

# Policies of Colorado State University

## University Policy



Policy Title: Free Speech and Peaceful Assembly	Category: Administration
Owner: Provost/Executive Vice President	Policy ID#: <u>5-1001-003</u>
Contact: Office of General Counsel Web: <a href="http://csusystem.edu/general-counsel">http://csusystem.edu/general-counsel</a> Phone: <u>(970) 491-6270</u>  Also Contact: Lory Student Center Executive Director Web: <a href="http://lsc.colostate.edu/">http://lsc.colostate.edu/</a> Phone: <u>(970) 491-6395</u>	Original Effective Date: 8/22/2012 Last Revision: 11/11/2022

## PURPOSE OF THIS POLICY

The purpose of this policy is to define the University's **public forums** for exercising the rights of free speech and peaceful assembly, and to advise campus constituents regarding the exercise of those rights. This policy establishes certain standards of conduct that must be observed by demonstrators and groups while availing themselves of the use of University grounds and facilities for exercising the rights of free speech and assembly.

## APPLICATION OF THIS POLICY

This policy applies to all persons while on University property.

## DEFINITIONS USED IN THIS POLICY

**Commercial Speech or Expression:** Speech, expression, and activities that are primarily intended to advertise, market, sell or promote goods and services on behalf of any person or entity that is not a CSU department or affiliated organization. Soliciting for charitable contributions or donations is considered commercial speech.

**Disruptive Activity:** An act that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal functioning of the University, damages property, or endangers health or safety is specifically prohibited. No person may attempt to, nor actually interfere with, impair

or impede the institution's regularly scheduled classes, events, ceremonies, or normal and essential operations.

**Peaceful:** An act or activity that is free from disruptive activity and does not involve violence.

**Public Forum:** An area of the University recognized by the University as a traditional destination for public speech and assembly, and that may be reserved in advance for specific events or gatherings, subject to the provisions of this Policy. An example is the Lory Student Center Plaza.

**Student Forum:** As applied to students, any generally accessible, open, outdoor area on campus, as well as any nonacademic and publicly open portion of a facility that the University has traditionally made available for expressive purposes. Student forums are subject to time, place and manner restrictions that are reasonable, content neutral, narrowly tailored to serve a significant governmental interest and leave open ample alternative channels for communication of the information or message.

**Official University Event:** An event that is sponsored by a campus academic or administrative unit.

**Other Public Areas:** Areas of the University that are traditionally open to all for public discourse and expression, subject to the provisions of this Policy, such as grounds and common areas.

**Non-public area:** An area of the University that is normally not intended to be open to the general public for purposes of expressive activities or gatherings. Examples include classrooms, residence halls, academic and administration buildings, research facilities, and limited-access facilities. These areas are generally reserved for use by specific programs, or for specific purposes, and the University may limit the types of activities and gatherings in these areas as appropriate to the normal operations of the institution.

**Vendor:** Any person engaged in Commercial Speech or Expression as defined herein.

## **POLICY STATEMENT**

The First Amendment to the Constitution of the United States assures that "Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble ...". These rights to free speech and peaceful assembly are to be afforded and protected by the University. The University acknowledges the

right of students and others to assemble in groups on the University campus for peaceful rallies, demonstrations, counter demonstrations, and gatherings so long as they are not a Disruptive Activity as defined in this policy.

The University may, consistent with the Constitution and applicable law, require compliance with reasonable time, place, and manner restrictions that are content neutral, narrowly tailored to serve a significant governmental interest and leave open ample alternative channels for communication of the information or message. Generally, such reasonable restrictions will be enforced to the extent necessary to assure the safety of the campus community and the orderly operations of the institution. The University expects the rights and privileges of all persons to be respected and that there will be no endangerments to health or safety. Such gatherings must in no way disrupt the normal conduct of University affairs or endanger University property. This policy both facilitates the exercise of these rights of free speech and assembly and protects the University community.

Nothing in this Policy is intended to authorize or permit any activity that is otherwise unlawful.

## POLICY PROVISIONS

### Public Forum

#### Lory Student Center Plaza

The Lory Student Center (LSC) Plaza is a **public forum** traditionally utilized at Colorado State University and is open to all individuals for the purpose of exercising free speech and assembly, in accordance with the provisions of this Policy. Space on the LSC Plaza may be reserved by academic and administrative units or registered student organizations on a first-come, first-served basis.

Reservations are required for events that will make use of the entire LSC Plaza. Such events are limited to registered student organizations and campus academic or administrative units, and are restricted to three days per group, per semester, on a first come, first-served basis. Reservations are strongly encouraged to ensure the availability of space. When the LSC Plaza is reserved for an Official University Event, no other expressive activity that would disrupt the Official University Event is permitted.

A request for a reservation may be denied, and the University reserves the right to cancel or postpone any reservation or reserved use of a **public forum**, on one or more

of the following grounds:

- Conflict with a pre-existing reservation or planned use of the location that would unreasonably interfere with either event;
- Conflict with reasonable restrictions on signage, display, erection of structures, sound amplification, or other aspects of the event that would unreasonably interfere with the health or safety of persons, protection of property, access, traffic, or the peaceful, orderly operations of the campus; or
- Inadequate notice for purposes of providing security, facilities support, resources or other preparations necessary for the protection of persons and property.
- Failure to comply with this Policy or the [CSU Policy: Special Events on University Property](#).

The sponsoring organization and participants must cooperate with law enforcement and Lory Student Center staff with respect to all security arrangements and the [CSU Policy: Special Events on University Property](#). Groups that have not reserved the Lory Student Center Plaza in advance may be asked to reschedule based on the University's ability to safely support the event.

Upon the request of any person who is aggrieved by a decision regarding a reservation for or use of a **public forum**, the decision may be reviewed by the Assistant Director for Lory Student Center Event Planning Services or their designee, and, if the objection is not resolved, then by the Executive Director of the Lory Student Center, whose decision is final.

To avoid conflicts in the use of space and disruption of the orderly operation of the campus, and to ensure the safety of the campus community, the University does not allow for the setting up of any equipment or structures, including, but not limited to, tents, tables, booths, displays, amplified sound equipment, etc. on the Plaza without the prior, written permission of Lory Student Center Event Planning Services. Permission may be requested by contacting the LSC Event Planning Services staff (970-491-0229) for a reservation for the desired date and location.

## **Commercial Speech**

Commercial speech may be regulated by the University to a greater extent than noncommercial speech and expressive activities. The University is under no obligation to make the LSC Plaza or any other areas or facilities available for commercial activities. When permitted, commercial speech should promote an educational, rather

than commercial atmosphere on campus, prevent commercial exploitation of students, and preserve the tranquility of the campus.

Commercial literature may be distributed in designated **public forums** only (i) in the LSC Flea Market; (ii) at University events where the commercial activity has been pre-approved; (iii) through publications such as the Rocky Mountain Collegian Newspaper, whose distribution on campus is pre-approved; and (iv) on University-approved bulletin boards (in accordance with the University Policy on Signage and Posting). All other commercial solicitations are prohibited. Literature shall be distributed only from the vendor's Flea Market table or other arranged location. Vendors shall not distribute literature by accosting individuals, taking up a position near a building access point, or blocking foot or vehicle traffic. Individuals or groups distributing literature may be held responsible for all costs associated with cleanup of the literature. .

Solicitation of charitable donations is considered commercial speech. Where a Registered Student Organization wishes to solicit donations, other than in the LSC Flea Market, for large-scale humanitarian efforts/natural disasters (e.g., earthquake, hurricane or flood relief efforts), that Organization must receive prior approval from the Lory Student Center Event Planning Services. Approval is granted only for very extreme circumstances and when well-coordinated with campus departments and organizations. If the approval is denied, an appeal may be filed with the Executive Director of the Lory Student Center by submitting a written request no more than seven university business days after the denial. The decision of the Executive Director will be final.

### **LSC Flea Market**

The LSC Flea Market is available for pre-approved commercial activities in accordance with the **Flea Market Policies**. All commercial solicitations, presentations, signage, displays, distribution of literature, and events are prohibited unless sponsored by a registered student organization or other campus academic or administrative unit and pre-approved by the Campus Activities Director, or designated coordinator. Organizations may also be requested to seek the express approval of the University Special Events Advisory Group (USEAG).

### **Other Public Areas**

While the University's public areas are open to all for expressive activities, including any student forum available to enrolled students, whether planned or spontaneous, all events and gatherings on campus, whether or not scheduled in advance, must be for

the purposes of carrying out lawful activities without undue disruption of the campus' operations, without harming or creating a threat of harm to persons or property, and in compliance with this policy and the [CSU Policy: Special Events on University Property](#). Nothing in this Policy shall be construed to limit or constrain the duties and authority of the University, nor law enforcement authorities, to maintain order and protect public safety. Contact Facilities Management if free speech assemblies are desired at locations other than the LSC Plaza so that assistance can be provided in avoiding scheduling conflicts, and protecting the safety of the campus community.

Public areas are not open for commercial expression (such as solicitations and advertisements) except as provided above. *See also*, [Colorado State University Policy on Sales and Solicitations](#).

### **Non-Public Areas**

Demonstrations, amplified sound, and signage are prohibited in all non-public areas, as is any activity that interferes with academic or operational functions. Demonstrators refusing to vacate premises upon request are subject to arrest under applicable municipal and state laws and may be subject to disciplinary action by the University. Commercial expression is prohibited in non-public areas, except as provided above.

### **Amplification and Chalking**

Amplified sound is generally prohibited on campus but may be permitted for official University and registered student organization events with the prior approval of the Assistant Director of LSC Event Planning Services or their designee.

Amplified sound of voice and recorded music on the Lory Student Center Plaza is permitted when approved in advance by LSC Event Planning Services, with a reservation. Live music may not be amplified on the Plaza. The event must take place during the normal office hours of Event Planning Services. Sound levels are not to exceed 80 decibels at any time. Due to the proximity of classrooms, offices, laboratories, and the library, an Event Planning Services staff member will monitor the sound level and may require lower sound levels when necessary to avoid undue disruption of others.

Chalking is allowed only on the horizontal concrete ground (not on steps, paving stones, buildings or walls) and must be at least 15 feet away from any building entrance. To prevent property damage, only washable chalk may be used; no spray

chalk, paint, or similar materials may be used on University property. Violators may be charged for the cost of cleanup.

## **Other Requirements and Restrictions**

Any event, demonstration, meeting, assembly, or expressive activity, as well as any persons in attendance, must comply with the following requirements and restrictions.

1. **Reasonable Access:** The University is required by law to provide and maintain reasonable access to, and exit from, any office, classroom, laboratory, or building. This access must not be obstructed at any time. Vehicular and pedestrian traffic cannot be impeded by demonstrations or gatherings.
2. **Normal Operations:** The normal operations of the University (classes, scheduled meetings, events, ceremonies, or other educational purposes) must not be interfered with or disrupted.
3. **Picketing:** Picketing in an orderly manner in public or student forums is permitted in accordance with this Policy. Such activities should not become disruptive to University operations, nor should they impede access. Picketing is not permitted inside campus buildings or other non-public areas.
4. **Symbolic Protest:** Displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access to facilities. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention to a lawful assembly and/or an official University event.
5. **Noise-Making:** sustained or repeated noise made in a manner that substantially interferes with another speaker's ability to communicate their message is not permitted. Noise levels should not interfere with classes, meetings, or activities in progress or the privacy of residence hall students.

**Unsafe Items:** The display of firearms or weapons and the illegal possession of firearms or weapons, as well as the possession of torches or other items with an open flame greater than one inch, sticks, poles, shields or other items that may be used to cause injury are not permitted. Persons may carry signs or flags as long as those signs or flags are not attached to a stick or pole. In addition, depending upon the event and its location, the University may have additional restrictions that limit the possession of other items. For public safety concerns and to avoid damage to property, the following are not allowed on campus without the prior approval of the Lory Student Center Event Planning Services (for the LSC Plaza) or Facilities Management: wires, rope, chains, slacklines, poles, sticks and any other object that might injure oneself or others;

unauthorized signage or displays; and graffiti. Violators may be charged for the costs of removal and property damage.

1. **Force or Violence:** Any attempt to impede, impair, or interfere with the orderly operations of the University, including official University events or other lawful assemblies, by the threat or use of force or violence is not permissible.
2. **Damage to Property:** Any damage to University or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed. This includes the campus lawns, shrubs, and trees.
3. **Night Limitations:** Any **Public Forum**, including the LSC Plaza, and any Other Public Area is closed for any event, demonstration, meeting, assembly, or other expressive activity after 7:00 p.m. and before 7:00 a.m., unless a prior reservation has been approved by the University (subject to this policy and the CSU Policy: Special Events on University Property), and any such reservation is limited exclusively for Official University Events.
4. **Temporary Changes:** The University may temporarily restrict expressive activities or change the physical characteristics of an area through the use of barricades, fences or other temporary structures or devices in areas that are otherwise open for expressive activities when needed for safety or security reasons or for Official University Events.

**Other Laws and Rules:** All applicable laws, rules and regulations (including, but not limited to, the Student Conduct Code, Human Resource Manual, Academic Faculty/Administrative Professional Manual, Campus Facility Use Manual, [CSU Policy: Signs, Posters, Banners and Flyers](#), and [CSU Policy: Food and Beverage Sales and Service](#)) must be followed whenever engaging in activities on campus.

## COMPLIANCE

Compliance with this Policy, including the CSU Policy: Special Events on University Property, and the reasonable time, place, and manner restrictions, as well as any permitting obligations is mandatory. Failure to comply with this Policy may result in removal from University property, employee or student disciplinary action, and/or civil or criminal liability.

## REFERENCES

- [Colorado Senate Bill 17-062, Right to Free Speech on Campuses of Public Institutions of Higher Education \(C.R.S. § 23-5-144\)](#)
- [CSU Policy on Food and Beverage Sales & Service](#)



- [Lory Student Center Policies](http://lsc.colostate.edu/lsc-policies/) <http://lsc.colostate.edu/lsc-policies/>
- [Student Conduct Code](#)
- CSU Policy on Food and Beverage Sales and Service
- CSU Policy on Signs, Posters and Banners
- CSU Policy on Sales and Solicitations
- CSU Policy: Special Events on University Property

## FORMS AND TOOLS

- [LSC Flea Market Vendor Contract](#)

## APPENDIX

### Laws Relevant to Rallies, Demonstrations and Gatherings

This information is provided so that all people involved in a demonstration or assembly may know their legal rights and obligations. If you have questions about your rights or obligations during an assembly, rally, or demonstration, please contact the Colorado State University Police Department for clarification prior to engaging in behaviors that may subject you to arrest or fines.

#### ***Obstructing Highway or Passageway:***

It is illegal to intentionally, knowingly or recklessly obstruct a street, sidewalk, building entrance, elevator, stairway, or hallway, or disobey a reasonable request from a peace officer or other person in authority to move from such location. (18-9-107 C.R.S.)

#### ***Disrupting Lawful Assembly:***

It is illegal to obstruct or interfere with a gathering or meeting by any physical action, verbal utterance, or other means. (18-9-108 C.R.S.)

#### ***Interference with Educational Institutions:***

It is illegal to willfully deny to students, employees, or visitors: lawful freedom of movement on institutional premises; lawful ingress or egress to facilities; and lawful use of the property or facilities of the institution. It is also illegal to impede faculty or staff at an institution in the performance of their duty or to impede a student of an institution in the lawful pursuit of his or her educational activities. It is also illegal to willfully refuse to leave the premises when requested to do so by a person in authority, when disrupting or interfering with the functions of the university. (18-9-109 C.R.S.)

***Public Buildings, Trespass, Interference:***

It is illegal for any person to so conduct himself at any public building owned or operated by the state, to willfully deny to any public official, public employee or invitee the right to enter and use facilities or leave such facilities. It is also illegal to impede any public official or employee in the lawful performance of their duties. (18-9-110 C.R.S.)

***Harassment:***

It is illegal for a person to: strike, shove or subject another person to physical contact; or repeatedly insult, taunt or challenge another person in the manner likely to provoke a violent or disorderly response when the intent is to harass, annoy or alarm the other person. (18-9-111 C.R.S.)

***Unlawful Conduct on Public Property:***

It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection, limiting or prohibiting the use or activities or conduct in such public building or on such public property ... (18-9-117 C.R.S.)

***Failure or refusal to leave premises or property upon request of a peace officer - penalties - payment of costs:***

A person committing certain violations or conduct may also be billed for any extraordinary expenses resulting from such violations. (18-9-119 C.R.S.)

***Riot Law:***

If you are convicted of engaging in riotous behavior, the minimum penalty is immediate suspension from all state supported universities for at least 12 months. (23-5-124 C.R.S.)

NOTE: This list of laws relevant to rallies, demonstrations and gatherings is intended to be informative, however, it is not exhaustive of all statutes that may apply, and the CSU Student Conduct Code is also applicable to activities associated with demonstrations and assemblies. Statutes are subject to change; always consult official statutes.

## CONTACTS AND RESOURCES

- Student Leadership, Involvement & Community Engagement (SLiCE) [970-491-1682](#)
- LSC Event Planning Services [970-491-0229](#)
- Colorado State University Police Department (CSUPD) [970-491-6425](#)
- Facilities Management [970-491-0056](#)
- Campus Activities [970-491-6626](#)
- Executive Director, Lory Student Center [970-491-6395](#)
- [Lory Student Center Policies](#)
- [Student Conduct Code](#)
- [Student Resolution Center 970-491-7165](#)

## APPROVALS

Approved by Anthony A. Frank, President, on August 22, 2012

Revision approved by Lynn Johnson, Vice President for University Operations, on August 9, 2017.

Revision approved by Lynn Johnson, Vice President for University Operations on October 6, 2018.

Revision approved by Brendan Hanlon, Vice President for University Operations, on November 11, 2022.