

Free Inquiry, Expression, and Assembly for Individual Students and Registered Student Organizations

DSA.DS.100.001

Freedom of expression is not simply a right guaranteed by the First Amendment, it is fundamental to the University of Mississippi's mission. The mission of the University is to create, evaluate, share and apply knowledge in a free, open and inclusive environment of intellectual inquiry. Students are encouraged to freely examine and exchange diverse ideas inside and outside of the classroom without fear of retribution, intimidation or coercion. This policy is intended to promote and facilitate free speech across the University's community of scholars, without interfering with the University's educational, research and service missions or infringing upon the rights of others. Nothing in this policy authorizes the University to regulate the content or viewpoint of speech. Nothing in this policy is intended to prohibit the exercise of free speech otherwise permitted by law.

A. Definitions

For the purposes of this policy, the following terms shall have the meanings stated below.

"Free speech" or **"expressive activity"** shall mean any speech, expression, assembly, petition or other conduct protected by the First Amendment notwithstanding what form it may occur, including, but not limited to, spoken or written word, protests, worship, leafleting, demonstrations, marches, picketing, rallies, vigils or parades.

A **"registered student organization"** is any group of currently matriculating students in good standing who obtained official recognition from the University as a "registered student organization," by satisfying the application, orientation, training and renewal requirements specified in Registered Student Organizations Overview, DSA.DS.400.001.

A **"third-party"** is any individual, group or organization that otherwise has no relationship or association with the University. For the purposes of this policy, a "third-party" shall not include any of the University's schools, academic departments, administrative departments, students, recognized student organizations, affiliated entities, faculty or staff.

A **"third-party event"** is any program, activity or event that is planned, hosted, controlled or funded by a "third-party." An event may be deemed a "third-party event" even if University students, faculty or staff are expected to attend.

"University property" means all grounds, buildings, facilities, stadiums or other improvements owned, leased, used or otherwise controlled by the University.

B. Spontaneous Free Speech

To facilitate robust debate and the free exchange of ideas, students may use publicly accessible areas of campus for their individual, spontaneous free speech. The use is on a first-come, first-served basis, unless the area is reserved for a University event or University-approved function. Although prior reservations are not required for individual spontaneous free speech, students are encouraged to contact the Ole Miss Student Union Department ("OMSU") in advance to minimize possible scheduling conflicts.

C. Unlawful and Disruptive Speech/Activity

The University has long recognized that freedom of expression is vital to the pursuit of knowledge. Any person engaged in spontaneous or planned free speech on University property must comply with this policy and all other applicable University policy and law.

Under no circumstances may University property and resources be used for illegal activity. No speech or expressive conduct will be permitted that is unlawful, incites imminent lawless action and is likely produce that result or involves violence or true threats of violence directed at a particular individual or specific group of individuals.

No free speech or expressive activity may: (i) block any entrance, exit, doorway or passage way, (ii) impede or interfere with the University's ability to hold classes, (iii) substantially disrupt University operations or business, classroom instruction, student-led study, laboratory work or research, (iv) obstruct pedestrian, bicycle or vehicular traffic, (v) substantially disrupt any university sponsored or recognized event or (vi) vandalize, damage, deface or destroy University property.

D. Planned or Organized Free Speech

A student or registered student organization ("RSO") who seeks to sponsor or engage in free speech in either an outdoor area of campus or in or on University property are encouraged to contact OMSU if the student or RSO is planning or organizing the event in advance. OMSU will determine whether one or more of the following content and viewpoint neutral circumstances exist that may require registration of the event: (i) more than 50 individuals are expected to attend the event, (ii) the event will be open to off-campus guests, (iii) crowd control or event security may be required, (iv) the event will be in or near an area or University property where classroom instruction, exams, study sessions, laboratory work, research, University operations or a University-sponsored event may be in progress, or (v) alcohol beverages may be present at the event, to the extent allowed by law and University policy.

OMSU receives and processes registrations on a first-come, first-served basis, as provided in DSA.DS.400.003, unless the area is reserved for a University event or University-approved function. A student or designated officer(s) of a RSO are encouraged to complete all aspects of the registration process at least fifteen (15) business days before the date of the planned expressive activity, including but not limited to, the event registration submission, space reservation(s), facilities management arrangements, parking and transportation coordination, the payment of any security fees, and any other applicable financial transactions. Designated officers may include the RSO's president, vice-president, social event chair, or director. OMSU's practice is to work with students and RSOs, so that planned/organized expressive activity that involves individuals or small groups and does not necessitate registration, University involvement, or University resources can occur in a timely manner. OMSU will respond to student or RSO inquiries or registration requests within three (3) business days or less.

As part of the registration process, a student or designated officer(s) must confer with OMSU and the University Police Department ("UPD") regarding event security and logistics. UPD is the final authority on any security or safety precautions required for an event, and UPD's directives will not be based on speech content, viewpoint or any listener's anticipated reaction to the expressive activity. If additional EMS, fire, or other safety precautions are required beyond that supplied by the University in the ordinary course, the student or RSO may be responsible for any additional reasonable security fees. The security fees imposed will be based on standard, approved, and published rates for UPD or other security personnel and for any associated equipment costs or rentals. The number of personnel and amount and type of equipment charged will be based on UPD's assessment including, but not limited to, the following criteria: (i) event venue, including venue size, location, number of entrances, and exits to be staffed; (ii) time of day; (iii) number of expected attendees; (iv) whether entrances will be controlled and tickets will be sold; (v) whether the event

will be open and/or advertised to third-parties outside the University; (vi) whether the event will be restricted to invited guests only and/or will be ticketed; (vii) whether alcohol will be served; (viii) whether there will be sales of food, beverages, or other items and whether cash handling will occur; (ix) whether event performers come with personal security teams or details that require UPD liaison; (x) whether event sponsors or event performers request additional security measures; (xi) whether vehicles, equipment, or items of value will be brought onto campus requiring security; and (xii) whether parking and traffic control will be required for the event.

Security fees will not be charged to students or RSOs based on concerns that the subject matter of the event or viewpoints, opinions, or anticipated expression of the sponsors, event performers, or others participating in the event might provoke disturbances or incur costs to respond to such disturbances.

Content and viewpoint neutral considerations such as competing demands for University property and resources may compel OMSU to confirm an event registration subject to certain time, place and manner limitations, including an alternate date or place, so as to ensure an ample, alternative means for the expressive activity. OMSU may be unable to confirm a registration if the student or RSO does not complete the registration process or if the proposed expressive activity does not comply with this policy or applicable law.

1. Appeal

A student or RSO has three (3) business days, exclusive of any intervening holidays, to appeal OMSU's determination regarding event registration. The appeal must be in writing and submitted to the Assistant Vice Chancellor and Dean of Students ("the AVC") in Lyceum 233 or at umdos@olemiss.edu. The AVC will issue a decision within three (3) business days or less from the receipt of an appeal. The AVC's decision is final. Absent a timely appeal, OMSU's decision is final.

2. Fees and Insurance

Students and RSOs may incur fees for the use of certain University property. In addition, students and RSOs may be required to obtain liability insurance at their own expense that lists as additional insureds the University and the Board of Trustees of the Mississippi State Institutions of Higher Learning.

Any fees imposed for the use of University property or event security must be paid out of the RSO's university account absent prior approval in writing from OMSU for an alternate means of payment. Certain University property may have additional use policies that must be followed.

3. Accessibility

Any printed or electronic materials promoting an event must include the following accessibility statement regarding the availability of accommodations: *We are committed to ensuring campus events are accessible and inclusive. If you require accommodations or assistance due to the impact of a disability, please contact [NAME] at [TELEPHONE NUMBER] or [EMAIL ADDRESS].*

Students and RSOs may contact Student Disability Services to arrange the pertinent accommodations required for an event. Please bear in mind that some accommodations require advanced planning.

4. Fronting

University property is not a place of unrestricted public access. As a public institution of higher learning, the University may only use its property in furtherance of its educational, research and service missions. When seeking to register an event involving expressive activity, students and RSOs must disclose and explain any third-party's involvement with the event. Students and RSOs may not reserve University property for a third-party without abiding by applicable University policy or so that a third-party may use University property at a reduced rate not otherwise applicable to third-parties. Both instances are examples of "fronting" and are prohibited.

Nothing in this policy is intended to prohibit a student or RSO from sponsoring a third-party organization or guest speaker in accordance with applicable University policy. In such cases, only the student or designated officer(s) of the RSO should communicate or engage in any transactions with either OMSU or the pertinent University department. The student or RSO must actively participate in the planning and execution of the sponsored event.

E. Third-Parties

Third-parties not otherwise sponsored by a student or RSO who seek to plan an event on public University property, should refer to the policy on third party free expression and use of space. Certain areas of University property are not open for general public use. The University maintains a position of neutrality as it relates to third-party free speech. A third-party's presence on University property does not mean that the University either endorses, sponsors or approves of the third-party's speech. A third-party does not speak for or on behalf of the University, nor does a third-party's access to or presence on University property imply a relationship or association with the University.

F. Reasonable Time, Place and Manner Limitations

Students and RSOs do not have unrestricted access to University property for expressive activity. The University, including UPD, may impose content and viewpoint neutral time, place and manner limitations on spontaneous or planned free speech, no more than reasonably necessary: (i) to ensure the health and safety of all persons on University property, (ii) to protect University property, (iii) to protect the legal rights of all persons on University property, (iv) to prohibit unlawful activity, or (v) to prohibit the disruption of the University's operations or its educational, research and service missions.

Further, the University's buildings, facilities and grounds may have specific requirements regarding occupancy, hours of use, purpose and functionality that may render them either unavailable or unsuitable for every requested use. The University may impose these and other content and viewpoint neutral limitations while providing ample alternative means for free speech and expressive activity on campus.

G. Handbills, Posters, Flyers, Banners and Signs

Building mayors or other University officials may designate areas in classrooms and areas in or around University buildings for students or RSOs to disseminate or post handbills, posters, flyers, banners, signs and other items. No handbill, poster, flyer, banner, sign or other item may be posted by students or RSOs on the exterior of any University building, facility or other surface, including but not limited to, any window, trash can, utility pole, plaque, tree, flag pole, monument, column or parked vehicle.

The University may regulate the size of the item to be posted or the manner of distribution, display or posting to mitigate any safety risk, interference with the University's educational, research or service missions or damage to University property.

Any disseminated or posted material promoting a student-sponsored or RSO-sponsored event must bear the name of the student or RSO. Any disseminated or posted material is expected to include the accessibility statement referenced above.

H. Prohibited Items and Devices

The University must maintain the safety and security of its campus and University community. The following items are prohibited during spontaneous or planned free speech but leave open ample alternative means for free speech and expressive activity.

1. Weapons

Weapons, as proscribed in the University's Weapons on Campus policy (CHA.LM.300.001), are prohibited.

2. Flames and Incendiary Devices

Fireworks, torches, explosives, blasting agents, denotators and any other incendiary devices are prohibited. Flames, fire, or the burning or igniting of any item is prohibited.

3. Animals

Animals are prohibited during any exercise of planned or organized free speech. Allowances will be made for service animals.

4. Masks

Masks, disguises and any other means of concealing one's face or identity are prohibited, except as provided for herein. Nothing in this provision prohibits the wearing of cultural or religious apparel. Students are authorized to wear face coverings/masks where necessary to comply with University policy and public health recommendations intended to prevent or slow the spread of COVID-19.

5. Protective Gear

The wearing of protective gear, body armor, shields, metal spikes, chainmail or helmets is prohibited.

6. Banners and Signs

Banners, signs and flags must be held or carried by hand and may not be attached to any metal, wood, pole, pvc pipe or stick of any kind.

7. Sidewalk Chalk and Paint

Paint, permanent sidewalk chalk and painted sand is prohibited. These substances should not be applied to any University property, exterior surface or structure, including but not limited to, any window, sculpture, trash can, veranda, porch, utility pole, plaque, tree, flag, flagpole, monument, column, street, step, sidewalk, concrete, curb or vehicle. Washable, non-permanent chalk on concrete sidewalks is

permitted.

Any questions regarding this policy and related processes may be directed to the AVC or his or her designee.