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Owner Elene Garrison:
General Counsel

Area University Wide

References Policy

Freedom of Expression and Academic Freedom Policy

I. POLICY PURPOSE

- A. The University of North Georgia (the "University") is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its mission as an institution of higher learning, it encourages the free exchange of ideas.
- B. Consistent with [USG policy](#), the purpose of this policy is to promote and facilitate First Amendment freedoms and respect the constitutional rights of the University Community while allowing the University to make necessary arrangements (such as arranging march routes, addressing security needs, and avoiding multiple events at the same time and location) and to ensure such activities do not interfere with the University's mission and operations or with the rights of others.
- C. This policy applies to all students, employees, visitors and other individuals while at the University. This policy does not replace, but supplements, applicable federal, state, and local laws and regulations.

II. DEFINITIONS

- A. **Designated Public Forum:** The following areas are designated by the University for Expressive Activity:
 1. [Cumming Campus](#) – the grass area near the South patio adjacent to the Nighthawk Statue
 2. [Dahlonega Campus](#) – the west side of the promenade nearest the Drill Field; however, in the event a University activity or campus event has been previously scheduled to occur in the vicinity of this area at such time as the Designated Public Forum may otherwise be used in accordance with this Policy, the patio space between Price Memorial Hall and Hansford Hall will serve as the Designated Public Forum for a time period beginning one hour before the commencement of such previously scheduled event through one hour after the conclusion of such previously

scheduled event

3. Gainesville Campus – the grass area stretching from the Student Center to the Strickland Building
 4. Oconee Campus – the grass area between the quad walkway and the Library wing of the Student Resource Center
 5. Blue Ridge Campus – the grass area in front of the sidewalk/plaza area in front of the building
- B. **Expressive Activity:** Communicative conduct or activity, other than commercial speech/activity, that is protected by the First Amendment of the Bill of Rights of the United States Constitution, such as public speeches, demonstrations, marches, protests and picketing, and the distribution of literature.
- C. **Invited Guests:** A person who is not an employee or current student at UNG, but is invited and accompanied by a UNG employee or student. For the purpose of Expressive Activity, Invited Guests should always be accompanied by their UNG employee or student host.
- D. **Limited Public Forum:** Areas with limited access for Expressive Activity and that may be limited to particular groups, for particular purposes, or during particular times. Limited Public Forum spaces of special note include classrooms (when not being used for instructional or academic purposes), the Dahlonega campus's Drill Field (when not being used for military training or other scheduled events), the Dahlonega campus's Convocation Center (when not being used for scheduled events), and other reservable areas.
- E. **Non-Public Forum:** Areas that are not Traditional Public Forums, Designated Public Forums, or Limited Public Forums. Examples include, but are not limited to, residence hall rooms, faculty and staff offices, administration buildings and offices, student health centers, libraries, the Pine Valley Recreation Area (Dahlonega campus), Colonel Ben Purcell Formation Plaza (Dahlonega campus), Retreat Triangle (Dahlonega campus), and Memorial Wall (Dahlonega campus) and other memorial areas on any of the campuses. These forums will be restricted to use for their intended purpose and are not available for Expressive Activity.
- F. **Registered Student Organization or RSO:** Any number of University students who have (i) formed a student organization or group, (ii) complied with University requirements for such organization or group to become a registered student organization, and (iii) obtained University recognition as a registered student organization. RSOs are formed around a shared interest or activity. RSOs include but are not limited to fraternities, sororities, student groups, sports clubs, and co-curricular organizations and clubs.
- G. **Spontaneous Expressive Activity:** Expressive Activity that is (i) conducted by University Community Members and their Invited Guests, (ii) prompted by news or affairs coming into public knowledge within 72 hours prior to such activity, and (iii) not planned more than 48 hours prior to such activity.
- H. **Traditional Public Forum:** The public streets and sidewalks surrounding UNG campuses. For University Community Members and their Invited Guests, the unrestricted outdoor areas of the University are deemed Traditional Public Forums.
- I. **University Community Member:** Any persons actively enrolled at or employed by the University, including faculty, staff, administrators and employees, and recognized University-affiliated entities such as University foundations and RSOs. In cases where an individual is asked to

provide identification to verify their status as a University Community Member and fails or refuses to do so, the University will consider such individual, for purposes of this Policy, not to be a University Community Member

III. POLICY STATEMENT

- A. The University supports and encourages Expressive Activity. This Policy does not apply to University-sponsored activities or classroom instruction or participation; but rather establishes the content-neutral time, place, and manner restrictions concerning acts of expression and dissent outside the classroom environment. Nothing in this policy permits the University to regulate the content of Expressive Activity protected by the First Amendment. The University maintains a position of neutrality as to the content of expression and any materials distributed on campus under this policy.
- B. While narrow restrictions to freedom of speech will apply for expression that violates the law or University policies, freedom of expression protections are broad. Any necessary limitations will be enforced by University administration. Individual members of the University community shall not attempt to prevent or otherwise interfere with the free expression of others, no matter how objectionable they may find the expressed ideas or opinions.
- C. Similarly, the University is strongly committed to protecting the academic freedom rights of faculty and students in accordance with [Board of Regents Academic Freedom Policy](#). Along with those rights comes an individual responsibility to fulfil obligations in the classroom, in research, and as public citizens.
- D. The following categories of activities or speech are not protected by law and are not permitted on campus:
 - 1. Speech that incites imminent lawless action that is integral to the commission of a crime,
 - 2. Speech that triggers an automatic violent response ("fighting words"),
 - 3. True threats, obscenity, child pornography, defamation, and
 - 4. Certain types of commercial speech (generally, advertising that makes false claims, is fraudulent, or promotes the sale of illegal goods or services).
- E. **University Community Members**

Traditional Public Forums, Designated Public Forums and Limited Public Forums are available to University Community Members and their Invited Guests for Expressive Activity as described below. Non-Public Forums are not available for Expressive Activity.

1. Traditional Public Forums

The Traditional Public Forums on each campus are available to University Community Members and their Invited Guests for Spontaneous Expressive Activity, provided that such activity adheres to the time, place and manner restrictions in Section G of this Policy and involves less than 10 persons. In the event the Spontaneous Expressive Activity involves 10 or more persons, the activity must be moved to the Designated Public Forum but will not require reservation, as described below in section E.2.b.

2. Designated Public Forums

- a. The Designated Public Forums on each campus are available to University Community Members and their Invited Guests for Expressive Activity between 8 a.m. and 6 p.m. (all times Eastern), Monday through Friday.
- b. It is not necessary for University Community Members to request a reservation for use of the Designated Public Forum for the purposes of expression, unless groups of ten (10) or more persons wish to gather in the Designated Public Forum. [Reservations](#) for groups of ten (10) or more persons should be made in accordance with the the reservation process and any applicable requirements related to this policy. These reservation requirements will not apply in cases where the activity meets the definition of Spontaneous Expressive Activity.
- c. Use of the Designated Public Forums must comply with the time, place and manner restrictions in Section G of this policy.
- d. To ensure the safety of the participants and the University Community, the University reserves the right to move persons to other locations on campus or to discontinue the Expressive Activity, if the size of the group cannot be accommodated by the Designated Public Forum.

3. Limited Public Forums

RSOs, Faculty and Staff wishing to engage in Expressive Activity in those Limited Public Forums that utilize a reservation process, should follow the reservation process to use the space. Reservation requests will be processed on a first-come, first-served basis, but in the event that multiple requests conflict, the use of the space will be reserved in a manner consistent with the reservation priorities detailed in the University [Facilities Use Policy](#).

F. Non-University Community Members

Designated Public Forums and Limited Public Forums are available to Non-University Community Members for Expressive Activity as described below.

1. Designated Public Forums

- a. Individuals or groups who are not University Community Members or the Invited Guest(s) of University Community Members are permitted access to the Designated Public Forums between the hours of 8 a.m. and 6 p.m. (all times Eastern), Monday through Friday.
- b. All individuals or groups who are not University Community Members or their Invited Guests must make a [reservation](#) at least 48 hours in advance to use the Designated Public Forum.
- c. The Designated Public Forums are provided on a content-neutral basis and are designated for any non-University Community Members or groups to share an opinion or viewpoint with the University Community.
- d. Non-University Community Members or groups are limited to four (4) scheduled activities per campus per month so that opportunities are

available to other applicants to use the area. Once scheduled, if you cannot use the space, please cancel as early as possible to allow others to use the space. Missed scheduled dates count toward the limit of four activities per month, if no notice is given within 24 hours of the proposed reservation.

2. Limited Public Forums

- a. Individuals or groups, who are neither a University Community Member nor the Invited Guest(s) of a University Community Member, may reserve Limited Public Forums for Expressive Activity, as set forth in the University [Facilities Use Policy](#).
- b. All reservations of Limited Public Forums must comply with the time, place and manner restrictions in Section G of this policy.

G. Time, Place and Manner Restrictions

Individuals engaging in Expressive Activity on campus must also abide by the following requirements and all other Board of Regents policies, University policies and applicable law. Expressive Activities must not:

1. Attract a crowd larger than the occupant limitations the location can safely contain;
2. Disrupt University activities inside or outside of buildings (including classes);
3. Disrupt previously scheduled campus events or normal operations of the University;
4. Obstruct entrances, exits, or stairways to buildings. At no time should Expressive Activity limit access to a stairway inside a building;
5. Obstruct vehicular or pedestrian traffic;
6. Represent a threat to public safety, according to the discretion of the University Office of Public Safety;
7. Represent a threat to public health, according to the discretion of the University in consultation with federal or state governments, law enforcement (including the University Office of Public Safety), and/or public health authorities;
8. Include camping or the use of tents or other temporary shelters, as such activities are prohibited on University property; provided, however, that reasonable use of shade canopies is permitted;
9. Affix items to any permanent structure (fences, trees, etc.);
10. Light any material on fire, with the exception of hand-held candles which may be utilized with special permission of the Associate Dean of Students; other open flame devices and fires are strictly prohibited;
11. Utilize any amplification device (unless it is a University-sponsored event);
12. Involve solicitation or commercial enterprises;
13. Additional time, place and manner restrictions for chalking, signs and political activities are set forth in separate University policies.

H. Additional Provisions

The following provisions apply to both reservation requests and Expressive Activity:

1. No publicity, for a speaker or program that requires a reservation, may be released prior to confirmation of the reservation by the University.
2. When assessing a reservation request for Expressive Activity on campus, University personnel must not consider the content or viewpoint of the expression or the possible reaction to that expression. University personnel may not impose restrictions on individuals or organizations engaged in Expressive Activity due to the content or viewpoint of their expression or the possible reaction to that expression.
 - a. The University may charge a reasonable security fee in connection with Expressive Activity if the University determines, in consultation with Public Safety, that the time, place, and manner of the Expressive Activity and/or the size of a speaker's intended audience makes the presence of security personnel (either hired security guards or University Public Safety Officers) necessary to promote the safety of the speaker(s) and/or the intended audience.
 - b. In the event that other persons react negatively to Expressive Activity, University personnel will take all necessary steps to ensure public safety and limited disruption to University operations, while allowing the Expressive Activity to continue. The Public Safety Department maintains discretion to end any activity deemed to be a threat to campus safety.
3. Persons or organizations responsible for an activity covered under this policy must remove all signs and litter from the area at the end of the event. If this is not accomplished, persons or organizations responsible for the event may be held financially responsible. Persons or organizations responsible for an activity will not be assessed charges for the removal of signs, litter or other materials left by counter-protestors. The University may remove any items left behind or unattended, including memorials, at the conclusion of the event.
4. Distribution of written material: Non-commercial pamphlets, handbills, circulars, newspapers, magazines and other written materials may be distributed on a person-to-person basis.
5. Activity that results in damage or destruction of property owned or operated by the University or property belonging to students, faculty, staff, or guests of the University is prohibited. Persons or organizations causing such damage will be held financially responsible.

IV. SUPPORT INFORMATION

- A. Related policies include: [Facilities Use Policy](#), [Chalking Policy](#), and [Political Activities Policy](#) which can be located in the [UNG Policy Portal](#).
- B. See University System of Georgia [Freedom of Expression and Academic Freedom Policy](#).

Attachments

- [!\[\]\(6841ca9b0e023296428e7c9e683b9367_img.jpg\) Designated Public Forums for Expressive Activity- Blue Ridge Campus.pdf](#)
- [!\[\]\(e258e347e7683f87061f627f84598eb5_img.jpg\) Designated Public Forums for Expressive Activity- Cumming Campus.pdf](#)
- [!\[\]\(1233990ad3f0b7475c568d7bf16af31f_img.jpg\) Designated Public Forums for Expressive Activity- Dahlonega Campus.pdf](#)
- [!\[\]\(18570b67a4686b081406cd3de636c1c3_img.jpg\) Designated Public Forums for Expressive Activity- Gainesville Campus.pdf](#)
- [!\[\]\(411af059a517db12f1097bc63c4fbe36_img.jpg\) Designated Public Forums for Expressive Activity- Oconee Campus.pdf](#)

Approval Signatures

Step Description	Approver	Date
Policy Office - Final Approval/ Posting	Wesley Burnett: Policy & Procedure Coordinator	08/2024
General Counsel	Elene Garrison: General Counsel	08/2024
Office of the President	Jen Herazy: Senior Vice President of Strategy and Chief of Sta	08/2024
General Counsel	Elene Garrison: General Counsel	07/2024
Policy Office/Technical Review	Wesley Burnett: Policy & Procedure Coordinator	07/2024
	Elene Garrison: General Counsel	07/2024