



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

Policy # 5.1
Date Approved: 9/21/90
Date Amended: 3/12/09
Reviewed w/no Changes:
Office of Responsibility: Pres / AG
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SUBJECT: FREE SPEECH AND ADVOCACY ON CAMPUS

I. PURPOSE:

As an institution of higher learning, Southern Utah University places a high value on free inquiry and free expression. Those within the campus community, and those invited or permitted to speak or assemble on campus will be accommodated subject to the regulations regarding time, place and manner set out in this policy. Free speech, free expression, peaceable assembly, and rights to engage in religious worship provided under the Constitution of the United States and the Constitution of the State of Utah are referred to below generally as “constitutionally protected rights”.

Constitutionally protected rights may be exercised on university grounds in areas designated in this policy as “campus free speech zones”. Such activities will not be allowed to unreasonably interfere with the University’s right to conduct its affairs in an orderly manner and to maintain or safeguard its property, nor may they interfere with the University’s obligation to protect the rights of those within the campus community to teach, study, and exchange ideas. Any use of physical force, any threat of force, or any other coercive activities employed to impose one’s speech or expression upon another, is expressly forbidden.

The University expects that those engaging in expressive activity will comply with this and other relevant University policies, and demonstrate concern for the safety of other persons and property, respect for University activities, and for those who may disagree with their message.

II. REFERENCES:

Amendment I, United States Constitution

Sections 1 and 15, Constitution of Utah

Utah Code Title 53B, Chapter 3 (Enforcement of Regulations at Institutions)

Utah Code Title 76, Chapter 8, Part 7 (Criminal Offenses Against Colleges and Universities)

Policy and Procedures R251, Campus Speakers, State Board of Regents



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III. POLICY:

The rights of campus speakers to speak and audiences to hear, free from undue disruption and interference, are constitutionally protected rights. When guests are invited to the University, they may express their ideas not only because they have a right to do so, but because members of the campus community have a right to hear, see, and experience diverse intellectual and creative inquiry. Encouraging such inquiry and protecting such rights are fundamental interests of higher education generally, and Southern Utah University in particular.

- A. Invited Speakers: Students, faculty, staff, administrators, student clubs/organizations, SUUSA, and alumni organizations may invite individuals outside the campus community to speak on campus, provided that the orderly and timely scheduling of facilities has occurred according to SUU policy. This requirement will not be used to discriminate regarding, or prejudice the speaker or the content of the presentation; rather, it will ensure that public safety issues can be considered, that all affected departments have adequate notice of the event, and that the potential for disruption of University activities which may be occurring concurrently can be avoided.

1. When extending an invitation to someone outside the campus community to speak on campus, the inviting individual or organization must:
 - a. Notify the speaker that he or she is expected to abide by local, state and federal law while engaged on campus;
 - b. Apprise the speaker of relevant and applicable University policies that may pertain to his or her address or presentation (e.g. public safety protocol);
 - c. Anticipate and fund the accrued costs of the invitation that result from providing for adequate security, the use of audio-visual equipment, the cost of University personnel required to work after normal hours of operation, and any fees, accommodations or honoraria required by the speaker.

It should be generally understood that an invitation extended to speak on the campus of Southern Utah University is done with the inherent educational value of discourse in mind although the views expressed by the speaker are his/her own and are not necessarily those of the University.



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2. Faculty members inviting outside speakers to address their classes as guest lecturers will not be required to adhere to the above provisions, but they will personally assume all the responsibility and liability associated with extending the invitation.

B. Members of the Public: Those from outside the campus community may speak on campus without an invitation but may only do so in areas designated as free speech zones. Because such areas are specified by this policy, and because there may be associated public safety concerns, a reservation is required and should be made with Centralized Scheduling in the Office of the Vice President for Student Services.

1. The reservation will designate the:
 - a. Time (approximate beginning and ending hours)
 - b. Place (designated campus free speech zone); and
 - c. Manner (number of speakers, types of displays or equipment intended, approval or disapproval of amplified sound systems, likely need for the presence of Campus Police for speaker safety or crowd control).
2. Campus Free Speech Zones. Those areas on campus designated as campus free speech zones are:
 - a. The Multi-Purpose Quad (the lawn area West of the Multi-Purpose Building, up to the bordering sidewalks).
 - b. The Business Quad (the lawn area between the Leavitt Business Building and the Sherratt Library, up to the bordering sidewalks, and the lawn areas between the Leavitt Business Building and the Bennion Administration Building, up to the bordering sidewalks).
 - c. The Upper Quad (the lawn area East of the Old Main and Braithwaite Buildings, up to the bordering sidewalks on the North, South and West, and up to the landscaping rocks and other features on the East).
 - d. In the event the above campus free speech zones have been previously scheduled or are unavailable, an alternative location will be identified by the Centralized Scheduling Office in consultation with the Vice President for Student Services.
3. All activity in these areas must be conducted in such a way that traffic is not impeded and the normal activity in classrooms and offices is not disrupted.



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4. These campus free speech zones are available to any entity, but members of the University community and their organizations will have preference in scheduling them. Scheduling reservations may be made through the Centralized Scheduling Office or the Vice-President for Student Services designee, for up to four hours per day for purposes of speaking.
5. The University reserves the right to restrict use of the zones outlined in this policy for the purposes of planting, reseeding and other general maintenance and upkeep.
6. During the allocated period of use, persons using the facilities may make use of tables and other temporary means for displaying or distributing information. The tables or other temporary means for displaying or distributing information must be removed upon the expiration of the time allotted.
7. Motorized vehicles are strictly prohibited on sidewalks or grassy areas. If there is a legitimate need for a motorized vehicle of any kind to be used during an event, permission must be granted by the Scheduling Office in consultation with the Director of Facilities Management.
8. Participants are expected to comply with all parking policies that govern the University community. Specific parking needs should be addressed through the Public Safety Office.
9. Nothing in this section should be interpreted to limit the right of free speech elsewhere on the campus. Upon request, the Office of the Vice-President for Student Services will designate available facilities and the procedures for reserving them through the Centralized Scheduling Office. Restrictions will apply based on size of event, potential disruption to regular campus functions, and public safety issues.
10. Overnight camping on University property is prohibited without advanced permission.

C. Members of the Campus Community

1. On University grounds, all members of the campus community may exercise their constitutionally protected rights and distribute non-



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commercial literature incidental to their message. Such activities must not interfere with the orderly operation of the campus and must be conducted in accordance with this policy and other campus regulations.

2. "University grounds" are defined as the outdoor areas of the campus (lawns, patios, plazas) that are at least 20 feet from the entrances/exits of campus buildings and parking lots, that do not restrict movement on campus walkways, and that are also a safe distance from the curbs of campus roads.
3. All activity in these areas must be conducted in such a way that traffic is not impeded and the normal activity in classrooms and offices is not disrupted.
4. Use of the facilities may be reserved through the Centralized Scheduling Office or the Vice-President for Student Services designee for up to four hours.
5. Those using the facilities may make use of tables and other temporary means for displaying or distributing information. The tables or other temporary means must be removed upon the expiration of the time allotted. Tables or other means may not be placed in areas where passages to any entrances or walkways are blocked.
6. Nothing in this section is to be interpreted as limiting the right of free speech elsewhere on the campus. The Office of the Vice-President for Student Services will designate available free speech areas, and the procedures for reserving them. Restrictions will apply based on size of event and scope of potential disruption to regular campus functions.
7. Overnight camping on University property is prohibited without advanced permission.

D. Sound Amplification Equipment

- a. Where sound amplification equipment is needed (whether reserved through the University or personally owned) to exercise rights defined or protected by these regulations, those wishing to use such equipment must first obtain permission from the Centralized Scheduling Office.



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- b. Sound equipment can only be used at amplification levels which do not disrupt teaching, or other duly authorized meetings or activities. Violations of this restriction constitute grounds for revocation of the permission to use sound equipment.

E. Defamatory or Obscene Speech

1. Nothing in these regulations authorizes or condones the following types of speech:
 - a. that which is unlawfully defamatory
 - b. that which is obscene (as defined by law)
 - c. that which induces imminent unlawful action
2. Any person engaging in such speech or using University facilities or grounds to do so will be required to stop or be removed, will be held personally liable for any resulting damage, and may be prosecuted under applicable criminal law. Defamatory or obscene speech, including removal of signs, posters, handbills, exhibits or other unlawful expressions, may be stopped or removed as deemed appropriate by University authorities.

F. Demonstrations and Picketing

Demonstrations and picketing on campus are legitimate means of expression. Anyone who wishes to engage in demonstrations and picketing may do so, as long as their conduct does not unduly disrupt the functions of the University, interfere with the rights of other members of the University community, or damage University or private property.

1. “Demonstration” means any rally, gathering, protest, parade or procession.
2. Time, Place and Manner Restrictions
 - a. Picketing or demonstrating must be orderly and must not jeopardize public order or safety.
 - b. Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.
 - c. Picketing or demonstrating must not disrupt organized meetings or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.



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- d. Picketing or demonstrating must not disrupt classes and teaching, the use of offices, the privacy of University housing, and other University activities related to teaching or research.
 - e. Picketing or demonstrating on campus property must not disrupt the community or neighborhoods surrounding campus, or jeopardize rights of private citizens.
3. Responsibility for Demonstrations or Picketing
- a. Persons violating the time, place and manner regulations may be subject to arrest or other action authorized by law after notice is given of the regulations being violated and the person's refusal to cease and desist in their conduct violating the regulations.
 - b. Examples of violations include but are not limited to: Disturbing the peace, trespassing, defacing public property, interference with University business.
 - c. Picketers or demonstrators (and their organizing entity) are financially responsible for any damages, including cleanup of litter, caused by their picketing or demonstrating. Damages or litter caused by third parties not part of the picketing or demonstrations will be assessed against such third parties.
4. Literature (Distribution of Handbills, Petitions and Other Written Material)

Any person may hand out and distribute non-commercial handbills, petitions or other written material on campus without prior approval, so long as such materials clearly identify the author or sponsor of the materials and comply with a prohibition of obscene and unlawful defamatory speech.

- a. Time, Place and Manner Restrictions
 - i. Distribution outside of University buildings is permissible but must not interfere with the entrances to the University buildings or the normal flow of pedestrian or vehicular traffic.
 - ii. Distribution inside buildings is permissible so long as those distributing handbills or other written materials do not disrupt the functioning of the University or interfere with the rights of other members of the University community.
 - iii. Handbills or other written material may not be attached or affixed to private property without the owner's permission.



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This includes the placement of handbills on vehicle windshields which is not permitted.

- iv. Handbills or other written material distributed for the benefit of a commercial entity is prohibited from campus and the distributor and/or the benefited entity may be cited by campus police.

- b. Any person distributing handbills or other written material is personally responsible for the content of the material and in distributing agrees to hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the material.

5. Signs, Notices, or Posters

The University provides space indoors and outdoors for the posting of signs, notices and posters by members of the University community and their organizations.

- a. Such signs, notices and posters may deal with subject matter including, but not limited to, notices of meetings or events and expressions of positions and ideas on social or political topics, and must clearly identify the author or sponsor of the materials.
- b. Posting of such items must be approved through the Student Involvement and Leadership Office or through the appropriate steward of bulletin boards, walls, doors, etc. Permission to post such items will be denied when language or images are contrary to rules governing unlawful, defamatory, or obscene speech.
- c. Signs, notices and posters must not be attached to trees, buildings, walls or other campus structures unless otherwise expressly authorized by the Scheduling Office. Messages or slogans of any kind cannot be painted or otherwise written on trees, buildings, sidewalks (with the exception of chalking sidewalks by SUU student organizations), grounds, fountains, walls or other campus structures or surfaces, or on the personal property of others.



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- e. Any person or organization is individually responsible for the content of any signs, notices or posters they sponsor or post on campus. By posting the sign, notice or poster on campus, the person or organization agrees to hold the University harmless for any damages or liabilities incurred as a result of the sign, notice or poster.

F. Appeal Rights

- a. Where permission is denied or revoked by the Centralized Scheduling Office, review of the decision will be by the Scheduling Committee. The decision and any remedies determined by the Scheduling Committee is/are final except as to claims of violation of the Utah or United States Constitution, which will be heard by the Faculty Senate in accordance with the rules and regulations of that Committee. The recommendation of the Faculty Senate shall be transmitted to the Vice President for Student Services. The Vice President's decision will be final and will be communicated in writing to the appealing party.
- b. Any person assessed damages caused by picketing, demonstrating, or inappropriate distribution of literature will have a right to appeal the assessment of damages to the Scheduling Committee. The decision of the Scheduling Committee will be final.