

## Free Speech & Facility Use Policy

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One of the primary functions of the University of West Alabama is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and to fulfill that function, the University strives to ensure to the fullest extent possible intellectual freedom and free expression. Further, in the spirit of academic inquiry, it is acceptable to dissent to and disagree with generally accepted truth and knowledge.

It is not the proper role of an institution of higher education to shield individuals from speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Alabama of 1901, including ideas and opinions found unwelcome, disagreeable, or offensive. However, the right to free speech and expression does not include unlawful acts or activity that endangers or threatens to endanger the safety and/or well-being of any member of the University community. In addition, it does not include any activity that materially interferes with the education or well-being of other students or the mission of the University.

Faculty, staff, and students are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature. However, the University will strive to remain neutral, as an institution, on the public policy controversies of the day, except as far as administrative decisions on the issues are essential to the day-to-day functioning of the University, and the University will not require faculty, staff, or students to publicly express a given view of a public controversy.

The University, further, supports free association of its students and will not deny a student organization any benefit or privilege available to any other student organization or otherwise discriminate against an organization based on the expressions or beliefs of that organization.

### **PROCEDURE**

The following procedures have been established to safeguard individuals' rights while also providing safety and protection for members of the University community.

Reasonable time, place, and manner restrictions will be enforced. However, the enforcement will not depend, in any way, on the subject matter involved in an expressive activity. It is strongly suggested that all activities be registered with the Coordinator of Campus Events, in advance, to make adequate arrangements for safety and security and to insure the desired space is available.

The University provides forums for the expression of ideas and opinions, such as the following:

1. Traditional public forums include the University's public streets, sidewalks, and similar common areas. These areas are generally available for non-amplified expressive activity, planned or spontaneous, for the individual or small group at any time without the need for reservation or prior approval, unless the use of the space is already scheduled.
2. Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by the University.
3. Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purpose and are typically not available for public expressive activity. Examples include, but are not limited to, classrooms, residence halls, faculty and staff offices, administrative buildings, academic buildings, libraries, research and computer labs, and private residential housing on campus.
4. Additionally, security considerations may affect the availability of spaces that would otherwise be available.

### **GUIDELINES**

1. Literature can be distributed in public forums. However, the party distributing the literature is responsible for cleaning up any discarded paper and restoring the campus to its previous condition. Literature may not be distributed in non-public forums.
2. No amplification equipment may be used.
3. Use of campus land is on a temporary basis.
4. Flyers may be placed on open bulletin boards inside or outside University buildings.
5. Disruptive activities will not be allowed. The University has defined a disruptive activity as any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conducting of University business, or the authorized scheduled events and activities of any and all segments of the University. Furthermore, any activity that incites imminent lawless action or that triggers an automatic violent response will be considered disruptive. In addition to any potential criminal penalties, students engaging in disruptive activities will be referred to the Student Conduct Committee, and employees will be referred to the Human Resources Department.

6. No activity will be permitted that blocks access to University buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.

### **FACILITIES USE RESERVATIONS**

The use of University facilities by a sponsoring organization<sup>[1]</sup> of the University must have the approval of the Coordinator of Campus Events, be cleared on the official University Calendar, and have completed the necessary reservation forms. A person wishing to schedule an event should first contact the Coordinator of Campus Events to determine if the proposed date and time are available. If so, the sponsoring organization should then complete the necessary forms online. In some instances, the reservation must have the approval of the person/ department in charge of the specific facility before the request can be approved. A request to reserve a University facility must be made no fewer than ten business days in advance of the event.

Facility reservations may be reserved on a first-come, first-serve basis and are subject to other University rules and regulations. Only the sponsoring organization that reserves a designated space may use the area for expressive activity<sup>[2]</sup> during the reserved period. While security for a proposed event may be necessary, the University will not charge security fees based on the content of the expressive activity. If a request for a facility reservation is denied, the University will, where feasible, propose measures to address any defects in the request.

An off-campus group wishing to use University facilities must be sponsored by a sponsoring organization of the University for the purposes of the facility use, and such University sponsoring organization must be the one to complete the necessary steps and reservations as detailed above. Generally, a charge is made for the use of University facilities by groups not connected with the University. Exceptions may be made by the President of the University in the case of off-campus groups which directly support the programs of the University.

To avoid conflicts between events and to encourage attendance at worthwhile activities, no two events open to students generally, or to a major segment of the student population, should be scheduled at the same time in conflict with each other, whether held on-campus or within the local area, whether sponsored by student organizations, academic departments, administrative offices, the athletic department, or any other campus group, and it applies to events on-campus sponsored by non-University groups.

### **RESPONSIBILITIES OF INDIVIDUALS, SPONSORING ORGANIZATIONS, AND SPONSORED GUESTS**

Sponsoring organizations are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable University policies. Members of the University community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations by its sponsored guest(s), the organization, or its members, of University policies including the Code of Student Conduct and personnel policies, as applicable.

Sponsoring organizations and/or sponsored guests who do not comply with this or other applicable University policies automatically forfeit their reservations and must immediately vacate University property. Repeat violations of this policy may result in loss of privilege for the sponsoring organization and/or sponsored guests as determined by the Office of Student Affairs.

Exceptions to this policy can be approved only by the President of the University.

This policy will be interpreted and enforced consistent with the requirements of Ala Code §§ 16-68-1 to -8, effective July 1, 2020. Such laws are incorporated herein and shall be deemed to preempt and superseded any conflicting or inconsistent provision of this or any other University policy.

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[1] Sponsoring organization is defined as a student organization approved and recognized by Student Life or a faculty/staff organization, department, or office formerly recognized by the University.

[2] Expressive activity is defined as the verbal or symbolic expression of an idea, thought, or opinion; it does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm, or expression that is defamatory, obscene, or commercial in nature.

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