



Eastern Kentucky University

Policy and Regulation Library

University Policy: 9.3.3POL

Responsible Office(s): Public Safety and
University Counsel

Effective: February 22, 2019

Next Review Date: March 1, 2021

University Policy: 9.3.3POL

Policy Governing Time, Place and Manner of Demonstrations, Meetings and Other Assemblies

Statement

Eastern Kentucky University recognizes that freedom of expression and academic freedom are fundamental values and foundations for the development of knowledge, transmission of learning, and the general well-being of society. Consistent with the United States and Commonwealth of Kentucky Constitutions, all members of the University community have a right to free expression, assembly, and advocacy in a peaceful manner. Eastern Kentucky University is committed to protecting the right of free expression and academic freedom, upholding open inquiry, and promoting lively debate.

The University does not impose restrictions on speech except where such restrictions are:

- Content neutral;
- narrowly tailored to serve a significant government interest; and
- leave open ample alternative channels of communication.

This policy is established to facilitate the effective use of University facilities and outdoor spaces for the exercise of free expression.

Entities Affected

Internal and External constituents.

Procedures

I. Demonstrations, Meetings or Assemblies

Individuals or groups who desire to use University areas for demonstrations, meetings or other assemblies are strongly encouraged to reserve a specific area(s)

in advance to ensure the availability of space. Without a reservation, the University allows most University areas to be utilized on a first-come, first-served basis, in accordance with University Policy 7.1.1P, Scheduling of University Facilities and Outdoor Space.

Planned or spontaneous demonstrations, meetings or assemblies may be conducted in those appropriate areas of campus that are regularly available to the public, provided such demonstrations, meetings, or other assemblies meet the following non-exhaustive list of time, place and manner restrictions:

- Are conducted in a lawful manner.
- Do not prohibit or interfere with vehicular or pedestrian traffic.
- Do not interfere with the normal operations of the University, to include classes, other scheduled meetings, events, ceremonies, and other educational processes.
- Do not willfully, negligently or recklessly commit any act likely to create an imminent health or safety hazard.
- Do not utilize Sound Amplification equipment above an 8-hour time-weighted average sound level (TWA) of 85 decibels and a not to exceed limit of 95 decibels at any time.
- Do not include expression that is threatening of physical harm; incites imminent lawless action; is obscene or defamatory; or that amounts to discriminatory harassment to the extent not entitled to protection as expression.
- Do not alter the physical appearance or litter the area.
- Are conducted only with specific authorization when held in areas described in Section III(B) of this policy.
- Are conducted in compliance with Sections V and VI of this policy.
- Are in compliance with University policies and regulations.

II. Time of Day Restrictions

Free expression in outdoor areas after 7:00 p.m. and before 7:00 a.m. is limited to outdoor areas requiring a prior reservation, per Section III(B), subject to the provisions of Section I of this policy.

III. Reservation of University Facilities

Reservation of appropriate University grounds, areas, facilities, or other University Property for the purpose of conducting a demonstration, meeting, or other assembly shall be granted, subject to the restrictions contained in Section I. In all instances, the Organizer shall be present when the facility or area is being utilized pursuant to the reservation.

Reservations and scheduling of University facilities (all indoor and outdoor spaces outside of the designated time frame in Section II) should be made in accordance with University Policy 7.1.1.P, Scheduling of University Facilities and Outdoor Space.

A. Indoor Spaces

All indoor spaces must be reserved in advance in accordance with University Policy 7.1.1P, Scheduling of University Facilities and Outdoor Space.

B. Outdoor Spaces

The University shall not impose restrictions on the time, place, and manner of free expression that occurs in the outdoor areas of the University's campus and is protected by the United States and Commonwealth Constitutions unless the restrictions are content neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternate channels for communication.

Free expression in outdoor areas between University buildings is subject to the following reasonable content-neutral restrictions:

- Speakers may not be in the streets, parking lots, or on sidewalks.
- Speakers may be in areas adjacent to the sidewalks provided the speaker and audience do not block or impede pedestrian traffic.
- Speech involving the use of tables, stationary displays, or the exhibition of images, or the amplification of sound is limited to areas designed by Conferencing and Events and requires a prior reservation.
- The University may temporarily restrict expressive activities in areas that are otherwise open for expressive activities when those areas have been reserved for a University-approved function.

C. Restricted Outdoor Areas Requiring a Reservation

The following restricted areas may be utilized on a reservation-only basis:

- All areas and buildings within athletic facilities;
- intramural fields and other recreational areas;
- amphitheaters;
- parking lots and parking structures; and
- residential areas on campus, including sidewalks and pedestrian walkways.

Necessary forms for completion and specific procedures regarding the use of such areas may be obtained from Conferencing and Events.

IV. Posters, Flyers, Handbills, Banners, and Chalking

- Any member of the University community is eligible to post materials on campus, in accordance with University Policy 11.1.1P, Bulletin Boards and Postings Places.
- Chalking is only permitted on campus concrete walkways at least 30 feet from the entrance of buildings, and only in areas that are open to the elements (i.e., can be washed away with rain). Steps or vertical surfaces are restricted. The chalk must be water-soluble “sidewalk” chalk, which wears away with water or foot traffic.
- Chalking on the exterior walls of any campus building (academic, administrative, or residential) is prohibited.
- If chalking in inappropriate locations or with the wrong type of material results in damage to University Property, restitution will be required from the responsible party.

V. Relocation of Individuals or Groups

The University reserves the right to relocate any individual or group on University grounds, areas, facilities, or other University Property for the purpose of conducting a demonstration, meeting or assembly if the Office of Public Safety or its representative believes there is a real or potential risk of unlawful activity, property damage, or safety concern.

Demonstrations, meetings, or assemblies whose numbers exceed 50 individuals may represent a reasonable concern for safety, security, or reasonable access to campus, and may be restricted in size and to specific locations.

VI. Unsponsored External Constituents

External Constituents not sponsored by any Internal Constituent, must complete and submit a Registration and Request Form to Conferencing and Events at least ten (10) Business Days prior to the date of the requested event, meeting or demonstration on campus.

Completion of the form does not ensure the University will approve the date, time, and location requested.

Conferencing and Events will respond to the requesting individual or organization within three (3) Business Days of receiving the required form. The University may either confirm the request as submitted, or may notify the requesting individual or organization that, based upon this policy and its need to assess and provide

appropriate security, the request must be modified and/or cannot be approved as submitted. In order that a written record of all communication be maintained, email shall be the preferred form of communication between the University and requestor.

Definitions

- **Business Days:** Days and hours the University is open for business (Monday through Friday, 8:00 a.m. to 5:00 p.m.).
- **External Constituents:** Individuals, groups, or organizations not affiliated with Eastern Kentucky University.
- **Internal Constituents:** University Employees, Students, academic departments and colleges, administrative offices and units, and registered student organizations.
- **Organizer:** Individual, group or organization responsible for organizing, coordinating, and communicating all event logistics with the Office of Conferencing and Events. Organizer may be a Student, Faculty, Staff, Internal or External Constituent.
- **Sponsored External Constituents:** Individuals, groups, or organizations not affiliated with the University, sponsored by an Internal Constituent.
- **Sound Amplification:** Any device that is designed to make sound louder. This includes, but is not limited to, bull horns, microphones, etc.
- **Students:** Individuals currently enrolled at the University.
- **University:** Eastern Kentucky University, including all regional campuses.
- **University Employees:** Students, faculty and staff currently employed at the University.
- **University Property:** Any real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means.
- **Un-sponsored External Constituent or Organizations:** Individuals, groups or organizations not affiliated with the University and not sponsored by any Internal Constituent.

Responsibilities

- Conferencing and Events
 - Administration of the policy.
- Office of Public Safety
 - Enforcement of the policy.
- University
 - Ensure that all persons may exercise the constitutionally protected rights of free expression.

- University Counsel
 - Oversight of the policy. Serves as a resource to Conferencing and Events and the Office of Public Safety.

Violations of the Policy

Internal Constituents and Sponsored External Constituents

Failure to abide by the terms of this policy or other University policies may result in charges of violations of the Code of Student Conduct, or of other University regulations in the case of non-student members of the University community. Those failing to comply may also be found in violation of the law if so determined by a law enforcement official on the scene.

Un-sponsored External Constituents or Organizations

Failure to abide by the terms of this policy or other University policies will result in the Office of Public Safety directing the violating individual(s) or organizations(s) to leave campus. Those failing to comply may also be found in violation of the law if so determined by a law enforcement official on the scene.

Unregistered individuals or organizations speaking or distributing literature, who come to the attention of the University, will be removed from campus by law enforcement personnel. Such persons will be permitted to return to speak or distribute literature on campus only after complying with the terms of the registration procedure described herein.

Relevant Links

University Policy 1.4.1P, Non-Discrimination and Harassment

University Policy 7.1.1P, Scheduling of University Facilities and Outdoor Space

University Policy 9.3.2P, Deadly Weapons and Dangerous Materials/Instruments on Campus Interim Policy

University Policy 11.1.1P, Bulletin Boards and Postings Places

Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.95

Policy Adoption Review and Approval

Policy Issued

Date

Entity

Action

02/22/2019
12/03/18
09/05/18
08/07/18
07/16/18

Board of Regents
Faculty Senate
Provost's Council
Staff Council
President

Approved and Adopted
Recommend Approval
Recommend Approval
Recommend Approval
Approved Interim