

FREEDOM OF SPEECH AND EXPRESSION POLICY

Purpose and Overview

As a unit under the government, control, and management vested in the Board of Regents of the University System of Georgia, Clayton State University is committed to protecting the First Amendment rights of freedom of speech, expression, petition and peaceful, non-disruptive assembly as set forth in the U. S. Constitution and Article I, Section I “Rights of Persons” of the Constitution of the State of Georgia. Furthermore, we the people – the students, faculty, staff, and administrators of the Clayton State University academic community – believe that the right to hold opinions without interference by public authority and the freedom to seek, receive, and impart information and ideas of all kinds are fundamental human values, if not a universal truth, and key underpinnings for the survival of democracy.

In fulfilling its central mission as a public institution of higher learning, Clayton State University encourages the exchange of ideas and the robust expression of opinions. At the same time the University may enact reasonable time, place, and manner restrictions and limitations as are prescribed by law and are necessary in a democratic society on acts of expression, assembly, and dissent, in the interest of public safety, for the prevention of disorder, threatening behavior, or crime; for the protection of health, public decency, or morals; for the protection of the reputation or the rights and freedoms of others; to mitigate any potential disruption in the academic or learning environment; or to further other important University objectives. Such parameters are not intended to unduly burden or to prohibit or to restrain the free exercise of a right guaranteed by the Constitution or a law of the United States or to discriminate against any member of the University community or any citizen of this state based on the content or viewpoint of the expression. Rather, this policy seeks to accommodate the need for the untrammelled expression of ideas and the inclusion of diverse information and contrary points of view in an academic setting without interfering with or obstructing the day-to-day operations and functions of the University. This policy complies with the Board of Regents’ Policy on Freedom of Expression.

All individuals participating in public forum and expressive activities are expected to comply with the provisions listed within this policy and all applicable state and federal laws, local ordinances, university rules, and parking regulations. Failure to do so may result in immediate removal from the campus and any other appropriate action by University officials, campus police, or any legal enforcement office which operates within Clayton State University’s jurisdiction. Violators of any of these regulations may be prosecuted under federal or state criminal code and statutes.

Designation of Public Outdoor Forums

Acknowledging the right of individuals to entertain differing opinions; to examine and to discuss questions of interest; to engage in candid conversations, open discourse, and intense debate; and to defend free inquiry and expression on campus, while preserving order, characterized by courtesy, tolerance, and civility, and protecting the rights of others, the University has designated the Lawson Amphitheater & Eskew Stage as the Public Forum Area on Clayton State University’s campus (maximum capacity 125). The following additional guidelines apply to use of the Public Forum Area:

Members of the University Community

Members of the University community who plan to engage in expressive activity, whether written, spoken, or in another form, in groups of 25 or less, may do so in any outdoor area that is generally accessible to the public, anywhere on the Morrow campus, so long as the primary action is not to advertise or sell a commercial product and does not disrupt the academic or learning environment or other operations of the University. Members of the University community who plan to engage in expressive activity on campus in a group that is expected to consist of more than 25 persons must submit a completed reservation request to use the Public Forum Area using the procedures set forth below. If a member of the University community has properly reserved the Public Forum Area in accordance with the procedures set forth below and inclement weather occurs during the date and time of the reservation, then the University will relocate the expressive event to Room 101 of the Harry S. Downs Center (maximum capacity 200) if the space can accommodate the event and has not been previously reserved and if the expression does not otherwise disrupt the academic or learning environment or other operations of the University.

Spontaneous Large Group Expression by Members of the University Community

If an individual or small group of individuals within the University community attracts a group of more than 25 persons while engaging in spontaneous expression, then a representative from the group should provide the University with as much notice as circumstances reasonably permit. The University reserves the right to direct a group of more than 25 members of the University community to the Public Forum Area or another available area of campus in order to ensure the safety of campus members, provide for proper crowd control, and limit disruption of the academic or other operations of the University. The University must not consider or impose restrictions based on the content or viewpoint of the expression when relocating any expression.

Outside Speakers

Individuals or groups of people who are not enrolled, employed by, or invited by a member of the University Community may only engage in expressive activity on the University’s campus in the Public Forum Area and only after obtaining approval from the University to do so following submission of a completed reservation request using the procedures set forth below. This provision does not apply to University-sponsored events or activities.

- The use of sound amplification is permitted so long as it does not disrupt the academic or learning environment or other operations of the University.
- If the anticipated or actual attendance for an expressive activity of a member of the University community exceeds the capacity of the Lawson Amphitheater, the event may be moved to the SAC Hill (an area adjacent to the Student Activities Center) or another area of campus that will safely accommodate the expression if such an area exists on Clayton State University’s campus. This provision does not apply to individuals who are not members of the University community.
- For spontaneous public forum or expressive events by members of the University community that attract a group of 25 or more persons or that become disruptive to the academic and other operations of the University, Clayton

State officials reserve the right to direct the group to a secondary outdoor public forum area (either the Lawson Amphitheatre or SAC Hill) or to end the event to limit disruption of the academic and other operations of the University.

Reservation Procedures

Individuals or groups who wish to or are required to (i.e., groups of over 25 individuals and outside speakers) request the use of the Public Forum Area should contact the Event Scheduler in the Office of Campus Life in the University Center: (678) 466-LIFE or campuslife@clayton.edu. Reservation requests must be made in writing at least three (3) business days in advance of the event. Additional collaboration and coordination may be required from the Office of the Student Affairs, Business & Operations, Public Safety, the Office of the Provost, and/or the Office of the President.

Use of the space will be assigned to the person or organization that requests the area first, except that University-sponsored events have first priority on the use of campus facilities. These Public Forum Areas are available from 9 am to 5 pm, Monday through Friday, except on state and federal holidays.

The decision to confirm a request for space will be based on proper and timely completion of the Event Planning Reservation Form, compliance with applicable sound and sign requirements, and availability of space. The decision to grant the reservation request will in no circumstances be based on the content or viewpoint of the protected public forum or expressive activity or upon the expected reaction of others. The University may only deny a reservation request for one of the following reasons:

- a. The Event Planning Reservation Form is not fully completed;
- b. The Event Planning Reservation Form contains a material falsehood or misrepresentation;
- c. The Public Forum Area has been reserved by persons who previously submitted a completed Event Planning Reservation Form, in which case the University must provide a reservation for the applicant at an alternative date or alternate time;
- d. The use or activity intended by the applicant would conflict with or disturb programs organized or conducted by the University;
- e. The use or activity intended by the applicant would present a danger to the health or safety of the applicant, other members of the University community, or the public;
- f. The use or activity intended by the applicant is prohibited by law, University Policy, or Board of Regents' Policy.

At the time of the request the following information will be required:

- Name and contact information of the person or organization sponsoring the event.
- Contact information for one individual who will be present during the course of the event.
- Location, date, and time requested for the event.
- General description of the event.
- List of planned activities (*e.g., speech or rally, march with signs, distribution of literature*).
- Special equipment requested.
- Anticipated attendance.
- Person(s) responsible for cleaning up area after event.

If a request is denied, the rationale for the decision will be provided to the applicant in writing within one (1) business day after its submission. The denial of a reservation request can be appealed by the applicant in writing to the Office of the Vice President for Student Affairs within five (5) business days of the applicant being notified as to the denial of the reservation request by the University. The Vice President of Student Affairs or his or her designee must respond to the appeal within two (2) business days. The decision of the Vice President of Student Affairs or his or her designee is final.

General Provisions

In addition to the requirements set forth above, all individuals or groups expressing themselves on Clayton State property must comply with the following general provisions:

- a. Disruption or interference with operations of the University is not permitted. Likewise, infringement on the rights of others, including shouting down a speaker, is prohibited.
- b. Reasonable access to, and exit from, any office, classroom, laboratory, library, or building on Clayton State University's campus may not be impeded. Likewise, free flow of vehicular and pedestrian traffic to/from and within the campus should not be obstructed.
- c. Picketing in an orderly manner outside of University buildings by members of the University community is permitted; in the event that such activities become disruptive or impede access to and from the building, the University reserves the right to direct the individuals or groups to a secondary area. Picketing is not permitted inside campus buildings or offices.
- d. Literature, non-commercial pamphlets, handbills, circulars, newspapers, magazines, religious tracts, and other written materials may be distributed in the Public Forum Area during the times the Area is reserved. Additionally, members of the University community may distribute literature, non-commercial pamphlets, handbills, circulars, newspapers, magazines, religious tracts, and other written materials on a person-to-person basis in open outdoor areas of the campus. Failure to dispose of unwanted or unused literature in designated receptacles after events have concluded is a violation of the University's anti-litter policies (see General Provision 12).
- e. Any use of the University's trademark or official logo on any written material without express written permission from the University's Marketing and Communications Office and the University's Business Operations/Legal Department is strictly prohibited. Violators will be issued a cease and desist letter. If the individual or group continue to misuse the University trademark and official logo, appropriate and, if needed, legal action will be taken.
- f. Displaying a sign/poster/banner, gesturing, or wearing symbolic clothing, chanting or otherwise protesting silently is permissible unless the sign/poster/banner, gesture, wearing apparel (or lack thereof) or chant is obscene or otherwise unprotected expression. In such cases the University reserves the right to remove the sign/poster/banner and/or individual(s) displaying the gesture or apparel (or lack of thereof) or stop the expression.
- g. An individual or group wishing to speak out at a public forum and/or expressive activity may do so until such time it becomes disruptive to the speaker's right to free speech and/or the audience's right to hear a speaker.
- h. Noise levels from all public forums and/or expressive activities should not interfere with classes, meetings or research activities in progress, the privacy of residence hall students or library patrons, University activities, or the performance of the duties of University

employees. In the event that noise levels become disruptive to classes, meetings or research activities in progress, the privacy of residence hall students or the library patrons, University activities, or the performance of the duties of University employees, the University reserves the right to either re-locate or terminate the expressive activities.

- i. Any attempt to prevent a University activity or other lawful assembly by the threat or use of force or violence or intimidation is not permissible.
- j. Any damage to University or personal property in the course of, or as result of, an expressive activity is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed, including campus lawns, shrubs, and trees.
- k. Chalking (without written permission) and/or painting is not permitted on the Lawson Amphitheater & Eskew Stage, campus grounds, or on any campus building (academic, administrative, or residential).
- l. For all planned and spontaneous public forums/expressive activities, the individual who makes the reservation and/or coordinates the forum/activity is responsible for seeing that the area is left clean and in good repair and may be held financially and/or criminally responsible for cleanup and repair costs caused by the individual or a member of his or her group. If vandalism or any other property damage occurs either in planned or spontaneous activities, all efforts will be employed to identify the responsible party. If the responsible party cannot be identified, the coordinator/organizer/organization may be held financially and/or criminally responsible for cleanup/repair costs caused by the individual or a member of his or her group. The University retains the right to shut down the expressive activity immediately if property damage occurs.
- m. Individuals or groups required to request the use of Public Forum Area (i.e., outside speakers or groups over 25 individuals) must supply their own tables or chairs, if needed, and any other equipment that is needed.
- n. Individuals or groups must not camp on or erect temporary shelters or permanently occupy the Public Forum Area. Individuals may not block roads or pedestrian pathways or stop traffic.
- o. Open flames are prohibited for non-contracted, non-affiliated groups or individuals.

Authorization of a speech, event, or demonstration is contingent upon compliance with the criteria listed above. Speakers and/or organizations failing to comply with the above policy may be asked to leave, a trespass warning may be issued, and/or University disciplinary action or judicial action may be pursued.