

Kennesaw State University Freedom of Expression Policy

A. Purpose and Overview of Policy

Kennesaw State University (“KSU”) recognizes and is committed to upholding the First Amendment rights of all individuals, including freedom of speech and peaceable assembly. KSU also recognizes its responsibility to provide a secure learning environment that allows individuals enrolled at or employed by KSU (“members of the KSU community”) to express their views in ways that do not disrupt the operation of the University.

When used throughout this policy, “expressive activity” and “expression” include non-commercial speech and activities protected by the First Amendment, including speeches, performances, demonstrations, marches, protests, picketing, and the distribution of non-commercial literature. Commercial speech is regulated by KSU solicitation policies. Demonstrations and assembly can be valid expression for all opinions, including dissenting opinions, provided that the demonstration or assembly does not disrupt academic and administrative functions of the University. KSU affirms its commitment to the First Amendment rights of those on its campus even though the language or ideals of those seeking a venue for free expression may contradict University ideals or the personal views of KSU students and employees.

For students, student organizations, and other members of the KSU community, open outdoor areas of campus are venues for expression. The designation of forum areas herein may not be used to prohibit them from engaging in expressive activities consistent with this policy elsewhere on campus, and it does not apply to University-sponsored activities. Rather, the policy only sets forth reasonable time, place, and manner restrictions on campus expression; and it establishes as designated public forums certain outdoor areas of KSU’s campus and sets forth requirements for forum reservations in the following limited circumstances: (1) members of the KSU community who plan an event with 30 or more persons and (2) individuals or groups who are not members of the KSU community who wish to speak on KSU’s campus. By placing reasonable limitations on time, place, and manner of speech, KSU does not take into consideration or take a position on the content or viewpoint of the expression, but allows for a diversity of viewpoints to be expressed in an academic setting.

B. Designation of Forums on KSU's Campus

To better facilitate the free exchange of ideas, KSU has designated as the following highly visible locations as public forums on KSU's campus ("Designated Campus Areas"):

- Kennesaw Campus: Campus Green Zones 1 through 7, as depicted and described on the attached "Campus Green Map."
- Marietta Campus: By the Globe between the Administration Building (Building B) and the Joe Mack Wilson Student Center (Building A).

These Designated Campus Areas are generally available to students from 9:00 a.m. to 7:00 p.m., provided that they have not previously been reserved. They are available to individuals or groups not enrolled at or employed by KSU from 9:00 a.m. to 5:00 p.m., Monday through Friday, provided that they have not previously been reserved. The Designated Campus Areas are closed for the first full week of classes and final exam weeks of each semester. This policy does not apply to the reservation of indoor facilities, which is governed by procedures set forth at <http://events.kennesaw.edu>.

Reservations will only be processed on days that KSU's Administrative Offices are open for business ("university business days"). Though reservations to use the Designated Campus Areas are only required as set forth in Section C and Section D below, KSU recommends that all parties interested in utilizing the Designated Campus Areas submit a completed Reservation Request Form to KSU's Office of the Dean of Students prior to use so that KSU may minimize scheduling conflicts, accommodate all interested users, and provide adequate security for the speaker and the audience.

C. Provisions for Members of the KSU Community

I. Planned Large Group Expression

Members of the KSU community who plan to engage in expressive activity on campus in a group that is expected to consist of 30 or more persons, not including those who may gather to protest the expressive activity, must submit a completed Reservation Request Form to KSU's Office of the Dean of Students four university business days prior to the scheduled activity pursuant to the

procedures set forth in Section E below and must receive approval in writing from a Student Affairs official prior to engaging in such activity. Prior notice is required to ensure that there is sufficient space for the large group event, that necessary University resources are available for crowd control and security, and that the academic and other operations of the University are not disrupted. The Student Affairs official may only deny a reservation for the limited reasons set forth in Section E below.

II. Spontaneous Large Group Expression

If an individual or small group of individuals within the KSU community, while engaging in spontaneous expression, attracts a group of 30 or more persons (not including those who may gather to protest the expression), then a representative from the group should provide the University with as much notice as circumstances reasonably permit. KSU reserves the right to direct a group of 30 or more persons to one of the Designated Campus Areas or another available area of campus in order to ensure the safety of campus members, to provide for proper crowd control, and to limit disruption of the academic and other operations of the University. The KSU official must not consider or impose restrictions based on the content or viewpoint of the expression when relocating any expression.

D. Provisions for Non-Campus Members

Individuals or groups of people who are not enrolled at or employed by KSU may only engage in expressive activity on KSU's campus in the Designated Campus Areas and only after submitting a completed Reservation Request Form to KSU's Office of the Dean of Students at least four university business days prior to the scheduled speech and obtaining approval for such use in writing from a Student Affairs official pursuant to the procedures set forth in Section E below. Organizers are encouraged to submit their requests as early in the planning stages of the event as possible. This provision does not apply to KSU Classroom Visitors or to any University-sponsored events.

E. Procedures for Reservation Requests

Completed Reservation Request Forms (available at publicforum.kennesaw.edu) should be submitted to KSU's Office of the Dean of Students in person or by email to publicforum@kennesaw.edu at least four university business days prior to the scheduled event.

Reservation scheduling will be coordinated by a Student Affairs official, who will schedule forums for expression on a first-come, first-served basis. The Student Affairs official must respond to all requests in writing as soon as practicable, but in no event more than two university business days following receipt of the request, either authorizing the reservation and noting any special instructions, if applicable, or setting forth the reason for denial of the reservation. The Student Affairs official may only deny a reservation request for one of the following reasons:

- (1) The Reservation Request Form is not fully completed;
- (2) The Reservation Request Form contains a material falsehood or misrepresentation;
- (3) The Designated Campus Area(s) requested has/have been reserved by persons who previously submitted a completed Reservation Request Form, in which case the University must provide a reservation for the applicant at an alternate location, alternate date, or alternate time;
- (4) The use or activity intended by the applicant would conflict with or disturb previously planned programs organized and conducted by the University;
- (5) The Designated Campus Area(s) requested is/are not large enough to accommodate the expected or actual number of persons engaging in large group expression, in which case the University must provide a reservation for the applicant at an alternate location that can safely accommodate the applicant provided that the applicant is a member of the KSU community and that such a location exists on KSU's campuses;
- (6) The use or activity intended by the applicant would present a danger to the health or safety of the applicant, other members of the KSU community, or the public;
- (7) The use or activity intended by the applicant is prohibited by law, Board of Regents' Policy, or KSU Policy;
- (8) The request seeks to reserve the Designated Campus Areas during the first full week of classes and final exam weeks of each semester;
- (9) The applicant seeks to reserve a location on campus other than the Designated Campus Areas; or
- (10) The use or activity intended by the applicant would violate the General Provisions in Section F below.

If an individual or group has three (3) or more reservations confirmed within a calendar month, the individual or group may not submit an additional reservation request for that calendar month until four (4) University business days prior to the requested reservation date. If, at that time, the additional reservation request conflicts with that of another individual or group (*i.e.*, seeks to reserve the same location at the same time) that does not already have three (3) or more reservations confirmed within that calendar month, the reservation request of the other individual or group shall have priority.

When assessing a reservation request, the Student Affairs official must not consider or impose restrictions based on the content or viewpoint of the expression, including the possible reaction to the content or viewpoints anticipated to be expressed during the event. The Designated Campus Area(s) is not reserved until the requestor receives an email confirmation from the Student Affairs official, which shall contain the name of the event; the date, time and location of the event; and the name of the individual making the reservation request.

Any denial of a reservation request in whole or in part may be appealed to KSU's Vice President for Student Affairs in writing setting forth the reasons why the appeal should be granted. KSU's Vice President for Student Affairs or his or her designee must respond to the appeal in writing within two university business days. The decision of KSU's Vice President of Student Affairs or his or her designee is final.

F. General Provisions

In addition to the requirements set forth above, all individuals expressing themselves on KSU's campus must comply with the following provisions:

- No interference with the free flow of vehicular or pedestrian traffic within or under the control of the KSU campus or the ingress and egress to buildings on campus is permitted.
- Sound amplification, including microphones or bullhorns, is not permitted.
- No interruption of the orderly conduct of University classes or other University activities, including University ceremonies and events, is permitted.
- Motor vehicles may not be used indoors or in any outdoor area of campus except roads and parking lots.

- The representative who makes the reservation shall be responsible for seeing that the area is left clean and in good repair. If not accomplished, persons or organizations responsible for the event may be held financially responsible for cleanup costs for removal of signs, placards, litter, and other materials left by the representative's speaker or group.
- Expressive activities may not take place in a location that has already been reserved for another event.
- Expressive activities must not create a clear threat to public health or safety.
- Damage or destruction of property owned or operated by the University or property belonging to students, faculty, staff, or guests of the University is prohibited. Persons or organizations causing such damage may be held financially and/or criminally responsible.
- Individuals and groups of individuals expressing themselves on KSU's campus must comply with all applicable federal, state, and local laws; Board of Regents' policies; and KSU policies, rules, and regulations.
- Security fees may be assessed consistent with KSU's Security Policy. *See* <http://events.kennesaw.edu/event-resources/GO%20701%20-%20Special%20Events.pdf> .

Authorization of a speech, event, or demonstration is contingent upon compliance with the criteria listed above. The authorized representative of the speaker or group is required to sign a form acknowledging compliance with these administrative procedures and guidelines and acknowledging that the University will not be held responsible for the actions of participants in the expression. Additionally, the authorized representative must sign a form acknowledging agreement to make restitution for any litter or property damage that is caused by the representative's speaker or group.

KSU Public Safety and other appropriate administrators will be notified upon receipt of the reservation request. The reservation request is a public record and submitted requests will be released to interested parties in accordance with the terms of the Georgia Open Records Act.

The University reserves the right to refuse to permit individuals or groups to assemble, demonstrate, protest, or otherwise express themselves in the Designated Campus Areas if the individual or group refuses to abide by these administrative procedures and guidelines. Speakers 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.

KSU cannot be held responsible for the safety of children or other individuals participating in an event. Persons under the age of 12 years old must be accompanied by an adult.

Freedom of Expression Policy Questions

Questions about this policy may be addressed to the KSU's Office of the Dean of Students at (470) 578-6367 or publicforum@kennesaw.edu.

Effective Date: October 5th, 2018