

UC Davis Policy and Procedure Manual

Chapter 400, Campus Climate

Interim Section 01, Freedom of Expression

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Responsible Department: Office of the Chancellor

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I. Preamble

Independent thought and diversity of opinions are the essence of the University, and freedom of expression is necessary for the University to fulfill its mission of producing and disseminating knowledge. Without the ability of its members to freely hear, express, and debate different ideas and points of view, the University would lack the culture of free inquiry that lies at the foundation of the academic enterprise. In furtherance of this mission, the University's Principles of Community aspire to create an environment committed to the highest standards of civility, respect, and decency.

Accordingly, the University resolutely affirms the following principles:

- A. All members of the University community have the right to express and debate their views, to voice criticism of existing practices and policies, and to protest against laws, policies, actions, and opinions with which they disagree.
- B. In performing its teaching, research, and public service missions, the University has the obligation to cultivate an environment that allows the members of the University community to conduct their work and activities in accordance with the highest standards of freedom of expression and independent thought.
- C. University policies are to be interpreted and applied in a manner that protects and promotes free and open debate and discussion to ensure the highest standards of freedom of expression and independent thought for the members of the University community. The First Amendment to the U.S. Constitution and Article 1, Sections 2 and 3 of the California Constitution set a floor, not a ceiling with respect to expressive activity, and the University is committed to fostering expressive rights in excess of these protections.

II. Purpose

This section describes the policy and procedures for the protection and encouragement of free expression, association, discussion, and debate at UC Davis.

III. Policy

- A. The University is committed to ensuring that all persons may exercise their constitutionally protected rights of free expression, speech, assembly, and worship, even in instances in which the positions expressed may be viewed by some as controversial or unpopular.
 1. The freedom to experiment; to present and examine alternative data and theories; to hear, express, and debate various views; and to voice criticism of existing practices and values are important aspects of an academic ens,

4. On University property open to the public, all individuals may exercise the constitutional protected rights of free expression, speech, assembly, and worship (including distribution or sale of noncommercial literature incidental to the exercise of these freedoms) (see [University of California \(UC\) Policies Applying to Campus Activities, Organizations and Students PACAOS Section 40.40](#)).
 5. The University strives to ensure that, at any meeting, event, or demonstration, constitutionally protected free expression is not infringed, and will take necessary steps to support the continuing openness and effectiveness of channels of communication among members of the University community.
 6. The content of the views expressed is not an appropriate basis for restriction on expression, assembly, or demonstration.
 7. University policies are to be interpreted and applied in accordance with the First Amendment of the U. S. Constitution and Article 1, Sections 2 and 3 of the California Constitution to ensure the highest standards of freedom of expression, independent thought, and dissemination of knowledge.
 8. Religious, political, and ideological Registered Student Organizations (RSO) and other campus organizations must have access to University property on the same basis as all other campus organizations (see [UC PACAOS Section 41.11](#), and [Section 270-05](#) for definitions of campus organizations).
- B. The University has aspirational [Principles of Community](#) and affirms its commitment to the

- a. All individuals or organizations using University properties and services must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University (see UC [PACAOS Section 41.00](#)).
- b. As a State instrumentality, the University must remain neutral on religious and political matters. The University cannot sponsor or fund religious or political activities, except when authorized for University purposes by the Regents of the UC, the UC President, or their designees (see [UC PACAOS Section 41.10](#)).
- c. All public spaces, including but not limited to sidewalks, lobbies, courtyards, hallways, and other paths, thoroughfares, and open areas must be maintained to permit safe access and travel for pedestrians, and, where appropriate, bicycles and other vehicles. No person may restrict the movement of another person or persons by, among other means, blocking or obstructing their access to roadways, walkways, buildings, parking structures, fire lanes, windows, doors or other passageways to university property, or otherwise denying a person access to a University facility or space, or imposing checkpoints or other mechanisms to exclude persons on the basis of protected characteristics or viewpoint.
- d. Wearing masks or face coverings is permissible for all persons who are complying with University policies, and applicable laws. Individuals may not wear a mask, personal disguise, or otherwise conceal their identity with the intent to intimidate any person or group, or to evade or escape discovery, recognition, or identification while violating law or policy.
- e. No person on University property may refuse to identify themselves when requested by a University official who is performing their duties in situations that require assistance or intervention (see UC [PACAOS 102.16](#)).
- f. Structures
 - 1) No individual or group may set up or maintain unauthorized structures on University property.
 - 2) The University has designated a site on the Quad for “symbolic speech,” where symbolic structures may be placed with prior authorization from Conference & Event Services (CES) (see [Section 270-20](#)).
- g. An amplified sound permit must be obtained from CES before amplified sound may be used at outdoor events, or at indoor events when the space does not have sound equipment (i.e., lobbies, entrances, stairways). (see [Section 270-20](#); [CES Amplified Sound website](#)).
- h. No individual or group may camp, set up, or erect a campsite, or occupy a tent or other temporary housing structure on University property.
- i. Areas of University buildings generally accessible to the UC Davis community are typically open between 7:00 a.m. and 5:30 p.m., unless otherwise specified (see [Section 360-30](#)).
- j. Protests and civil disobedience have played an historic role on the University campuses, in bringing important and beneficial changes within society, and in the development of our democracy. However, civil disobedience is not protected speech under the Constitution. The Constitution does not guarantee any right to engage in civil disobedience - which, by its very definition, involves the violation of laws or regulations -

without incurring consequences. Civil disobedience may have a negative effect on the protected interests of others and may interfere with University business or threaten public safety or University assets, in ways that require the University to act to protect those other interests.

7. [Section 310-26, Distribution of Periodical Publications.](#)
 8. [Section 310-27, Temporary Postings.](#)
 9. [Section 360-30, Building Operation and Maintenance.](#)
 10. [Section 380-21, Employee Organization Access Regulations.](#)
 1. [Section 380-30, Abusive Conduct in the Workplace.](#)
 11. [Section 390-12, Change in Campus Operating Status.](#)
 12. [Section 390-20, Maintenance of Order.](#)
 13. [Section 390-25, Suspension of Individuals During Declared State of Emergency.](#)
- E. University Policies on Discrimination and Harassment:
1. [UC Policy on Sexual Violence and Sexual Harassment; UC Davis Section 400-20, Sexual Violence and Sexual Harassment; UC PACAOS Section 102.09, Policy on Student Conduct and Discipline.](#)
 2. [UC Anti-Discrimination Policy; UC Davis Section 380-10, Affirmative Action in the Workplace; Section 400-15, Complaints of Discrimination and Harassment.](#)
 3. [Academic Personnel Manual Section 015, Faculty Code of Conduct, and UCD-015, Procedures for Faculty Misconduct Allegations.](#)
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