



PERMANENT MEMORANDUM 79

Freedom of Speech and Expression

POLICY DIGEST

Monitoring Unit: Office of Student Affairs
Initially Issued: November 9, 2018

I. GENERAL POLICY STATEMENT

Louisiana State University (“LSU” or the “University”) is fully committed to free speech among students, faculty, staff, and visitors. To fulfill our primary role of discovering and disseminating knowledge, a free interchange of ideas is necessary. LSU prides itself on upholding of free expression and believes that a culture of intense inquiry and informed argument generates lasting ideas. This freedom comes with a responsibility to welcome and promote expression for all people and all ideas, even when in disagreement or opposition. This policy applies to all campus locations of LSU.

LSU unequivocally supports and endorses free speech and free expression among its students, faculty, and staff. The University strives to ensure the fullest degree of intellectual freedom and free expression on campus. It is not the proper role of the University to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7, of the Constitution of Louisiana, and other applicable laws, including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and as other applicable laws permit, in a manner which does not materially and substantially disrupt the functioning of the University and within the limits on time, place, and manner of expression stated herein.

It is for the individual members of the University community, not for the University as an institution, to judge the value of ideas, and to act on those judgments – not by seeking to suppress speech, but by openly and civilly contesting those arguments and ideas that they oppose. Encouraging members of the University community to engage with each other in an effective and responsible manner is an essential part of the University's educational mission.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. The University prohibits expression that violates the law, defames a specific individual, constitutes a genuine threat, violates the Student Code of Conduct, or unjustifiably invades substantial privacy or confidentiality interests. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the educational activities and mission of the institution.

II. PUBLIC AREAS

The “Public Areas” of Campus mean all Outdoor Areas. The “Outdoor Areas” mean outside areas generally accessible to the majority of students, administrators, faculty, and staff such as grassy areas, walkways, or other similar common areas, but do not include University facilities, the interior of buildings or areas where access is

restricted. The Public Areas of campus are deemed by State law as traditional public forums and are open on the same terms to any speaker.

On Public Areas, students and faculty may assemble, distribute literature, and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the University. Any person lawfully present on campus in a Public Area may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity shall not be permitted. Certain University facilities are made available for reservation. This policy does not apply to University-sponsored activities.

III. TIME, PLACE, AND MANNER RESTRICTIONS

In order to maintain safety, security, and order, the University reserves the right to limit such activities by the following regulations regarding time, place, and manner of such activities. Except as allowed by law, the University shall not apply these restrictions in a discriminatory manner toward the content of the view being expressed or the speaker, or in any manner that otherwise infringes on any form of speech or conduct that is protected by the First Amendment.

IV. GROUP EXPRESSION

If an individual or group of individuals attracts a group of 20 or more persons, then a representative from the group is encouraged to contact LSU Police as soon as circumstances reasonably permit. The University reserves the right to direct a group of 20 or more persons to another available Public Area 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. Any relocation must not be based on the content or viewpoint of the expression.

V. EQUIPMENT LIMITATIONS

The use of amplified sound is subject to local ordinances and is restricted to those times and places where it will not impact educational activities or University business. During concentrated study periods, the use of amplified sound is prohibited. This policy does not provide for the use of University resources (tables, utilities, equipment, etc.) in the exercise of free speech or expression activities.

VI. PROHIBITED ACTIVITIES

At a minimum, expressions, assemblies, or demonstrations may not:

- A. Engage in provocations by fighting words or incitements to engage in immediate violence;
- B. Make threats which demonstrate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals;
- C. Interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into and out of University facilities;
- D. Materially and substantially disrupt the educational mission normal activities of the University;
- E. Express or exhibit obscenity as defined by law;

- F. Advocate the deliberate violation of law by preparing the group addressed for imminent action and seeing it to such action.
- G. Engage in commercial or for-profit activities absent a prior written agreement with the University authorizing such activities.

VII. ADMINISTRATION/ENFORCEMENT

This policy shall be administered and enforced by the chief Student Affairs officer of each respective campus, the campus police department and such other University officials as shall be designated. Visitors to the campus and all others violating these regulations regarding time, place, and manner of speech and demonstration will be subject to immediate eviction or removal from the campus without further warning by appropriate University agents or officials and may be subject to appropriate legal action. Individual students or student organizations violating these regulations may be subject to action by Student Advocacy & Accountability.

VIII. NON-ENDORSEMENT/RATIFICATION

Nothing in this policy is intended nor should be understood as an endorsement or approval by LSU of any speech or demonstration, an invitation or license to speak or demonstrate, or the granting of any right or permission to speak or demonstrate on campus beyond the rights existing under federal and state law. For more information, contact the chief Student Affairs officer for the relevant campus. .

IX. APPEAL PROCEDURE

Any person aggrieved by a violation of this policy may file a written appeal of the decision or action to the chief Student Affairs officer of the campus, or designee, within fourteen (14) calendar days of the decision or action. The University shall provide a written response to the appellant within fourteen (14) days of receipt of the appeal unless, for good cause, additional time is needed to ascertain facts or speak with the appellant or relevant officials. The decision of the chief Student Affairs officer shall be final.

X. SUPERSEDING POLICY

This policy supersedes and nullifies any provision in the policies and regulations of the University that restricts speech on campus and is therefore inconsistent with this policy on free expression.

XI. SOURCES

This policy is adopted pursuant to La. R.S. 17:3399.31, *et seq.* and the 2018 Board of Regents Uniform Policy on Campus Free Speech.