

1.07 - USE OF UNIVERSITY PROPERTY FOR FREE EXPRESSION ACTIVITIES

Effective: May 1, 2025

Purpose: Emporia State University is committed to fostering an environment that respects and upholds the First Amendment of the U.S. Constitution and Section 3 of the Bill of Rights of the Kansas Constitution while ensuring the safety, security, and educational mission of the University. This policy governs the use of University property for free expression activities to ensure such activities do not disrupt normal operations or infringe upon the rights of others.

Scope: This policy applies to all individuals, including students, faculty, staff, and visitors engaging in free expression activities on the University campus or property controlled by the University.

Responsible Office: President's Office

Policy Statement: The University supports and encourages the free exchange of ideas and "Expressive Activity" within the confines of the protections of the First Amendment of the United States Constitution and Section 3 of the Bill of Rights of the Constitution of Kansas.

General Principles

The University does not regulate speech based on content or viewpoint. However, reasonable, content-neutral time, place, and manner restriction may apply to ensure campus safety and operations.

The University recognizes the right to freedom of speech, peaceful assembly, and petition as protected under the First Amendment and Kansas law.

Individuals shall comply with the directions of any University official acting in the performance of their duty.

Failure to adhere to this Policy may result in revocation of an approved reservation and/or other appropriate administrative action, including disciplinary action as permitted by relevant University policies.

Nothing in this Policy shall be construed to prohibit any person or group who is engaged in a permitted use of University facilities or outdoor spaces from engaging in free expression activities such as private conversation, gesturing, standing, wearing expressive clothing, accessories, buttons, or stickers, or from participating in free expression activities germane to a specific activity or event.

Prohibited Conduct

The following activities are prohibited unless specifically authorized by the relevant space manager:

- The sale or promotion of commercial goods or services;
- The use of amplified sound;
- The unauthorized construction or erection of temporary or permanent structures on University grounds including, without limitation, encampments, tents, huts and other forms of temporary accommodations, whether for overnight use or not.
- The unauthorized overnight use of University grounds and facilities.
- The blocking of pedestrian or vehicular traffic or the blocking of ingress and egress into or out of or within University buildings; and
- Conduct which the University reasonably deems to cause disruption to campus activities.

Speech or conduct that is not protected, and thus is prohibited, includes the following:

- True threats;
- Incitement to imminent lawless action;
- Harassment;
- Unlawful activity or speech that material disrupts the University's operations;
- Defamation
- Obscenity; OR
- Invasion of Privacy.

"Expressive Activity" may not compromise public safety or public health, impede the free movement of people or vehicles, damage university or privately owned property, or interfere with University operations as determined by the University. The right of way on streets and sidewalks must be maintained.

Individuals shall not obstruct, disrupt, interrupt, or attempt to force the cancellation of any "Program" hosted by the University or by any users authorized to use University facilities or outdoor spaces.

Political Restrictions

The University's facilities and grounds shall not be made available for fund raising events for any candidate, party committee or political committee, or for filming or otherwise producing partisan political advertisements.

Other than the Governor, elected officials and candidates for elected office shall not be introduced or recognized on campus unless they are in attendance at a campus event in an official capacity and at the request of the University.

Permissible Political Uses

Except as prohibited in above, the University's facilities may be made available for the purpose of holding political meetings, or public forums, provided:

- There is no interference with regularly scheduled functions;
- The person requesting the space can clearly demonstrate that there is not otherwise available a reasonably suitable facility in the community;
- Students are permitted to hear the speakers without charge; AND
- Payment of the regular fees for use of the facilities is made in advance of such use.

University policies regulating availability and use of campus facilities shall be content-neutral and limited to narrowly drawn time, place and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States and the Constitution of the State of Kansas:

- Freedom of Religion.
- Freedom of Speech.
- Freedom of the Press.
- Right of the People to Peaceably Assemble.
- Right of the People to Petition of Government for a Redress of Grievances.

Outdoor Areas

The outdoor areas of the University's campus are designated public forums, open on the same terms to any "Internal User" subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States. "Internal Users" may engage in non-commercial "Expressive Activity" in any outdoor area of campus in accordance with published University policies establishing time, place, and manner restrictions.

The University shall not discourage students, faculty, and staff from hearing diverse points of view from speakers and "Programs" sponsored by the University or recognized student, faculty, and employee organizations.

Where an invited speaker is the object of protest, individuals may engage in "Expressive Activity" outside the building where the speech is taking place. Individuals who wish to enter the building must do so as members of the audience and must give the speaker a respectful hearing. Failure to grant the speaker a respectful hearing may result in the offending individual(s) being asked to leave. Any signs, banners, or similar items carried into the building must be constructed of materials that do not present a safety hazard and may not be attached to rigid materials such as sticks or poles. The use of such items may not deprive others of their rights or otherwise violate these Guidelines. The University reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.

"Leafleting" shall be prohibited in those areas devoted primarily to instruction and study or at public events when the materials are not related to the topic of the public event.

Additional policies and guidelines that are not in conflict with this policy and that are consistent with First Amendment precedent shall be reviewed by the Board of Regents' Governance Committee and filed with the President and Chief Executive Officer of the Board.

Free Expression Activities

"Internal Users" may use the campus for activities as described in this policy. "External Users" may not use the campus for activities, except as described herein in the "External Users" section of this policy. Individuals engaging in activities on University property or property under University control are subject to and expected to comply with all applicable University policies and procedures, laws, regulations, and ordinances.

Registered Student Organizations who host "Expressive Activity" will be held responsible for compliance with the Policy. However, this in no way relieves participating individuals of responsibility for their conduct. Each individual participating in "Expressive Activity", whether hosted by a Registered Student Organization or not, is accountable for compliance with the provisions of the Policy and all other applicable University policies and procedures, including the Code of Student Conduct.

Violation of the Policy may be grounds for disciplinary action against both individuals and/or the sponsoring or participating Registered Student Organizations and their officers.

External Users

All External Users who wish to schedule "Expressive Activity" are required to comply with the reservation requirements of the University policy on Scheduling Facilities.

Any such request must be made to the Conference and Scheduling Office seven (7) calendar days in advance of the activity.

"External User" requests will be considered on a first-come, first-served basis after giving priority to "Internal Users."

Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the "Expressive Activity".

Reservations are valid only for the date and time authorized by the University.

Location

The event shall not obstruct access into or out of University facilities and will remain a minimum of thirty (30) feet from all University building or stadium entrances, except in the Free Expression Zone identified as the Union Square.

“Internal Users” must provide a Notification of Intent Form to the University’s Conference & Scheduling Office no later than seventy-two (72) hours prior to the event. The Notification of Intent form must include all of the following information:

- Name, address, and telephone number of primary contact, group, entity, or organization;
- Date and time of event;
- Indicate Event Zone Location (Map available upon request);
- Nature and purpose of the event;
- Type of sound amplification devices requested to be used (if any); AND
- Estimated number of people expected.

The use of amplification devices is subject to approval. In all cases, the volume of any amplification device may not be so loud that it disrupts or disturbs the normal use of University facilities or events (i.e., classroom, laboratories, assembly areas, stadiums, offices, etc.).

Restrictions and Obligations

- Signs no larger than 3' x 5' are permitted.
- One (1) sign per person.
- The event shall not last longer than four (4) hours and shall be scheduled between the hours of 8:00 a.m. and 9:00 p.m.
- Leafleting material shall not be placed on vehicles or left unattended due to the creation of excessive trash.
- The University campus and grounds shall be cleaned up and left in its original condition and may be subject to inspection by a University Facility manager. Reasonable charges may be assessed against the sponsoring party and/or responsible contact for the costs of extraordinary clean-up or for repair of damaged property.
- All life safety and sanitation regulations applicable to the event must be addressed and in compliance.
- All temporary utilities, sanitation, and accessibility requirements are the responsibility of the sponsoring party. The University will not provide these items.
- The event shall not obstruct vehicular, pedestrian, or other traffic.
- The event shall not obstruct access into or out of University facilities and will remain a minimum of thirty (30) feet from all University building or stadium entrances, except in the Free Expression Zone identified as the Union Square.
- The event shall not create safety hazards to participants, students, employees, or guests of the University.
- The event must be in compliance and in accordance with applicable University policies and regulations, Kansas Board of Regents policies and regulations, local laws and regulations, and/or state or federal statutes and laws.
- Any person and/or organization found to be non-compliant with this policy, by either the Director of the Memorial Union, the Director of University Facilities, or any

executive administrator may be subject to an order from the University Police & Safety Department to leave the campus. Person(s) failing to comply with such an order will be subject to arrest for criminal trespass.

Presidential Authorization

The Emporia State University President (or designee) may authorize free expression activities which are reasonably determined not to cause disruption of the University mission or activities despite a literal violation of this policy. Such determination will be made without consideration of the content or message of the free expression activities.

The Emporia State University President (or designee) may prohibit, cancel, or terminate an event if, after a proper inquiry, it is determined the event constitutes a clear or potential danger to the University's normal and orderly operations.

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in another University or Board of Regents policy or by statute or regulation.

Candidate – means an individual who:

- Appoints a treasurer or a candidate committee;
- Makes a public announcement of intention to seek nomination or election to federal, state, or local office;
- Makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; OR
- Files a declaration or petition to become a candidate for state or local office.

Expressive Activity – means verbal or non-verbal expression and assembly protected by the First Amendment, including but not limited to Public Speaking, Leafleting, Posting, demonstrations, rallies, picketing, vigils, parades, and marches.

External User – means a group or individual that is not a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or a registered University student.

Fronting – means an Internal User acting as an agent for an External User to (1) receive access to University facilities and outdoors spaces only intended for use by Internal Users; or (2) receive discounted rates for the use of University facilities or outdoor spaces where the Internal User attempts to vacate responsibility for the event, Program, or activities that occur after receiving discounted rates.

Host – means an Internal User or External User who plans and/or delivers a Program to which others are invited.

Internal User – means a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or an individual or group of registered University students.

Leafleting – means the distribution of non-commercial announcements, statements, handbills, leaflets, pamphlets, magazines, or other materials to individuals, who may accept or decline to accept the materials.

Outdoor Areas of Campus - means the generally accessible outside areas of campus where a majority of students, administrators, faculty, and staff at the University are commonly allowed without ticketed entrance.

Party Committee – means:

- The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- The county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- The bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
- The political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;
- The political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; OR
- The political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

Political Committee - means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office but does not include a candidate committee or party committee.

Program – is an activity or event that is intended to take place in a University facility or outdoor space, which may include “Expressive Activity”.

Public Speaking – means orally and audibly expressing a message, idea, opinion, concept, principle, or belief directed to a general audience and in a manner other than through a private conversation.

Procedures: All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of General University procedures.

[Hyperlink to General University procedures]

Related Policy Information: 1.06 – Interference With the Conduct of the Institution; 7.09 – Scheduling Facilities; 7.16 Signs, Banners, and Chalking on Campus; [Hyperlink to K.S.A. 25-4143]

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Revised: 05/01/2025 [Policy 1.07 – Use of University Property for Free Expression Activity modified and approved by President]