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## INTERIM FREEDOM OF EXPRESSION POLICY

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Freedom of speech is one of the most important rights granted by the United States Constitution. However, no right is absolute. Since Cal Poly Pomona, or any university, is a “marketplace of ideas,” freedom of speech is a particularly important facet of university life. Cal Poly Pomona’s catalog notes that “the university is the primary social institution committed to the search for knowledge and the preservation of intellectual freedom. This commitment distinguishes the university from other institutions. Cal Poly is a community of learners, who strive to promote, foster, and sustain academic freedom in its broadest context, with each individual free to pursue truth, knowledge, and meaning according to his or her own best judgment. All members of the university community are expected to practice self-discipline, fair and independent judgment, and responsibility for their treatment of others.” (1995-96, page 49)

To insure that communities are able to function efficiently, American courts have long held that, while the content of speech can rarely be controlled, some speech may be restricted with regard to time, place, and manner. Cal Poly Pomona, like most other institutions, routinely sets forth regulations pertaining to the way activities may be conducted. Three examples of such restrictions follow.

1. Scheduled events take precedence over spur of the moment activities.
2. Because it might interfere with classes in session, individual’s privacy, or other activities, sound amplification is generally limited to times when classes are not in session, weekends, or evenings.
3. Activities which restrict or disturb the routine business of the university are generally prohibited or closely monitored.

Cal Poly Pomona believes that the search for knowledge requires the freedom to speak openly about concerns and issues. However, abusive treatment of individuals based on a personal or stereotypical bias prevents the university from establishing and maintaining such an open environment. No member of the Cal Poly Pomona community should be subject to such treatment nor should anyone tolerate, encourage, or engage in such activities. As the Catalog notes, “It is expected that all students are enrolled for serious educational pursuits and that their conduct will preserve an atmosphere of learning. All students are expected to assume the responsibilities of citizenship in the campus community. Association in [this] community is purely voluntary, and students may withdraw from it at any time that they consider the obligations of membership disproportionate to the benefits.” (p. 47)

While students are subject to university authority, there are several sections of the California Penal Code which relate to activities which may occur on our campus. Inside this pamphlet is a condensed version of several of them. Please take time to become familiar with these prohibitions to prevent misunderstandings in the future.

### **California Penal Code**

In the following, when the description appears in normal typeface, the section of the code is produced verbatim. When it is in *italics*, it is a re-phrasing of the legal wording. Interested parties are urged to consult the California Penal Code for further information (located in all public and university libraries). Each of the following is considered a misdemeanor, whose penalties are fines up to \$1000, imprisonment for up to one year, or a combination of both.

**148 Resisting, delaying or obstructing officers or medical technicians in the discharge of their duty**

*Anyone who willfully resists, delays, or obstructs any public officer, peace officer or an emergency medical technician in the performance of their duties is in violation of the law.*

**407 Unlawful assembly defined**

When two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is *unlawful*.

**409 Remaining present at place of riot, etc. after warning to disperse**

*Anyone remaining at any riot, or other unlawful assembly after being lawfully warned to disperse, is acting unlawfully.*

**415.5 Disturbance of peace; school, community college, university, or state university**

*Anybody who fights or challenges someone to a fight at any of these locations; who maliciously and willfully disturbs anyone by loud and unreasonable noise, or who uses offensive words which are inherently likely to provoke an immediate violent reaction is guilty of a misdemeanor.*

**602.1 Interfering with Lawful Business**

*Anyone who willfully enters an area with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the land owner or its agents or anyone who enters and occupies an area without the consent of the owner or the owner's agent, is guilty of a misdemeanor.*

**626.4 Notice of withdrawal of consent**

*The president of the university or designees may notify a person that consent to remain on the campus has been withdrawn whenever there is reasonable cause to believe that such a person has willfully disrupted the orderly operation of the campus.*

**626.6 Power to Direct Person to Leave Campus**

When it appears likely that a visitor to the campus is likely to interfere with the peaceful conduct of the activities of campus, the president or designees may direct the person to leave the campus. If they fail to do so or willingly and knowingly appear within seven days, they are guilty of a misdemeanor.

**647.C Obstruction of street, sidewalk, or other public place.**

Anyone who willfully and maliciously obstructs the free movement of anyone else on any street, sidewalk, or other public place is guilty of a misdemeanor

The Office of Student Life can provide further information about issues of free speech. They also maintain copies of the University's Posting and Vendor Policies. Please visit them in the University Union Plaza or telephone them at 909/869-2841.

