

Policy 1-007: University Speech Policy

Revision 6. Effective date: August 15, 2023.

- I. Preamble and Statement of Policy** 3
- II. Definitions** 4
- III. General Policies** 5
 - A. Freedom of Speech and Assembly 5
 - B. Academic Freedom 5
 - C. Freedom of the Press..... 6
 - D. Due Process..... 6
 - E. Conduct of Classes 6
 - F. Nondisclosure of Student Views..... 7
 - G. Academic Rights of Faculty Members 7
 - H. Right to Form Student Organizations 8
 - I. Registration Procedure for Student Organizations 8
 - J. Maintenance of Registration for Student Organizations 9
 - K. Removal from Register 9
 - L. Student Publications 9
 - M. Student Elections 10
 - N. Speaker Policy 10
 - O. Free Speech Facilities..... 11

P. Sound Amplification Equipment 11

Q. Defamatory or Obscene Speech 12

IV. Regulations Governing the Use of University Facilities 12

A. General Policy 12

B. Scheduling Responsibilities 13

C. Scheduling Procedures and Standards 14

D. Commercial and Non-University Related Uses 15

E. Appeal Rights 15

V. Signs, Literature, and Structures 16

A. Posting of Signs, Notices and Posters by Members of the University Community
16

B. Distribution of Handbills, Petitions and Other Written Material 18

C. Structures Erected by Members of the University Community 19

VI. Demonstrations 22

A. Demonstrations and Picketing 22

B. Responsibility for Demonstrations or Picketing 22

C. Appeal Rights 23

**VII. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources
23**

VIII. References 24

IX. Contacts 24

X. History 24

I. Preamble and Statement of Policy

These regulations shall be interpreted in accord with the requirements of the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accord with generally accepted concepts of academic freedom as followed nationally and at the University of Utah. It is the purpose of these regulations to protect and enhance the free exchange of ideas in the University and on the University campus. The primary function of a University is to discover and disseminate knowledge by means of research and teaching. To fulfill these functions a free interchange of ideas is necessary. It follows that the University must insure within it the fullest degree of intellectual freedom and protect the opportunity of all members of the University community and their guests to exercise their intellectual freedom and protect their right to communicate with others in the University community.

Academic freedom, the free flow of ideas, the right to speak and the right to hear must be protected not only from censorship but also from those committed to interference with a speaker's presentation through acts of disruption. It is the responsibility of all members of the academic community to refrain from such conduct and the University shall apply appropriate sanctions under proper procedural safeguards to those who violate this obligation.

All persons on the campus of the University of Utah, whether administrators, faculty, students, employees or guests, are subject to the law and the regulations of the University. Those who violate the law or the University's regulations while on the campus do so at the risk of prosecution in the courts by appropriate government officials or proceedings authorized by University regulations. By virtue of regulating the exercise of free speech on the campus, the University does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

- A. Academic Freedom and Faculty Rights Committee: The Academic Freedom and Faculty Rights Committee is the elected committee provided for in Policy 6-002, Section 11.
- B. Committee on Student Affairs: The Committee on Student Affairs is a committee of students and faculty with the responsibility of developing and implementing policies pertaining to student life in relationship to the University as provided for in Policy 6-401.
- C. Student Code: The Student Code is the Code governing student rights and responsibilities found in Policy 6-400.
- D. Faculty Code: The Faculty Code is the Code governing faculty rights and responsibilities found in Policy 6-316.
- E. Member of the University Community: Members of the University community shall include all students, members of the University faculty and teaching staff, all employees holding administrative or staff positions and all personnel associated with the University.
- F. Departments and Colleges: For the purpose of these regulations, the terms "department" and "college" shall mean those academic units of the University of Utah that are from time to time authorized and established by the Board of Trustees of the University of Utah or the Utah Board of Higher Education.
- G. Department or College Student Organizations: For the purpose of these regulations, the terms "department student organizations" or "college student organizations" mean those organizations of students authorized and established by the faculty or College Council of any department or college of the University, that are responsible to the faculty, college council or administrative head of that

department or college and in which students in the department or college are eligible for membership.

- H. Symbolic Speech: "Symbolic speech" shall include structures, actions and any other thing or activity for the purpose of expressing views or opinions that is not otherwise included in the concepts of oral or written speech, signs, handbills, posters or other methods of communication.
- I. Commercial Speech: For the purpose of these regulations, "commercial speech" includes all spoken, written and symbolic speech intended in whole or in part for the personal profit of the person, organization or institution engaged in the speech.
- J. Scheduling Office: For the purpose of these regulations, the Scheduling Office shall be the person so designated by the University Administration and charged with scheduling the use of University classrooms, auditoria, and other indoor and outdoor space with the exception of such University facilities as shall be designated by written rules published by the Scheduling Office as outside the jurisdiction of the Scheduling Office or where administrative directives have vested scheduling authority for facilities in the administration of a college or other subdivision of the University.

III. General Policies

A. Freedom of Speech and Assembly

- 1. Members of the University community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner.

B. Academic Freedom

- 1. Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University of Utah. Academic freedom shall be recognized as a right of all members of the faculty, whether with or

without tenure or continuing appointment, of all administrative officers, and of all students. The University of Utah endorses and hereby incorporates in these regulations the following statements of the American Association of University Professors related to defining academic freedom: "The 1940 Statement of Principles on Academic Freedom and Tenure" and the "1970 Interpretive Comments" thereon; the "1970 Statement on Professors and Political Activity"; the "1970 Statement of the Association's Council: Freedom and Responsibility"; and, the "1967 Joint Statement on Rights and Freedoms of Students".

C. Freedom of the Press

1. Members of the University community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Reasonable and nondiscriminatory rules and regulations, consistent with these regulations, may be adopted regarding the operations of student and faculty publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.

D. Due Process

1. Due process of law is recognized as essential to the proper enforcement of University rules, and accordingly no disciplinary sanction may be imposed on a member of the University community or an organization by or in the name of the University except in accordance with the written regulations, policies or procedures of the University and the Constitution of the State of Utah and the Constitution of the United States.

E. Conduct of Classes

1. Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of such conduct, the

instructor may dismiss the student from the class and may refer the matter to the Office of the Dean of Students as described in Policy 6-400. Upon dismissing a student from class, the instructor shall immediately notify the Dean of Students of the action so the student may be informed of the student's right to appeal the dismissal.

F. Nondisclosure of Student Views

1. Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential and is not to be disclosed to others without the prior written consent of the student involved or under legal compulsion.

G. Academic Rights of Faculty Members

1. A faculty member has the legal rights and privileges of a citizen. A faculty member may not be subject to punishment or reprisal for the exercise of such rights and privileges. A faculty member may be subject to sanctions for breach of the rules and responsibilities enumerated in the Code of Faculty Responsibility, University Policy 6-316.
 - a. Every faculty member has the right to academic freedom and the right to examine and communicate ideas by any lawful means even where such activities generate hostility or pressures against the faculty member or the University.
 - b. A faculty member's exercise of freedom of communication, association, or assembly, or participation in political activities, does not constitute a violation of duty to the University, to the faculty member's profession, or to students, except in situations specified in the rules of the Code of Faculty Responsibility.
2. Where the faculty member's rank and status are appropriate, a faculty member has the right to vote on faculty appointments, promotions, and

tenure and to vote for representatives to department, college and University legislative bodies.

3. In any disciplinary matter, a faculty member has a right to adequate notice, to be heard, and to decision and review by impartial persons or bodies. In disciplinary proceedings involving a possibility of substantial sanctions, a faculty member has a right to full due process and peer judgment.
4. Faculty members are entitled to support and assistance from the University in maintaining a climate suitable for the exercise of rights of academic freedom, scholarship, research, and effective teaching and learning. A faculty member is entitled to a classroom free from violence or systematic disruption. The University shall strive to assist the faculty member in improving their skills and developing their talents as teacher and scholar.

H. Right to Form Student Organizations

1. Student organizations may be established for any lawful purpose. Affiliation of any student organization with lawful off-campus groups shall not, in itself, disqualify that organization from enjoying the benefits and privileges which the University affords to student organizations.
2. Organizations shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers or representatives may be required by the University as a condition for registration or access to University funds or enjoyment of University privileges.

I. Registration Procedure for Student Organizations

1. Registration: Any qualified organization may be added to the University register upon:
 - a. the filing of a completed University registration form, as provided for in subsection B of this section, with the Executive Secretary of the Committee on Student Affairs, and

- b. the recording of the completed form with the Committee on Student Affairs by the Executive Secretary of the Committee.
2. Registration Form: A completed registration form shall include the following:
 - a. name of organization;
 - b. address;
 - c. official representative(s);
 - d. constitution, charter, or official statement of the organization that:
 - i. sets forth the purposes and organization of the group;
 - ii. defines the qualifications for membership;
 - iii. provides for a method of choosing the representatives of the organization, all of whom shall be students, faculty, or employees of the University of Utah;
 - e. a signed statement of intent to be listed on the University register.

J. Maintenance of Registration for Student Organizations

1. Registered student organizations shall maintain their position on the University register upon filing annually with the Executive Secretary of the Committee on Student Affairs a statement of intent to maintain their listing on the register. This statement shall include any changes in the official statement since its latest filing and shall list the current recognized official representatives of the group.

K. Removal from Register

1. The Committee on Student Affairs or the ASUU Supreme Court may remove an organization from the University register for failure by the group to abide by University rules and regulations or state law.

L. Student Publications

1. Student publications supported by University funds or student fees, other than those publications sponsored by a college or department, may be regulated by the Student Media Council pursuant to rules and regulations, consistent with these regulations, of the Student Media Council. In the case of student publications sponsored by a college or department, the publication shall be regulated, in accordance with the policies consistent with these regulations, by regulations adopted by the college or department.

M. Student Elections

1. Student elections for ASUU shall be regulated pursuant to written regulations, consistent with the policies of these regulations, adopted by ASUU and published as part of ASUU bylaws. Elections for student organizations sponsored by colleges or departments shall be regulated by the college or department sponsoring the student organization pursuant to regulations consistent with the policies of these regulations.

N. Speaker Policy

1. Members of the University community and their organizations shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), subject only to reasonable and nondiscriminatory regulations governing the use of University facilities. The rights of speakers to freedom of expression under the Constitution of the United States and the Constitution of the State of Utah shall be protected. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.
2. Members of the University community and their organizations who invite speakers to address audiences on or off the campus, except University organizations designated by the University or any college or department as an official organization of the University, may not use the name of the University to imply official University sponsorship of the speaker in

advertising or publicizing the event, except to identify the location of the event.

O. Free Speech Facilities

1. The University shall provide reasonably appropriate facilities in the area of the Union Plaza and adjoining lawns on the southwest side of the Union Building (bounded by the University Bookstore and Orson Spencer Hall) to enable speakers to address those wishing to listen. These facilities shall be available to any person, but members of the University community and their organizations shall have preference in the use of the facilities. Use of the facilities may be reserved through the Office of the Dean of Students or the Dean's designate for up to two hours for purposes of speaking. Members of the University community or their organizations reserving use of the facilities shall have preference in its use in the order of their application and over those seeking to use the facilities without reservation. Persons using the facilities may make use of tables and other temporary means for displaying or distributing information while the person or organization representing them is making use of the facilities. The tables or other temporary means for displaying or distributing information shall be removed upon the expiration of the time during which the facilities are being used by the person or organization.
2. Nothing in this section shall be interpreted as limiting the right of free speech elsewhere on the campus as provided by these regulations. The Office of the Dean of Students shall provide general notice of the existence of free speech facilities provided for in this section and the procedures for reserving use of the facilities.

P. Sound Amplification Equipment

1. Where sound amplification equipment is used to exercise rights defined or protected by these regulations, the persons or organizations exercising such rights must first obtain permission from the Scheduling Office. Sound

equipment shall only be used at sound levels which do not disrupt or disturb teaching, research or other duly authorized meetings or activities. Violations of this restriction shall constitute grounds for revocation of the permission to use the sound amplification equipment.

2. Where permission is denied or revoked by the Scheduling Office, review of the decisions made will take place before the Committee on Student Affairs. The decision and any remedies order by the Committee on Student Affairs shall be final except as to claims of violation of the Utah or United States Constitution, which claims shall be heard by appeal to the Academic Freedom and Tenure Committee in accord with the rules and regulations of that Committee. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Academic Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with the president's recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

Q. Defamatory or Obscene Speech

1. Nothing in these regulations shall be construed as authorizing or condoning unlawful defamatory or obscene exercises of the speech rights defined under these regulations. Any person engaging in such conduct or using University facilities or grounds to do so shall be subject to the laws governing defamatory or obscene speech, including the authority of the University to remove signs, posters, handbills, structures or other unlawful expressions of defamatory or obscene speech or publications.

IV. Regulations Governing the Use of University Facilities

A. General Policy

1. The regulations contained in this title establish procedures for the authorized use of University facilities for meetings, activities or other events. The purpose of the regulations contained in this title is to facilitate the effective and orderly use and enjoyment of the University's facilities without interfering with University instructional, research and other functions. These regulations apply to members of the University community and their organizations and to others from outside the University community who desire to use University facilities for meetings, activities or other events on campus. These regulations do not apply to the University Administration or duly authorized college, department or other administrators in scheduling University facilities for classes, research or other uses associated with the teaching and research functions of the University.

B. Scheduling Responsibilities

1. The Scheduling Office of the University, as provided for in Title I, J, shall maintain and provide for inspection by any person:
 - a. A list of the facilities which may be scheduled for use by members of the University community and their organizations. The list shall indicate those facilities over which the Scheduling Office has authority and the persons responsible for scheduling facilities not within the authority of the Scheduling Office;
 - b. A list of facilities not available for scheduling for use by members of the University community and their organizations; and
 - c. A schedule of any fees for use of University facilities or equipment.
2. The Scheduling Office, in consultation with the University Administration, may adopt a schedule of fees for use of University facilities. The fee schedule may distinguish between the classes of users provided for in III.C and III.D of this title in whether to impose a fee for the uses described and in the amount of the fee imposed. Any fee schedule shall be administered without unjust discrimination among the members of the same class of users.

C. Scheduling Procedures and Standards

1. Any member or organization of the University community may obtain the use of University facilities for non- commercial and University-related use by filing a request form with the office of the Scheduling Office. For the purpose of this regulation, a University- related use shall be interpreted liberally to include extracurricular activities normally associated with a University or activities reasonably related to a member of the University community's membership in the University community. The request form shall include the following information:
 - a. The name of the requesting organization or the name and identification number of the requesting member;
 - b. A brief description of the intended use, including the name of any speaker or speakers and the general topic of an address, if applicable;
 - c. The anticipated number of persons who will attend;
 - d. Whether an admission fee will be charged and, if so, the amount and purpose of such fee;
 - e. Any special facilities or equipment required for the use of the facility; and
 - f. Any preference for specific facilities.
2. The request form may also contain a statement to be signed by the member or by a member on behalf of an organization in which the requesting party agrees to be liable for any fees, legitimate out-of-pocket expenses or damages because of the applicant's conduct in use of the facility. Any rental fee charged for the use of the facility under this section shall only be made in accord with a uniformly administered schedule of fees adopted under section B.1.c. of this title.
3. As soon as practicable, the Scheduling Office shall assign an appropriate room or space to the requesting member or organization meeting the

requirements of this section and shall assist in arranging for any special equipment that might be required.

D. Commercial and Non-University Related Uses

1. The Scheduling Office shall publish rules and regulations governing the use of University facilities for commercial and non-University related purposes. The regulations may include a schedule of rental fees for University facilities. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

E. Appeal Rights

1. If a member of the University community or organization objects to the denial of a scheduling request, the assignment of a particular facility or the assessment of fees or out-of-pocket expenses, the requesting member or organization shall have a right to appeal the denial, assignment or assessment to the Committee on Student Affairs, which shall hear the appeal and render a decision as soon as practicable but in any event no later than five (5) calendar days after the date of the appeal. The decision of the Committee on Student Affairs shall be final, except as to claims that the action of the Scheduling Office or the Committee on Student Affairs violates academic freedom or rights guaranteed by the United States or Utah Constitution which shall be heard by appeal to the Academic Freedom and Tenure Committee under the rules and regulations established by that Committee. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Academic Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with the president's

recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

V. Signs, Literature, and Structures

A. Posting of Signs, Notices and Posters by Members of the University Community

1. General Policy

- a. The University shall provide reasonable space indoors and outdoors for the posting of signs, notices and posters by members of the University community and their organizations. Such signs, notices and posters may deal with any subject matter including, but not limited to, notices of meetings or events and expressions of positions and ideas on social or political topics, and must clearly identify the author or sponsor of the materials.

2. Time, Place and Manner Restrictions

- a. Members of the University community and their organizations may post signs, notices and posters on bulletin boards and kiosks maintained by the University and located on the campus. Signs, notices and posters shall not be attached to trees, buildings, walls or other University structures unless otherwise expressly authorized by the Scheduling Office. Messages or slogans of any kind shall not be painted or otherwise written on trees, buildings, sidewalks, grounds fountains, walls or other University structures or surfaces, or on the personal property of others.

3. Members of the University community and their organizations may also post signs, notices and posters on designated bulletin boards and kiosks maintained by the academic and administrative departments of the University subject to the approval and reasonable limitations of the appropriate departments. Colleges and departments may adopt reasonable time regulations limiting the time for display of signs, notices and posters on bulletin boards maintained by colleges and departments to maximize

everyone's opportunity to use designated areas for signs, notices and posters and may prohibit attaching signs, notices or posters to walls and other surfaces in order to prevent damage to walls and other surfaces.

4. Any sign, notice or poster posted on campus must contain a visible expiration date, a date after which the sign, notice or poster may be removed, not to exceed fifteen (15) calendar days from the date of posting. For purposes of this regulation, a visible expiration date shall be either a stamped expiration date by the Office of the Dean of Students or official of the college or department responsible for the area where the sign, notice or poster is posted or a legible date placed in the lower right hand corner of the sign, notice or poster by the person or organization posting the sign, notice or poster. University maintenance personnel or other University officials may remove any signs, notices and posters which do not contain a visible expiration date as defined by this section.
5. The Dean of Students may grant permission to post signs, notices and posters for a period longer than fifteen (15) calendar days where it is shown that there is good reason for the signs, notices or posters to remain in place for a longer period; but in no case shall the signs, notices or posters be allowed to remain posted beyond the end of the academic semester or fifteen (15) calendar days from the date of posting whichever comes later.
6. Commercial and Non-University Community Signs, Notices and Posters
 - a. The Dean of Students shall publish rules and regulations governing the posting or distribution of signs, notices, posters, and other materials for commercial purposes or by non-members of the University community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the University community activity may take place. The regulations shall be available for inspection in the office of the Dean of Students and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

7. Responsibility for Content of Signs, Notices or Posters

- a. Any person or organization shall be personally responsible for the content of any signs, notices or posters they sponsor or post on campus. By posting the sign, notice or poster on campus, the person or organization agrees to hold the University harmless for any assessed damages or liabilities incurred as a result of the sign, notice or poster.

B. Distribution of Handbills, Petitions and Other Written Material

1. General Policy

- a. Any person may hand out and distribute non-commercial handbills, petitions or other written material on campus without prior approval, so long as such distributed materials clearly identify the author or sponsor of the materials.

2. Time, Place and Manner Restrictions

- a. Distribution outside of University buildings is permissible but must not interfere with the entrances to the University buildings or the normal flow of pedestrian or vehicular traffic.
- b. Distribution inside buildings is permissible so long as those distributing handbills or other written materials do not disrupt the functioning of the University or interfere with the rights of other members of the University community.
- c. Handbills or other written material may not be attached or affixed to private property without the owner's permission.

3. Distribution of Commercial Handbills

- a. The Scheduling Office shall publish rules and regulations governing the distribution of commercial handbills. The regulations may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The regulations shall be available for inspection

in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

4. Responsibility for Handbills

- a. Any person distributing handbills or other written material shall be personally responsible for the content of the material and hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the material.

C. Structures Erected by Members of the University Community

1. General Policy

- a. Members of the University community and their organizations may erect structures on campus to express their view or opinions. Such structures may deal with any subject matter including, but not limited to, expressions of positions and ideas on social or political topics.
- b. A "structure" is any object (other than objects such as handbills, signs, notices and posters, arm bands or personal attire) used in the process of expressing views or opinions including, but not limited to, lawn signs, tables (and other structures used to display materials), booths, buildings, billboards, banners, and similar displays.

2. Time, Place and Manner Restrictions

- a. Members of the University community and their organizations may erect structures in areas where free speech facilities are required as defined in Title II, O. Members of the University community and their organizations may erect structures outside of the area where free speech facilities are required where it is shown that the message is intended for an audience elsewhere on the campus.
- b. Prior to the erection of any structure, a person or organization must obtain a permit from the Scheduling Office for each proposed structure. The application for a permit shall include the identity of the member or

members of the University community responsible for the structure, the proposed location and design of the structure, the length of time up to thirty (30) calendar days for which the permit shall be in effect, an agreement to remove the structure upon expiration of the permit and pay for any damage the structure may cause to the site upon which it is erected, and an agreement to hold the University harmless for any assessed damages or liabilities caused by the structure itself. In the case of structures defined in subsection 3 A of this section, other than structures that are lawn signs, billboards, banners and similar self-explanatory structures, the Scheduling Office shall require that the structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.

- c. The Scheduling Office shall issue the permit: 1) if the intended structure and uses made of it will not constitute an unreasonable safety hazard and will not impede the normal functions of the University; 2) the structure does not block or impede entry to any building or interfere with normal pedestrian or vehicular traffic; and, 3) the proposed location of the structure does not inflict unreasonable damage upon landscaping like flower gardens and shrubs.
- d. A permit shall be issued for up to thirty (30) calendar days. At the end of the time period for which a permit conditioned upon staffing the structure was issued and where there has been reasonable compliance with the staffing requirement, such a permit shall be renewed upon application for the same time period subject to the requirements applicable to the issuance of the original permit. A permit conditioned on staffing the structure shall be renewed as often as requested, but in no case shall a renewal period extend beyond the end of the academic semester.

3. Appeal Rights

- a. Any person denied a permit to erect a structure or who objects to restrictions placed upon a permit may appeal the action of the Scheduling

Office to the Committee on Student Affairs. The action of the Committee on Student Affairs may be appealed to the Academic Freedom and Tenure Committee on the ground that the action constitutes a violation of academic freedom or rights guaranteed by the United State Constitution or the Utah Constitution. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with the president's recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

4. Responsibility for Content and Safety of Structures

- a. Members of the University community shall be personally responsible for the content and use they make of the structures they erect on campus. By erecting any structure on campus, the member or members of the University community agrees to hold the University harmless for any assessed damages or liabilities caused by the structure itself or caused by libel or slander in the message it conveys.

5. Structures Erected by Non-Members of the University Community or for Commercial Purposes

- a. The Scheduling Office shall provide rules and regulations governing the creation and use of structures for commercial purposes or by non-members of the University community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the University community activity may take place. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

VI. Demonstrations

A. Demonstrations and Picketing

1. General Policy

- a. Demonstrations and picketing on campus are legitimate means of expression. Anyone who wishes to engage in demonstrations and picketing shall be permitted to do so freely, as long as their conduct is not violent and does not unduly disrupt the functioning of the University or interfere with the rights of other members of the University community or damage University or private property.
- b. The term "demonstration" as used herein means any rally, gathering, protest, parade or procession.

2. Time, Place and Manner Restrictions

- a. Picketing or demonstrating must be orderly at all times and must not jeopardize public order or safety.
- b. Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.
- c. Picketing or demonstrating must not interfere with organized meetings or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.
- d. Picketing or demonstrating must not interfere with classes and teaching, the use of offices or research facilities, the privacy of University housing, or the special needs of the hospital, Health Service, and other University activities related to teaching or research.

B. Responsibility for Demonstrations or Picketing

1. Persons violating the time, place and manner regulations in subsection B of this regulation may be subject to arrest or other action authorized by law after

notice is given of the regulations being violated and the persons refuse to cease and desist in their conduct violating the regulations.

2. Picketers or demonstrators shall be financially responsible for any damages, including cleanup of litter, caused by their picketing or demonstrating. Damages or litter caused by third parties not part of the picketing or demonstrations shall be assessed against such third parties.

C. Appeal Rights

1. Any person assessed damages caused by picketing or demonstrating shall have a right to appeal the assessment of damages to the Committee on Student Affairs. The decision of the Committee on Student Affairs shall be final.

Sections VII-X are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

VII. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Rule 1-007A: Governing the Use of the University Facilities by the University Community
2. Rule 1-007B: Governing the Use of University Facilities by the Non-University Community
3. Rule 1-007B: Demonstrations and Picketing at Health Care Facilities

B. Procedures, Guidelines, and Forms.

1. Guideline 1-007: Sit-in Demonstrations in University Buildings
2. Guideline G1-007B: Guidance on the Posting and Distribution of Signs, Notices, Posters, Fliers, or other Written Material by Members of the University Community

- C. Other Related Resources. [reserved]

VIII. References

- A. Utah System of Higher Education Policy R481: Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review

IX. Contacts

The designated contact officials for this regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): Dean of Students and Vice President and General Counsel
- B. Policy Officer(s): Vice President for Student Affairs and Vice President and General Counsel

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

X. History

- A. Current version. Revision 6.
 - 1. Approved by Academic Senate April 11, 2023 and Board of Trustees June 13, 2023. Effective Date August 15, 2023
 - 2. Legislative History
 - 3. Editorial Revisions
 - a. Editorially revised August 15, 2023 to remove gender-specific pronouns.
 - b. Editorially revised August 15, 2023 to replace reference to Orson Spencer Hall with reference to “Gardner Commons.”
- B. Previous Versions
 - 1. Revision 5: Effective May 17 1999 with Editorial Revisions Effective June 12, 2008.
 - 2. Revision 4: Effective December 27, 1999

3. Revision 3: Effective October 26, 1999
4. Revision 2: Effective May 17, 1999
5. Revision 1: Effective May 15, 1987

C. Renumbering

1. Renumbered from Policy and Procedures Manual 8-9.