



ASUN Operating Procedure – 4017

Operating Procedure Synopsis

Title: Freedom of Expression

Approval Date/Revision Date(s): 7/2019

Review Date(s): 8/2020, 8/2021

Executive Cabinet Liaison: Vice Chancellor for Student Affairs

Responsible Manager: Vice Chancellor for Student Affairs

A. Purpose and Scope

Arkansas State University-Newport recognizes and protects the First Amendment guarantees of freedom of speech, freedom of expression, and the right to assemble peaceably. In compliance with ACT 184 of 2019 as well as the First Amendment of the United State Constitution, the ASU System and Arkansas State University-Newport will afford each member of the university community the opportunity to engage in peaceful and orderly protests and demonstrations; however, these activities must not disrupt the operation of the university. Such opportunities will be provided on an equal basis and adhere to the basic principle that the system will remain neutral as to the content of any public demonstration. In order to achieve this objective, while at the same time ensuring that the institution fulfills its educational mission, the university has the responsibility to regulate the time, place and manner of expression. Through such regulation, equal opportunity for all persons can be assured; order within the university community can be preserved; university property can be protected; and a secure environment for individuals to exercise freedom of expression can be provided

B. Definitions

N/A

C. Procedures

Arkansas State University-Newport follows the ASU System Policy on Freedom of Expression. The process from the ASU system Policy is outlined below. The procedures listed below govern Freedom of Expression by faculty, staff, students, student organizations, and visitors in the following areas:

Freedom of Expression

Expressive activities are allowed on all outdoor areas of campus subject to the reasonable time, place, and manner restrictions set forth in this Operating Procedure as well as all applicable state and federal laws. The campus shall not create free speech zones or other designated outdoor areas of campus outside of which expressive activities are prohibited. The campus maintains a position of neutrality as to the content of any protected speech.

*All ASUN students, faculty, staff and administrators are expected to adhere to operating procedures.

Outdoor Areas of Campus

All outdoor areas of campus shall be deemed a public forum for members of the campus community. This does not include outdoor areas where access by a majority of members of the campus community is restricted.

Expressive Activities

Expressive Activities are those enumerated by Act 184 as well as all forms of expression protected by the First Amendment to the United States Constitution.

Lawful Limitations on Expressive Activities

Members of the campus community who want to engage in noncommercial expressive activities may do so freely in the outdoor areas of campus so long as that member's conduct is 1) not unlawful, 2) does not materially and substantially disrupt the functioning of a state supported institution and 3) does not materially and substantially disrupt another person's expressive activity.

Freedom of Association

The campus shall not deny a student organization any benefit or privilege that is available to another other student organization or otherwise discriminate against an organization based on the expression of that organization.

Use of Campus Property for University Sponsored Activities and Events

All outdoor areas, owned and operated by the campus, shall be made available for use by the University for University sponsored activities and events. Official university activities and events on campus have precedence over all other events and activities taking place on campus. Any expressive activity that occurs at a location reserved for a University sponsored activity or event shall be accommodated at another outdoor area of campus so long as the accommodation is consistent with this policy.

Prohibited Activities

The right to engage in Expressive Activities under this Operating Procedure does not include the right to engage in the following: Obstructing vehicular or pedestrian traffic. Engaging in unlawful activity. Engaging in activities that create a clear and present threat to public safety. Engaging in true threats and expression directed to provoke imminent lawless actions and likely to produce imminent lawless actions. Engaging in unlawful harassment. Utilizing sound amplification devices. Posting materials on University property.

Damage to Property owned by the Campus

Any damage to campus property caused by individuals and/or groups engaging in Expressive Activity are the financial responsibility of the individuals and/or groups who caused the damage to the property.

Commercial Speech

This policy does not apply to commercial speech. Off-campus individuals and organizations are not allowed to conduct or solicit commercial sales or distribute commercial pamphlets, handbills, circulars, newspaper, magazine and other written material on campus. Parties having a contract with the campus authorizing commercial advertising shall be allowed to distribute or post commercial material in accordance with the terms of their contract.

D. Related Information

ACT 184 of 2019: <http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act184.pdf>