

WSSU will alter policy on protests and demonstrations

Officials say intent was not to limit speech

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The chancellor of Winston-Salem State University said Friday that the university will revise a new policy that limits unscheduled protests and demonstrations to one area of campus.

Donald Reaves said that the new policy wasn't intended to limit free speech at WSSU.

But it has caught the attention of a national civil-liberties watchdog group that has successfully helped challenge free-speech zones at public universities across the country.

The Foundation for Individual Rights for Education, or FIRE, sent a letter to WSSU on Friday criticizing the university's policy for being too restrictive and suggesting that it may violate the First Amendment.

WSSU's policy limits unscheduled protests to the breezeway of the Thompson Center, which houses the university's cafeterias. Groups would be able to assemble in areas typically used for public activities if they schedule them with the university. The university would need to be notified at least three business days before the activity.

The policy promises not to restrict the content of any protest, demonstration, speech or program and applies to students, faculty, staff and off-campus groups.

FIRE is a watchdog agency that supports students and faculty who challenge potential First Amendment violations at universities, said Samantha Harris, the group's director of legal and public advocacy. The group does not file lawsuits against the universities.

"Free speech really should be a norm all over campus," Harris said.

Courts have ruled that schools are allowed to restrict the time, manner and place of free speech, but not its content. In 2005, the 4th Circuit Court of Appeals ruled that free-speech zones are allowed under certain circumstances. North Carolina is in the 4th Circuit's jurisdiction. Courts have tended to treat students and other people affiliated with a university differently than people who are not.

The problem is that many schools' policies are too broad, Harris said, and that's what she thinks is wrong with WSSU's.

"Obviously, if you have people loudly demonstrating outside of classrooms during business hours, that would undermine the university's educational mission," she said. "But to the extent that it applies to green space, parks ... those sorts of traditionally public spaces need to be open to free speech."

WSSU didn't intend to limit free speech, Reaves said. It wanted to give students places where the university had resources to accommodate them.

"It's really about space utilization," he said. "And so if people are going to construe it to mean that it is a denial of free speech, then they should simply stand by because we are going back to edit it. We intend on revising the policy ... and making the campus as open as possible."

"If you look at the Winston-Salem campus, there aren't a lot of places where someone might

assemble," Reaves said.

But he added that they have the right.

"Listen, as far as I'm concerned, all parklike areas are open," Reaves said. "Those areas are not restricted. Despite what the policy says."

FIRE criticizes the policy for being "impermissibly vague."

"As an attorney with expertise in constitutional law, I cannot understand precisely where assembly is permitted on WSSU's campus; how, then, are WSSU students supposed to figure it out?" Harris wrote.

The letter asks WSSU to respond by Jan. 18.

FIRE became involved in a free-speech-zone issue in 2005 at UNC Greensboro. There, a group of students were brought up on honor-court charges for protesting the university's two free-speech zones. The protest was held in front of the library, which was not a free-speech zone.

UNCG did away with its zones in March 2006. The university still has guidelines for public assemblies, but no longer restricts unscheduled gatherings to those two spots on campus. And people who are not students or affiliated with the university must have a written invitation from a university group to conduct an outdoor gathering on campus.

UNCG was re-considering the zones before the demonstration, said Lucien "Skip" Capone, the college's attorney.

FIRE learned about WSSU's new policy by reading a *Winston-Salem Journal* story, Harris said. Typically, the group finds out about free-speech zones through students.

That happened at Colorado State University last year, when FIRE sent university officials a letter that, in part, complained about a policy that designated an area near the university's student center as the "primary" place for free speech on campus. The university's attorney said that students could demonstrate in other areas of campus, and policy changes reflected that, *Colorado Springs Gazette* reported.

"The university said this was not our intention and clarified the policy," Harris said. "It was not a hostile process. And that's exactly the kind of outcome we are hoping for here."

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