



UNIVERSITY of  
**LOUISIANA**  
L A F A Y E T T E

## *CAMPUS FREE SPEECH POLICY*

**Policy #** SA.001.2

**Responsible Executive:** VP Student Affairs

**Responsible Office:** Student Affairs

**Originally Issued:** April 15, 2019

**Latest Revision:** 9/20/2022

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### **I. Policy Statement**

University of Louisiana at Lafayette (“University”) deems the free and open inquiry into all matters fundamental to the mission of higher education and is committed to the preservation of the lawful, free expression of ideas, subject only to reasonable time, place, and manner (“TPM”) restrictions. The University will allow and protect Expressive Activities by students, administrators, faculty members, staff members, and invited guests in accordance with all applicable laws and this Policy. All members of the University community shall have the broadest possible latitude to speak, write, listen, challenge, and learn and it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

### **II. Purpose of Policy**

The University exists to educate its students; to advance, preserve, and disseminate knowledge through research and scholarship; and to advance the public interest and the welfare of society as a whole. Essential to such purposes is an orderly climate of academic integrity, of rational and critical inquiry, of intellectual freedom, and of freedom of individual thought and expression consistent with the rights of others. To establish and maintain such a climate, the University as an institution and each member of the University community have reciprocal rights and obligations. It is the obligation of the University as an institution to ensure orderly operation, to preserve academic freedom, to protect the rights of all members of the University community, to prohibit acts that materially and substantially interfere with legitimate educational objectives or interfere with the rights of others, and to institute disciplinary action where conduct adversely affects the University community’s pursuit of its educational objectives or endangers the safety of others.

## 1. General Free Speech Objectives

- a. It is not the responsibility of the University to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, La. R.S. 17:3399.31-3399.38, and other applicable laws (“Free Speech Laws”), including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.
- b. Expressive Activities by students, Employees, and invited guests are protected. Students, Employees, and invited guests have the freedom to discuss any topic that presents itself, as provided under the Free Speech Laws and within the limits on TPM of expression that are consistent with the Free Speech Laws and that are necessary to achieve a significant institutional interest.
- c. Students and Employees may assemble and engage in spontaneous Expressive Activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the University or endanger the safety of others, subject to the requirements of the Free Speech Laws.
- d. Any person who wishes to engage in noncommercial Expressive Activity on the University campus shall be permitted to do so freely, as long as the person’s conduct is not unlawful and does not materially and substantially disrupt the functioning of the University.
- e. Any person lawfully present on campus may protest or demonstrate on the University campus. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to Expressive Activity by creating a substantial and material disruption to the functioning of the University or to someone’s Expressive Activity shall not be permitted.
- f. No conduct shall be deemed a material and substantial disruption that is protected under the Free Speech Laws. Such protected conduct includes but is not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to the members of the public (i.e., traditional public forums) except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

## 2. Time, Place, and Manner

Students and faculty have the freedom to discuss any topic that presents itself, as provided under Free Speech Laws and as other applicable laws permit within the limits TPM of expression that are in furtherance of a significant University interest.

The University shall evaluate the constitutionality of TPM restrictions on an individual basis. TPM restrictions shall be narrowly tailored in service of a significant University interest only when such restrictions employ clear, published, and content- and viewpoint-neutral criteria and provide for ample alternative means of expression.

Any such TPM restrictions shall allow for spontaneous and contemporaneous assembly and distribution of literature.

### **3. Speech, Assembly, and Public Expression**

Subject to the terms of this Policy and related University policies, Expressive Activities are permitted in outdoor areas of the University campus so long as the conduct is lawful and does not materially and substantially disrupt the normal operations and functions of the University or infringe on the rights of other members of the University community, except that no protests or demonstrations are permitted inside University buildings without the express written authorization from the University. Any use of amplification equipment on the outdoor areas of campus must have prior written clearance through the Environmental Health and Safety Department and will be permitted only if there is no interference or disruption of any academic or other University activities. Use of outdoor areas must also be consonant with all other University regulations and policies including, but not limited to all University policies and regulations.

### **4. Prohibited Interference**

All persons and organizations conducting Expressive Activities in outdoor areas of campus must abide by the general requirement that no such activities may materially or substantially interfere with, disrupt, or impede the normal operations of the University. In order that protesters and demonstrators not materially and substantially interfere with the operation of the University or the rights of others, all events conducted pursuant to this regulation shall not:

- a. Obstruct vehicular, bicycle, pedestrian, or other traffic;
- b. Obstruct entrances or exits to buildings or driveways;
- c. Interfere with educational activities inside or outside any building;
- d. Pose a health or safety threat to the University, the University community, University organizations, or the general public;
- e. Interfere with or preclude a scheduled speaker from being heard;
- f. Use fighting words to inflict violence or incite a reasonable person to violence or other breach of the peace by their mere utterance;
- g. Damage property of the University, including lawns, shrubs, or trees;
- h. Use sound amplification, including bullhorns, except as approved in advance by the Environmental Health and Safety Department in writing as set forth in this Policy and within sound limits that will not disrupt normal University operations;
- i. Harass passersby or otherwise disrupt normal activities; or
- j. Interfere with scheduled University ceremonies or events.

### **5. Permitted Restrictions**

The University may regulate any speech or Expressive Activity that is:

- a. In violation of or prohibited by state or federal law;
- b. An expression that a court has deemed unprotected defamation;

- c. Discriminatory Harassment;
- d. A statement(s) meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence against a particular individual or group of individuals;
- e. An unjustifiable invasion or privacy or confidentiality not involving a matter of public concern; or
- f. An action that unlawfully and substantially disrupts the function of the University.

### III. Applicability

This Policy is applicable to and enforceable against all faculty, administrators, staff, students, visitors, and individuals affiliated with the University by contract or otherwise (including, but not limited to, non-employees, such as vendors and independent contractors, volunteers, student organization advisors, and retirees).

### IV. Definitions

For purposes of this Policy, the definitions of key terms and other mandatory provisions shall remain consistent with those in Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at La. R.S. 17:3399.31 through 3399.37.

Other definitions for purposes of this Policy include:

1. **Discriminatory Harassment**: is unwelcome conduct that targets its victim on the basis of a class protected under federal, state, or local law and that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to the University's resources and opportunities.
2. **Employee**: is any University employee including faculty, staff, administrators, and student employees, including hourly, salary, part-time, and full-time employees.
3. **Expressive Activities**: are activities which include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by Free Speech Laws, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. Expressive Activities expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation business or organization.
4. **Free Speech Laws**: is the Constitutional and statutory requirements addressed by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, as well as other applicable laws, which protect the freedom of speech.
5. **Louisiana Campus Free Expression Law**: is the statutory requirements addressed in Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at La. R.S. 17:3399.31 through 3399.37, together with the requirements of this Policy, which protects the freedom of expression on college campuses in Louisiana.

## **V. Policy Procedure**

### **1. Speech/Expression Which Requires University Clearance.**

#### **a. Outside Speakers:**

- i. When the University receives requests from outside speakers to rent campus space, the administration reviews those requests based on the appropriate facility use policies. The University has a long history of welcoming speakers with a wide range of viewpoints; there is no process to review the remarks of outside speakers. However, the administration reserves the right to decline or cancel any event if University officials determine it poses serious safety risks and imposes an imminent threat of violence to campus. If a request from an outside speaker is denied to rent campus space, the University shall provide a reason for doing so in writing within two (2) business days to the requester and allow the requester to appeal the denial.
- ii. According to the Supreme Court, public entities such as the University have discretion in regulating the TPM of speech. The right to speak on campus is not a right to speak any time, at any place, and in any manner that a person wishes. The University can regulate where, when, and how speech occurs to ensure the functioning of the campus and achieve important goals, such as protecting public safety.
- iii. When it comes to controversial speakers, the University invokes this necessary authority in order to hold events at a time and location that maximizes the chance that an event will proceed successfully and that the campus community will not be made unsafe. The University heeds its Police Department's ("ULPD") assessment of how best to hold safe and successful events.
- iv. The University might invoke its TPM discretion, for example, to ensure that an event with a highly controversial speaker would be held in a venue that ULPD believes to be protectable (e.g., one with an ample number of exits, with the ability to be cordoned off, without floor to ceiling glass, etc.).

### **2. Reporting Policy Violations.**

#### **a. By Students.**

- i. Review of possible violations of this Policy by students will be referred to the Office of Student Rights & Responsibilities for appropriate investigation, disciplinary action, and/or remediation.
- ii. In all disciplinary cases involving Expressive Activity, students are entitled to a disciplinary hearing in accordance with the Code of Student Conduct, which shall include:
  1. The right to receive written notice of charges in advance;
  2. The right to review the evidence in support of the charges;
  3. The right to present a defense;

4. The right to call witnesses;
5. A decision by an impartial arbiter or panel; and
6. The right of appeal.

b. By Employees.

- i. Review of possible violations of this Policy by faculty will initially be referred to Faculty Affairs for appropriate investigation, disciplinary action, and/or remediation.
- ii. All Employees and further referrals will be sent to Human Resources for appropriate investigation, disciplinary action, and/or remediation.

c. By Visitors.

- i. Review of possible violations of this Policy by visitors will initially be referred to the Vice President for Student Affairs and/or ULPD for appropriate investigation, disciplinary action, and/or remediation.

## VI. Enforcement

The Vice President for Student Affairs is responsible for monitoring the enforcement of this Policy.

## VII. Policy Management

Upon adoption, the Vice President for Student Affairs shall be the Responsible Executive for this Policy in charge of the management of this Policy. The Office of Student Affairs shall be the Responsible Office for this Policy.

## VIII. Exclusions

N/A

## IX. Effective Date

This Policy shall be effective as of the date of adoption of this Policy.

## X. Adoption

This policy is hereby adopted 9/20/2022.

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*Joseph Savoie*

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**Dr. E. Joseph Savoie**  
**President**

## **XI. Appendices, References, and Related Materials**

- ✦ Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37
- ✦ First Amendment of the Constitution of the United States of America
- ✦ Article I, Section 7 of the Constitution of Louisiana
- ✦ Code of Student Conduct
- ✦ University of Louisiana System Free Speech Policy (No. M-22)

## **XII. Revision History**

- ✦ Original adoption date: April 15, 2019 (SA.001.1).
- ✦ SA.001.2: On 9/20/2022, the Policy was updated. This version includes updates to the Policy with respect to the adoption of University of Louisiana System Free Speech Policy (No. M-22), effective June 28, 2022.