



FREEDOM OF SPEECH AND EXPRESSION

Effective Date: September 11, 2018

Revised Date: September 11, 2018

Responsible Office: Vice President for Student Affairs

Division: Student Affairs

I. PURPOSE/OBJECTIVE

To provide guidance to faculty, staff, students, and visitors regarding how to protect and enhance the free exchange of ideas on the Grambling State University campus. By virtue of regulating the exercise of free speech on the campus, the University does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

II. STATEMENT OF POLICY

The University encourages students, faculty, and staff to exercise the right of assembly, free speech and expression throughout the campus. The outdoor areas of the Grambling State University campus are considered traditional public forum areas. Protests, rallies, demonstrations, and other similar expressive activities are not permitted inside any University building. In support of free expression, the University encourages use of, but does not restrict expressive activities to designated public forum areas.

III. 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 codified at R.S. 17:3391.31.

“Expressive Activities” 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 the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This 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.

“Outdoor Areas” are outside areas of the University campus generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

“Public Areas” of the University campus mean all Outdoor Areas.

“**Student Organization**” means an officially recognized group at the University, or a group seeking official recognition, comprised of admitted students.

IV. POLICY PROCEDURES

Policy

1. The University strives to ensure intellectual freedom and free expression.
2. It is not the proper role 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, and other applicable laws, including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.
3. The outdoor areas of the Grambling State University campus are considered traditional public forum areas. Protests, rallies, demonstrations, and other similar expressive activities are not permitted inside any University building. Nothing in this policy shall be interpreted as limiting the rights of expression elsewhere on campus.

Non-Affiliated Organizations or Individuals (Non-Commercial Activities).

- Expressive activities by any non-University organization or individual are permitted in the public forum areas. Any rally, protest, demonstration or similar expressive activity conducted by organizations or individuals that are not members of the Grambling State University community must be registered with the University.
- Non-affiliated organizations or individuals must contact the Office of Campus-Wide Activities at 318-274-3298 to register their activity

Public Forum Areas

- Public forum locations for individuals and groups which are not members of the University community include:
 - The fountain area and green space in front of T.H. Harris Auditorium;
 - The green space to the east of Tiger Village Clubhouse, RWE Jones Drive;
 - Designated public forum locations are available for use at each campus, via 14-day advance reservation by contacting the Office of Campus-Wide Activities at 318-274-3298. Reservation of these spaces is provided on a first come first serve basis and approval is provided on a content neutral basis. Any denial of a reservation will include the reason for the denial
4. Expressive activities by students, administrators, faculty members, staff members, and invited guests are protected.

5. On Public Areas, students and faculty may assemble, distribute literature, 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 institution, subject to the requirements of this Policy.
6. Any person who wishes to engage in noncommercial expressive activity on the University campus will 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.
7. Any person lawfully present on the campus may protest and demonstrate here. However, 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 institution or to someone's expressive activity shall not be permitted.

Association and Assembly

1. Students have the right to organize and join organizations to promote their common interests. These organizations are obligated to register with the Office of Student Engagement (Clubs and Organization) via telephone at (318) 274--3334 for information regarding the use of Public Areas and are held to the policies and expectations outlined in the Student Handbook. Only approved organizations may enjoy the rights and privileges accorded by the University including the right to invite speakers to the campus to address the group of student body.
2. GSU will not deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:
 - a. Affirm and adhere to the organization's sincerely held beliefs.
 - b. Comply with the organization's standards of conduct.
 - c. Further the organization's mission or purpose, as defined by the organization.

Time, Place, and Manner Restrictions for Public Forums (TPMR).

1. Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws permit and within the limits of time, place and manner of expression that are necessary to achieve a significant University interest. TPMRs enforced by the University will be consistent with First Amendment principles -- content-neutral, serve a significant university interest and leave ample alternative channels for communication of information. In order to maintain safety, security, and order, the University reserves the right to limit activity by the following regulations regarding time, place, and manner of such activities. Any expressive activity conducted in violation the TPMR shall be grounds for mandatory cessation of such activities.

- a. If an individual or group of individuals attracts a group of 20 or more persons, then a representative from the group is encouraged to contact the Student Affairs Office or University Police as soon as circumstances reasonably permit. The University reserves the right to direct a group of 20 or more persons to another available Public Area in order to ensure the safety of campus members, to provide for proper crowd control, and to limit disruption of the academic and other operations of the University. Any relocation must not be based on the content or viewpoint of the expression.
 - i.
- b. The activity does not create unreasonable safety risk to any participant, bystander, or University property;
- c. The activity does not disrupt the academic mission or daily operation of the University;
- d. The activity does not unduly disrupt vehicular or pedestrian traffic;
- e. Restricted areas of the University campus, or those areas not deemed a traditional public forum, may not be used for purposes other than for that facility's purpose.
- f. The activity does not damage or destroy University property, including buildings, grounds, vehicles, or equipment. The location(s) must be left in its original condition at the conclusion of the event. The group or individual damaging University property is responsible for costs directly associated with the repair to the damaged property or area;
- g. The activity does not violate City of Grambling, or other relevant municipal ordinances or state or federal laws;
- h. The activity does not utilize amplification equipment that interferes with the educational mission of the University. Any use of amplification equipment is limited to one of two designated public forum areas;
- i. The activity does not include expression that is not protected speech. This includes:
 - o Engage in provocations by fighting words or incitements to engage in immediate violence;
 - o Make threats which demonstrate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals;
 - o Interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into and out of University facilities, roadways, exterior patios, plazas, walkways, or gathering

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- spaces; d. Materially and substantially disrupt the educational mission and normal activities of the University;
 - Express or exhibit obscenity as defined by law;
 - Advocate the deliberate violation of law by preparing the group addressed for imminent action and seeing it to such action.
 - Engage in commercial for-profit activities absent a prior written agreement with the University authorizing such activities.
 - Force literature onto observers or passersby or affix literature to automobiles, trees, grounds, fixtures, or other stationary objects on the campus shall constitute a violation of this policy and will result in cessation of the Public Forum activity by appropriate University authorities.

Posting of Signs, Notices and Posters by Members of the University Community

1. The University shall provide reasonable space indoors and outdoors for the posting of signs, notices and posters by members of the University community and their organizations. Such signs, notices and posters may deal with any 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.
2. **Time, Place and Manner Restrictions**
Members of the University community and their organizations may post signs, notices and posters on bulletin boards and kiosks maintained by the University and located on the campus. Signs, notices and posters shall not be attached to trees, buildings, walls or other University structures unless otherwise expressly authorized by the Office of Campus-Wide Activities. Messages or slogans of any kind shall not be painted or otherwise written on trees, buildings, sidewalks, grounds fountains, walls or other University structures or surfaces, or on the personal property of others.
3. Members of the University community and their organizations may also post signs, notices and posters on designated bulletin boards and electronic billboards maintained by the academic and administrative departments of the University subject to the approval and reasonable limitations of the appropriate departments. Colleges and departments may adopt reasonable time regulations limiting the time for display of signs, notices and posters on bulletin boards maintained by colleges and departments to maximize everyone's opportunity to use designated areas for signs, notices and posters and may prohibit attaching signs, notices or posters to walls and other surfaces in order to prevent damage to walls and other surfaces.
4. Any sign, notice or poster posted on campus must contain a visible expiration date, a date after which the sign, notice or poster may be removed, not to exceed ten (10) calendar days from the date of posting. For purposes of this

regulation, a visible expiration date shall be either a stamped expiration date by the Office of the Vice President for Student Affairs or official of the college or department responsible for the area where the sign, notice or poster is posted or a legible date placed in the lower right hand corner of the sign, notice or poster by the person or organization posting the sign, notice or poster. University maintenance personnel or other University officials may remove any signs, notices and posters which do not contain a visible expiration date as defined by this section.

5. The Vice President for Student Affairs may grant permission to post signs, notices and posters for a period longer than ten (10) calendar days where it is shown that there is good reason for the signs, notices or posters to remain in place for a longer period; but in no case shall the signs, notices or posters be allowed to remain posted beyond the end of the academic semester or ten (10) calendar days from the date of posting whichever comes later.

Commercial and Non-University Community Signs, Notices and Posters

1. The Vice President for Student Affairs shall publish rules and regulations governing the posting or distribution of signs, notices, posters, and other materials for commercial purposes or by non-members of the University community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the University community activity may take place.
2. The regulations shall be available for inspection in the office of the Vice President for Student Affairs and a written record of actions taken under the regulations shall be maintained and be open for public inspection.
3. Responsibility for Content of Signs, Notices or Posters
Any person or organization shall be personally 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 assessed damages or liabilities incurred as a result of the sign, notice or poster.

Non-Endorsement/Ratification

- Expressive activities permitted under this Policy do not imply official endorsement or approval by the University. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Expressive activities that are directed to provoke and likely to produce imminent lawless actions, or are harassing, threatening, or bullying are not protected.

Supplementary Procedures

- The Vice President for Student Affairs is encouraged and authorized to develop, publish and disseminate supplementary procedures to further support the implementation of this Policy and any such supplementary procedures shall be consistent with this Policy.

V. Enforcement, Grievance and Appeal Procedures

Any person aggrieved by a violation of this policy may file a written appeal of the decision or action with the GSU Vice President for Student Affairs or designee, within fourteen (14) business days of the decision or action. The University shall provide a written response to the appellant with fourteen (14) business days of receipt of the appeal, unless good cause, additional time is needed to ascertain facts or speak with the appellant or relevant officials. The decision of the Vice President for Student Affairs shall be final.

VI. Superseding Policy

This policy supersedes and nullifies any provision in the policies and regulations of the University that restricts speech on campus and is therefore inconsistent with this policy on free expression.

VII. Appendices, References and Related Materials

UL System Policy Number M-22 (PPM M-22) on Free Speech, adopted by the System Board effective October 25, 2018

(<https://s25260.pcdn.co/wp-content/uploads/2018/10/Free-Speech-PPM-M-22.pdf>)

Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.27 (“Louisiana Campus Free Expression Law”)

(<http://legis.la.gov/legis/BillInfo.aspx?sessionid=18RS&billtype=SB&billno=364>)