

RESOLUTION ON POLICIES, RULES AND PROCEDURES THAT ADDRESS STUDENT SPEECH AND EXPRESSION - 2003

WHEREAS, freedom of speech is a fundamental right guaranteed by the First Amendment of the Constitution of the United States of America; and

WHEREAS, the Constitution has been interpreted to recognize the authority of all institutions of higher education, public or private, to place content-neutral, narrowly written time, place and manner limitations on student speech and expression that are necessary for institutions to protect their critical functions from serious disruption; and

WHEREAS, the United States Supreme Court has decided that, in public institutions, policies, rules, and procedures that are vague and overbroad in limiting student expression are unconstitutional; and

WHEREAS, members of the Association for Student Judicial Affairs (ASJA) strive to ensure that rules, regulations and procedures for student conduct at their respective campuses meet all applicable legal requirements and reflect the missions and goals of their institutions; and

WHEREAS, ASJA members in public and private institutions look to ASJA for resources and assistance in crafting lawful and effective policies, rules and procedure for student conduct; therefore be it

RESOLVED, that ASJA urges public institutions of higher education in the U.S. to ensure that their policies, rules, and procedures protect students' freedom of speech and expression as guaranteed by the U.S. Constitution; and further be it

RESOLVED, that ASJA urges all institutions of higher education to review policies, rules, and procedures regularly to ensure that they do not impose illegal or unconstitutional limits on student speech and expression; and further be it

RESOLVED, that the President of ASJA shall establish a Task Force to assess and address members' needs for resources and guidance in implementing these resolutions.

- Original Authors: Linda Rowe, Alan Muia, John Zacker
- Presented for Member Comment December 22, 2003 – January 21, 2004
- Revised and Approved by the Resolutions Committee and Submitted to the ASJA Board of Directors, February 7, 2004
- Accepted by the Board of Directors and forwarded to the membership for approval on February 11, 2004