

# Dixie State University Policy

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## 110 Speech Policy

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- 1.1 These regulations shall be interpreted in accordance with the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom as followed nationally and at Dixie State University. It is the purpose of these regulations to protect and enhance the free exchange of ideas in the University and on the University campus. The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill these functions a free interchange of ideas is necessary. It follows that this University must insure within it the fullest degree of intellectual freedom and protect the opportunity of all members of the University community and their guests to exercise their intellectual freedom and protect their right to communicate with others in the University community.
- 1.2 Academic freedom, the free flow of ideas, the right to speak, and the right to hear must be protected not only from censorship, but also from those committed to interference with a speaker's presentation through acts of disruption. It is the responsibility of all members of the academic community

officials or proceedings authorized by University regulations. By virtue of

shall be the person so designated by the University Administration and charged with scheduling the use of University classrooms, auditoria, and other indoor and outdoor space with the exception of such University facilities as shall be designated by written rules published by the Scheduling Office as outside the jurisdiction of the Scheduling Office or where administrative directives have vested scheduling authority for facilities in the administration of a college or other subdivision of the University.

- 4.1 Freedom of Speech and Assembly – Members of the University community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner.
- 4.2 Academic Freedom – Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at Dixie State University. Academic freedom shall be recognized as a right of all members of the faculty, whether with or without tenure or continuing appointment, of all administrative officers, and of all students. Dixie State University endorses and hereby incorporates in these regulations the following statements of the American Association of University Professors related to defining academic freedom: "The 1940 Statement of Principles on Academic Freedom and Tenure (  
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the State of Utah and the Constitution of the United States.

- 4.5 Conduct of Classes – Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of

notice, to be heard, and to decision and review by impartial persons or

4.9.2.4.3 provides for a method of choosing the representatives of the organization, all of whom shall be students, faculty, or employees of Dixie State University;

4.9.2.5 a signed statement of intent to be listed on the University Clubs Roster.

4.10 Maintenance of Registration for Student Organizations – Registered student organizations shall maintain their position on the University Clubs Roster upon filing annually with the DSUSA Clubs Council a statement of intent to maintain their listing on the Clubs Roster. This statement shall include any changes in the official statement since its latest filing and shall list the current recognized official representatives of the group.

4.11 Removal from Roster – The DSUSA Club Council may remove an organization from the University Clubs Roster for failure by the group to abide by University rules and regulations or state law.

4.12 Student Elections – Student elections for DSUSA shall be regulated pursuant to written regulations, consistent with the policies of these regulations, adopted by DSUSA and published as part of DSUSA bylaws. Elections for student organizations sponsored by colleges and/or departments shall be regulated by the college or department sponsoring the student organization that are pursuant to regulations consistent with the policies of these regulations.

4.13 Speaker Policy –

4.13.1 Members of the University community and their organizations shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), subject only to reasonable and nondiscriminatory regulations governing the use of University facilities. The rights of speakers to freedom of expression under the Constitution of the United States and the Constitution of the State of Utah shall be protected. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.

4.13.2 Members of the University community and their organizations wu9(e)]m[M]8(em)-12

#### 4.14 Free Speech Facilities –

- 4.14.1 The University shall provide reasonably appropriate facilities in the area of the Gardner Center and adjoining lawns on the north and east sides and adjacent patio areas to enable speakers to address those wishing to listen. These facilities shall be available to any person, but members of the University community and their organizations shall have preference in the use of the facilities. Use of the facilities may be reserved through the Scheduling Office for up to two hours for purposes of speaking. Members of the University community or their organizations reserving use of the facilities shall have preference in its use in the order of their application and over those seeking to use the facilities without reservation. Persons using the facilities may make use of tables and other temporary means for displaying or distributing information while the person or organization representing them is making use of the facilities. The tables or other temporary means for displaying or distributing information shall be removed upon the expiration of the





- 6.1.2.1 The Scheduling Office of the University shall maintain and provide for inspection by any person:
  - 6.1.2.1.1 A list of the facilities which may be scheduled for use by members of the University community and their organizations. The list shall indicate those facilities over which the Scheduling Office has authority and the persons responsible for scheduling facilities not within the authority of the Scheduling Office;
  - 6.1.2.1.2 A list of facilities not available for scheduling for use by members of the University community and their organizations; and
  - 6.1.2.1.3 A schedule of any fees for use of University facilities or equipment.
- 6.1.2.2 The Scheduling Office, in consultation with the University Administration, may adopt a schedule of fees for use of University facilities. The fee schedule may distinguish between the classes of users in whether to impose a fee for the uses described and in the amount of the fee imposed. However, any fee schedule shall be administered on a content- and viewpoint-neutral basis, without discrimination among the members of the same class of users, and fees shall not exceed the University's costs of allowing use of its facilities.
- 6.1.2.3 Scheduling Procedures and Standards –
  - 6.1.2.3.1 Any member or organization of the University community may obtain the use of University facilities for non-commercial and University-related use by filing a request form with the Scheduling Office. For the purpose of this regulation, a University-related use shall be interpreted liberally to include extracurricular activities normally associated with the University or activities reasonably related to membership in the University community. The request form shall include the following information:
    - 6.1.2.3.2 The name of the requesting organization or the name and identification number of the requesting member;
    - 6.1.2.3.3 A brief description of the intended use, including the name of any speaker or speakers and the general topic of

an address, if applicable;

6.1.2.3.4 The anticipated number of persons who will attend;

6.1.2.3.5 Whether an admission fee will be charged and, if so, the amount and purpose of such fee;

6.1.2.3.6 Any special facilities or equipment required for the use of the facility; and

6.1.2.3.7 Any preference for specific facilities.

6.1.2.4 The request form may also contain a statement to be signed by the member or by a member on behalf of an organization in which the requesting party agrees to be liable for any fees, legitimate out-of-pocket expenses or damages because of the applicant's conduct in use of the facility. Any rental fee charged for the use of the facility under this section shall only be made in accordance with a uniformly administered schedule of fees.

6.1.2.5 As soon as practicable, the Scheduling Office shall assign an appropriate room or space to the requesting member or organization meeting the requirements of this section and shall assist in arranging for any special equipment that might be required.

6.1.2.6 Commercial and Non-University Related Uses – The Scheduling Office shall publish rules and regulations governing the use of University facilities for commercial and non-University related purposes. The regulations may include a schedule of rental fees for University facilities. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

6.1.2.7 Appeal Rights – If a member of the University community or organization objects to the denial of a scheduling request, the assignment of a particular facility or the assessment of fees (e)21(c)-13(t)-6(io)25

shall be final, except as to claims that the action of the Scheduling Office or the Vice President of Student Services violates academic freedom or rights guaranteed by the United States or Utah Constitution, which shall be heard by appeal to the President of the University.

### 6.1.3 Signs, Literature, and Structures –

#### 6.1.3.1

- 6.1.3.5 Any sign, notice or poster posted on campus must contain a visible expiration date, a date after which the sign, notice or poster may be removed, not to exceed fifteen (15) calendar days from the date of posting. For purposes of this regulation, a visible expiration date shall be either a stamped expiration date by the Scheduling Office or official of the college or department responsible for the area where the sign, notice or poster is posted or a legible date placed in the lower right hand corner of the sign, notice or poster by the person or organization posting the sign, notice or poster. University maintenance personnel or other University officials may remove any signs, notices and posters which do not contain a visible expiration date as defined by this section.
- 6.1.3.6 The Scheduling Office may grant permission to post signs, notices and posters for a period longer than fifteen (15) calendar days where it is shown that there is good reason for the signs, notices or posters to remain in place for a longer period.
- 6.1.3.7 Commercial and Non-University Community Signs, Notices and Posters —

- 6.1.4.1 General Policy – Any person may hand out and distribute non-commercial handbills, petitions or other written material on campus without prior approval.
- 6.1.4.2 Time, Place and Manner Restrictions –
  - 6.1.4.2.1 Distribution outside of University buildings is permissible but must not interfere with the entrances to the University buildings or the normal flow of pedestrian or vehicular traffic.
  - 6.1.4.2.2 Distribution inside buildings is permissible so long as those distributing handbills or other written materials do not disrupt the functioning of the University or unreasonably interfere with the rights of other members of the University community.
  - 6.1.4.2.3 Handbills or other written material may not be attached or affixed to private property without the owner's permission.
- 6.1.4.3 Distribution of Commercial Handbills –The Scheduling Office shall publish rules and regulations governing the distribution of commercial handbills. The regulations may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The regulations shall be content- and viewpoint-neutral, shall not discriminate among similarly situated entities, and shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.
- 6.1.4.4 Responsibility for Handbills – Any person distributing handbills or other written material shall be personally responsible for the content of the material and hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the material.
- 6.1.5 Structures Erected by Members of the University Community –
  - 6.1.5.1 General Policy –
    - 6.1.5.1.1 Members of the University community and their organizations may erect structures on campus to express

their view or opinions. Such structures may deal with any subject matter including, but not limited to, expressions of positions and ideas on social or political topics.

6.1.5.1.2 A "structure" is any object (other than objects such as handbills, signs, notices and posters, arm bands or personal attire) used in the process of expressing views or opinions including, but not limited to, lawn signs, tables (and other structures used to display materials), booths, buildings, billboards, banners, and similar displays.

6.1.5.2 Time, Place and Manner Restrictions –

6.1.5.2.1 Members of the University community and their organizations may erect structures in areas where free speech facilities are required as defined herein. Members of the University community and their organizations may erect structures outside of the area where free speech facilities are required after providing an explanation in the permit application that the message is intended to reach an audience beyond the areas described in Section IV.14 of this Policy.

6.1.5.2.2 Prior to the erection of any structure, a person or organization must obtain a permit from the Scheduling Office for each proposed structure. The application for a permit shall include the identity of the member or members of the University community responsible for the structure, the proposed location and design of the structure, the length of time up to thirty (30) calendar days for which the permit shall be in effect, an agreement to remove the structure upon expiration of the permit and pay for any damage the structure may cause to the site upon which it is erected, and an agreement to hold the University harmless for any assessed damages or liabilities caused by the structure itself. In the case of structures defined in subsection 3 A of this section, other than structures that are lawn signs, billboards, banners and similar self-explanatory structures, the Scheduling Office shall require that the structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.



Community or for Commercial Purposes – The Scheduling Office shall provide rules and regulations governing the creation and use of structures for commercial purposes or by non-members of the University community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the University community activity may take place. The regulations shall be content- and viewpoint-neutral, shall not discriminate among similarly situated entities, and shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

#### 6.1.6 Demonstrations and Picketing –

##### 6.1.6.1 General Policy –

6.1.6.1.1 Demonstrations and picketing on campus are legitimate means of expression. Anyone who wishes to engage in demonstrations and picketing shall be permitted to do so freely, as long as their conduct is not violent and does not unduly disrupt the functioning of the University or unreasonably interfere with the rights of other members of the University community or damage University or private property.

6.1.6.1.2 The term "demonstration" as used herein means any rally, gathering, protest, parade or procession.

##### 6.1.6.2 Time, Place and Manner Restrictions –

6.1.6.2.1 Picketing or demonstrating must be orderly at all times and must not jeopardize public order or safety.

6.1.6.2.2 Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.

6.1.6.2.3 Picketing or demonstrating must not unreasonably interfere with organized meetings or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.

6.1.6.2.4 Picketing or demonstrating must not unreasonably interfere with classes and teaching, the use of offices, or



the privacy of University housing, and other University activities related to teaching or research.

6.1.6.3 Responsibility for Demonstrations or Picketing –

6.1.6.3.1 Persons violating the time, place and manner regulations relating to demonstrations and picketing may be subject to arrest or other action authorized by law after notice is given of the regulations being violated and the persons refuse to cease and desist in their conduct violating the regulations.

6.1.6.3.2 Picketers or demonstrators shall be financially responsible for any damages caused by their picketing or demonstrating. Damages caused by third parties not part of the picketing or demonstrations shall be assessed