

Freedom of Expression and Inclusion

**Free Speech on Campus: What Is It? Why Is It Important? and
How Does It Apply to UNC Greensboro?**



UNC Greensboro Office of General Counsel

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For the complete paper please email Carolyn Coppedge at cpcopped@uncg.edu

Abstract

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.¹

The words of the First Amendment set forth six independent, constitutionally protected rights: (1) the right to be free from governmental establishment of religion (the “Establishment Clause”), (2) the right to be free from governmental interference with the practice of religion (the “Free Exercise Clause”), (3) the right to free speech, (4) the right to freedom of the press, (5) the right to assemble peacefully (which includes the right to associate freely with whomever one chooses), and (6) the right to petition the government for redress of grievances. These six rights are often in conflict. In such instances, courts are required to balance the competing rights; and in the end, the balance achieved is generally in favor of freedom of expression.

The purpose of this paper is to provide a historical context for the development of First Amendment Jurisprudence, to outline the current state of the law as it relates to colleges and universities and to provide real life example of application of First Amendment rights and responsibilities. In addition, this paper will address the issues of inclusivity as they relate to the First Amendment and their application to the campuses of colleges and universities.

This paper is based on the current state of the law and should be read as such. The application of Constitutional law to our campuses and any other setting is highly fact based and this paper is not intended to provide legal advice. Constitutional law is evolving just as our society continues to evolve and as a result our understanding of what is and is not constitutionally protected speech will be better defined over time. The Office of General Counsel does add its opinions regarding trends and areas that courts are likely to address and identifies issues that colleges and universities are likely to face in the future.