



## Freedom of Speech and Assembly

### POLICY STATEMENT

Delta State University recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, freedom of thought, and freedom of expression. The University encourages the search for truth and knowledge and does not abridge searchers' rights to reveal their findings, by both spoken and written word, even if in so doing they might find themselves at variance with their peers as well as the lay community. To dissent, to disagree with generally accepted truth and knowledge is acceptable. The University also stands for the right of all the university community to pursue their legitimate activities without interference, intimidation, coercion, or disruption. The University will protect the rights of freedom of speech, expression, petition, and peaceful assembly and affirms all rights and freedoms guaranteed under the Constitution of the United States.

### DEFINITIONS

The following definitions apply for purposes of this policy only:

**Amplified Sound:** means sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official University functions.

**Campus Grounds:** means all outdoor areas owned, leased or controlled by the University that are common and accessible to all students and employees such as sidewalks and park-like areas.

**Designated Areas:** means outdoor areas of property owned, leased or controlled by the University that may be reserved by students and employees for expressive activity and used by sponsored guests for this purpose.

**Disruptive Activities:** any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conduct of University business, or authorized scheduled events and activities of any and all segments of the University.

**Employee:** means a person currently employed by the University on a full-time, part-time, temporary or hourly basis.

**Expressive Activity:** means the verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Expressive activity 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.

**Literature**: means any printed material that is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include official University material.

**Official University Function**: means all activities, events and programs sponsored by an academic or administrative unit of the University.

**Outdoor Structure or Exhibit**: means anything built, constructed or displayed temporarily on campus grounds as part of an expressive activity, including tents.

**Sponsored Activity**: means any expressive activity that is presented by a sponsored guest under this policy.

**Sponsored Guest**: means any person or organization invited to engage in expressive activity on campus grounds by a sponsoring organization in accordance with this policy.

**Student**: means any person who is currently enrolled and attending Delta State University.

**Sponsoring Organization**: means a group of students who share a common interest and who are registered with the Student Activities Center, or a group comprised of University students or employees who officially represent the University at activities sanctioned or sponsored by the University, including but not limited to the cheer squad, ROTC, athletic teams, marching band, etc.

## **PROCEDURES and RESPONSIBILITIES**

The facilities and campus grounds of the University are intended to be used first for instructional and research programs and administrative activities of the University and secondarily for programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments, including registered student organizations and student groups.

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 Vice President for Student Affairs' office 48 hours in advance in order to make adequate arrangements for safety and security and to insure the space desired is available. Registration information can be obtained at the Vice President for Student Affairs' office located in H. L. Nowell Union Building, room 307.

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

- Traditional public forums include the university's public streets, sidewalks, parks, and similar common areas such as the Quad. 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 space is already scheduled.
- Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by the university. Examples of designated forums include parking lots and athletic fields.
- 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, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer labs, and private residential housing on campus.
- Additionally, security considerations may affect the availability of spaces that would otherwise be available.

## **GUIDELINES**

1. Registered University organizations and University departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Vice President for Student Affairs' office located in H. L. Nowell Union Building, room 307.
2. 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. Literature distributed under this policy by a student, employee, sponsoring organization, or sponsored guest that contains the name "Delta State University" or "DSU" in its name or that contains any reference to being affiliated with the University, must include the statement that the literature is not official University literature and does not represent the views or official position of the University.
3. No amplification equipment may be used.
4. Use of campus land is on a temporary basis.
5. Flyers may be placed on open bulletin boards inside or outside University buildings.
6. Outdoor exhibits and structures may be placed only in designated areas, except that individuals may place displays on easel-type supports on campus grounds that are open and accessible for expressive activity.
  1. Outdoor exhibits and structures are subject to the following limitations:
    - may not exceed twenty-five feet in length or width or fifteen feet in height,
    - may not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety.
    - the interior of three dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view.
  2. Sponsored guests may set up exhibits only in accordance with this policy. Exception to the dimension regulations shall be granted by the Vice President for Student Affairs upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof that the individual or organization has insurance to cover injury or damage to persons or property is not grounds for an exception to the dimension regulations.
  3. Request for exception to the outdoor exhibit regulation must be made at least eight business days in advance of the desired display date.
7. Students, employees and sponsoring organizations that wish to organize parades or marches in areas that cross thoroughfares or would stop or slow traffic must register with the Vice President for Student Affairs' office at least eight business days in advance of the activity in order to ensure that the proposed route does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.
8. 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 University activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.
9. Private business or commercial solicitation on campus is generally prohibited.

### **Disruptive Activities**

Disruptive activities will not be allowed. Any acts that are disruptive to normal operations of the University, including but not limited to instruction or University business, or actions that interfere with the rights of others will not be tolerated. 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 Vice President for Student Affairs' office, and employees will be referred to Human Resources.

The use of Delta State University's space for public assemblies or demonstrations is available to current academic community members only (faculty, staff and students). Individuals who are not current faculty, staff, or students may not use the University's property for demonstrations, but may apply for a demonstration permit through the city of Cleveland. Such demonstrations will be limited to city sidewalks immediately adjacent to city streets.

## **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 of University policies, including the Code of Student Conduct and personnel policies, as applicable.

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 by a sponsored guest may result in loss of privilege for the sponsored guests as determined by the Vice President of Student Affairs.

## **Relocation of Expressive Activities**

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas by the Vice President for Student Affairs or, when immediate action is necessary, the University police department, under the following circumstances:

- a. the noise generated by the activity disrupts classroom instruction, an official University function or substantially interferes with resident housing life and activities (e.g. the activity is too close to an academic, administrative or residential building);
- b. the location does not safely accommodate the number of participants;
- c. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official University activities;
- d. the space has been reserved for an official University function, has been reserved in accordance with this policy, or a reserved location is needed for an official University function; or
- e. the activity creates a health or welfare hazard, such as interfering with fire, police or emergency services.

## **Reason for Denial of a Reservations/Permit**

Requests to reserve a designated area, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied for the following reasons:

- a. an earlier request to reserve the same location and time has been made;
- b. the designated area or an adjacent area has been reserved for an official University function or the designated area is no longer suitable for use due to a conflict with a nearby official University function;
- c. the reservation or registration form is incomplete;
- d. the request exceeds more than fifteen days in a semester or is for more than five consecutive days;
- e. the proposed route of a march, parade or rally will cross space that has been reserved for an official University function or space that otherwise has been reserved in accordance with this policy or the proposed route will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
- f. the request was submitted by an individual or organization that is not permitted to reserve space on campus under this policy.

## **Appeal of Decisions Related to Expressive Activity**

Students, employees and organizations whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the President no later than two business days after the decision that is being challenged was made.

The appeal must be made in writing and state the specific reason(s) the individual or organization disagrees with the decision. The appeal should include all information the individual or organization believes will assist the President in deciding the matter.

The President will issue a decision on the appeal within three business days of its receipt. The decision is final.

**Application of Policy.**

All Delta State University students, employees, organizations and sponsored guests. This policy does not apply to official academic and administrative activities and functions of the University.

**Responsible Office and/or Policy Owner:** Vice President for Student Affairs

RELATED DOCUMENTS

- None

STATUS

Active

DATES(S)

**Change/Review/Approval Date:**

Approved by Cabinet: February 18, 2019

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Reviewed by Office of Human Resources: February 20, 2019

