

JACKSONVILLE STATE UNIVERSITY
Manual of Policies and Procedures

POLICY NO.: I:07:03

DATE: October 2021

REVIEW/REVISION DATES: TBD

SUBJECT: Non-Campus Community Expressive Conduct Policy

APPROVED: Dr. Don C. Killingsworth, Jr., President

USE OF JSU CAMPUS FOR EXPRESSIVE ACTIVITY BY OUTSIDE, NON-SPONSORED SPEAKERS

I. Application.

This Policy applies to persons who are not members of the Jacksonville State University (“JSU”) Campus Community (as defined below) who wish to engage in Protected Expressive Activity on the JSU Campus. This Policy is designed to be consistent with Policy No. 1.07 and Ala. Code 16-68-1 *et. seq.* To the extent any provision of this Policy is inconsistent with Ala. Code 16-68-1 *et. seq.*, the Ala. Code shall control. In establishing this Policy, JSU reaffirms its commitment to the freedoms of speech, expression, and assembly.

II. Definitions.

Faculty or Staff - any individual employed by JSU in a faculty or staff capacity.

Student - an individual who is enrolled in classes at JSU.

Student Organization – an officially recognized Student Organization at JSU or a group seeking official recognition composed of admitted students at JSU that receive, or are seeking to receive, benefits through JSU.

Campus Community – JSU’s students, administrators, faculty, and staff, as well as the invited guests of JSU and JSU’s Recognized Student Organizations and/or authorized administrators, faculty and staff.

Outside, Non-Sponsored Speaker- a person who is not part of the Campus Community who wishes to engage in Protected Expressive Activity on JSU’s campus.

Protected Expressive Activity. Speech and other conduct protected by the First Amendment to the United States Constitution, to the extent that the activity is lawful and does not significantly and substantially disrupt the functioning of JSU or materially and substantially disrupt (as defined by Ala. Code Section 16-68-2(5)) the rights of others to engage in or listen to expressive activity.

Protected Expressive Activity does not include expressive activity that is not protected by either the United States Constitution or Alabama Constitution including, but not limited to: a) expression that relates solely to the economic interest of the speaker and its audience and proposes an economic transaction; b) violations of federal or state law; c) expressions that a court has deemed unprotected defamation; d) harassment (as defined by Ala. Code 16-68-2(4)); e) true threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals; f) an unjustifiable invocation of privacy or confidentiality not involving a matter of public concern; or g) an action that unlawfully disrupts the function or security of the institution.

Designated Public Forum Area (TMB lawn)- the grassy area directly across from the front entrance of the Theron Montgomery Building student commons building.

Designated Public Forum Area (amphitheater)- the JSU amphitheater located adjacent to Merrill Hall and the Stone Center

III. Policy Statement.

JSU is an institution of higher learning that is devoted to its primary mission of public education. This mission necessarily focuses on JSU's students and other members of the Campus Community. Thus, JSU's campus and the facilities located on the campus are primarily available for programs offered by, and intended for, the Campus Community. Further, teaching, research, and other official functions of the JSU shall have priority in allocating the use of space on campus.

As more particularly described in Policy No. I.07, members of the Campus Community are generally free to engage in Protected Expressive Activity in accessible outside areas of the campus where members of the Campus Community are commonly allowed. Outside, Non-Sponsored Speakers are free to engage in Protected Expressive Activity only in one of the Designated Public Forum Areas, subject only to rules necessary to preserve equal rights of others and to protect and preserve the functions of JSU. Nothing in this Policy should be construed to permit persons from engaging in expressive activity on JSU's Campus that is not protected by the Alabama or United States Constitution.

IV. Procedures for Requesting Access to JSU Campus for Expressive Activity (for persons who are not members of the Campus Community).

- a. Outside, Non-Sponsored Speakers wishing to engage in Protective Expressive Activity on JSU's Campus must submit a Designated Public Forum Area Request Form (a "Request"). Designated Public Forum Area Request Forms (links below) must be submitted in person to the Dean of Students Office at least three business days in advance of the planned activity. This advance notice allows JSU the opportunity to avoid simultaneous or competing assemblies/demonstrations and to arrange for adequate staffing. The Designated Public Forum Area Request Form requires the applicant to provide a contact name, address, e-mail address and phone number.

- b. JSU will consider any Request in a viewpoint neutral manner and will not deny any Request based upon the anticipated content of Protected Expressive Activity. JSU will approve the Request unless: a) the proposed location is unavailable because of events previously planned for the location, b) the proposed date or time is unreasonable given the nature of the event and the impact it would have on JSU resources or operations, c) the proposed event would prevent, obstruct or materially interfere with regular academic, administrative or student activities at JSU; d) the event would constitute an immediate and actual danger to JSU students, faculty, or staff, or to the peace or security of JSU that available law enforcement could not control with reasonable effort; or e) the Requestor has previously been trespassed from Campus as a result of violations of law or failure to follow lawful JSU policies and procedures. If a Request is denied because of reasons a or b, JSU will work with the Requestor to schedule the event at a mutually agreeable time during which no such conflict exists.
- c. Any person making a Request that is denied may file an appeal with the University's Vice-President of Student Affairs. The appeal should be in writing and specify, in detail, the reasons for appeal. Upon request, the Vice-President of Student Affairs will hold an informal hearing for such person to voice their concerns regarding the denial of their request. Any such appeal must be submitted within five business days of the denial of the Designated Public Forum Request.

V. Rules Regarding Expressive Activity on Campus.

- a. Persons and groups who are not part of the Campus Community may only engage in Protected Expressive Activity in the Designated Public Forum Area at the times specified in an approved Request.
- b. Absent compelling circumstances, JSU generally limits granted Request to periods of four hours. This is to preserve campus resources without unreasonably interfering with the opportunity for Outside, Non-Sponsored Speakers to engage in Protected Expressive Activity on JSU's Campus.
- c. No person conducting or participating in an assembly or demonstration on the JSU campus or at JSU sponsored events may advocate for the deliberate violation of the law. For the purposes of this section, "advocacy" means preparing the group addressed for imminent action and seeing it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.
- d. This Policy does not give any person the right to engage in anything other than Protected Expressive Activity. Persons seeking to engage in expressive activity on JSU's campus must not: i) engage in conduct that results in a breach of peace or violation of law; ii) negatively impact the security, health, and safety of persons and/or property on campus; iii) interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into JSU buildings; iv) materially and substantially disrupt or interfere with the regular academic, administrative or student activities of JSU; v) damage or destroy JSU, public or private property; v) engage in true threats or harassment (as defined above).

[Designated Public Forum Area Request From](#)

RESPONSIBILITY

The University Counsel is responsible for this policy.

EVALUATION

This policy will be reviewed at least every five (5) years.