



## APPENDIX IV

# Free Expression

The university as an institution of higher education benefits from the free exchange of ideas and robust debate on the issues that confront our society. Our right of freedom of speech and expression is a fundamental foundation of our educational mission, and we respect the right of our students to exercise their right of free speech and expression. No right, however, is unlimited, and with the exercise of any right come important responsibilities. We explain below the rights, responsibilities, and limits on the exercise of free speech and expression in our academic environment.

### ***Free Speech Rights.***

The First Amendment of the U.S. Constitution protects the right of free speech from government interference, and California's Leonard Law prohibits the university from making or enforcing a rule that subjects an enrolled student to disciplinary sanctions solely on the basis of speech protected by the First Amendment. The university fully supports the exercise of free speech consistent with the First Amendment and the Leonard Law, including the right to protest and demonstrate. The university's position is set forth in the following statement on Student Rights and Responsibilities:





## Appendix IV: Free Expression

*Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinion publicly and privately. They shall be free to support causes by all orderly means, which do not disrupt or substantially interfere with the regular and essential operations and activities of the university, since such disruption or substantial interference violates the responsible exercise of free inquiry and expression. Students and organizations shall make it clear to the academic and larger communities that in their public expression they speak only for themselves.*

The First Amendment protects the exercise of free speech in ways that sometimes makes us uncomfortable, and courts have protected speech that is insulting, outrageous and offensive. The

First Amendment protects what is commonly called “hate speech.” The university cannot discriminate based on the content of student’s speech simply because some other members of the community may find it offensive.

While we hope and encourage USC students to embody the university’s [Unifying Values](#), including our commitment to diversity, equity, inclusion and well-being, many statements that may conflict with those cannot serve as grounds for discipline under this student handbook. The university in no way condones hate speech and expects that every student will engage in dialogue that is respectful of others. We learn when we listen. The best answer to hate speech is an environment that allows each individual or group to contest the ideas that they oppose and to win over others to their point of view.

If any student is adversely affected by speech that is legally protected, the university has resources available to help. The Office for Equity, Equal Opportunity, and Title IX (EEO-TIX) maintains a [list](#) of both private and confidential resources that are available to students who are negatively affected by the speech of expression of others.

### ***Speech That May Not Be Protected.***

As noted above, not all speech is protected, and First Amendment rights are not unlimited. The following speech may not be protected:

1. Speech that is intended and likely to provoke imminent unlawful action (“incitement”).





## Appendix IV: Free Expression

2. Statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals (“true threats”).
3. Face-to-face communication of abusive and insulting language that, by its very utterance, inflicts injury, or tends to incite an immediate breach of the peace (“fighting words”).
4. Material that appeals to the prurient interest, that depicts sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value (“obscenity”).
5. False communications that harm an individual’s reputation, cause the general public to despise or disrespect them, or injure them in their business or employment (“defamation”).
6. Harassment that violates the [Policy on Prohibited Discrimination, Harassment, and Retaliation](#).
7. Speech that infringes on the First Amendment rights of others (“heckler’s veto”).

Students that engage in unprotected speech may be subject to disciplinary action.

### ***The University’s Right to Regulate Speech.***

In addition to regulating speech that is not protected, the university has the right to regulate the time, place and manner of speech in reasonable manners to ensure that it does not disrupt the university’s ability to function and to protect its property rights. All

persons on university property must abide by all applicable laws and the university’s policies on facilities use and demonstrations. The university may remove any student or person whose conduct substantially interferes with or disrupts the university’s operations or academic, research or patient care environments.

The university will also not allow physical interference with others’ peaceful exercise of free speech, which is often referred to as the “heckler’s veto” or “coercive disruption.” Coercive disruption includes physically blocking access to a speaking event, physical intimidation of a speaker, and noisemaking that prevents a speaker from being heard. If this kind of conduct occurs during any university-sanctioned activity or function, the university will act to restore the conditions under which free speech can flourish and any student who engages in coercive disruption may be removed and subject to disciplinary action.

### ***Free Speech Responsibilities.***

Our words are powerful things. Words can inform, inspire and uplift. Words can wound and inflict pain. We are better as a community when we choose words and behavior that enlighten rather than ridicule and that heal rather than wound. We aspire to be an educational community where bridges are built rather than barriers erected. All students should read and aspire to our [Unifying Values](#) to build an educational community in which we can flourish.