



THE UNIVERSITY OF ARIZONA

## Dean of Students Office

### First Amendment Basics

Sylvester Gaskin

Associate Dean of Students

[sgaskin@email.arizona.edu](mailto:sgaskin@email.arizona.edu)

520-621-2782

### UA Mall – Designated Public Forum

- Government intentionally designates and opens non-public forum to expressive activity by class of speakers
- Neither **content nor viewpoint discrimination** are allowed
- Time, place, manner restrictions permissible

### Free Speech Test

- Is it compatible with the environment/activity?
- If it isn't – offer alternatives

### What is Disruptive Behavior?

- Behavior that is incompatible with the activity
- Heckling to extent that speaker/audience can't hear
- Provocation
- Harassment (severe, pervasive, repetitive to ONE PERSON)
- Threatening
- Incitement
- Imminent violence

### What about Hate Speech?

- 1<sup>st</sup> Amendment restricts UA from placing selective limitations on speech/expression if it is **insensitive, boorish or expressive view points on disfavored subjects**
- 1<sup>st</sup> Amendment forbids University from **regulating or punishing speech or expression of ideas/messages** because they are **offensive or controversial**

### What Can We Address?

- Speech which is likely to incite imminent lawless action
- Speech which is harassing (severe, pervasive, persistent, hateful toward ONE PERSON)
- Speech which is disruptive/not appropriate to the forum
- Discrimination, harassment, retaliation against an individual based on a protected class

### What Should Your Actions Be?

- If you think someone (or a group) is being disruptive and/or blocking access to (in or out) of a tent, building or room – Call the Dean on Call at: 520-349-0030**
- Trained DOS staff person will address the situation and confer with UAPD and your event staff