

Statement on Free Speech

A summary of MSU policies and regulations

Fundamental to Michigan State University's philosophy on campus dissent is a belief that the rights guaranteed in the First and Fourteenth amendments of the Constitution must be protected. The University has worked for decades to establish a community consensus on the scope of intellectually productive and constitutionally protected dissent, and to distinguish it from impermissible disruption. That consensus is now embodied in several documents, which have received student, faculty, and administrative review and approval. Although some of the passages set forth below were developed to delineate student rights and responsibilities, the principles enunciated are generally applicable to members of the University community.

Michigan State University is a community of scholars whose members include its faculty, staff, students, and administrators. The basic purposes of the University are the advancement, dissemination, and application of knowledge. The most basic condition for the achievement of these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas cease, and research, teaching, and learning are stifled. [Student Rights and Responsibilities (SRR), Article 1]

The University always must strive to strike that balance between maximum freedom and necessary order which best promotes its basic purposes by providing the environment most conducive to the many faceted activities of instruction, research, and service. [SRR, Article 1]

Each right of an individual places a reciprocal duty upon others: the duty to permit the individual to exercise the right. The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and

protections that best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with those rights of others which are equally essential to the purposes and processes of the University. [SRR, Article 1]

The student is not only a member of the academic community, but a citizen of the larger society, who retains those rights, protections, and guarantees of fair treatment held by all citizens, and which the University may not deny. The enforcement of the student's duties to the larger society is, however, the responsibility of the legal and judicial authorities duly established for that purpose. [SRR, Article 1]

Wherever rights conflict, regulations shall, to the maximum extent feasible, permit reasonable scope for each conflicting right by defining the circumstances of time, place, and means appropriate to its exercise. [SRR, Article 1]

Regulations shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives. [SRR, Article 1]

Academic freedom for students at Michigan State University is our institutional recognition of the distinction between disruption and dissent and our effort to protect dissent as a democratic right. Moreover, wide recognition of the central role of freedom of expression in the pursuit of the University's mission must serve as a bulwark against internal and external intolerance of lawful dissent. That role is sufficiently vital to justify our acceptance of certain criticisms and inconveniences. Nevertheless, justifiable limits exist. Mechanisms for dealing with disruption are provided through policies and regulations established with broad student input, and through MSU Ordinances established by the Board of Trustees. The following passages provide a key sampling of the rules by which permissible manners of dissent are distinguished from impermissible disruption:

General student regulations shall be those regulations established within the University community...to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. [General Student Regulations, Introduction]

...No student shall...cause or threaten physical harm to another, or endanger the physical safety of another. [General Student Regulations, section 2.01]

...No student shall...obstruct or disrupt the activities of another individual as protected by law, ordinance, regulation, or policy. [General Student Regulations, section 2.09]

...No student shall...without proper authorization enter or remain in any University building or on University property [General Student Regulations, section 4.07]

...No student shall...obstruct, disrupt, or interfere with the functions, services, or directives of the University, its offices, or its employees (e.g., classes, social, cultural, and athletic events, computing services, registration, housing and food services, governance meetings and hearings) [General Student Regulations, section 5.02]

MSU students shall not engage in disorderly conduct at or in connection with a riot. . . This Policy shall not be interpreted to restrict or limit any student's First Amendment rights to freedom of speech or assembly. [Student Disorderly Conduct Policy]

Attention is drawn to related passages from the MSU Ordinances, which carry the force of law and are adjudicable through the courts:

No person shall, without authorization, assemble together anywhere on the campus for the purpose of creating any excessive noise or any disturbance, riot, or raid, or assemble in a manner which obstructs the free movement of persons about the campus or the free and normal use of University buildings and facilities or which prevents or obstructs the normal operations of the University.

No person shall obstruct, hinder, or impede the normal operation of any class, laboratory, seminar, examination, field trip, or other educational activity of the University.

No person shall obstruct, hinder, or impede the normal use or operation of any campus building or area which has been assigned or scheduled for educational or extracurricular activities, including, but not limited to, dramatic or musical presentations, lectures, athletics events, military exercises, orientation meetings, commencement ceremonies, and placement activities.

No person shall obstruct, hinder, or impede the normal operations of any person, firm, or agency, or the use of its property, while that person, firm, or agency is providing a service or carrying out an activity or agreement for or with the University. [Disorderly Assemblages or Conduct, MSU Ordinance 15.00]

Other related activities are subject to regulation under "Michigan State University Ordinances, 1989." For example, ordinances exist concerning parades and processions (39.00), public address equipment (15.00), and signs (28.00).

Lawful and peaceable public demonstrations are permitted by the University and are protected by the law, without regard to

the point of view being expressed. Members of the University's community of scholars are free to organize, debate, pass resolutions, distribute leaflets, circulate petitions, picket, and otherwise express themselves regarding issue of political and social interest. However, no individual or group of individuals may disrupt other campus activities or programs.

The robust exchange of ideas and perspectives can be indicative of a healthy intellectual environment. However, actions that directly or indirectly inhibit the freedoms and rights enjoyed by others are anathema to maintenance of a collegial environment. Under the civil and criminal law, as well as the University's ordinances and policies, it is impermissible for an individual or group to deny free expression to others who are engaged in peaceable discourse or dissent, to deny any person's freedom of movement on the University's property, to obstruct ingress and egress with respect to buildings or public areas, to endanger or threaten to endanger any person on University property, or to otherwise disrupt the ability of other persons to participate and enjoy the benefits of campus life.

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