

FREE EXPRESSION POLICY

POLICY NUMBER: RESERVED FOR FUTURE USE

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: DEAN OF STUDENTS

RESPONSIBLE OFFICE: DEAN OF STUDENTS' OFFICE

EFFECTIVE DATE: 5/2/2007

SUPERSEDES POLICY DATED: 1/31/1990

I. POLICY STATEMENT

Northern Kentucky University recognizes the essential place of free expression in a democratic society, as well as an educational community's need to cultivate responsible avenues and means for free expression. As an educational community, NKU adheres to the belief that the freedoms of speech, thought, conscience, inquiry, and assembly hold central positions among the principles defended by an institution of higher learning. The University therefore supports the right of peaceful expression by members of the campus community.

NKU will develop, in its classrooms and within the university community, a culture of enlightened use of expression and communication, developing in students, faculty, and staff a respect for fairness, accuracy, and fidelity in all forms of written and spoken discourse. The university encourages students, faculty, administration and staff to accept the role of well-informed and articulate scholars and learners, and to defend the First Amendment rights of those with whom they disagree.

Through this policy, NKU affirms its role as a limited public forum within the campus community. The university will apply a reasonable person standard as the basis for interpreting the time, manner, and place for free expression.

Content Neutral

The content of posters, flyers, handbills, and banners, as well as the intent or message of a temporary display will not be a determining factor in applications or reservations unless the content or nature of the proposed message(s) would be a violation of university policy or federal or state laws.

I. Protests, Rallies and Demonstrations

In order to (1) facilitate the effective use and enjoyment of the campus facilities for the exercise of individual liberties and the fundamental educational mission of the university, and (2) to minimize conflict between the form of their exercise and the rights and liberties of others in the effective use of University facilities, the following regulations are established:

A. Individuals or groups who desire to use campus areas for protests, rallies or demonstrations are strongly encouraged to reserve a specific area(s) in advance to ensure the availability of space. Without a reservation, the University allows campus areas to be utilized on a first-come, first-served basis. Protests, rallies or demonstrations whose numbers exceed 50 individuals may represent a reasonable concern for safety, security or reasonable access to campus, and may be restricted in size and to specific locations. Reservation of specific areas is available through the Dean of Students office.

B. Planned or spontaneous protests, rallies or demonstrations may be conducted on campus provided such events are conducted in a lawful and orderly manner and do not:

1. Prohibit or materially interfere with vehicular or pedestrian traffic.
2. Materially interfere with the education of others, scheduled meetings, events, and ceremonies or with other educational processes of the University (i.e. noise volume).

3. Willfully, negligently or recklessly commit any act likely to create an imminent health or safety hazard.
4. Materially interfere with a University event by blocking audience view, making sufficient noise to hamper a speaker or performance from being heard, or perform any other act disruptive to the event,
5. Violate the rights of others,
6. Utilize sound amplification equipment without express written permission;
7. Include expression that is threatening of physical harm, insightful of imminent lawless action, or vulgar, obscene, or defamatory to the extent not entitled to protection as expression,
8. Alter the appearance or litter the area.

C. Use of campus areas during normal hours of operation for the purpose of conducting a demonstration or protest is allowed, subject to the restrictions contained in section B above, to the following described University organizations, groups, and individuals:

1. University students, faculty, staff and administrators.
2. Official alumni groups and similar University-related organizations, departments, and other units of the University.

D. In addition to the restrictions contained in Section B. above, the following regulations pertain to the use of University facilities and areas for the purpose of conducting any protest, rally or demonstration.

1. The following restricted areas may be utilized on a reservation-only basis consistent with applicable policies for campus space reservation for the desired facility:
 - a. Intramural fields and other recreational areas.
 - b. Athletic facilities.
 - c. Parking lots.
 - d. Grounds in or around the residential areas of the campus.

2. Approval will not be given for areas:
 - a. That block ingress or within 30 feet of egress to educational facilities used by students, faculty, and staff.
 - b. Within parking garages or on streets and driveways utilized for vehicular traffic

E. Use or continued use of the above areas as well as other areas in this policy not designated above, for protests, rallies and demonstrations shall be subject to the reasonable person standard (i.e., the judgment that the manner of use of the area is what could be expected of a reasonably prudent person and fulfills the requirements set forth in section I.B).

1. The responsibility for making such a determination and decision rests with the Dean of Students or his/her designated representative. This decision may be appealed to the Vice President of Student Affairs consistent with the appeal of non-classroom matters. If the Dean or his/her designated representative believes that an area or facility is being improperly used or believes the users of the area are in violation of the Free Expression policy, he/she shall:
 - a. Warn the offending group or individuals that continued misuse will not be permitted.
 - b. Recommend alternative locations.
 - c. Instruct the offending individuals or the assembled group to vacate the area.
 - d. Cite individuals or groups for violation of University regulations.
 - e. Request assistance of law enforcement officials.
 - f. Employ a combination of the above-mentioned items.

2. Failure to comply with the directions of the Dean of Students or the designated representative may result in charges under the Code of Student Rights and Responsibilities. Those failing to comply may be found in violation of the law if so determined by a law enforcement official on the scene.

F. For the purposes of clarification, meetings and events are defined as gatherings of persons in a University location reserved in advance for that purpose. Unless designated as public (or required under state open meetings laws), meetings are considered to be private. Events are considered to be public. Open meetings are subject to the procedures and rules of order upon which such meetings are normally conducted.

G. Parades and Marches: Where numbers in excess of thirty (30) are involved, authorized organizations, individuals or groups as provided under Section 2 may engage in parades and marches upon University property, provided a designated representative of the sponsoring organization, individuals or group meets with the Dean of Students and the Director of Public Safety, or their authorized representatives at least twenty four (24) hours prior to the commencement of the parade or march. This meeting shall be for the purpose of agreeing upon an appropriate route which will not materially interfere with, impede or otherwise disrupt the normal functions and processes of the University, or otherwise interfere with the rights of others in their effective use of University facilities and property.

H. The use of amplified sound equipment (including bullhorns and DJ equipment) in any area of the University campus is restricted to University authorized and scheduled academic or sponsored activities, unless expressly approved in advance by the Dean of Students office.

II. Posters, Flyers, Handbills, Banners, and Chalking

A. Posting Eligibility: Any member of the university community is eligible to post materials on campus, hang banners or handout handbills and other literature

B. Posting Limits: Posters, Flyers and Banners must be date stamped at the University Center Desk.

C. Methods of Posting: Methods of posting (poster, flyer, handbill, chalk, and banner), approved areas for posting, and prohibited areas for posting are published by and available through the Dean of Student Affairs office. Chalking is only permitted on campus concrete walkways (at least 30 feet from the entrance of buildings, not on steps or vertical surfaces).

D. Student Government Elections Postings: The regulations for posting prior to Student Government Elections are governed by the rules of the Election Board and are available in the Dean of Students and Student Government Association Offices, and must be consistent with the posting policy.

E. Posting Removal: University community members are responsible for removing their posted notices at the conclusion of the stamped expiration date and for the cleanup of handbills. Violators of this policy will be given one warning by Student Union management or may be charged for the actual cost of cleanup. Further violations may result in suspension of posting privileges.

NOTE: Buildings will be periodically inspected. Postings, flyers or banners found in violation of the above policy will be removed and discarded.

III. Temporary Displays

A. Individuals or organizations desiring to display an object or structure on campus must adhere to the following procedures:

1. Submit a reservation request for a specific campus location(s) for the display(s) through the Dean of Students office. Information on the description (i.e. height, width, depth, stability) of the display and the name and contact information for the responsible person or organization must be provided. The decision by the Dean of Students or his/her designee shall be informed by such issues as campus safety, physical plant or construction management projects, procedures and policies, and federal and state law or University policy.

2. Limit the display to one week or less and will not permanently affect structures or campus landscaping.

3. Locate displays in areas of the campus, provided such objects or structures:

- a. Do not prohibit or materially interfere with vehicular or pedestrian traffic.
- b. Do not materially interfere with the education of others, scheduled meetings, events, and ceremonies or other educational processes of the University.
- c. Are conducted in conformity with state and federal statutes.

4. Acknowledge that the University is not responsible for the maintenance or security of temporary displays.

B. Temporary displays are defined as the placement of any object that results in a temporary visible change to a campus area. For example:

- 1. Outdoor art.
- 2. Message boards or other similar objects.
- 3. Objects or structures for social, cultural or political causes.
- 4. Outdoor signs (banners, yard signs, etc.).

C. This policy does not apply to scheduled art shows or official department or university sponsored educational exhibits which are part of a specific program or on-going educational activity (i.e., regular art show in the gallery, exhibit for Freshfusion, Welcome Week, Homecoming, Black History Month, etc.).

II. ENTITIES AFFECTED.

Faculty, Staff, and Students

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
New Policy	5/2/2007
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	