

UNM West

Policy on Free Speech

As an extension of main campus, an institution that exists for the express purposes of education, research, and public service, UNM West is dependent upon the unfettered flow of ideas, not only in the classroom and the laboratory, but also in all university activities. As such, protecting freedom of expression is of central importance. The exchange of diverse viewpoints may expose people to ideas some find offensive, even abhorrent. The way that ideas are expressed may cause discomfort to those who disagree with them. The appropriate response to such speech is speech expressing opposing ideas and continued dialogue, not curtailment of speech.

UNM West also recognizes that the exercise of free expression must be balanced with the rights of others to learn, work, and conduct business. Speech activity that unduly interferes with the rights of others or the ability of UNM West to carry out its mission is not protected by the First Amendment and violates this policy.

Core Principle

UNM West is committed to tolerate all peaceful speech activities carried out upon the campus unless those activities destroy or materially damage property, materially disrupt other legitimate university activities, or create a substantial health or safety hazard. This policy applies to all buildings, grounds, and property owned or controlled by UNM West.

Speech Activities

Speech activities protected by this policy include speechmaking, praying, the distribution of written materials, picketing, assembling in groups, demonstrating, sidewalk chalking, erecting symbolic structures, and any other actual or symbolic speech or conduct intended to communicate an idea.

Legitimate University Activities

Legitimate UNM West activities include teaching, research, and public service; all of the administrative operations supporting those activities; and the performance of all university - approved educational, commercial, research, professional or other activities by public or private contractors, tenants, or permittees. An activity scheduled through UNM West's scheduling process using a Facilities Agreement is a legitimate UNM West activity.

Materially Disrupting Activities

A speech activity materially disrupts other legitimate university activities when a reasonable person is unable to effectively perform a legitimate UNM West activity because of the speech activity taking place. Examples of when a speech activity may materially disrupt other legitimate university activities include, but are not limited to:

- Conducting the speech activity at a volume that substantially disrupts the normal use of classrooms, offices, laboratories, and other UNM West facilities or grounds;
- Physically preventing persons from entering or leaving a building or premises;
- Conducting a speech activity inside a building and not ending it at or before the close of the building's regular hours. Building hours are posted throughout the building, as well as at the main entrance.
- Destroying or materially damaging any property; or
- Creating a substantial health or safety hazard.

Scheduling

Subject to the exceptions described below, scheduling to use UNM West facilities for speech activities would go through a facilities rental process requiring a Facilities Agreement. Users, however, should be aware that many facilities, both indoor (e.g. classrooms) and outdoor (e.g. patio), are used for regularly scheduled activities that have priority over other uses. UNM West has designated the downstairs lobby area and the outside patio on the north side of the building as free speech zones. In order to reserve the desired space and avoid conflicts with other users, groups or individuals wanting to use a regularly scheduled UNM West facility for a speech activity are encouraged to schedule it at least twenty-four (24) hours in advance with the UNM West Building Manager and filling out a Facilities Agreement form. Users who fail to schedule a speech activity that occurs and unduly interferes with a prior scheduled activity are in violation of this policy.

Scheduling Required

Because of the small size of the UNM West campus, safety, logistics, and other considerations, all activities must be scheduled in advance using a Facilities Agreement Form, particularly the following:

- Assemblies or large events in a UNM West auditorium or similar facility.
- A planned demonstration is a public manifestation of protest, condemnation, or approval; taking the form of a mass meeting, procession, picket, or similar activity which is organized and promoted more than a day before the event. Users must schedule such events with the UNM West Building Manager at least twenty-four (24) hours in advance. This does not apply to spontaneous demonstrations for which there is no prior promotion or organization or where events do not allow at least twenty-four (24) hours' notice in advance. In such situations, as much prior notice as possible must be provided to the UNM West Building Manager.
- Building a symbolic structure on campus, which must be scheduled with the UNM West Building Manager at least twenty-four hours in advance.

Scheduling does not operate as a process for prior approval of speech activities based upon content. Speech activities will be scheduled on a first-come, first-served basis for the requested location. Events will not be scheduled only if there is a scheduling conflict with an earlier planned event or if the requested event will clearly result in a violation of this policy. The

viewpoint to be expressed through the speech activity is not a factor in scheduling. A decision not to schedule an event may immediately be appealed to the Chief Executive Officer of UNM West.

Enforcement

Any person violating this policy may be subject to:

- Institutional disciplinary proceedings under the Student Code of Conduct if a student or the Visitor Code of Conduct if a visitor. Violations by faculty or staff will be referred to the Chief Executive Officer and/or appropriate main campus department or academic unit;
- An order to leave the premises or property owned or controlled by UNM West by the police, UNM West security or a person in charge of the property; and/or
- Arrest for violation of state law(s).