

Policy: Freedom of Expression and Assembly

Date of Last Revision: September 23, 2020

I. Purpose.

No rights are more highly regarded at the University of Georgia than the First Amendment guarantees of freedom of speech and expression, and the right to assemble peaceably. Such opportunities must be provided on an equal basis and adhere to the basic principle of the University's being neutral to the content and viewpoint of any expression. In order to achieve this objective, while at the same time fulfilling its educational mission, the University may regulate the time, place, and manner of expression as outlined in this policy. These regulations are intended to facilitate expressive activity protected by the First Amendment, while avoiding undue disruption of University activities, protecting and preserving University property, and providing a safe campus environment for all members of the University community and for individuals engaged in expressive activity.

This Policy does:

- designate the outdoor, publicly accessible areas of campus as a limited public forum for the use of the University Community (See Section III, below);
- designate several centrally-located, highly-trafficked areas of campus as designated public forums for the use of the University Community as well as for Non-University Affiliated Speakers (See Section IV, below);
- provide content-neutral time, place, and manner requirements applicable to expressive activity on campus (See Section III.E, below);
- facilitate spontaneous expressive activity by members of the University Community in response to current events (See Section III.D, below); and
- set forth additional provisions with respect to expressive activity, including requirements related to distribution of written materials (See Section V, below).

This Policy does not:

- restrict expressive activity by members of the University Community to the Designated Forums;
- permit the University to regulate the content or viewpoint of expressive activity in violation of the protections afforded by the First Amendment;
- permit demonstrations or protests by Non-University Affiliated Speakers (except as set forth in Section IV, below); or
- govern areas of campus that are not publicly accessible, such as classrooms, auditoriums, and athletic venues, which are subject to the University's Campus Reservation Policy (<http://busfin.uga.edu/forms/CampusReservationPolicy.pdf>) and Campus Reservations, Events & Technical Services Policies (<https://tate.uga.edu/campus-reservations/>).

II. Definitions.

“**Designated Forums**” means those areas of the University’s campus depicted on the attached Exhibit A, as may be revised from time to time.

“**Expressive activity**” or “**expression**” means communicative conduct or activity protected by the First Amendment, such as public speeches, demonstrations, marches, protests and picketing, and the distribution of literature, as well as other forms of symbolic expressive activity, including signs and banners; provided, however, that it is not meant to include ordinary, day-to-day conversations among members of the University community. Expressive activity does not include commercial speech/activity, which is governed under the University’s Solicitation Policy (<http://policies.uga.edu/Solicitation/>).

“**Non-University Affiliated Speakers**” means any individual or group who is not a member of the University Community, as defined herein.

“**University Community**” means any of the following: (i) any persons enrolled at or employed by the University including University students, faculty, staff, administrators, and employees, (ii) University colleges, schools, departments, units, registered University student organizations, and recognized cooperative organizations, and (iii) invited guests of any party listed in the foregoing (i) and (ii) provided such guests are in the company of the inviting party. In the case of invited guests, the inviting party remains responsible to the University under this Policy and other applicable University policies for the guest’s conduct.

“**Spontaneous expressive activity**” means expressive activity that is (i) prompted by news or affairs coming into public knowledge within seventy-two hours (72) hours prior to such activity, and (ii) not planned more than twenty-four (24) hours prior to such activity.

III. Expressive Activity by Members of the University Community.

A. **General.** In general, only outdoor, publicly accessible areas of campus may be used by members of the University Community for expressive activity covered by this Policy. Subject to the conditions of this Policy, including but not limited to the reservation process contained in Section III.B, below, members of the University Community may engage in expressive activity in any outdoor, publicly accessible area of campus. In addition, members of the University Community may engage in expressive activity in the Designated Forums in accordance with Section III.C, or in spontaneous expressive activity in accordance with Section III.D, in each case, without a reservation.

B. *Reserving Campus Locations for Expression.*

1. Any member of the University Community who engages in expressive activity not covered by Sections III.C or III.D at a campus location must submit a request for reservation of that location. A request for reservation must be submitted to the Associate Dean of Students at least forty-eight (48) hours in advance (not counting weekends and holidays) of the start of the planned activity. A request for reservation must include the following information:

- i. The campus location requested;
- ii. The date and time of the activity;
- iii. A brief description of the activity;
- iv. The name and contact details for the individual submitting the request, as well as the name(s) and contact details for other individuals responsible for the activity subject to the request, at least one of whom must be present at all times during the requested event;
- v. Whether sound amplification will be used (requestors must abide by any existing University policies/guidelines regarding amplified sound);
- vi. Whether a stand, booth, table, or other structure will be used;
- vii. Whether written materials will be distributed and if so, a summary description of such written materials (a copy of the materials must also be provided upon request);
- viii. The estimated number of participants in the expressive activity and the intended size of the audience (at its largest during the course of the event);
- ix. An acknowledgement of, and agreement to comply with, the University's guidelines for conducting expressive activities in accordance with guidance and regulations from federal, state, and local governments and health authorities; and
- x. An acknowledgement of, and agreement to comply with, the time, place and manner requirements specified in Section III.E, below.

2. Reservation requests will be processed on a first-come, first-served basis, but in the event that multiple requests conflict, the following order of precedence shall govern:

- i. Official University sponsored events and activities;
- ii. Recognized student organizations' events and activities;
- iii. Student events and activities;
- iv. All other University Community events and activities; and
- v. Non-University Affiliated Speakers.

3. The Associate Dean of Students will issue a reservation confirmation for the requested location within one (1) business day of its submission, or sooner if possible. The request for reservation may be denied only if: (i) the request fails to comply with the time, place, and manner regulations set forth in Section III.E, below, (ii) the reservation form is not fully completed, or (iii) the University determines that the individual or organization

making the request is doing so on behalf of a third party otherwise not permitted to make such reservation request themselves (known as “fronting”). In the event of a denial, the reason for the denial shall be provided to the member of the University Community who submitted the request. A denied request may be appealed to the Dean of Students on the grounds that the denial was not in compliance with this Policy. The Dean of Students shall respond to the appeal within three (3) business days. The decision of the Dean of Students is final at the institutional level.

C. *Expressive Activity in the Designated Forums.*

The Designated Forums are centrally-located, highly-trafficked areas that are particularly well-suited for expressive activity, including speeches and demonstrations. Members of the University Community may use the Designated Forums to engage in expressive activity between 8:00 am and 9:00 pm, Monday through Friday, provided that such Designated Forum has not already been reserved for the time in question, including by a Non-University Affiliated Speaker. Although members of the University Community are not required to request a reservation for use of the Designated Forums for the purposes of expression, the University encourages all parties to notify the Associate Dean of Students for scheduling purposes in order to minimize reservation conflicts and best accommodate all interested users. Expressive activity within a Designated Forum must comply with the time, place, and manner regulations set forth in Section III.E, below.

Groups of ten (10) or more persons wishing to gather in the Designated Forums to engage in expressive activity at times other than between 8:00 am and 9:00 pm, Monday through Friday, are required to provide notice by calling the University Police Shift Commander at (706) 542-2200.

D. *Spontaneous Expressive Activity.*

Members of the University Community may engage in spontaneous expressive activity without a reservation, provided that the spontaneous expressive activity:

- i.** takes place in outdoor, publicly accessible areas of campus;
- ii.** adheres to the time, place, and manner regulations set forth in Section III.E, below; and
- iii.** involves less than ten (10) persons; provided, however, that if the spontaneous expressive activity involves ten (10) or more persons, the expressive activity may continue only if immediate notice is provided to the Associate Dean of Students by calling (706) 542-7774 during normal business hours. If the spontaneous expressive activity occurs after normal business hours or on weekends, immediate notice must be provided by calling the University Police Shift Commander at (706) 542-2200.

E. *Time, Place, and Manner Regulations.*

1. Reservation requests may be denied if the requested space is unavailable or cannot accommodate the event. In addition, anyone engaging in expressive activity covered by and otherwise permitted under this Policy must agree to abide by the requirements listed in Section III.E.2 below, and must ensure that expressive activity is conducted at all times in compliance with such requirements.

2. Expressive activities must not:

- i. Attract a crowd larger than the requested location or location of spontaneous expressive activity can safely contain;
- ii. Significantly disrupt University activities inside or outside of buildings (including classes);
- iii. Significantly disrupt previously scheduled campus events, including expressive activity of others with prior reservations;
- iv. Obstruct entrances or exits to buildings;
- v. Obstruct vehicular or pedestrian traffic;
- vi. Represent an unreasonable risk or threat to public health and/or safety, according to the discretion of the University in consultation with federal and state governments, law enforcement (including the University Police), and/or public health authorities;
- vii. Include camping or the use of temporary shelters (e.g., tents) as such activities are prohibited on University property;
- viii. Affix items to any permanent structure (e.g., buildings, fences, the Arch, trees, etc.) or use temporary signage (including billboards, projection screens, and posters), whether attached to a frame or other structure or planted in the ground, that is outside the immediate control of the individual or group engaged in the expressive activity;
- ix. Involve temporary or permanent damage, defacement, or alteration of University buildings, sidewalks, or other property, including painting, graffiti, or “chalking;” or
- x. Involve the use of open flame devices, bonfires, or the lighting of any material on fire; provided, however, that small hand-held candles may be utilized with special permission of the Associate Dean of Students if reasonable safety concerns are satisfied.

IV. Expressive Activity by Non-University Affiliated Speakers.

A. *The Designated Forums.* Non-University Affiliated Speakers are permitted access to the Designated Forums between the hours of 8:00 am and 9:00 pm, Monday through Friday, subject to the following requirements:

1. Non-University Affiliated Speakers must submit a reservation request in the same manner as a member of the University Community as outlined in Section III.B above.
2. Non-University Affiliated Speakers must comply with all requirements set forth in Section III.E above and Section V below.

B. *Expressive Activity not otherwise Permitted on the University Campus.* Non-University Affiliated Speakers are not permitted access to the campus grounds for purposes of expressive activity, except in the Designated Forums as outlined in Section IV.A above.

V. Additional Provisions Applicable to all Expressive Activities Covered by this Policy.

A. *Distribution of Written Material.* Non-commercial pamphlets, handbills, circulars, newspapers, magazines and other written materials may be distributed only on a person-to-person basis in outdoor, publicly accessible areas of campus. The Campus Solicitation Policy covers the distribution of commercial materials and publications.

B. *Promotion of Event.* If a member of the University Community is sponsoring an event and wishes to advertise or promote such event, any materials advertising or promoting such event shall clearly indicate on such materials the identity of the member of the University Community (whether an individual or an organization) sponsoring the event, such that it is clear who is responsible for the event.

C. *Other Applicable Laws, Regulations, and Policies.* Members of the University Community and Non-University Affiliated Speakers engaging in expressive activity covered by this Policy are required to comply with the provisions of this Policy in every applicable respect, as well as with other applicable University of Georgia policies, federal, state, and local law, including directives and orders from federal and state governments, law enforcement agencies, and public health authorities. Non-compliance with this Policy, other University policies, and/or applicable law could result in consequences ranging from the revocation of privileges under this Policy, including the cancellation of future existing reservations and/or restrictions on the ability to reserve access in the Designated Forums, sanctioning through the University Code of Conduct (for students), employee disciplinary action, and/or arrest.

D. *Responsibility for Damages.* Activity that results in damage or destruction of property owned or operated by the University or property belonging to members of the University Community is prohibited. Persons or organizations causing such damage may be held financially responsible, in addition to possible consequences under other applicable policies, such as the Code of Conduct.

E. *Disposal of Materials Associated with Event.* Persons or organizations responsible for an expressive activity covered under this Policy must remove all materials associated with the

expressive activity, including signs and litter, from the area at the end of the event. If this is not accomplished, persons or organizations responsible for the event will be held financially responsible. Any items left behind or unattended (including memorials) may be removed by the University at the conclusion of the event, and the University assumes no responsibility for the safety and care of such materials.

F. *Content-Neutrality.* When processing a reservation request or when informed of spontaneous expressive activities conducted in compliance with this Policy, University personnel shall not consider the content or viewpoint of the expression or the possible reaction to that expression other than as permitted by law. University personnel may not impose restrictions on individuals or organizations engaged in expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression other than as permitted by law.

G. *Public Safety Considerations.*

1. University Police maintain ultimate discretion with respect to public safety on campus. Such discretion, exercised in a content- and viewpoint-neutral manner, shall permit the University Police to end any expressive activity otherwise permitted under this Policy if it is determined to be a threat to campus safety (with such threat determination not to be based on mere speculation or fear).

2. The University may charge a reasonable security fee in connection with expressive activity if the University determines, in consultation with the University Police, that the time, place, and manner of the expressive activity and/or the size of the speaker's intended audience makes the presence of security personnel (either hired security guards or University Police officers) necessary to promote the safety of the speaker(s) and the intended audience.

3. The University retains the authority to modify or end any expressive activity otherwise permitted under this Policy if the University determines that there is a threat to public health, and that the modification or cessation of such expressive activity has a real and substantial relation to mitigating the public health threat. Such action by the University shall be made in a content- and viewpoint-neutral manner with respect to the nature of expressive activity, and in consultation with federal and state governments, law enforcement (including the University Police), and/or public health authorities.

Exhibit A
Designated Forums