

<b>ADMINISTRATIVE DIVISION</b> UNIV University Administration		<b>POLICY NUMBER</b> UNIV 6.00
<b>POLICY TITLE</b> Freedom of Expression and Access to Campus		
<b>SCOPE OF POLICY</b> USC Columbia		<b>DATE OF REVISION</b> July 26, 2021
<b>RESPONSIBLE OFFICER</b> President		<b>ADMINISTRATIVE OFFICE</b> Office of the President

**PURPOSE**

This policy outlines speech, expression, and access to campus for students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of the University.

**DEFINITIONS**

**Academic or Administrative unit:** any office or department of the university.

**Affiliated person/organization:** any enrolled student, faculty or staff member or student organization at the University of South Carolina- Columbia.

**Amplified sound:** sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition but are subject to general rules on disruption.

**Calendar and Space Reservation (CSR) System:** university calendar and space reservation system of record.

**Campus:** buildings, grounds or other facilities that are owned, leased or controlled by the University of South Carolina-Columbia.

**Commercial Solicitation:** advertising, soliciting funds or sales or distributing advertising or other materials or demonstrations that may result in sales.

**CSR Calendar Coordinator:** individual designated by a unit with operational control to review and approve requests for an event or announcement to appear on the unit’s calendar in CSR system.

**CSR Campus Coordinator:** individual responsible for administering the CSR system for enterprise scheduling and reservation of university operated facilities or property on the USC-Columbia campus.

**CSR Unit Space Coordinator:** The individual designated by a unit to review and approve requests for space within the operational control of that administrative unit.

**Daylight hours:** time of day between sunrise and sunset as recorded by the United States Naval Observatory (USNO) or National Oceanic and Atmospheric Administration (NOAA).

**Faculty or staff member:** includes any person who is employed by the University.

**Non-affiliated persons:** any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member of the University of South Carolina-Columbia.

**Noncommercial Solicitation:** any distribution by students individually or as members of student organizations of leaflets, brochures or other written material, or non-amplified oral speech by them to a passersby, conducted without intent to obtain commercial or private pecuniary gain.

**Public Speaking:** formal, face-to-face, speaking of a single person to a group of listeners, excluding instructional context.

**Student Organization:** As defined in STAF 3.10, a student group that maintains active status on the University of South Carolina campus, has fulfilled all responsibilities of a student organization and represents a group of students who desire to come together to support a particular view, explore common interests or accomplish identified tasks. Student organizations must be student-initiated and student-led.

**Reservable Space:** any space listed in the CSR system.

**Spontaneous Expressive Activity:** means nonscheduled meetings, public speaking, performances, demonstrations, rallies, vigils, and other events by members of the University community, including students, student organizations, outside groups whose expression is protected by the First Amendment to the U.S. Constitution.

**Student:** A person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus.

**Unit with Operational Control:** a unit of the university that is responsible for scheduling, maintenance and repair of the location even though the space belongs to the larger university.

**University-operated facility/University property:** any buildings or properties that are owned or controlled by the university and directly support or relate to the university's educational purpose.

**University Master Calendar:** digital schedule or listing of events populated by data from the CSR system.

## **POLICY STATEMENT**

The University of South Carolina (“university” or “USC”) supports the free exercise of constitutionally protected expression while maintaining a safe learning environment free from disruption. As the primary mission of the university is the education of the state’s citizens through teaching, research, creative activity, and community engagement, we recognize the importance that dialogue across competing ideas has for the continuous development of our community. Even when expression occurs that may not be in line with the university’s values, the university recognizes that an essential part of our educational mission is to encourage individuals to engage in the responsible and civil exchange of ideas.

Expression on campus involves the use of university property (including outside areas and inside facilities) by affiliated persons/organizations and non-affiliated persons to engage in five primary activities: public speaking, spontaneous expressive activity, commercial solicitation, noncommercial solicitation, and the posting of promotional material.

#### A. Limits on Permissible Expression and Exclusions

1. The freedom to engage in debate and civil discourse around competing ideas does not imply that all expression is constitutionally protected on campus. Examples of expression that is not permitted by the university or protected by law include: (a) incitement of violence or lawless action, (b) fighting words, (c) true threats, (d) obscenity as defined by law, (e) defamation, (f) harassment, (g) false advertising, (h) child exploitation materials, (i) interference with medical treatment, and (j) invasion of privacy. University and community members that believe an expression violates one of the above categories can file a complaint through the [Office of Equal Opportunity Programs](#). Concerns related to speakers on campus that do not meet the above criteria can be discussed with the appropriate CSR Unit Coordinator.
2. In addition, the university may reasonably regulate the time, place, and manner of expression to ensure that activities: (a) not impede student education, academic activities, research, patient care, scheduled events, university function, residences, or the faculty/staff work environment; (b) be safe for participants and not generate security issues; and (c) preserve the construction and aesthetics of university grounds and property. Except as provided by law, the university will not apply time, place, and manner restrictions in a discriminatory manner based on the content of the expression. Public speaking and distribution of literature under this policy is not considered speech made by, on behalf of, or endorsed by the University.
3. In addition to limits on expression, the university prohibits items that pose a threat to the safety of our community; these include, but are not limited to: (a) unless permitted under UNIV 3.04, a mask or facial covering that conceals the identity of the wearer that is calculated to obstruct the enforcement of university rule or law, or to intimidate, hinder, or interrupt a university official; (b) the possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons such as sticks or poles without permission from the university police department or authorization by law; (c) body-armor or make shift body-armor; or (d) open flame.

4. USC athletic venues and field space, the Koger Center for the Arts, Colonial Life arena, and other facility uses involving a contractual rental per guidelines set forth in that contract are governed by the internal procedures for those facilities and not this policy. For example, athletics does not permit any solicitation (commercial nor noncommercial) at athletic contests without direct permission from that entity.

## B. Regulation of Outside Areas

### 1. Public Speaking and Noncommercial solicitation

- a. Permissive activity: Outside of the legal restrictions on speech noted above and the limitations referenced here, the university considers outdoor areas of campus (i.e., outside areas generally accessible to all faculty, staff, and students) to be open on the same terms to any person for public speaking, noncommercial solicitation, and spontaneous expressive activity.
- b. Limited activity: In addition to prohibited expression detailed in Section A above, other expressive activity in outdoor areas may be limited based on the potential for disruption to university operations, teaching, and residential activities. In particular, outside areas immediately adjacent to a living facility, an academic building where classes are taking place, or an administrative building where university business is being conducted may involve the university taking steps to modify or move the activity to an area where disruption would not take place. Likewise, the university reserves the right to move large crowds engaging in constitutionally protected expression to a different campus location if a reasonable determination is made that there is a safety risk in their current location and that the alternative location is more appropriate; decisions to move a demonstration must be made in a content neutral fashion.
- c. Reservable space & scheduled activities: Certain outdoor locations on campus can be reserved for scheduled activities by affiliated persons and organizations during daylight hours on a first-come, first-serve basis as outlined in the procedures section of this policy. The policy does not provide for the use of university resources (tables, utilities, equipment, etc.) in the exercise of spontaneous expression activities.

### 2. Commercial solicitation

- a. Consistent with legal precedent, the university does not grant commercial solicitation the same degree of constitutional protection as non-commercial solicitation.
- b. Affiliated person/organization: university employees, students, and student organizations may engage in commercial solicitation in outdoor areas on campus only if permission is granted by the appropriate CSR unit coordinator who oversees the property where the activity is set to occur.
  - i. The commercial solicitation must not violate terms of any university business contract and follow all SC state laws and city and county ordinances.

- ii. No food, beverage, alcohol or illegal items may be sold or otherwise violate any of the limits on expressive activity noted above unless approved by the CSR unit coordinator.
- iii. Fundraising by student organizations is approved in accordance with STAF 3.22.
- c. Solicitation by employees during working hours: HR 1.48 sets for the limitations and guidelines for solicitation by employees during working hours.
- d. Nonaffiliated parties: nonaffiliated parties may not engage in commercial solicitation in outdoor areas without direct sponsorship from an academic or administrative unit or student organization.

### 3. Posting of promotional material

- a. Posters, fliers, temporary outdoor signage, banners and bulletins may be placed on designated bulletin boards or other structures by Academic or Administrative Units or student organizations in accordance with content neutral rules established by the unit with operational control for the purpose of posting. All material must include the name of the unit or student organization sponsoring the message.
- b. Posters, fliers, signs, banners, and bulletins may not be placed on any university buildings, doors, walls, utility poles, trees, shrubbery, or any other surface on campus. No publicity material can be placed, written, chalked, or painted upon any surface – interior or external.
- c. Temporary outdoor signage for directional purposes is permitted on a limited basis with approval from the unit with operational control who oversees the property where the sign is to be placed.
- d. Nothing in this section is intended to prevent an individual on campus to use a hand-held sign or banner unless the content on that sign or banner would violate any of the limitations on expression addressed in this policy.

### 4. Amplified sound

- a. The use of amplified sound is subject to local ordinances as well as the procedures of the unit with operational control approving use of the amplification and is restricted to those times and places where it will not impact educational activities or university business. During reading day and exam periods, the use of amplified sound is prohibited.

## C. Regulation on Inside Facility Use

1. General access limitations

- a. Non-reservable inside spaces: In general, the inside of university facilities are not permissible spaces for expressive activities except for faculty instruction. Areas that are not traditionally used for public expressive activity are restricted for their intended use. Examples include, but are not limited to, classrooms, residence hall rooms, faculty/staff offices, academic buildings, administration buildings, health and medical facilities, libraries, research/computer laboratories, and research facilities. Accordingly, any expressive activity, including public speaking, noncommercial solicitation, and commercial solicitation are not permitted inside university facility buildings absent approval issued by the unit with operational control.
- b. Reservable inside space and scheduled activity: The university has designated certain inside rooms and venues to be a forum where public speaking may occur provided permission has been issued through the unit with operational control as outlined in the procedures section of this policy and the expression occurs based on the time, place, and manner restrictions issued during the reservation period.
- c. Commercial and noncommercial solicitation: The use of university indoor facilities for commercial or noncommercial solicitation requires advance reservation through the unit with operational control as outlined in the procedures section of this policy and shall be noted during the calendar and space reservation process. Solicitation fees may be assessed for use of university facilities in compliance with the approved consolidated list of service charges for the current budget year. Solicitation in campus residence halls is governed by STAF 4.03.

2. Promotional material

- a. Posters, fliers, and bulletins may be placed on designated bulletin boards by academic/administrative units or student organizations in accordance with content neutral rules and posting guidelines established by the unit with operational control that is responsible for that area/structure. All material must include the name of the unit or student organization sponsoring the message.
- b. No material can be placed, written, chalked, nailed, or painted upon any surface – interior or external, including ceilings, walls, floors, windows, or doors without the permission of the unit with operational control. Ceiling tiles, security cameras, and fire safety equipment should not be disrupted for the purposes of posting.
- c. Material for digital displays must be submitted and approved by the unit with operational control that is responsible for the display in that facility.
- d. Nothing in this section is intended to prevent an individual on campus to use a hand-held sign or banner unless the content on that sign or banner would violate any of the limitations on expression addressed in this policy.

#### D. Affiliated person's use of off-campus space

1. Off-campus space leased for a particular event by an academic or administrative unit must have a contractual agreement and approval with the university and unit. Users must adhere to specific property procedures of that space.

### PROCEDURES

#### A. CSR System

1. All indoor and outdoor reservable space at the University of South Carolina-Columbia is to be recorded in the CSR System.
2. Unit Space Coordinators on behalf of their unit with operational control shall provide guidelines to the CSR campus coordinator on reservable space, including the parameters and expectations for space usage, for inclusion in the CSR System. The set of processes and procedures for CSR Unit Space Coordinators setting guidelines for reservable space can be found on the [Calendar and Space Reservation website](#).
3. Use of university property and inside facilities are prioritized to university units and student organizations. The unit with operational control may adopt guidelines governing the use of their facilities provided that they are consistent with this policy. In the event of conflict with multiple or competing individuals or groups wanting to use the same space at the same time, the university reserves the right to resolve the conflict in a reasonable and non-arbitrary manner. The university may cancel any internal, non-contractual agreement if the university makes a good faith determination that the university's use of the space is necessary to meet the educational mission of the university or that an emergency or other circumstance requires cancellation of the agreement.

#### B. Reserving Space

1. Academic or Administrative Units and student organizations shall request space through the CSR System.
  - a. The CSR Unit Space Coordinators will review and approve requests for space within their unit's operational control according to guidelines established for that unit.
  - b. Requests by affiliated persons/organizations for outdoor space not listed in the CSR System may be confirmed under certain conditions consistent with terms of this policy. Contact the Associate Vice President for Student Life/designee for guidelines.
  - c. Avoiding academic conflicts: In order to avoid academic conflicts, programs or events sponsored by student organizations or social functions involving students as attendees by academic or administrative units may not be scheduled in university facilities on reading day(s) nor during final examination periods.

- d. Restriction on “fronting”: University faculty, staff, students, or student organizations are not permitted to reserve space on campus for an unaffiliated person or organization for the sole reason of helping that entity not pay facility usage or solicitation fees.
2. Non-affiliated persons may contact Conference and Events Services office to reserve space.
  3. University considerations when evaluating reservation requests
    - a. When reserving space for events and activities, the Calendar and Space Reservation Unit Coordinator (CSR Unit Coordinator), in consultation with university officials as appropriate, will consider: (a) whether the requested location meets the needs outlined in the reservation request, and (b) whether health and safety concerns require special precautions or arrangements. In addition to other content-neutral considerations, the following factors may be considered:
      - i. Size of the proposed event or activity
      - ii. Noise likely generated and potential impact of educational or university activities at the time of the event
      - iii. Impact on pedestrian and vehicular traffic
      - iv. Accessibility issues for individuals with disabilities
      - v. Compliance with university policy as well as state, federal, and local laws
      - vi. Health and safety considerations who those at or near the event or activity
      - vii. Conflicts with existing events and/or any pending exclusive rights contracts of the university
      - viii. Compliance with tobacco free campus mandate
    - b. The unit with operational control may, in a content-neutral fashion, consider one or multiple of the following factors when electing to delay, modify, or deny a reservation request: (a) incomplete application, (b) request contains a material misrepresentation, (c) not submitted in a timely basis that would allow consideration of the request and potential alternative venues, (d) previous damage of campus property and failure to pay for repairs, (e) applicant has an outstanding balance for previous reservations/services with the institution, (f) conflict with an existing reservation, and (g) the use or activity would present an unreasonable threat to health or safety.

### C. CSR System Calendars

1. Events may be displayed on the university calendar if they are confirmed in the CSR system and approved by the CSR unit calendar coordinator.
  - a. Affiliated persons/organizations may submit deadlines, academic dates, university events in off-campus space or other items for inclusion in the university master calendar.
2. CSR unit calendar coordinators are responsible to review and post requests for an announcement or event in the CSR system to their unit's calendar(s).
3. Guidelines and Procedures for posting events to the CSR system calendars can be found on the Calendar and Space Reservation website.

### D. Fees and Service Charges

1. Any fees charged for use of a university facility or property are in compliance with the approved consolidated list of service charges for the current budget year, found at: [https://sc.edu/about/offices\\_and\\_divisions/budget/documents/fy21userfeesupdatedoitdescription.pdf](https://sc.edu/about/offices_and_divisions/budget/documents/fy21userfeesupdatedoitdescription.pdf) and shall be outlined in a reservation agreement or university contract.
2. Any user is financially responsible for any custodial, security, parking or other facilities services required as part of a confirmed use of space
3. The user can be held financially responsible for any damage to university facility or property because of use or misuse of a confirmed use of space

### **RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

ACAF 3.15 Classroom Scheduling

ACAF 3.17 Conference-Related Activities

EOP 1.03: Prohibition of Unlawful Discrimination and Harassment

FCMN 1.05 Leasing "Lease-out" of State-Owned Property to Non-University Parties

STAF 2.01 Blatt Physical Education Center

STAF 2.06 Outside User Group Policy for Campus Recreation

STAF 3.02 Alcohol Policy and Guidelines for the University Community

STAF 3.10 Student Organizations

STAF 3.25 Scheduling University Union Facilities

STAF 3.26 Procedures for Accommodating Distinguished Guests

STAF 4.03 Campus Housing Policies and Regulations – Activities in Hall

STAF 4.06 Capstone Conference Center

STAF 6.24 Student Non-Discrimination and Harassment Policy

STAF 10.06 General Information Policies: Strom Thurmond Wellness and Fitness Center

UNIV 4.00 Programs Involving Minors

UNIV 5.00 Tobacco Free Campus

USC Columbia Faculty Manual

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
January 12, 2015	New Policy Approval
July 26, 2021	Consolidation of UNIV 6.00, STAF 3.12, STAF 3.11, STAF 3.17, and STAF 3.23 into single policy with expansion of policy on freedom of expression; listed STAF policies are concurrently repealed.