

# FREEDOM OF EXPRESSION AND GUIDELINES ON PEACEFUL DISSENT

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As a public institution and a statewide community of scholars and learners, the University of New Hampshire strongly values free speech both in the statement of an idea and in the response to that idea and is committed to fostering vigorous debate based on facts and evidence. Generating and exploring innovative ideas and realities requires us to permit multiple perspectives and dynamic discourse. Therefore, protecting and promoting freedom of speech and expression is not only a fundamental constitutional right but also the very bedrock of learning and developing students to become global citizens.

Student activism dating back to the sit-ins that formed the basis of *Dixon v. Alabama* in February 1960 and the seminal decision on due process on public college campuses issued more than a year later by the Fifth Circuit Court of Appeals, are the same concepts, safeguards and requirements articulated in the [Declaration of Student Rights and Responsibilities](#) of this document and the framework which informs how our university-wide conduct system operates today.

Different ideas in the university community will often and quite naturally conflict. All community members have an opportunity to model productive disagreement and mutual respect. However, it is not the proper role or position of the University to shield an individual's ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply abhorrent, nor shall the University sanitize those differing perspectives to protect the intended audience. These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters, or on matters of public concern.

## I. Guiding Principles

While the First Amendment protects the right to express one's views, it does not provide license to say and do anything one chooses, nor does it imply immunity from prosecution for illegal acts of wrongdoing. Voluntary compliance with laws or university regulations is the primary objective, and with the understanding that responsible dissent carries with it a sensitivity for the civil rights of others.

The First Amendment permits the University to place reasonable time, place, and manner restrictions on that expression within the bounds of the law. The University will not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations.

The University has a duty and will take whatever steps it deems necessary to protect its property, the right of any individual or organization to demonstrate and publicly proclaim any view, however unpopular; and protect the freedom of speech, assembly, and movement of any individual or group that is the object of the demonstration. When possible, the University will provide individuals with a reasonable opportunity to correct or modify behavior as an attempt to resolve matters at the lowest level and without the use of more formalized measures. Accordingly, the University is prepared to respond to violation of laws or university regulations and may employ a range of measures up to and including arrest.

## II. Scope and Applicability

This policy applies to currently enrolled students at UNH.

In the event that non-affiliated third parties, including guests of students or student organizations, visitors, off-campus organizations or vendors are invited by a bona fide student or student organization to participate in demonstrations, rallies, leafletting or equivalent activities, all non-affiliated participants are obligated to the terms of this policy. Students and student organizations who invite non-affiliated participants to one of our campuses may be held accountable when participants behaviors and actions are incompatible with this policy. Those who are not subject to the University's disciplinary procedures, will be held to the appropriate action under state and federal law for their failure to comply.

Nothing within this policy shall be interpreted as preventing the University of New Hampshire from restricting expressive activities that the First Amendment of the U.S. Constitution does not protect or expression that falsely defames a specific individual, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the normal functioning of the University. Further, nothing in this policy shall be interpreted as restricting or impairing the University's obligations under federal law including, but not limited to, [Title IV of the Higher Education Act of 1965](#), [Title VI of the Civil Rights Act of 1964](#), [Title VII of the Civil Rights Act of 1964](#), [Title IX of the Education Amendments of 1972](#), [Section 504 of the Rehabilitation Act of 1973](#), [Title II of the Americans With Disabilities Act](#), as addressed through its university policies, non-discrimination policies established by the [Civil Rights and Equity Office](#), and [Student Code of Conduct](#).

Any student with questions about the provisions and prohibitions outlined in this policy, may direct some or all inquiries to the [UNH Police Department](#), the [Dean of Students Office](#) or the [Office of Community Standards](#).

## III. Definitions

**A-Frame Exhibit.** A movable and self-supported signboard designed to stand on the ground in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width.

**Amplification.** Sound with volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound but are subject to general rules on disruption.

**Dissent.** Disagreement, a difference of opinion, or thinking differently from others.

**Distribution.** Individuals handing materials to other individuals who may accept them or refrain from receiving them.

**Expressive Activities.** Non-curriculum related, verbal or non-verbal behavior or activity that communicates a message, belief, thought or feeling, or otherwise communicates meaning. The term Freedom of Expression is generally used to convey that not all expressions of ideas or opinions are communicated through speech. Expressive Activities may take the form of a protest, parade, procession, vigil, hosting of a guest speaker, events, marches, display or distribution of published materials, non-commercial transactions and solicitation, handbills and circulars, amplified sound, digital display, and commercial filming and photography, and pure or symbolic speech (e.g., wearing armbands, silent protests, flag waving, etc.).

**General Exhibit.** An object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display not permanently attached to the ground.

**Limited Public Forum.** Sometimes referred to as a Designated Public Forum or an area that has not been traditionally public, but which has been specifically identified as such by the University.

**Non-Public Forum.** An area not open to the public and that by tradition or design, receives very little protection and therefore subject to reasonable time, place, and manner restrictions adopted by the University.

**Public Assembly.** Any gatherings of persons, including discussions, rallies, and demonstrations.

**Public Forum.** An area that has a long-standing tradition of being used for, is historically associated with, or has been dedicated to speech, public debate, and assembly, such as streets, parks, and sidewalks, including those that adjoin public roadways.

**Solicitation.** The sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; or the receipt of or request for any gift or contribution.

**Third-Party.** An entity promoted and executed by an unaffiliated external individual, organization or association that requests use of university facilities or other amenities for its program.

## IV. General Provisions

A permit is required to hold a public event or assembly, except as allowed under the Expressive Activities Forum and Permit Requirements section.

The University reserves the right to require the invited individual or group to provide a certificate of insurance evidencing comprehensive liability coverage for bodily injury and property damage of one million dollars prior to the use of any University space. The sponsoring student or student organization shall be responsible for the conduct of the invited person or organization.

Any person or organization sponsoring an exhibit, as defined in this policy, assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

## V. Reasonable Time, Place, and Manner

The safety and well-being of members of the campus community collectively and individually must be protected at all times. The University maintains the right to define the time, place and manner in which expressive activities occur on campus, and is interpreted and applied so as to respect all federal and state constitutional and statutory rights.

All expressive activities must follow these guidelines, which serve as a mechanism to ensure a successful and safe event:

### GUIDELINES as to TIME

Generally, daily from 8:00 a.m. to 6:00 p.m. unless noted otherwise. Expressive activities must be conducted in a manner that does not

substantially disturb or interfere with academic programs, classroom instruction or normal business operations of the University.

Overnight events, camping in vehicles, tents, or other structures as well as sleeping in public space of any kind on-campus is prohibited. In order to maintain an events calendar that allows for maximum participation by the many groups and units within the University, specific one-time events will be limited to one day or one evening.

### GUIDELINES as to PLACE

Common outdoor area is defined as designated public space, specific to the unique campus that is also generally open to the public (e.g., streets, sidewalks, parks). For the purposes of this policy, common public area may also be referred to as traditional public forum.

Non-public forums or areas on campus solely for university business or an event, an educational function, or a research function on either a permanent or temporary basis including, classroom and laboratory buildings, libraries, dining areas, university housing facilities and administrative or student offices are prohibited from assemblies and events. Members of the general public and campus community are free to enter university facilities (other than restricted areas) during business hours as necessary to transact business, seek information about the University or deliver petitions or correspondence.

University facilities are typically referred to as limited public forums; therefore, indoor demonstrations such as sit-ins continue to be governed by the law of trespass and the Code of Conduct. In recognition of the healing environment essential to its clinical purposes, dedicated staff actively caring for individuals in vulnerable positions and persons seeking access for urgent, potentially life-threatening conditions, the University asks organizers to help protect our centers by refraining from expressive activities inside and around Psychological and Counseling Services and Health & Wellness.

On the Durham campus, the Memorial Union Building, the Field House, the Whittemore Center, and Wildcat Stadium are subject to other rules and are not public areas for the purposes of this policy. Thompson Hall Lawn is reserved for university sponsored events only.

### GUIDELINES as to MANNER

- Public assemblies and events shall not be permitted if they constitute a clear and present danger to the safety or welfare of persons or property.
- Persons may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The right of way on streets and sidewalks must be maintained.
- Persons may not block or otherwise interfere with the free movement of persons on any part of the university campus, including the free entry to or exit from university facilities.
- Persons shall not obstruct, disrupt, interrupt, or attempt to force the cancellation of any event or activity sponsored by the University or by any users authorized to use university facilities.
- Persons shall not engage in harassing, physically abusive, threatening, or intimidating conduct toward any person. This includes but is not limited to messaging on signs or any forms of stakes.
- Persons shall comply with the directions of a university official acting in the performance of their duties.
- Persons on university property may be required to provide identification and evidence of qualification to a university official

upon request. Evidence of qualification means evidence that the person is a bona fide, student or employee at the institution.

- No persons shall wear masks, facial coverings, or disguises that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a UNH employee or law enforcement officer in the lawful performance of their duty.
- The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons and shields are strictly prohibited.
- Laser pointers, body-armor, helmets, sporting protective gear, that alone or in combination could be reasonably construed as worn for participation in potentially violent activities is strictly prohibited.

## VI. Civil Disobedience

Legal protest and dissent are different from civil disobedience. Civil disobedience is public, non-violent, and conscientious violation of law undertaken for the purpose of bringing about a change in law, government policies, or society. In the history of the United States, civil disobedience has helped bring about many highly important, desirable changes in law and society. Although deliberate acts that violate the laws, rules, and policies applicable to free expression may constitute civil disobedience, those who commit such civil disobedience should be willing to and must expect to suffer the disciplinary and remedial consequences of their actions as provided by law, rule, or policy.

## VII. Alternative Forms of Expressive Activities

UNH supports the rights of its members to participate in acts of peaceful dissent. Although demonstrations serve as a well-known technique to express opinions or concerns, we encourage community members to consider alternative approaches that may prove to be just as effective:

- Write letters to the speaker, sponsoring student organization or department, public representatives, or UNH administrators.
- Write, meet, or speak with representatives of the student governing bodies.
- Author an op-ed and submit it to [The New Hampshire](#) student newspaper to consider for publication.
- Display posters or other passive programming as permitted by a building's posting policy or at your off-campus residence.
- Offer support to friends, classmates, and others who might feel hurt, marginalized, or affected by a speaker's position, proposition or topic of discussion.
- Use platforms like Zoom, Microsoft Teams, or social media applications to host campaigns, involve supporters, or host educational meetings.
- Use an online petition platform such as [change.org](#)
- Donate or fundraise for a specific organization or cause. Fundraising activities by student organizations on campus owned, operated, or controlled property for the benefit of the student organization or for non-university affiliated charitable organizations is explained further in the [Student Group Fundraising Activities Policy](#).

## VIII. Expressive Forums and Permit Requirements

The process for holding a public assembly or event will vary depending on the nature of the assembly.

Students and student organizations may hold a small event or assembly in a designated area of campus without advanced notice and without being required to obtain a permit, provided the event or assembly does not exceed 25 persons, is not promoted to the public or the general student body by flyers, posters, mailers, broadcast or print advertising, or social media, the area has not been previously reserved or scheduled for a particular function, and the event does not have booths, amplified or disruptive music, fireworks, food vendors, or BBQ/fires.

Although it is not necessary for students planning a small event or assembly to obtain prior permission from the University, they are encouraged to contact the UNH Police Department to identify an appropriate area for the small event or assembly for scheduling purposes to minimize possible conflicts and to request additional information as needed. If the event is smaller than 25 persons, but requires the use of amplified sound, booths, food vendors, BBQ/fires, or marketing to the public, it would require approval through the permit process as prescribed in this policy.

So long as marchers, protesters, individuals distributing leaflets and picketers stay on sidewalks in a non-disruptive fashion and obey traffic and pedestrian signals, their activity is constitutionally protected even without a permit.

## IX. Advertising, Promotion, and Literature Distribution

### POSTING AND ADVERTISING

Posting of any kind must follow the general requirements and remain in compliance with the expectations set forth in the building where such postings occur. Generally, any signage must be free-standing, not affixed to any structure or inserted into the ground.

Trademarks and copyrights are not protected by the First Amendment. There are separate federal and state laws protecting intellectual property; therefore, the University may take action if a public advertisement or social media post violates a university trademark or copyright. The University also may respond with a banner, comment, or post of its own that clarifies when offending posts contain erroneous information or do not reflect the opinions of the University.

### TABLING

The tables in the hallways of the Memorial Union Building are reserved for solicitation, distribution of literature, and event promotion by student organizations, university departments, and entities approved by the Scheduler of the Memorial Union & Student Activities. The Memorial Union has established tables in the hallways that may be reserved on a first-come, first-served basis in the Memorial Union Office and are subject to the Memorial Union Building policies and procedures. Student organizations and university departments may use the designated tables in accordance with applicable Memorial Union and Student Activities policies.

### LEAFLETING

Students and employees may distribute, without registration or advance approval, non-commercial announcements, statements or materials in any public area of the campus, the use of which is not otherwise restricted

or scheduled. Persons distributing such materials are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. Leaving materials unattended on a surface to be picked up is considered littering, not distribution. For purposes of this provision, announcement, statements or materials pertaining to the sale of goods or services authorized by the university administration are considered non-commercial.

As a general rule, representatives of non-commercial off-campus organizations, such as political, religious, and charitable groups, will not be permitted to solicit on university premises.

Non-affiliated third parties and agencies who wish to distribute literature or solicit contributions, including requesting a small fee or voluntary contribution for the literature to defray expenses, and engage in sequential, incidental, brief, and transitory verbal interactions with passersby on the sidewalks and in the parking lots on university property must first obtain a permit from the UNH Police Department.

No person may solicit door-to-door in university housing facilities, classroom buildings, laboratories, or administrative buildings under any circumstances.

## EMAIL AND TECHNOLOGY RESOURCES

Students and student organizations may maintain email distribution lists for the purpose of promoting events. Email distribution lists should include a mechanism for individuals to opt out or unsubscribe from receiving emails. All university issued accounts must adhere to regulations set forth in the University's [Acceptable Use Policy](#).

## X. Meeting Room and Event Space Reservation

The University is comprised of spaces that may be reserved for holding events of varying sizes. Students and student organizations on the Durham and Manchester campuses, can submit room reservation requests in the Memorial Union Building through the [Online Room Scheduling Portal](#). Academic classroom reservations are handled by the Registrar's Office Scheduling Department.

To inquire about other available spaces for an event on the Durham campus, contact [Events and Conference Services](#). Information and instructions for meeting room and event space reservations on the [Manchester](#) and [Concord](#) campuses are also found online.

Non-affiliated third parties must contact the specific facility they wish to reserve to inquire about reserving space.

## XI. Unscheduled Demonstrations

Applying for a permit or reserving a specific campus area in advance is recommended if you are planning an expressive activity, because official approval accords benefits such as coordination with university departments, including arrangements for crowd control, parking, sanitation and restroom facilities, and provisions for protection of the health, safety, and security of persons and property.

To that end, UNH understands that events within our community and around the world demand immediate public outcry. It is not the intent of this policy to limit students from exercising their rights to protest such events. Responsible dissent calls for every Wildcat to be stewards of integrity in their pursuit to be agents of change. It is inappropriate for events that have been planned to circumvent the policies by claiming to be spontaneous.

## XII. Permit Process for Expressive Activities

All applications for permits shall be assessed on a viewpoint-neutral basis.

There is a presumption in favor of issuing a permit for assemblies and events provided that the registering unit or organization demonstrates that compensation will be made to all servicing departments for all expenses resulting from the public assembly or event, including security, custodial service, traffic control, grounds maintenance, food service, and conference or facility arrangements. If at any point the community's safety is in question, the Chief of Police or their designee, may exercise their discretion in accordance with N.H. Rev. Stat. § 105:9, and detail one or more police officers to attend and remain present for an event, at which time services and any reasonable costs accrued shall be paid for by the applicant.

The unit or organization requesting a permit shall provide complete and accurate information about the event through the approval process on [Catalyst](#). The unit or organization requesting a permit shall identify at least one full-time faculty, staff, or student officer to be always present at the assembly or event and to be responsible for the conduct of the event. Non-affiliated third parties applying for a permit must do so through the [UNH Police Department](#).

Failure to obtain and display a permit, violation of the Code of Conduct, or violation of the conditions of a permit may result in cancellation of a permit, requirement to leave and not return, or denial of permits in the future.

The following information shall be required, as applicable, from all applicants for each public assembly or event:

1. Proposed date, start and end time, and location of the assembly or event.
2. Expressive activity description, purpose, and anticipated attendance of the assembly or event.
3. Name and address of sponsoring unit or organization.
4. Name and address of person filing application, positive form of I.D., and signature.
5. Name and address of the person in charge of the assembly or event.
6. Type of equipment or structures, if any, to be used during the assembly or event, including posts, anchors, holes, or trenches to be placed in the ground.

If the event or assembly includes booths, music, fireworks, food vendors, or a BBQ/fire, name of all vendors, and descriptions of all sources of flame such as BBQ-type grills (non-commercial, gas or charcoal), open pit, please refer to the [Commercial Activity Policy](#) for more information.

Applicants, shall consult the following individuals or their designees, as appropriate, about plans for the event or assembly and obtain their signature or other satisfactory evidence of the consultation:

Chief of Police, UNH Police Department (603) 862-1427  
 Captain on staff, Durham Fire Department (603) 862-1426

When open sources of flame will be present:

Director, Plant Maintenance, Leavitt Center (603) 862-3936  
 Manager, Grounds and Roads (603) 862-3518  
 Office of the President (603) 862-2450

For events or assemblies on Thompson Hall Lawn or Great Lawn:

Manager, Grounds and Roads, (603) 862-3518

For events or assemblies on the Manchester Campus:

Coordinator of Public Safety Security Services

Email: [unhm.security@unh.edu](mailto:unhm.security@unh.edu)

### **XIII. Permit Appeal Process**

A student or student organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission to the Dean of Students to determine the propriety of the order limiting the speech, expression, or assembly. Appeals must be in writing and submitted via email to [dean.students@unh.edu](mailto:dean.students@unh.edu) within three business days of the denial for review.

The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

The Dean of Students has discretion to designate another university official to review the contents of the appeal and make the appropriate decision as soon as administratively and expeditiously as possible. Decisions may be communicated in writing, over the phone or by virtual or in-person meeting. All decisions made are final and non-reviewable. Whether the Dean of Students or their designee responds to the appeal is the prerogative of the appointed reviewing officer.

### **XIV. Political Events**

The University has a long history of hosting candidates, campaigns, political parties and other political organizations in one of its facilities for events that engage the campus community, the state and the nation in the political process. Accordingly, the institution has established Guidelines for Hosting Political Events. The Public Relations Manager is responsible for the coordination and management of such events; all inquiries should be directed to the Marketing Office.