

D. Free Expression and Dissent

1. Policy

The University of Southern California is committed to fostering a learning environment where free inquiry and expression are encouraged and celebrated and for which all its members share responsibility. Dissent (defined as disagreement, a difference of opinion, or thinking differently from others) is an integral aspect of expression in higher education, whether it manifests itself in a new and differing theory in quantum mechanics, a personal disagreement with a current foreign policy, opposition to a position taken by the university itself, or by some other means.

The university is a diverse community based on free exchange of ideas and devoted to the use of reason and thought in the resolution of differences. Whether in free debate or in the exchange of information, this community must rely on self-restraint and self-discipline if it is to retain its freedom to search and question. However, when self-restraint and self-discipline fail, the university will initiate such action as necessary to prevent disruption of or substantial interference with its community and to preserve the rights of its individual members.

The university's position is set forth in the following statement on Student Rights and Responsibilities:

“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.”

If any student member of the university community believes that the university has acted in an arbitrary, capricious or discriminatory manner in exercising the Policy on Free Expression and Dissent (or its related policies), they may submit a formal grievance as outlined in the Student Grievance Procedures.

2. Reasonable Time, Place, and Manner

In exercising its responsibility to provide and maintain an atmosphere of free inquiry and expression, the university may establish reasonable time, place and manner restrictions for the purpose of avoiding disruption to or substantial interference with its regular and essential operations and activities. The university will not base decisions regarding time, place and manner upon the content of the message, except as permitted in those narrow areas of expression devoid of federal or state constitutional protection.

The university recognizes the crucial importance of preserving First Amendment rights and maintaining open communication and dialogue in the process of identifying and resolving problems which arise in the dynamics of life in a university community. The legitimate expression of differing opinions and concerns, including unpopular, controversial or dissident viewpoints, is an essential element of the academic process; the imposition of these opinions and concerns upon those who in turn dissent from them is not to be condoned and is inconsistent with a university's process and function.

Lawful and peaceful demonstration as an expression of favor or dissent will be permitted and protected. On the other hand, the university will not tolerate coercive disruption, defined generally herein as activity that imposes the will of other persons or groups within the university community, outside of the established university procedures and policies for the expression of opinion and the resolution of differences. Coercive disruption is construed to include any activity which, contrary to law, denies the rights of other students, the faculty or the staff of the university and:

- I. Disrupts or obstructs educational or other activities of the university.
- II. Reacts to the expression of the peaceful dissent of others by attempting to deny their rights.
- III. Obstructs or restricts free movement of persons on any part of the university campus, including the free entry to or exit from university facilities.
- IV. Denies or interferes with the standard operations, or use, of offices or other facilities to the students, faculty, officers, staff or guests of the university.
- V. Threatens or endangers the safety of any person on the university campus. This includes but is not limited to signs on any forms of stakes.
- VI. Results in damage to or destruction of property.
- VII. Contains “fighting words” where (a) the speech, considered objectively, is abusive and insulting rather than a communication of ideas and (b) it is actually used in an abusive manner in a situation that presents an actual danger.
- VIII. Constitutes “hate violence,” meaning any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group, or the property of any person or group because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. (Acts shall not be considered “hate violence” based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group, that the person or group against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat.)
- IX. Makes sustained or repeated noise in a manner which substantially interferes with a speaker’s ability to communicate their message or the rights of others to listen. Since a clear differentiation between lawful or peaceful dissent and coercive disruption may often be difficult, the foregoing list is illustrative and not exhaustive; this list is expected to evolve, based on experience and changes in the law. It should be understood that the application of this policy also takes situational factors into consideration. For example, conduct appropriate at a political rally might constitute a violation of this policy if it occurred within a classroom.

In all cases, the rights of students under the First Amendment to the Constitution, as applied by California law, will always be protected.

Any coercive disruption initiated by a visitor or a student member of the university community or occurring during any university-sanctioned activity or function may be met by the action of the university that is necessary to restore the order and communication required for the rational solution of problems and free debate. In addition, any coercive disruption by students may be subject to disciplinary action through the Office of Student Judicial Affairs and Community Standards up to and including suspension or expulsion and/or legal action through local, state or federal courts.

If any member of the university community believes that disruption of or substantial interference with the regular and essential operations and activities of the university is occurring or that this policy is otherwise being violated, the established procedure is to inform university Public Safety officers and/or university administrators. It is the responsibility of designated university officials to protect the university community to the fullest extent possible.

3. Guidelines for Campus Demonstrations

All student members of the university community have the right to hold a demonstration (including, but not limited to, a rally, gathering, protest, parade, procession, or hosting of a guest speaker) on campus, subject to and consistent with the guidelines stated in this Section, and the approval of the Director of Campus Activities or other authorized Student Affairs staff. Any property damages related to the demonstration may result in the assessment of fees associated with cleaning or repair costs to either the organization or the individuals.

Due to the popularity of outdoor spaces, students are encouraged, though not required, to make reservations and prior arrangements for campus demonstrations. If students do not make advance reservations, their event may be moved or rescheduled in order to accommodate previously scheduled reservations, in accordance with the university's right to establish reasonable time, place, and manner guidelines for campus events.

All demonstrations must follow these guidelines, which serve as a mechanism to ensure a successful and safe demonstration:

- I. Reservations for outdoor spaces or other venues to conduct campus demonstrations may be made through Trojan Event Services online at trojanevents.usc.edu. These spaces are made available to the campus community on a first-come, first-served basis. Students may also reserve space to protest approved speakers, presenters or programs as long as those protests are consistent with the guidelines stated in the Reasonable Time, Place and Manner section of this policy.
- II. Representatives of the sponsoring organization wishing to stage a demonstration are encouraged complete an Outdoor Event Questionnaire and a USC Event Permit Application at least two weeks prior to the demonstration. The Trojan Event Services staff will check on the availability of the venue requested and can facilitate communication with Safety and Risk Management, Operations and Maintenance, Public Safety and Student Affairs, as needed.
- III. Representatives of the organization sponsoring a demonstration are encouraged to meet with the Director of Campus Activities or other authorized Student Affairs staff to discuss and develop necessary safety and security and crowd management procedures, to ensure that expectations, rights and responsibilities are mutually understood, and to provide the Director of Campus Activities or other Student Affairs staff with sufficient information to evaluate the crowd management and safety and security plans regarding

the demonstration. Such management and safety plans subject to modification should conditions or circumstances change. All off-campus guests intended to participate in a demonstration must be formally invited by a sponsoring on-campus organization, and the sponsoring organization is responsible for the behavior of the organization's members and of guests from off campus. Informing these members and guests of the university's expectations is the responsibility of the sponsoring organization's representatives. The sponsoring organization's representatives should also explain to the organization's members and guests the individual and organizational implications for failure to adhere to these expectations.

IV. When a campus demonstration is scheduled, organizers can expect the university personnel present (typically staff from the Division of Student Affairs and/or Department of Public Safety) to help ensure that organizers' rights are protected and the university's regular and essential operations and activities continue. Such regular and essential operations and activities include, but are not limited to, classes, meetings, and the standard operation of university offices and facilities. As the university is concerned about the entire university community and visitors, particular attention will be paid to managing crowds, maintaining access to buildings, sidewalks, streets, etc. and personal safety for all.

4. Advertising, Promotion and Literature Distribution

I. Advertising

The Division of Student Affairs oversees all advertising, promotions, literature and publications distribution on the USC campus in order to:

- a. Protect the rights enumerated in the policy on Free Expression and Dissent.
- b. Help foster and maintain a campus atmosphere of personal responsibility and mutual respect.
- c. Allow for maximum promotion of student events.
- d. Ensure a safe environment of order and cleanliness on campus.

This will aid in creating a campus that promotes the well-being of its students, faculty, staff and visitors and will provide events with effective publicity and exposure.

II. General Regulations

- a. Content of all printed materials posted or distributed on campus must:
 - i. Contain no material containing advocacy directed to inciting or producing imminent lawless action
 - ii. Contain no advertisements for "term paper mills" or other products or services which undermine the academic integrity of the university.
 - iii. Contain no true threats or intimidation, meaning language 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, or
 - The speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.
- iv. Contain no advertisements or promotions for alcoholic beverages, illegal drugs or drug paraphernalia.
- v. Contain no “fighting words” meaning language where:
- The speech, considered objectively, is abusive and insulting rather than a communication of ideas.
 - The speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of peace.
- b. USC does not exercise prior restraint on printed materials to be posted or distributed on campus that may be libelous or slanderous. However, if such materials are posted or distributed, they may be referred to the Office of Student Judicial Affairs and Community Standards for action.
- c. Any material that is not written in English requires a translation to be kept on file with Trojan Event Services in Ronald Tutor Campus Center 425.
- d. Any student groups or organizations not recognized by the university will be considered either “commercial” or “personal,” including non-profit organizations.

III. Publicity

All advertising and communication plans/timelines must be submitted in advance to the approving departments. No advertising is permitted until all approvals, paperwork and final payments have been received.

The use of third party promoters is strictly prohibited.

All printed publicity such as flyers, posters and postcards, must include the following entry guideline in accordance with the level of event identified

The following must be indicated on all materials to be posted:

- a. The full name of the sponsoring organization
- b. The time, date and place of the event
- c. Any entrance fees or costs to participate
- d. Entry guidelines

Level 1 Open to USC student members of the student organization only, with valid USC ID

Level 2 Open to any USC student with valid USC ID

Level 3 Open to USC students, with valid USC ID, and guest

Level 4 Open to USC students, guest(s) and other college student(s). Valid USC ID or other valid college photo ID and proof of 18 years or older required.

Posting

Posting on bulletin boards not controlled by the Division must be approved by the staff of the principal department in that building. It is the university's intent to limit the use of departmental bulletin boards to information relating to that department, unless otherwise posted.

In order to advance the university's objectives, to control the number of posters or flyers posted, and to ensure appropriate use of university facilities and property, limits may be placed on the number of posting locations that commercial or personal groups may use.

The individual or organization responsible for the posting must be identified.

Posting or flyer distribution is prohibited in the following areas or in the following ways:

- a. all trees and hedges
- b. the ground, taped or loose
- c. buildings (including glass windows, doors, walls and columns)
- d. Tommy Trojan and all other statues
- e. trash cans
- f. all lamp posts
- g. telephone booths/telephone poles
- h. parking lots and structures
- i. on top of other previously posted materials
- j. fountains
- k. chalking
- l. electronic flyers or materials distributed via USC listservs
- m. on cars, bicycles or other individual property

- n. freestanding advertisements such as signs on stands, sandwich boards, other displays, etc.

The individual or organization responsible for posting will be held accountable for any violations and associated fees.

5. Literature and Publications Distribution

I. General Regulations

- a. This policy applies to students and recognized student organizations and establishes time, place and manner regulations. It will be interpreted and applied so as to respect all federal and state constitutional and statutory rights. (Off-campus organizations, individuals or vendors should consult the policy on Solicitations by Off-Campus Persons, and section IX Vendors in the policy on Sales and Fund-raising.)
- b. The Division of Student Affairs oversees the in-person distribution of literature (including posters, handbills and pamphlets) and publications on the campus and the compliance of individuals and organizations with this policy.
- c. All university students and recognized organizations may distribute literature anywhere on campus provided such distribution does not affect the scheduled activities in that area and does not interfere with the essential operations of the university.
- d. Designated bins are for official university publications only
- e. No preprinted manually inserted sheets of information (flyers, advertisements or any other information message sheets) are allowed inside the pages of any official university publication.

II. Violations

- a. Non-compliance with any of the provisions of these guidelines will constitute a violation.
- b. All printed materials in violation of these policies will be removed. Costs incurred for the removal of such materials can be charged to the person, persons or department responsible for the violation.
- c. Any violation or continued violations of these guidelines will be handled in accordance with the severity of the infraction, and will include one or more of the following responses:
 - Written warnings
 - Assessments for damage to facilities and/or assessed a \$1 per flyer violation fee or the cost for removal

- Denial of future posting and other privileges, including the ability to schedule on-campus facilities for events and/or assessed a \$1 per flyer violation fee
- Appropriate on-campus judicial proceedings through the Office of Student Judicial Affairs and Community Standards
- Appropriate legal action in local, state or federal courts of competent jurisdiction

III. Responsibility for Content

An individual or organization shall be personally responsible for the content of any sign, notice, poster or other material referenced herein, which the individual or organization sponsors or posts on campus.

Advertisements or promotions on campus or in university publications and activity programs do not imply official endorsement by the university.

IV. Helpful Hints

- a. In the interest of a free exchange of ideas, we recommend that an individual or organization comply with a request from any and all members of the university community for a copy of the material being distributed.
- b. Whenever literature is distributed by more than five individuals in any campus area at the same time, we recommend an Event Request process that ensures prior notification to area occupants regarding the activity, works to alleviate misunderstandings, lessens the chance for actions against individuals or organizations distributing literature, allows separation from other groups wanting to distribute literature, and works to alleviate impediments to the flow of traffic across campus or into entrances or out of exits of campus buildings. If more than five individuals will be distributing literature in the same campus area at the same time, we recommend that a representative complete an Event Request form and obtain event confirmation., and that a representative be present with a copy of Trojan Event Services confirmed Event Request Form, Confirmations are granted on a first-come, first-served basis. (This paragraph does not apply to normal academic activities within the program of any school of the university.)
- c. If any literature contains language other than English, in the interest of a free exchange of ideas we request that a copy of the translated information be on file with Trojan Event Services.
- d. Make an effort to print quality flyers and/or literature.
- e. Plan for six weeks or more of lead-time to take full advantage of the process of scheduling and advertising an event.
- f. Plan carefully before printing materials in order to avoid printing more than can legitimately be utilized.

- g. Use other types of promotion in addition to flyers. Flyers should only be one small part of your promotional campaign.
- h. For additional ideas regarding effective promotion of your student organization's events, consult with Campus Activities staff members in the Ronald Tutor Campus Center.

6. Solicitations by Off-Campus Persons

I. General Regulation

This policy is issued to establish time, place and manner regulations for solicitors who substantially interfere with the regular and essential educational and other activities of the university.

Off-campus persons must have written permission from Trojan Event Services to conduct solicitation anywhere on campus.

- a. “Off-campus persons” are defined to include all those who are not USC students, recognized student organizations, staff or faculty.
- b. “Solicitation” is defined to include advertising, taking orders, sales not governed by another policy, distributing literature, distributing material including samples, asking for donations, campaigning (political or otherwise), collecting signatures, collecting email addresses or personal information. The university will apply this policy with full respect for all relevant constitutional and statutory rights.
- c. Vendor sales of products on campus are governed by a more restrictive policy. See Section G.7.IX. Vendors in the Sales and Fund-raising policy.
- d. In exercising its responsibility to provide and maintain an atmosphere of free inquiry and expression, the university may establish reasonable time, place and manner restrictions for the purpose of avoiding disruption to or substantial interference with its regular and essential operations and activities. For all expression with federal or state constitutional protection, the university will not base decisions regarding time, place and manner upon the content of the message. Also see the policy on Reasonable Time, Place and Manner.

II. Considerations in Issuing Permits

- a. Trojan Event Services will consider other demands on space and will not issue a permit if the space is otherwise programmed.
- b. The activity will be limited to certain designated areas.
- c. The only area currently available for soliciting by off-campus persons is the plaza at the north end of Trousdale Parkway.
- d. The applicant must provide identification.

- e. The application must state the number of participants. Excessive numbers of participants will not be approved to ensure no interference with the free passage of pedestrians.
- f. Each participant will be issued an individual permit.
- g. Permits are for one day at a time.
- h. Decisions on permits will not be based upon the content of the message.

III. Displaying Permits

All off-campus persons who are participating in solicitation approved by Trojan Event Services must keep their written permission prominently displayed with them at all times on campus.

IV. Prohibited Solicitation

It is important to foster and maintain a campus atmosphere of mutual respect. Aggressive solicitation is prohibited, including:

- a. Obstructing or restricting free movement of persons on any part of the campus including free passage and the free entry to or exit from classrooms, offices or facilities.
- b. Persisting in closely following or approaching a person, after the person solicited has informed the solicitor by words or conduct that such person does not want to be solicited.
- c. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting.
- d. Disrupting, obstructing or substantially interfering with the educational or other operations and activities of the university, including by making sustained or repeated noise.
- e. Using violent or threatening gestures toward a person solicited either before, during or after soliciting; using profane or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during or after solicitation; uttering "fighting words" where the speech, considered objectively, is abusive and insulting rather than a communication of ideas and it is used in an abusive manner in a situation that presents an actual danger.
- f. Physically intimidating or physically harassing, or using physical force or physical violence, or threatening physical force or physical violence.
- g. Endangering the safety of any person on the university campus.
- h. Damaging or destroying property.
- i. Soliciting for immediate receipt of funds.

- j. Remaining on campus at times when only USC persons and invited visitors may enter.

V. Sanctions

Students and others may register complaints about the activities of off-campus solicitors with the Division of Student Affairs.

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, and denial of permits in the future. Violations of criminal law may result in arrest.

7. Student Organization Logos Policy

- a. All recognized student organizations are permitted to create and use their own logos providing the logos do not violate the USC Graphic Identity Program or alter existing university logos. Student organizations are not allowed to use academic unit or department logotypes without permission from the academic unit or department. Student organizations are also not allowed to use the following university marks without special permission from the Department of Athletics or the Trojan Marching Band: Interlocking SC, Baseball Interlocking SC, Football Helmet Trojan Head and the Trojan Marching Band's logo. For more information, visit identity.usc.edu.
- b. Student organizations are permitted to identify their affiliation with the university through the proper use of USC official logos and trademarks on all products, publications, flyers and documents. Student organizations are required to use authorized licensed vendors when sourcing products that feature any of USC's trademarks or wordmarks. For more information, visit trademarks.usc.edu/campus-community.
- c. Student organizations may use their own logos in the context of a website that meets the established USC Web publishing guidelines found at itservices.usc.edu/web/ .
- d. Requests for permission to use any university logo or mark must be initiated by a student from the requesting organization. Requests from a national organization or other non-USC entity affiliated with the student organization will not be granted.
- e. Student organizations must adhere to the General Regulations section of the Advertising, Promotion and Literature Distribution Policies, which state that content of printed materials posted or distributed on campus must:
 - a. Contain no material containing advocacy directed to inciting or producing imminent lawless action.
 - b. Contain no advertisements for "Term Paper Mills" or other services which undermine the academic integrity of the university.
 - c. Contain no true threats or intimidation, meaning language where (i) 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, or (ii) the speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.

- d. Contain no advertisements for alcoholic beverages, illegal drugs or drug paraphernalia.
- e. Contain no “fighting words”, meaning language where (i) the speech, considered objectively, is abusive and insulting rather than a communication of ideas and (ii) is actually used in an abusive manner in a situation that presents an actual danger that it will cause a breach of peace.