you viewed previous presentations/events?
 - Have you considered whether the speaker/event could pose any safety issues?
 - Have you considered whether hosting the speaker/event could create any other potential negative consequences?
- Once a determination is made to proceed with the speaker or event, the Assistant Chancellor will convene a planning group to:
- Review appropriate campus policies governing such speaker/event
 - Determine how appropriate time, place and manner restrictions will be implemented to ensure the speaker/event is not disruptive – including, but not limited to – scheduling the presentation/event location, time of day; ensuring the event/speaker will not impede/interfere with normal access to sidewalks, thoroughfares, buildings, etc.; identifying/implementing preferred locations/routes for speaker security and event attendee queuing; enforcing restrictions on amplified sound; identifying/implementing necessary “buffer zones” between event attendees/opposing groups and university faculty staff and students who need to access buildings/sidewalks/parking lots as part of essential operations.
 - Communicate to campus/external constituents/public the nature of the speaker/event, including date, time, location and other pertinent details
 - Communicate/coordinate as appropriate with external constituents including City of Eau Claire Police, Fire, and Eau Claire County Sheriff departments, other state and/or federal authorities
 - Secure payment in advance for rental and support services (if the rental involves an external, non-university affiliated speaker/event)
- If a campus event that features potentially disruptive activities by a speaker or group is already underway/about to begin without prior approval/knowledge of the university, university administration shall:
- Contact University Police, director/administrator (e.g. University Centers, Housing, Academic Affairs etc.) where activity is taking place, Assistant Chancellor, Dean of Students, Risk Management
 - Seek counsel from Assistant Chancellor/administration to determine whether the event/speaker should be allowed to continue and/or how time, place, manner restrictions should be applied to prevent disruption to University activities
 - If there is a strong belief that the disruptive activities could “intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property,” consider using the campus Emergency Notification System to alert the campus community

UW System Administrative Code Chapters 14 & 17

Discrimination Prohibited & Equal Opportunity Policies in Education & Employment

The UW-System and its institutions are committed to supporting students of color and students from minority and special populations. Regent Policy Documents (RPD) [14-5](#) and [14-6](#) codify our institution’s commitment to taking active measures to alleviate racism and to provide an educational environment

free of discrimination, harassment, and retaliation, as appropriate. In this regard, special populations may be defined to include social identities in alignment with federal, state, UW, and [UWEC definitions](#).

As such, when a potentially disruptive event or speaker has a history of targeting or substantially impacting minority students, multicultural students, or special population students, or if it is determined that a speaker or group has a history of targeting or substantially impacting members of a particular group, representatives from appropriate university offices should connect with campus group(s) that perceive they could be targeted/substantially impacted by the speaker/event. In communications with campus group(s), University representatives may:

- Disseminate proactive or immediate communication reaffirming our institution's mission and values
- Disseminate proactive communication to the affected groups regarding the details of the potentially disruptive event or speaker
- Coordinate a plan to minimize violence, harassment, and confrontation
- Hold proactive strategy sessions with groups/allies and design an action plan
- Encourage the organization of a positive, alternative event—away from the disruptive event—to help minimize confrontation and violence
- Consider denouncement of the speaker/event if the speaker or organizer threatens groups or incites violence
- Recommend that the potentially impacted group(s) consider working with University representatives to meet with sponsoring group to discuss any concern, if interested
- Encourage the targeted groups to seek support from other campus groups and University representatives (i.e. political organizations, student organizations, faculty members, alumni, etc.)
- Encourage groups/allies to advocate their point of view
- Create safe/brave spaces for those affected the day of the speaker/event
- Following the speaker/event, consider creating activities for affected groups/individuals
- Any other action deemed appropriate