



## **Policy 01:018 - UM Expression and Demonstration Policy**

### **I. POLICY STATEMENT**

The University of Montevallo recognizes and supports the role of a university as the marketplace of ideas. Freedom of expression and public assembly are essential components of the education process. As Alabama's Public Liberal Arts University, the University is committed to its function as an institution in which stakeholders discover and disseminate knowledge by means of research and teaching. The University of Montevallo supports the rights of students, employees, and visitors to speak in public and to demonstrate for or against actions and opinions with which they agree or disagree.

Such freedom comes with a responsibility to welcome and promote this freedom for all, even in disagreement or opposition. The responsibility of the University to operate and maintain an effective and efficient institution of higher education requires regulation of time, place, and manner of assembly, speech, and other expressive activities on the grounds and facilities of the University. In keeping with this responsibility, students, faculty, and staff are free to exercise the rights to assemble and engage in expressive activity in a constitutionally protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligation of the University, preserve the rights of others, coordinate multiple uses of limited space, assure preservation of the campus facilities and grounds, and assure financial accountability for any damage caused by these activities.

It is not the proper role of the University to shield individuals from speech protected by the First Amendment of the United State Constitution and Article I, Section 4 of the Constitution of Alabama, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

The University will at all times strive to remain neutral as an institution on the public policy controversies of the day, except as far as administrative decisions on the issues are essential to the day-to-day functioning of the University. The University will not require students, faculty, or staff to publicly express a given view of a public controversy. However, students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.

**Application of Policy.** This policy applies to all University of Montevallo students, employees, organizations, and sponsored guests. This policy does not apply to official academic activities and official functions of the University. For Faculty policies, refer to Policy 04:405 at <https://www.montevallo.edu/wp-content/uploads/2018/06/Policy-04.405-Behavior-At-Work.pdf>.

## **II. DEFINITIONS**

**Amplified Sound** is sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks.

**Campus Grounds** means all outdoor areas owned, leased or controlled by the University that are common and accessible to all students and employees such as sidewalks, lawns, parking lots, and promenades.

**Demonstration** action by a mass group or collection of groups of people in favor of a political or other cause or people partaking in a protest against a cause of concern; it often consists of walking in a mass march formation and either beginning with or meeting at a designated endpoint, or rally, to hear speakers.

**Debate** is a discussion involving opposite viewpoints in which opposing sides of an issue are advocated and/or presented by differing speakers.

**Expressive Activity** is the verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is defamatory, obscene or commercial in nature.

**Literature** is any printed material that is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include the *Alabamian* or official University material.

**Official University Function** is all activities, events and programs sponsored by an academic or administrative unit of the University.

**Open Air Forum** is a designated area on campus not confined by walls or a roof. Within this designated area, individuals or groups are encouraged to openly discuss, express, and/or exchange ideas on topics in accordance with university policies.

**Outside Group/Individual.** An **Outside Group** is an organization or group of people not registered with or recognized by the Division of Enrollment and Student Affairs or, if a non-student group, another University division. An **Outside Individual** is any person not enrolled at or employed directly by the University.

**Registered Student Organization** is an organization that has been approved and recognized by the Division of Student Affairs in accordance with Board Policy 01:220 – Student Organizations.

**Sponsored Activity** is any expressive activity that is presented by a sponsored guest under this policy.

**Sponsored Guest** is any person or organization invited to engage in expressive activity on campus grounds by a sponsoring organization in accordance with this policy.

### **III. Policy Principles**

#### **A. General Guidelines**

The University of Montevallo is committed to providing an educational environment that is conducive to the development of each individual. As a public institution, the university provides formal and informal forums for the expression of ideas and opinions as long as it is done within the context of university policies and does not impede pedestrian and/or vehicular traffic, disturb or interfere with normal academic, administrative or student activities, or involve coercive behavior.

#### **B. Formal Forum Area: Open Air Forum**

To facilitate robust debate and the free exchange of ideas, the university has designated certain high visibility areas on campus as “Open Air Forums.” These areas may be used for or by any person, including non-students and other campus guests. This use may be without prior permission from the university so long as:

- The area has not been previously reserved or scheduled for a particular function.
- No sound amplification is used.
- Participants do not violate university policies.
- The expressive activity is not a large scale event (i.e. does not exceed 50 participants)
- Guidelines outlined in Section II.A. are followed.

The Open Air Forums are located at Farmer Hall Patio, Main Quad, Brooke Quad, Tutwiler Quad, and King Quad. The University reserves the right to define, redefine, or re-designate Open Air Forums in its sole discretion.

Although it is not necessary for a person using a designated Open Air Forum to obtain prior permission from the university, such persons are encouraged to contact the Facilities and Events Scheduling Office for scheduling purposes to minimize possible conflicts. That Office may be reached at 205.665.6292 during the hours of 8:00-5:00 Monday-Friday.

Nothing in this section shall be interpreted to limit a student’s right to free expression elsewhere on campus so long as the expressive activities or related conduct do not violate any other applicable university policies. A complete listing of policies can be found here: <https://www.montevallo.edu/about-um/administration/policies/>.

#### **C. Guidelines for Organized Expressive Events**

##### **1. General**

A student's right to freedom of expression at the university includes organized demonstrations or events. At the same time, the university has long recognized that this right does not include the right to engage in conduct that disrupts the university's operations or endangers the safety of others. Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct or obscenity as defined by federal or state law and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.

Accordingly, the university requires any student or student organization planning a large-scale event to contact Student Life Office in advance of the activity. Large-scale events are defined as events that include invited speakers, use of amplified sound, marches, parades and other events such as protests and demonstrations that are expected to attract 50 or more people.

If an outside group or individual wishes to conduct an organized demonstration or to engage in an expressive activity in an area other than the Open Air Forum, the group or individual should seek the sponsorship of a University-Recognized Group (i.e. non-student official university organization), Registered Student Organization, or Administrative Division.

## **2. Campus Grounds Use and Facilities Use Reservations**

Campus grounds generally are open to students, employees and sponsoring organizations for expressive activity during university business hours. However, these individuals and organizations are encouraged to reserve areas on campus that are designated for expressive activity when the activity is promoted in advance or when the activity may reasonably be anticipated to draw a crowd of 50 or more people. A reservation is required for use of amplified sound and/or outdoor structures.

Facilities reservations are required whenever a sponsoring organization wants to use space in a university-controlled building for expressive activity. Only sponsoring organizations may invite sponsored guests to use facilities for expressive activity. A request to reserve space for use by a sponsored guest must be made no fewer than seven business days in advance of the sponsored activity.

Indoor and Outdoor designated areas may be reserved on a first-come, first-serve basis and are subject to the reservation procedures published by the Facility and Event Scheduling Office, those procedures set out in this policy, and Board Policy 01:020 – Use of University Properties. Only the individuals or sponsoring organization that reserves a designated space may use the area for expressive activity during the reserved period.

While security for a proposed event may be necessary, the University will not charge security fees based on the content of the expressive activity.

### **3. Reservation Denials**

The Facility and Event Scheduling Office will act on requests to reserve designated areas and to register for a parade, march or rally no later than two business days after a properly submitted request is received in the Facility and Event Scheduling Office. If a request is denied, the Director of Facility and Event Scheduling will, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, the Director of Facility and Event Scheduling will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation.

The University will not deny a registered student organization any benefit or privilege available to any other registered student organization or otherwise discriminate against the organization based on the expression or beliefs of the organization.

### **4. Reason for Denial of a Reservation/Permit**

Requests to reserve a designated area, to use amplified sound, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied only for the following reasons:

- a. an earlier request to reserve the same location and time has been made;
- b. the designated area or an adjacent area has been reserved for an official University function or the designated area is no longer suitable for use due to a conflict with a nearby official University function;
- c. the reservation or registration form is incomplete;
- d. the request exceeds more than fifteen days in a semester or is for more than five consecutive days;
- e. the proposed event or activity will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
- f. the request was submitted by an individual or organization that is not permitted to reserve space on campus under this policy.

### **5. Relocation of Expressive Activities**

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas by the Chief Student Affairs Officer or, when immediate action is necessary, the University police department, under the following circumstances:

- a. the noise generated by the activity disrupts an official University function or substantially interferes with resident housing life and activities (e.g. the activity is too close to an academic, administrative or residential building);
- b. the location does not safely accommodate the number of participants;
- c. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official university activities;
- d. the space has been reserved for an official University function, has been reserved in accordance with this policy, or a reserved location is needed for an official University function; or
- e. the activity creates a health or welfare hazard, such as interfering with fire, police or emergency services.

## **6. Distribution of Literature**

Students, employees and sponsoring organizations may distribute literature on campus grounds. Sponsored guests may distribute literature only in the designated area reserved for their use. If no Registered Student Organization will sponsor an outside individual or organization to distribute literature on campus grounds, they may file a request with the Facility and Event Scheduling Office 7 business days before the requested event or activity. If an outside individual or organization does not reserve an area at least 7 business days before they intend to distribute literature, they must use a designated Open Air Forum location, subject to the provisions in Section III (A) and (B) of this policy.

Students, employees, sponsoring organizations and sponsored guests who distribute literature should be responsible for refraining from littering on campus grounds.

It should be understood and presumed that all literature distributed by students, employees, sponsoring organizations, or sponsored guests does not represent the views and opinions of the University of Montevallo. If literature could be reasonably mistaken as taking an official position on behalf of the University, a disclaimer statement should be added to the literature.

This policy does not apply to attempts to distribute literature that is commercial in nature (i.e. information about goods or services offered for sale). See Board policy 01:040 – Solicitation.

#### **7. Responsibilities of Individuals, Sponsoring Organizations and Sponsored Guests**

Sponsoring organizations are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable University policies. Members of the University community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of University policies, including the Code of Student Conduct and personnel policies, as applicable.

Sponsored guests who do not comply with this or other applicable University policies automatically forfeit their reservations and must immediately vacate University property. Repeat violations of this policy by a sponsored guest may result in loss of privilege for the sponsored guests as determined by the Chief Student Affairs Officer.

#### **8. Appeal of Decisions Related to Expressive Activity**

Students, employees and organizations whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the Chief Student Affairs Officer no later than two business days after the decision that is being challenged was made.

The appeal must be made in writing and state the specific reason(s) the individual or organization disagrees with the decision. The appeal should include all information the individual or organization believes will assist the Chief Student Affairs Officer to decide the matter.

The Chief Student Affairs Officer will issue a decision on the appeal within three business days of its receipt. The decision is final.

### **IV. Sanctions**

Anyone under the jurisdiction of the University who materially and substantially disrupts the free expression of others is subject to a range of disciplinary sanctions per Alabama law. For students, see the Student Code of Conduct. For employees, see Policy 04:405.

### **V. Event Termination/Postponement**

In addition to the forgoing stipulations in this policy, the University reserves the right to cancel, relocate, postpone, or take protective measures with respect to proposed or ongoing expressive activity if the speech or conduct in question poses an imminent threat of unlawful action, violence, or disruption of University activities or operations.

### **VI. Interpretation**

This policy shall be administered, enforced, and interpreted by the Chief Student Affairs Officer in consultation with the University's Threat Assessment Team and other appropriate University officials with reference to and in conformity with governing state and federal law, including the United States Constitution, the Constitution of Alabama (1901), and Ala. Code §§ 16-68-1 to -8, effective July 1, 2020. Such laws are incorporated herein and shall be deemed to preempt and supersede any conflicting or inconsistent provision of this or any other University policy.

*Approved 4/20*