Freedom of Expression Committee
Minutes, 14 October 2008

Present: Steve Barbone, Mark Freeman, Jan Harris, Nancy Lopez, Madhavi McCall, Rosa Moreno, Ron Williams, Bonnie Zimmerman

Overview: using the Freedom of Expression Policy, this committee is to review, suggest, and comment on revisions based on the working document prepared by Nancy Lopez. Mark Freeman suggests that meeting time be used to voice comments for Nancy and also that the committee consider whether other administrative units ought to be contacted.

Nancy’s last revision is dated 6 October. This draft is now with vice-president Sally Rousch to share with other vice-presidents and this committee for comments. Discussion focuses on open spaces and electronic sources of sound. At issue is not merely the level of decibels but whether outdoor sounds occur while classes (or testing or other academic functions) are in session. Rosa notes this is also a concern during residential move-in days. Nancy suggests that Public Safety should be more involved with policy concerning sound; Associated Students also should be included in discussions.

The committee discusses that there needs to be a balance between safety and the mission of the university along with freedom of expression. The policy being prepared may be OK for people external to the university, but AS or even faculty may have other policies.

The committee begins to review the 6 October draft section by section.

1.0: Does the introduction need qualification? It could be noted that freedom of expression may be denied but not by SDSU but external groups, e.g., law enforcement agencies.

2.0-5.0: no comments.

5.1: The committee is to develop/approve of some sort of standard complaint form for people to use when submitting complaints in writing. More complete contact information to be provided in this section.

Members note that a new section ought to be added here (5.4?) addressing commercial activity. Contact information is to be included.

5.3: Members agree to table discussions about sound.

6.1: Campus hours are still “under review.” Members wonder whether weekend hours are really different from weekday hours. Members note that testing and other academic activities are often conducted on the weekends on campus.

6.2: There is a question about what counts as “campus open space”; this is noted in 6.3.
6.3.4: Concerns “open spaces”; reservations imply needing some sort of equipment (otherwise, no reservation is needed). Delete the last sentence, “Individuals or groups with a reservation for a given date, time, and location will be granted priority for use of campus open space over those who do not.”

7.1.3: Several changes noted: “should observe” has become “shall adhere”; “actions” to be become “behaviors.”

7.2.2: Revisions as with 7.1.3.

7.3: Contact information for appropriate departments/offices to be added (as in 7.2).

8.0 in general: This is under review with other offices, but members still opt to provide feedback now, for example, on the issue of how loud sounds may be.

8.4: To be listed what may count as possible exceptions; this would follow university policy/procedures.

8.5-8.6: It is noted that measuring decibels is the only objective way to judge sound level. Members want to include that if there is to be amplified sound, then those departments and colleges that may be affected should receive advance notification. Members ask about events held at Scripps Cottage since sounds there may be heard in nearby classrooms (where testing may be conducted on weekends).

8.6.4: As this section reads, it seems that a member from all 3 committees named must be present; this issue to be taken up later.

9.0: Who (Which office) regulates distribution of free materials?

9.2.3: This section does not seem consistent with 1.0 (about regulating obscene materials). This matter to be referred to counsel. Does 1.0 refer to content or behavior?

9.2.2-9.2.3, and maybe 9.2.4: Members express concern over the restrictions implied in each. 9.2.2 would seem to prohibit all religious (including anti-religious) material from being distributed; 9.2.3 (see above); 9.2.4 is questioned since it seems legitimate that some materials may be distributed that may submitted for credit (e.g., instructors/students share drafts of work or previously accepted work for students to use as models).

Members ask what is the content of Title 5.

Sections 10-14 will be discussed at the 28 October meeting. Mark will ask Edith Benkov to request from all vice-presidents that they compare their own division’s respective freedom of expression policies with the draft.

Minutes recorded by Steve Barbone