

<b>FREE SPEECH AND EXPRESSIVE ACTIVITIES IN OUTDOOR AREAS OF CAMPUS</b>	Procedure Number	700
	Effective Date	5-10-19

**1.0 PURPOSE**

The College seeks to further the advancement of knowledge by means of research and discovery, teaching, and vigorous discussion of ideas. Accordingly, the College strives to ensure intellectual freedom and free expression on campus. Students and faculty have the freedom to discuss matters of public concern to the extent consistent with the First Amendment and the reasonable, content-neutral restrictions set forth in this policy, and subject to other applicable College and campus policies.

The College recognizes that individuals or groups may be opposed to certain expressive activities or speakers. Disagreement with different opinions is acceptable; however, the use of violence or violations of law or College policy (including threats of violence and unlawful harassment)<sup>1</sup> is counter to creating an environment in which ideas can be discussed openly. An individual or group wishing to protest an expressive activity on campus is subject to the same standards as presenters. Individuals who choose to listen bear the responsibility of recognizing and honoring the right of free speech. On-campus protests and demonstrations that materially and substantially infringe upon the rights of others to engage in or listen to expressive activity shall not be permitted.

**2.0 REVISION HISTORY**

Adopted on: 5-10-19  
Revised on:

**3.0 PERSONS AFFECTED**

Off-campus groups and/or non-members of the campus/college community.

**4.0 DEFINITIONS**

- A. "Expressive activity" means all forms of expression that are protected by the First Amendment to the U.S. Constitution, which may include peaceful assemblies, speeches, protests, picketing, leafleting, circulating petitions, distributing literature, and similar expressive communications and activities that are non-commercial in nature.
- B. "Member of the Campus Community" means a registered student, administrator, faculty member, staff, registered student organization, a group seeking official recognition as a registered student organization, or an invited guest of any of the foregoing persons or groups.
- C. "Large-scale event" means (1) an event that involves the use of amplified sound; (2) an event that involves the placement of a stage, carts, vehicles, trailers, or multiple tables; or (3) a parade, demonstration, or similar planned event that can reasonably be expected to attract 50 or more people, including participants and spectators. A "large-scale event" does not include a spontaneous, contemporaneous assembly of members of the campus community.
- D. "Non-Member of the College Community" or "Non-Member" means all persons, groups, clubs, or other organizations that do not come within the definition of "Member."

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<sup>1</sup> "Harassment" means expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit or a professional workplace.

E. A “Registered Student Organization” or “RSO” means an organization (including a club) comprised of College students that is registered with the campus office of student involvement and leadership.

F. “Outdoor Area of Campus” means the generally accessible outside areas of the campus of a state-supported institution of higher education where members of the campus community are commonly allowed, including grassy areas, walkways, and other similar common areas. “Outdoor Area of Campus” does not include outdoor areas where access by the majority of the campus community is restricted.

## **5.0 PROCEDURES**

### **5.1 Applicability of Other Policies**

#### **A. Facilities Use**

The utilization of campus facilities is generally governed by Board of Trustees Policy 705.1, the University of Arkansas System-wide Policies and Procedures 715.1, and applicable campus policies on facilities use.

#### **B. Academic Freedom**

This Policy shall not be interpreted as limiting, expanding, or otherwise affecting the rights and obligations of faculty as set forth in Board of Trustees Policy 405.1.

### **5.2 Time, Place, and Manner Guidelines**

Outdoor areas of campus may be used for expressive activities protected by the First Amendment so long as they meet the following requirements:

1. The expressive activity must not violate local ordinances, state laws, federal laws, this policy, or other College policies.
2. The duration of the expressive activity may be limited to a reasonable period of time, based on the type of event and the resources required to manage it.
3. There shall be no obstruction of entrances or exits to buildings, driveways, parking lots, or other campus locations.
4. The expressive activity must not materially disrupt vehicular traffic, pedestrian traffic, or scheduled College programs or events. A speaker’s use of walkways or other common areas may not block the free passage of others or impede the regular operation of the College.
5. The expressive activity must not create unreasonable safety risks.
6. There shall be no alteration, modification, defacement, or destruction to College-owned or College-leased property.
7. Expressive activities are subject to any campus policies on the permissible posting of signage, use of chalk, or other alterations to College structures.
8. The erection of tents or any temporary structures must be inspected for safety by the UA-PTC Director of Facilities and then approved by the Chancellor.

9. The location for the expressive activity must be left in its original condition at the conclusion of the event, and persons are responsible for ensuring that any trash or litter is properly discarded. Any person or entity that causes damage to College-owned or controlled property will be responsible for paying any charges necessary to return the property to its original state. Similarly, reasonable cleaning charges may be assessed.
10. Amplification equipment such as loudspeakers are allowed with prior permission from the Provost. Such requests will be evaluated for the potential disruption of regular College activities or processes.
11. Expression that is obscene, defamatory, or consists of fighting words or threats of physical harm, incites imminent lawless action, or is otherwise not entitled to First Amendment protection is not permitted.
12. Subject to all applicable College policies, College property may not be used for the purpose of promoting a commercial enterprise or raising money for projects not connected with a College activity.
13. By making a reservation or using a College space for expressive activity, the organizer agrees to be financially responsible for all costs associated with the use of the space—including (but not limited to) security costs related to invited participants, clean up, or damage to College property. Moreover, if warranted by the nature of the event, the College may require a requestor to obtain appropriate insurance coverage and/or to indemnify the College, its officials, and employees for any claims pertaining to the use of College grounds.
14. Non-Members of the College Community will not be allowed to reserve outdoor spaces during “dead days,” any official final examination periods, and all dates of any official College commencement activities.
15. Unless officially authorized to do so, no person engaging in expressive activity may represent that the person or organization is speaking on behalf of the College.
16. First priority for use of outdoor spaces shall go to the College’s academic and administrative units, and the College reserves the right to modify or cancel reservations accordingly. All uses of the College’s outdoor spaces remain subordinate to the College’s right to use them at any time to advance the educational mission of the institution.

### **5.3 Expressive Forums and Reservation Requirements**

#### **A. Use of Publicly Accessible Outdoor Locations**

Members and non-Members of the College community must generally make a reservation and receive prior approval from the UA-PTC Director of Public Relations and Marketing at least 3 days in advance of any planned use of the College’s grounds. Members of the Campus Community, however, may spontaneously and contemporaneously assemble, speak, and distribute literature at outdoor areas of campus without receiving prior approval.

#### **B. Reservation Preference**

In instances in which prior permission from the College is not required, persons are still encouraged to contact the UA-PTC Director of Public Relations and Marketing for scheduling purposes to minimize possible conflicts. Persons with a reserved a space will have priority over any other persons seeking to use the area during the scheduled time period for an expressive activity.

### **C. Reservation Requirement for Other Locations**

There are some locations on campus, including certain indoor facilities, that may be made temporarily available to members or non-members of the College community for assemblies, debates, or other expressive activities as designated by the College. Examples of such forums include building foyers, auditoriums, and the Student Union. The use of such locations may entail security concerns, scheduling conflicts, obstruction issues, or resource constraints. Persons desiring to use such locations must make a reservation pursuant to the separate policy on facilities use.

Other locations on campus are typically restricted for their intended purpose and cannot be reserved for expressive activities. Such locations include, but are not limited to, the following: libraries, the hallways and classrooms in academic buildings, dormitory rooms, faculty and staff offices, administration buildings, medical treatment facilities, research and computer labs, and athletic fields and facilities.

### **D. Registered Student Organizations, Organized Demonstrations, and Large-Scale Events**

The right of freedom of expression at outdoor areas of campus includes organized demonstrations. At the same time, this right does not allow individuals to materially disrupt the College's operations or endanger the safety of others. Accordingly, all planned or large-scale events should receive prior approval from the Director of Public Relations and Marketing, and Chancellor at least 3 days in advance of the event or activity.<sup>2</sup>

The College will work with the requesting person to either meet the request or find a suitable time and location. To ensure safety on campus, the College may require the requesting party to provide a parade route, hire security, ensure egress to facilities, or take other steps to maintain the safety of campus. Demonstrations and protests are not permitted in buildings. All participants must follow applicable laws and policies.

The purpose of this policy is not to designate all publicly accessible outdoor locations on campus as traditional public forums or to accommodate demonstrations by Non-Members of the College Community.

### **E. Denials and Revocations**

A denial or revocation of permission to engage in an expressive activity shall generally be based on a reason set forth in this policy or other applicable policies of the UA Board of Trustees or University of Arkansas System. However, no policy can address every possible activity or situation that may occur on College property, and the College reserves the right to address such situations as circumstances warrant.

Any decision to deny a reservation for a publicly accessible outdoor location shall be promptly communicated in writing to the requester and shall set forth the basis of the denial. Any such denial must be based on clear, content-neutral criteria. Anyone aggrieved by the application of these rules may appeal in writing within 10 days to the Provost.

## **5.4 Sanctions and Enforcement**

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<sup>2</sup> Students' use of a single table, cart, booth, or similar structure that does not exceed three feet by six feet (3' x 6') is permitted without a reservation at permissible outdoor locations so long as the time, place, and manner guidelines are followed.

Violations of this policy by Members of the College Community may result in review and sanctions under applicable College policies. Students will be subject to the procedures established in the Code of Student Conduct. Faculty and staff will be subject to the procedures established in applicable employee handbooks. Violations of this policy by other persons may result in removal from campus or arrest. Members and Non-Members of the College Community may also lose their privileges to use campus grounds and facilities in the future, in addition to criminal sanctions. Any criminal proceedings are separate from College’s sanctions. The College will enforce this policy in a content-neutral manner.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s):	UA Board of Trustees	May, 2019
Ratified by:	UA Board of Trustees	May, 2019
Recommended by Chancellor (Signature)	Margaret Ellibee	May, 2019
UA Policy Alignment		

