

# Utah Tech University Policy

## 110: Free Speech and Assembly



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### I. Purpose

- 1.1 This policy shall be interpreted in accordance with the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom as followed nationally and at Utah Tech University (“the University”). It is the purpose of this policy to protect and enhance the free exchange of ideas in the University and on the University premises. 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 this 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.
- 1.2 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.

### II. Scope

- 2.1 All persons on the premises, centers, and off-premises sites of the University, whether administrators, faculty, students, employees, visitors, and/or guests are subject to the law, and the rules and policies of the University. Those who violate the law or the University's regulations, rules, or policies while on the premises 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 premises, the University does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

### III. Definitions

- 3.1 ***Student Conduct Code:*** The Student Conduct Code is the Code governing student rights and responsibilities found in Policy 552.
- 3.2 ***Faculty Rights and Responsibilities Code:*** The Faculty Rights and Responsibilities Code governs faculty rights and responsibilities found in Policy 633.
- 3.3 ***Member of the University Community:*** Members of the University community shall include all students, members of the University faculty and teaching staff, all employees, and all personnel associated with the University.
- 3.4 ***Departments and Colleges:*** For the purpose of these regulations, the terms "department" and "college" shall mean those academic units of the University that are from time to time authorized and established by the Board of Trustees of the University or the State Board of Regents.
- 3.5 ***Department or College Student Organizations:*** The 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.
- 3.6 ***Structure:*** Something built or constructed that is utilized or intended for supporting or sheltering any use of occupancy.
- 3.7 ***Support Materials:*** Equipment that includes, but is not limited to, tables, chairs, a-frames, signs, banners and similar displays.
- 3.8 ***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.
- 3.9 ***Commercial Speech:*** 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.

- 3.10 **Central Scheduling:** For the purpose of these regulations, Central Scheduling shall be the office 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 Central Scheduling as outside the jurisdiction of Central Scheduling or where administrative directives have vested scheduling authority for facilities in the administration of a college or other subdivision of the University.

#### IV. Policy

##### 4.1 Freedom of Speech and Assembly

- 4.1.1 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.

##### 4.2 Academic Freedom

- 4.2.1 Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University. 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 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 (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>) 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 (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm>)".

##### 4.3 Freedom of the Press

- 4.3.1 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 this policy, 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.

#### 4.4 Due Process

4.4.1 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.

#### 4.5 Conduct of Classes

4.5.1 Faculty shall evaluate students solely on academic bases reasonably related to legitimate pedagogical concerns, and not on student opinions or conduct unrelated to the academic standards of a course as defined by the standards of the applicable discipline or profession.

4.5.2 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. Faculty members shall not permit classroom behavior that interferes with the faculty member's ability to teach and/or the students' ability 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 Dean of Students. 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.

#### 4.6 Nondisclosure of Student Views

4.6.1 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.

#### 4.7 Academic Rights of Faculty Members

4.7.1 A faculty member has the legal rights and privileges of a citizen. He or she may not be subject to punishment or reprisal for the exercise of such rights and privileges. He or she may be subject to sanctions for breach of the rules and responsibilities enumerated in the Faculty Rights and Responsibilities Policy 633.

4.7.1.1 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.

4.7.1.2 A faculty member's exercise of freedom of communication, association, or assembly, or his or her participation in political activities, does not constitute a violation of duty to the University, to his or her profession, or to students, except as otherwise limited by the Hatch Act.

4.7.2 Where a 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.

4.7.3 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.

4.7.4 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 his or her skills and developing his or her talents as teacher and scholar.

#### 4.8 Right to Form Student Organizations

4.8.1 Student organizations may be established for any lawful purpose.

Affiliation of any student organization with lawful off-premise groups shall not, in itself, disqualify that organization from enjoying the benefits and privileges which the University affords to student organizations. 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.

#### 4.9 Registration Procedure for Student Organizations

4.9.1 Registration – Any qualified organization may be added to the University Club Roster upon the filing of a completed University registration form, with the University Student Association Club Council.

##### 4.9.2 Registration Form

4.9.2.1 A completed registration form shall include the following:

4.9.2.1.1 name of organization;

4.9.2.1.2 address;

4.9.2.1.3 official representative(s);

4.9.2.1.4 constitution, charter, or official statement of the organization that:

4.9.2.1.4.1 sets forth the purposes and organization of the group;

4.9.2.1.4.2 defines the qualifications for membership;

4.9.2.1.4.3 provides for a method of choosing the representatives of the organization, all of whom shall be students, faculty, or employees of the University;

4.9.2.1.5 a signed statement of intent to be listed on the University Clubs Roster.

#### 4.10 Maintenance of Registration for Student Organizations

4.10.1 Registered student organizations shall maintain their position on the University Club Roster upon filing annually with the Utah Tech

Student Association (UTSA) Club Council a statement of intent to maintain their listing on the Club Roster. 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.

#### 4.11 Removal from Roster

4.11.1 The UTSA Club Council may remove an organization from the University Club Roster for failure by the group to abide by University rules and regulations or state law.

#### 4.12 Student Elections

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

#### 4.13 Speaker Policy

4.13.1 Members of the University community and their organizations shall have the right to invite speakers to address audiences on the premises (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.

4.13.2 In permitting the exercise of free speech on its premises, the University does not sponsor or sanction the messages stated or the methods of speech used unless expressly stated otherwise.

4.13.3 Members of the University community and their organizations who invite speakers to address audiences on or off the premises, except University organizations designated by the University or any college or department as an official organization of the University, may not imply official University sponsorship of the speaker in advertising or publicizing the event, except to identify the location of the event.

#### 4.14 Free Speech Facilities

- 4.14.1 The University shall provide reasonably appropriate facilities in the area of the Gardner Center and adjoining lawns on the north and east sides and adjacent patio areas 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 Central Scheduling 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 Support Materials for displaying or distributing information while the person or organization representing them is making use of the facilities. The Support Materials for temporarily 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. Arrangements for Support Materials such as tables and a-frames can be made with the Guest Services Department. The use of Support Materials, such as tables and banners, is subject to reasonable time, place, and manner restrictions provided by University Facilities Management.
- 4.14.2 Nothing in this section shall be interpreted as limiting the right of free speech elsewhere on the premises as provided by these regulations. The Central Scheduling 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.

#### 4.15 Sound Amplification Equipment

- 4.15.1 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 Guest Services. 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.
- 4.15.2 Where permission is denied or revoked by the Central Scheduling, the Vice President of Student Affairs will review the denial or



revocation. The decision and any remedies ordered by the Vice President of 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 University President.

- 4.16 Unprotected Speech – Nothing in this policy shall be construed as authorizing or condoning unprotected speech which includes, but is not limited to, incitement, obscenity, defamation, speech integral to criminal conduct, fighting words, true threats, and/or fraud. Any person engaging in such conduct or using University facilities or grounds to do so shall be subject to the laws governing unprotected speech, including the authority of the University to remove signs, posters, handbills, Structures or other material containing unprotected speech. Where speech is prohibited or signs, posters, handbills, or Structures are designated for removal, the Vice President of Student Affairs will review the prohibition or proposed removal. The decision and any remedies ordered by the Vice President of 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 University President.

## V. References

- 5.1 [University Policy 441: Central Scheduling of Campus Facilities and Events](#)
- 5.2 [University Policy 552: Student Conduct Code](#)
- 5.3 [University Policy 633: Faculty Rights and Responsibilities](#)

## VI. Procedures

- 6.1 Regulations Governing the Use of University Facilities
  - 6.1.1 Purpose. 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 unduly 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 the premises. 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.

## 6.1.2 Scheduling Responsibilities

6.1.2.1 Central Scheduling shall maintain and provide for inspection by any person:

6.1.2.1.1 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 Central Scheduling has authority and the persons responsible for scheduling facilities not within the authority of the Central Scheduling;

6.1.2.1.2 A list of facilities not available for scheduling for use by members of the University community and their organizations; and

6.1.2.1.3 A schedule of any fees for use of University facilities or equipment.

6.1.2.2 The Central Scheduling, 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 in whether to impose a fee for the uses described and in the amount of the fee imposed. However, any fee schedule shall be administered on a content- and viewpoint-neutral basis, without discrimination among the members of the same class of users, and fees shall not exceed the University's costs of allowing use of its facilities.

6.1.2.3 Scheduling Procedures and Standards

6.1.2.3.1 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 Central Scheduling. For the purpose of this regulation, a University-related use shall be interpreted liberally to include extracurricular activities normally associated with the University or activities reasonably related to membership in the University community. The request form shall include

the following information:

- 6.1.2.3.2 The name of the requesting organization or the name and identification number of the requesting member;
  - 6.1.2.3.3 A brief description of the intended use, including the name of any speaker or speakers and the general topic of an address, if applicable;
  - 6.1.2.3.4 The anticipated number of persons who will attend;
  - 6.1.2.3.5 Whether an admission fee will be charged and, if so, the amount and purpose of such fee;
  - 6.1.2.3.6 Any special facilities or equipment required for the use of the facility; and
  - 6.1.2.3.7 Any preference for specific facilities.
- 6.1.2.4 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 accordance with a uniformly administered schedule of fees.
- 6.1.2.5 As soon as practicable, the Central Scheduling 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.
- 6.1.2.6 Commercial and Non-University Related Uses – The Central Scheduling 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 Central Scheduling and a written record of actions taken under the regulations shall be maintained and be open for public inspection.
- 6.1.2.7 Appeal Rights – 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 Vice President of 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 Vice President of Student Affairs shall be final, except as to claims that the action of the Central Scheduling or the Vice President of Student Affairs violates academic freedom or rights guaranteed by the United States or Utah Constitution, which shall be heard by appeal to the President of the University.

### 6.1.3 Signs, Literature, and Support Materials (Posting of Signs, Notices and Posters by Members of the University Community)

#### 6.1.3.1 General Policy

6.1.3.1.1 The University shall provide reasonable space indoors and outdoors for the posting and use of signs, notices, posters, and other Support Materials by members of the University community and their organizations. 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.

#### 6.1.3.2 Time, Place and Manner Restrictions

6.1.3.2.1 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 premises. Signs, notices, and posters shall not be attached to trees, buildings, walls or other University Structures unless otherwise expressly authorized by the Dean of Students 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. The use of Support Materials, such as tables and banners, is subject to reasonable time, place, and manner restrictions provided by University Facilities Management.

- 6.1.3.3 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.
- 6.1.3.4 Any sign, notice, or poster, posted on the premises 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 Dean of Students Office 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.
- 6.1.3.5 The Dean of Students Office 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.
- 6.1.3.6 Commercial and Non-University Community Signs, Notices, Posters and Support Materials
- 6.1.3.6.1 The Central Scheduling 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 content- and viewpoint-neutral, shall not discriminate among similarly situated entities, and shall be available for inspection in the Central Scheduling and a written record of actions taken under the regulations shall be maintained and be available for public inspection.

6.1.3.6.2 The use of Support Materials, such as tables and banners, is subject to reasonable time, place, and manner restrictions provided by University Facilities Management.

6.1.3.7 Responsibility for Content of Signs, Notices, Posters, or Support Materials

6.1.3.7.1 Any person or organization shall be responsible for the content of any signs, notices, posters, or support materials they sponsor or post on the premises. By using Support Materials or posting a sign, notice or poster on the premises, the person or organization agrees to hold the University harmless for any assessed damages or liabilities incurred as a result of the use of the Support Materials, sign, notice or poster.

6.1.4 Distribution of Handbills, Petitions and Other Written Material

6.1.4.1 General Policy

6.1.4.1.1 Any person may hand out and distribute non-commercial handbills, petitions or other written material on the premises without prior approval.

6.1.4.2 Time, Place and Manner Restrictions

6.1.4.2.1 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.

6.1.4.2.2 Distribution inside buildings is permissible so long as those distributing handbills or other written materials do not disrupt the functioning of the University or unreasonably interfere with the rights of other

members of the University community.

6.1.4.2.3 Handbills or other written material may not be attached or affixed to private property without the owner's permission.

#### 6.1.4.3 Distribution of Commercial Handbills The

6.1.4.3.1 Central Scheduling 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 content- and viewpoint-neutral, shall not discriminate among similarly situated entities, and shall be available for inspection in the Central Scheduling and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

#### 6.1.4.4 Responsibility for Handbills

6.1.4.4.1 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.

### 6.1.5 Structures Erected by Members of the University Community

#### 6.1.5.1 General Policy

6.1.5.1.1 Members of the University community and their organizations may erect Structures on the premises 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.

#### 6.1.5.2 Time, Place and Manner Restrictions

6.1.5.2.1 Members of the University community and their organizations may erect Structures in areas where free speech facilities are required as defined herein. Members of the University community and their organizations may erect Structures outside of the area where free speech facilities are required after providing

an explanation in the permit application that the message is intended to reach an audience beyond the areas described in Section IV.14 of this Policy.

- 6.1.5.2.2 Prior to the erection of any Structure, a person or organization must obtain an operational or construction permit from the University Fire Marshall's 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. The University Fire Marshall's Office shall require that the Structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.
- 6.1.5.2.3 The University Fire Marshall's Office shall issue the permit:
  - 6.1.5.2.3.1 If the intended Structure and uses made of it will not constitute an unreasonable safety hazard, complies with the University Fire Marshall's rules and regulations, and will not impede the normal functions of the University;
  - 6.1.5.2.3.2 If the Structure does not block or impede entry to any building or interfere with normal pedestrian or vehicular traffic; and,
  - 6.1.5.2.3.3 The proposed location of the Structure does not inflict unreasonable damage upon landscaping like flower gardens and shrubs.
- 6.1.5.2.4 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.

- 6.1.5.3 Appeal Rights – Any person denied a permit to erect a Structure or who objects to restrictions placed upon a permit may appeal the action of the University Fire Marshall’s Office to the Vice President of Administrative Affairs. The action of the Vice President of Administrative Affairs may be appealed to the President of the University on the ground that the action constitutes a violation of academic freedom or rights guaranteed by the United States Constitution or the Utah Constitution.
- 6.1.5.4 Responsibility for Content and Safety of Structures – Members of the University community shall be responsible for the content and use they make of the Structures they erect on the premises. By erecting any Structure on the premises, 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.
- 6.1.5.5 Structures Erected by Non-Members of the University Community or for Commercial Purposes –
  - 6.1.5.5.1 The University Fire Marshall’s 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 content- and viewpoint-neutral, shall not discriminate among similarly situated entities, and shall be available for inspection in the University Fire Marshall’s Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

## 6.1.6 Demonstrations and Picketing

#### 6.1.6.1 General Policy

6.1.6.1.1 Demonstrations and picketing on the premises 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 unreasonably interfere with the rights of other members of the University community or damage University or private property.

6.1.6.1.2 The term "demonstration" as used herein means any rally, gathering, protest, parade or procession.

#### 6.1.6.2 Time, Place and Manner Restrictions

6.1.6.2.1 Picketing or demonstrating must be orderly at all times and must not jeopardize public order or safety.

6.1.6.2.2 Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.

6.1.6.2.3 Picketing or demonstrating must not unreasonably 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.

6.1.6.2.4 Picketing or demonstrating must not unreasonably interfere with classes and teaching, the use of offices, or the privacy of University housing, and other University activities related to teaching or research.

#### 6.1.6.3 Responsibility for Demonstrations or Picketing

6.1.6.3.1 Persons violating the time, place and manner regulations relating to demonstrations and picketing 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.

6.1.6.3.2 Picketers or demonstrators shall be financially responsible for any damages caused by their picketing or demonstrating. Damages caused by third parties not part of the picketing or demonstrations shall be

assessed against such third parties.

- 6.1.6.4 Appeal Rights – Any person assessed damages caused by picketing or demonstrating shall have a right to appeal the assessment of damages to the Vice President of Student Affairs. The decision of the Vice President of Student Affairs shall be final.

## VII. Addenda – N/A

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Policy Owner: General Counsel  
Policy Steward: General Counsel

History:

Approved 9/11/15

Editorial Change 3/5/18

Revised 4/30/21

Editorial 07/01/2022