



POLICY TITLE
Uniform Policy on Campus Free Speech

POLICY NUMBER
3-003

Responsible Unit: <i>Office of Communications</i>	Effective Date: <i>09/16/2022</i>
Responsible Official: <i>Vice President for External Affairs</i>	Last Reviewed Date: <i>09/16/2022</i>
Policy Classification: <i>External Affairs and Public Relations Policies</i>	Origination Date: <i>09/10/2018</i>

I. POLICY STATEMENT AND RATIONALE

The Board of Supervisors of Southern University and Agricultural and Mechanical College System deems the free and open inquiry into all matters fundamental to the mission of higher education and is committed to the preservation of the lawful, free expression of ideas at all public postsecondary education institutions in the state, subject only to reasonable time, place and manner restrictions. All postsecondary institutions of the Southern University System shall allow and protect expressive activities by students, administrators, faculty members, staff members and invited guests in accordance with all applicable laws and this Policy.

The Board of Supervisors of Southern University and Agricultural and Mechanical College System prohibits at of its institutions expression that violates the law, defames a specific individual, constitutes a genuine threat, violates the Student Code of Conduct, or unjustifiably invades substantial privacy or confidentiality interests.

II. POLICY SCOPE AND AUDIENCE

In accordance with Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37 ("Louisiana Campus Free Expression Law"), the Board of Supervisors of Southern University and Agricultural and Mechanical College System hereby adopts this Uniformed Policy on Campus Free Speech ("Policy"). This Policy was developed in collaboration with the Louisiana Board of Regents (BoR) and applies to all postsecondary education institutions of the Southern University System. This Policy shall be made public in the handbook, website, and through student orientation programs of each institution of the Southern University System; and be incorporated in the materials, programs, and procedures provided to all employees and students.

III. POLICY COMPLIANCE

- (1) Each institution of the Southern University System shall strive to ensure the fullest degree of intellectual freedom and free expression.
- (2) It is not the proper role of an institution 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) 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 on time, place, and manner of expression that are consistent with this Policy and that are in furtherance of a significant institutional interest.
- (4) Students and faculty may assemble 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.
- (5) Any person lawfully present on a campus may protest or demonstrate there. 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 any institution of the Southern University System or to someone's expressive activity in any location reserved for that expressive activity shall not be permitted. No conduct shall be deemed a material and substantial disruption that is protected under the First Amendment to the United States Constitution or Article I, Section 7 of the Constitution of Louisiana. Such protected conduct includes but is not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to the members of the public except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.
- (6) The public areas of campuses of each institution of the Southern University System are traditional public forums that are open on the same terms to any speaker.

- (7) This Policy supersedes and nullifies any provision in the policies and regulations of any institution of the Southern University System that restricts speech on campus and that any such provision is therefore inconsistent with this Policy on free expression. Each institution of the Southern University System shall remove or revise any such provision in its policies and regulations to ensure compatibility with this Policy on free expression.

Failure to comply with any applicable laws and regulations shall constitute a failure to comply with this Policy. Enforcement can include, but is not limited to Subpart (E) below.

IV. POLICY DEFINITIONS

“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.

“Material and substantial disruption” means when a person, with the intent and knowledge of doing so, significantly hinders expressive activity, prevents the communication of the message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following: (a) engaging in fighting, violence, or similar unlawful behavior; or (b) physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

The “Public Areas” of a campus of the Southern University System mean all Outdoor Areas. The “Outdoor Areas” mean outside areas generally accessible to the majority of students, administrators, faculty, and staff such as grassy areas, walkways, or other similar common areas, but do not include facilities of any institution of the Southern University System or the interior of buildings or areas where access is restricted. The Public Areas of a campus of the Southern University System are deemed by state law as traditional public forums and are open on the same terms to any speaker.

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 any institution of the Southern University System. Any person lawfully present on a campus of the Southern University System in a Public Area may protest or demonstrate there. 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 any institution of the Southern University System or to someone’s expressive activity shall not be permitted. Certain facilities of institutions of the

Southern University System are made available for reservation. This Policy does not apply to activities sponsored by institutions of the Southern University System.

“Student-on-student discriminatory harassment” means unwelcome conduct that targets its victim on the basis of a class protected under federal, state, or local law and that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim’s education experience that the victim is effectively denied equal access to an institution’s resources and opportunities.

V. POLICY IMPLEMENTATION PROCEDURES

A. Time, Place, and Manner Restrictions

In order to maintain safety, security, and order, all institutions of the Southern University System reserve the right to limit such activities by the following regulations regarding time, place, and manner of such activities. Except as allowed by law, institutions of the Southern University System shall not apply these restrictions in a discriminatory manner toward the content of the view being expressed or the speaker, or in any manner that otherwise infringes on any form of speech or conduct that is protected by the First Amendment.

B. Group Expression

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 respective campus police department as soon as circumstances reasonably permit. Each institution of the Southern University System 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 any institution of the Southern University System. Any relocation must not be based on the content or viewpoint of the expression.

C. Equipment Limitations

The use of amplified sound is subject to local ordinances and is restricted to those times and places where it will not impact educational activities or business of any institution of the Southern University System. During concentrated study periods, the use of amplified sound is prohibited. This Policy does not provide for the uses of resources (tables, utilities, equipment, etc.) of any institution of the Southern University System in the exercise of free speech or expression activities.

D. Activities

At a minimum, expressions, assemblies, or demonstrations may not:

1. Engage in provocations by fighting words or incitements to engage in immediate violence;

2. Make threats which demonstrate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals;
3. Interfere with the free and unimpeded flow of pedestrian or vehicular traffic on campus or the entry or exit into and out of facilities of any institution of the Southern University System;
4. Materially and substantially disrupt the educational mission or normal activities of any institution of the Southern University System;
5. Express or exhibit obscenity as defined by law;
6. Advocate the deliberate violation of law by preparing the group addressed for imminent action and seeing it to such action;
7. Engage in commercial or for-profit activities absent a prior written agreement with the appropriate institution of the Southern University System authorizing such activities; or
8. Engage in student-on-student discriminatory harassment.

E. Administration/Enforcement

This Policy shall be administered and enforced by the chief Student Affairs officer of each respective campus, the campus police department, and such other officials as shall be designated. Visitors to a campus of the Southern University System and all others violating these regulations regarding time, place, and manner of speech and demonstration will be subject to immediate eviction or removal from said campus without further warning by the agents or officials of the Southern University System and may be subject to legal action. Individual students or student organizations violating these regulations may be subject to action by Student Code of Conduct or the organization's bylaws.

F. Permits and Security Fee

Each institution may require a permit from any individual or group as a condition of being granted exclusive control of a location for expressive activity at a reserved time. If the institution requires such a permit, it must develop a permitting process that is not overly burdensome and evaluated solely based on published content-neutral and viewpoint-neutral criteria. Additionally, the permitting process must have an appellate process where the applicant shall receive written reasons for the denial of a permit within two days of the submission of the application and the ability to appeal the denial.

Each institution may charge a security fee to a student or student organization as part of an application for a permit; however, the security fee shall not be based on the content of the expression of the student or student organization, the content of the expression of an invited guest, or the anticipated reaction to any such content. The determination of whether or not the security fee is required and the amount of the fee shall be based solely on published content-neutral and viewpoint-neutral criteria, including but not limited to the time of the event, the location of the event, the anticipated size of the invited audience, and whether or not alcohol will be served. The criteria for accessing fees shall be published.

G. Non-endorsement/Ratification

Nothing in this Policy is intended nor should be understood as an endorsement or approval by the Board of Supervisors of Southern University and Agricultural and Mechanical College System or any institution of the Southern University System of any speech or demonstration, an invitation or license to speak or demonstrate, or the granting of any right or permission to speak or demonstrate on campus beyond the rights existing under federal and state law. For more information, contact the chief Student Affairs officer for the relevant campus.

H. Appeal Procedure

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

I. Reporting

Each institution of the Southern University System shall report to the Vice President for External Affairs any barriers to or incidents against free expression that occurred at the respective institution within ten (10) calendar days.

VI. POLICY RELATED INFORMATION

- Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37, and amended by Act 727 of the 2022 Regular Session of the Louisiana Legislature ("Louisiana Campus Free Expression Law")
- First Amendment of the Constitution of the United States of America
- Article I, Section 7 of the Constitution of Louisiana

VII. POLICY HISTORY AND REVIEW CYCLE

The Office of External Affairs in conjunction with the Offices of Academic Affairs and Student Affairs for each institution of the Southern University System will be charged with implementing this Policy.

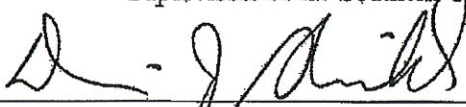
This Policy replaces the current Uniform Policy on Campus Free Speech (Policy Number 3-003) with an origination date of 09/10/2018 and is subject to a five-year policy review cycle.

VIII. POLICY URL

The information regarding the Campus Free Speech Policy will be posted to the System Board's website under Board Policies at www.sus.edu and on each of the campus's websites.


IX. POLICY APPROVAL

The effective date of this policy is determined by the approval date of the President-Chancellor of the Southern University and A&M College System and the Board of Supervisors of the Southern University and A&M College System.



Dennis J. Shield
President-Chancellor, Southern University and A&M College System

10/3/22
Effective Date of Policy



The Honorable Mr. Edwin M. Shorty Jr.
Chair - Southern University System Board of Supervisors

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