



Policy 01:018 - UM Expression and Demonstration Policy

I. POLICY STATEMENT

The University of Montevallo recognizes and supports the role of a university as the marketplace of ideas. Freedom of expression and public assembly are essential components of the education process. As Alabama's Public Liberal Arts University, the University is committed to its function as an institution in which stakeholders discover and disseminate knowledge by means of research and teaching. The University of Montevallo supports the rights of students, employees, and visitors to speak in public and to demonstrate for or against actions and opinions with which they agree or disagree.

Such freedom comes with a responsibility to welcome and promote this freedom for all, even in disagreement or opposition. The responsibility of the University to operate and maintain an effective and efficient institution of higher education requires regulation of time, place, and manner of assembly, speech, and other expressive activities on the grounds and facilities of the University. In keeping with this responsibility, students, faculty, and staff are free to exercise the rights to assemble and engage in expressive activity in a constitutionally protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligation of the University, preserve the rights of others, coordinate multiple uses of limited space, assure preservation of the campus facilities and grounds, and assure financial accountability for any damage caused by these activities.

It is not the proper role of the University to shield individuals from speech protected by the First Amendment of the United State Constitution and Article I, Section 4 of the Constitution of Alabama, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

The University will at all times strive to remain neutral as an institution on the public policy controversies of the day, except as far as administrative decisions on the issues are essential to the day-to-day functioning of the University. The University will not require students, faculty, or staff to publicly express a given view of a public controversy. However, students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.

Application of Policy. This policy applies to all University of Montevallo students, employees, and registered student organizations (collectively referred to as the "campus community") and sponsored guests. This policy does not apply to official academic activities and official functions of the University. For Faculty policies, refer to Policy 04:405 at <https://www.montevallo.edu/wp-content/uploads/2018/06/Policy-04.405-Behavior-At-Work.pdf>.

II. DEFINITIONS

Amplified Sound is sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks.

Campus Grounds means all outdoor areas owned, leased or controlled by the University that are common and accessible to all students and employees such as sidewalks, lawns, parking lots, and promenades.

Demonstration action by a mass group or collection of groups of people in favor of a political or other cause or people partaking in a protest against a cause of concern; it often consists of walking in a mass march formation and either beginning with or meeting at a designated endpoint, or rally, to hear speakers.

Debate is a discussion involving opposite viewpoints in which opposing sides of an issue are advocated and/or presented by differing speakers.

Expressive Activity is the verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is defamatory, obscene or commercial in nature.

Literature is any printed material that is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include the Alabamian or official University material.

Official University Function is all activities, events and programs sponsored by an academic or administrative unit of the University.

Open Air Forum is a designated area on campus not confined by walls or a roof. Within this designated area, individuals or groups are encouraged to openly discuss, express, and/or exchange ideas on topics in accordance with university policies.

Outside Group/Individual. An **Outside Group** is an organization or group of people not registered with or recognized by the Division of Enrollment and Student Affairs or, if a nonstudent group, another University division. An **Outside Individual** is any person not enrolled at or employed directly by the University.

Registered Student Organization is an organization that has been approved and recognized by the Division of Student Affairs in accordance with Board Policy 01:220 – Student Organizations.

Sponsored Activity is any expressive activity that is presented by a sponsored guest under this policy.

Sponsored Guest is any person or organization invited to engage in expressive activity on campus grounds by a registered student organization, University-recognized group (i.e., non-student official University organization) or administrative division of the University in accordance with this policy.

III. Policy Principles

A. General Guidelines

The University of Montevallo is committed to providing an educational environment that is conducive to the development of each individual. As a public institution, the university provides formal and informal forums for the expression of ideas and opinions as long as it is done within the context of university policies and does not impede pedestrian and/or vehicular traffic, disturb or interfere with normal academic, administrative or student activities, or involve coercive behavior.

B. Open Air Forum

The university has designated certain high visibility areas on campus as “Open Air Forums.” These areas are not exclusive or exhaustive areas for expressive activities, and may be used by any member of the campus community as defined herein, subject to the following terms and conditions:

- The area has not been previously reserved or scheduled for a particular function.
- No sound amplification is used.
- Participants may not violate university policies.
- The expressive activity and anticipated number of participants does not exceed the capacity of the university to ensure the safety and security of participants, attendees, and others who may reasonably be expected to engage in related expressive activities.
- Guidelines outlined in Section III.A. are followed.
- The proposed activity or use takes place within the University’s normal business hours of Monday – Friday, 8:00am – 5:00pm.

The Open Air Forums are located at Farmer Hall Patio, Main Quad, Brooke Quad, Tutwiler Quad, and King Quad. The University reserves the right to define, redefine, or re-designate Open Air Forums in its sole discretion, provided that such designations shall not be used to limit or prohibit expressive activities that are protected by law.

Members of the campus community shall obtain permission and schedule expressive activities, including large-scale events, through the Facilities and Events Scheduling Office. Large-scale events are defined as events that include invited speakers, use of amplified sound, marches, parades and other events such as protests and demonstrations that are expected to attract 50 or more people. That Office may be reached at 205.665.6292 during the hours of 8:00-5:00 Monday-Friday.

Nothing in this section shall be interpreted to limit the rights of members of the campus community to spontaneously and contemporaneously assemble and distribute literature subject to the provisions of Section C.6., below (Distribution of Literature).

A complete listing of policies can be found here: <https://www.montevallo.edu/about-um/administration/policies/>.

C. Guidelines for Organized Expressive Events

1. General

Freedom of expression at the university includes organized demonstrations or events. However, such rights do not include the right to engage in conduct that disrupts the university's operations or endangers the safety of others. Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, riotous conduct or obscenity as defined by federal or state law, and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. The University will not charge special or enhanced security fees based on the content of the expressive activity.

If an outside group or individual wishes to engage in any expressive activity on campus, the group or individual must seek the sponsorship of a registered student organization, University-recognized group (i.e., non-student official University organization), or an administrative division, in order to become a sponsored guest.

2. Facilities Use Reservations

Facilities reservations are required whenever a member of the campus community wants to use space in a university-controlled building for expressive activity. A request to reserve space for use by a sponsored guest must be made no fewer than seven business days in advance of the sponsored activity.

University facilities may be reserved on a first-come, first-serve basis and are subject to the reservation procedures published by the Facility and Event Scheduling Office, those procedures set out in this policy, and Board Policy 01:020 – Use of University Properties. Only the individuals or sponsoring organizations that reserve University facilities may use the reserved facility for expressive activity during the reserved period.

Students and registered student organizations should follow reservations guidelines as set forth by the Office of Student Life.

3. Reservation Denials

The Facility and Event Scheduling Office will act on requests to reserve designated areas and to register for a large-scale event no later than two business days after a properly submitted request is received in the Facility and Event Scheduling Office. If a request is denied, the Director of Facility and Event Scheduling will, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, the Director of Facility

and Event Scheduling will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation.

The University will not deny a registered student organization any benefit or privilege available to any other registered student organization or otherwise discriminate against the organization based on the expression or beliefs of the organization.

4. Reason for Denial of a Reservation/Permit

Permission to engage in protected expressive activity and reservation of outdoor areas and University facilities may not be denied based on the content of the proposed expressive activity. Requests may be denied for the following reasons:

- a. an earlier request to reserve the same location and time has been made;
- b. the designated area or an adjacent area has been reserved for an official University function or the designated area is no longer suitable for use due to a conflict with a nearby official University function;
- c. the reservation or registration form is incomplete;
- d. the proposed activity exceeds eight hours in a 24 hour business day or extends beyond five days in an academic year;
- e. the proposed event or activity will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
- f. the request was submitted by a non-University sponsored individual or organization.
- g. the request was submitted by an organization that is not permitted to reserve space on campus based on prior misconduct, property damage, or non-payment.

5. Relocation of Expressive Activities

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas under the following circumstances:

- a. the noise generated by the activity disrupts an official University function or substantially interferes with resident housing life and activities (e.g. the activity is too close to an academic, administrative or residential building);
- b. the location cannot safely accommodate the number of participants;
- c. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official university activities;

- d. the space has been reserved for an official University function or has otherwise been reserved in accordance with this policy; or
- e. the activity poses a demonstrable threat to public health and/or safety, or threatens to interfere with the provision of fire, police, or emergency services.

6. Distribution of Literature

Members of the campus community who distribute literature should be responsible for refraining from littering on campus grounds.

Literature distributed by the campus community does not represent the views and opinions of the University of Montevallo and shall not be misrepresented to do so. If literature could be reasonably mistaken as taking an official position on behalf of the University, a disclaimer statement should be added to the literature.

This policy does not apply to attempts to distribute literature that is commercial in nature (i.e. information about goods or services offered for sale). See Board policy 01:040 – Solicitation.

7. Responsibilities of Individuals, Sponsoring Organizations and Sponsored Guests

Members of the campus community are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable University policies. Members of the campus community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of University policies, including the Code of Student Conduct and personnel policies, as applicable.

Sponsored guests who do not comply with this or other applicable University policies automatically forfeit their reservations and must immediately vacate University property. Repeat violations of this policy may result in loss of rights and privileges otherwise provided under this policy.

8. Appeal of Decisions Related to Expressive Activity

Students, employees and organizations whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the Chief Student Affairs Officer no later than two business days after the challenged decision is made. The appeal must be made in writing and state the specific grounds for the appeal together with supporting information and/or evidence. The appeal should include all information the individual or organization believes will assist the Chief Student Affairs Officer to decide the matter.

A decision regarding the appeal will be rendered within three business days of its receipt unless extenuating circumstances require additional time for decision. The decision is final.

IV. Sanctions

Anyone under the jurisdiction of the University who materially and substantially disrupts the free expression of others is subject to a range of disciplinary sanctions per Alabama law. For students, see the Student Code of Conduct. For employees, see Policy 04:405.

V. Event Termination/Postponement

In addition to the forgoing stipulations in this policy, the University reserves the right to cancel, relocate, postpone, or take protective measures with respect to proposed or ongoing expressive activity if the speech or conduct in question poses an imminent threat of unlawful action, violence, or disruption of University activities or operations.

VI. Interpretation

This policy shall be administered, enforced, and interpreted by the Chief Student Affairs Officer in consultation with the University's Threat Assessment Team and other appropriate University officials with reference to and in conformity with governing state and federal law, including the United States Constitution, the Constitution of Alabama (1901), and Ala. Code §§ 16-68-1 to -8, effective July 1, 2020. Such laws are incorporated herein and shall be deemed to preempt and supersede any conflicting or inconsistent provision of this or any other University policy.

Approved 4/2020

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