



**BOV Policy #33 (2019) Freedom of Speech and Expression
and Campus Space Utilization**

Policy Title: Freedom of Speech and Expression and Campus Space Utilization
Policy Type: Board of Visitors
Policy Number: BOV Policy #33 (2019)
Approval Date: March 19, 2021
Responsible Office: Vice President for Student Affairs
Responsible Executive: Vice President for Student Affairs
Applies to: University Community

POLICY STATEMENT

Norfolk State University is committed to creating an environment that fosters the exercise of protected speech and other expressive activity on university property while maintaining an atmosphere free of disruption to the mission of the university. It recognizes that the free expression of ideas and open inquiry are essential in fulfilling its academic mission by embracing rigorous open discourse, and the exploration of ideas. As such, the university has established requirements for use of its property to pursue its academic mission, provide a safe environment, and preserve the functional and aesthetic integrity of the campus. Expression by individuals or groups, as described in this policy is not speech made by, on behalf of, or endorsed by the University.

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DEFINITIONS

Expressive Activity: For the purpose of this policy, expressive activity may include, but is not limited to, speaking, silent protest, distributing literature such as leaflets or pamphlets, displaying signs, wearing certain clothing or accessory items, dancing, meetings, performances, demonstrations, rallies, and vigils.

Solicitation: Selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

University Property: Buildings, grounds, and land owned or controlled by NSU. This includes property leased, rented, or otherwise contractually reserved for NSU operations, either permanently or on a temporary basis.

CONTACT(S)

The Vice President for Student Affairs officially interprets this policy. The Associate Vice President for Student Affairs is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the Associate Vice President for Student Affairs.

FREEDOM OF SPEECH AND EXPRESSION AND CAMPUS SPACE UTILIZATION POLICY CONTENTS

This policy applies to activity conducted on university property. The restrictions are designed to comply with Code of Virginia sections 23.1-900.1 and 23.1-401 and are narrowly tailored to serve the university's interest in maintaining the safe and effective educational and administrative operations of the university without regard to the viewpoint of any speech or expression.

NSU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is strictly prohibited.



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General Prohibitions

The U.S. Constitution, its First Amendment, and the Code of Virginia do not protect certain expressions. Such expressions include the following, all of which are prohibited by NSU on NSU property: defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words, copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, and false advertising. The university further prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct on university property. As such, in engaging in expressive activity no person may do any of the following on university property:

1. Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;
2. Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;
3. Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;
4. Enter into any building or facility or occupy any university property without appropriate authorization;
5. Violate any applicable federal, state, or local law, rule, or ordinance;
6. Fail to comply with any reasonable instruction by university police or any university official acting in the performance of their duty;
7. Cause any threat to the health or safety of any passerby or member of the university community;
8. Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker;
9. Damage university property, including structures, grass, shrubs, trees, or other landscaping;
10. Mark university property, including any vertical or horizontal surface, other than in accordance with written requirements, such as rules for authorized chalking;
11. Use amplified sound, including bullhorns, except as approved in advance under applicable policy and within sound limits that will not disrupt university operations; or
12. Organize or lead any major event, as described in this policy without written authorization as set forth in that section.

Use of University Property

University property, including outdoor areas, is designated primarily for use by students, faculty, and staff to advance the educational mission of the university. Any university student or employee may generally use campus spaces in accordance with university policy. However, any other person may use university property for assembly or organized expressive activity only (1) if sponsored or hosted by a member of the university community with authority under an applicable university policy or (2) by reserving a specifically designated area through the process set forth in this policy.



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The university may require any person to pay applicable rental or usage fees and comply with appropriate contractual obligations. In addition to complying with the restrictions set forth in this policy, persons desiring to use certain university spaces must comply with standard requirements established by the university office responsible for the specific space. Such requirements, including restrictions for reservation, scheduling, insurance, posting and other use of such space, must be consistent with this policy and other reasonable time, place and manner restrictions and not based on the content or viewpoint of the expressive activity or the persons involved. If any such restriction conflicts with this policy, this policy governs.

Instructions for Specific Uses of University Property

A. Non-University Commercial Use

Any commercial use of university space must be authorized in writing by the vice president with oversight of the administrative unit managing the space or designee authorized by that vice president. Commercial door-to-door activities and commercial solicitations are prohibited. The university does not permit the solicitation, distribution or selling of products or services of any kind at any time on university property by university employees other than as a required job function.

B. Events

Any person organizing an event must comply with this policy regardless of any expressive purpose of the event and whether the event is planned in advance. Advance notice and written authorization are required only for major events and event reservations, as described below. However, NSU Police request notice prior to commencement of any event or activity to promote the safety and security of all persons on campus. University officials will coordinate with the primary organizer or responsible person regarding appropriate logistical issues related to safety, time, and location.

Advance notification must include the day, time, anticipated attendance, items or equipment associated with the event, the planned location(s), and the full name and detailed contact information for the primary organizer and/or person responsible for the activity. University officials will also consider factors such as required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant viewpoint-neutral facts and circumstances to determine to what extent (a) a suitable location exists and (b) special precautions or arrangements are necessary.

a. Events requiring authorization (major events):

All major events require advance notice and permission from the university because they may disrupt university functions or activities, destroy property, or present insurmountable



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or unreasonable logistical or security challenges. A major event is an event, other than an academic course, program, or curriculum approved by the provost, which involves any one of the following risk factors:

1. Expected attendance over 100 persons;
2. Setting with safety concerns (including time and location) based on assessment from the NSU Police;
3. The event is a dance or concert, regardless of how many attendees;
4. Presence of any object or substance requiring review by the Office of Environmental Health and Safety, including but not limited to any animal, open flame, firework, pyrotechnic, or other flammable or hazardous item;
5. Installation of any structure, such as a tent, stage, scaffold, bleacher, bounce house, or carnival- style ride;
6. Alcohol served; or
7. Outdoor amplified sound, including but not limited to bullhorns, Bluetooth speakers, etc.

To request authorization for a major event, students should contact the Associate Vice President for Student Affairs or the Director, Auxiliary Enterprises & Services for appropriate guidance. Employees and members of the public should contact Auxiliary Enterprises & Services (757) 823-8085. The process to request the use of facilities for an event reservation is described below. (Major events may not be reserved through this process.):

i. Event reservations by students and employees

Students and employees may reserve certain campus facilities or areas by submitting requests online through <https://25live.collegenet.com>. Such requests should be submitted within 14 working days of the planned event to allow sufficient time for logistical support and to otherwise comply with applicable facility requirements.

ii. Event reservations by members of the public

The university has designated certain campus facilities/spaces for use by any person, including members of the general public, by reservation. These facilities/spaces are available by reservation only. Reservations will be granted to members of the general public on a space-available basis and denied only if sufficient space is not available. All requests for reservations of space by members of the general public must be made through NSU's Office of Conference Services by calling (757) 823-8085. Information is also available on the Conference Services website. Such requests should be submitted at least 14 working days from the date of the planned event.



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In addition, a student or employee may host or sponsor an event in cooperation with members of the public as invited guests. The sponsor or host may reserve university space for such sponsored or hosted events according to applicable reservation requirements and may be held accountable under applicable university conduct policies for use under the reservation, including for use by an invited guest. In such cases, invited guests may use the reserved space consistent with restrictions applicable to the sponsor or host. The university may rescind the invitation of a guest for failure to comply with applicable restrictions. Un-sponsored public speaking, distribution of literature, or other expressive activity by members of the public is prohibited on campus other than by reservation under this section.

iii. Event Fees and Charges

All persons and event organizers are responsible for costs of damage, repair and clean up arising from their use of university facilities. Examples of such costs related to event reservations include the cost of providing tents, platforms, special fixtures and equipment, or the assignment of maintenance or security personnel. The university will determine any fee for security based on viewpoint-neutral standards used to assess risk, such as the number of expected attendees as determined by the university, the location of the event, the time of day, and presence of alcohol or special equipment. Consistent with lawful protection of expressive activity, NSU will not charge security-related fees based on the content of the expressive activity, the likelihood of disruption caused by others than event attendees, or the actions of those who may protest the expressive activity.

C. Placement of Materials on Campus

Printed materials, writings, or other tangible means of expression may not be attached to University property, including sidewalks, trees, walls, or other property (including on vehicles parked on campus), except: (1) that such materials may be placed on outdoor bulletin boards designated as public bulletin boards--all postings on public bulletin boards will be removed at regular intervals; and (2) banners promoting a University or NSU sponsored event may be displayed at location designated as approved locations in advance.

Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the written permission of the relevant Building Supervisor and in accordance with the rules established for each building. Permission shall include a designated date for removal.

Individuals and organizations are responsible for cleanup, property restoration, and for any associated costs incurred by the University from their activities. Individuals and organizations



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are also responsible for the content of any signage, pamphlets, or structure that they post, distribute, or erect on campus. Furthermore, the University reminds any organization distributing materials to be aware of laws concerning defamation, obscenity, fair labor practices, etc.

D. Reporting Violations of this Policy

Any suspected violation of this policy shall be promptly investigated by the university, and corrective action will be taken when warranted. Students should report suspected violations to the Associate Vice President for Student Affairs Office at (757) 823-8200. Faculty and staff should report such violations to the Human Resource at (757) 823-8160.

EDUCATION AND COMPLIANCE

The Division of Students Affairs will provide annual training on the provisions of this policy to all members of the University Community. Training will incorporate accepted best practices in the area of Freedom of Speech on Campus. As part of the annual training requirement, all students and employees will be required to complete an online module and certification. Student noncompliance with the training requirements of this policy will be reported to the Dean of Students for appropriate corrective action. Employee noncompliance with training requirements of this policy will be reported to the responsible Division Vice President for appropriate corrective action.

PUBLICATION

This policy shall be widely published or distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Executive will make every effort to:

- Communicate the policy in writing, electronically or otherwise, to the University community, including current and prospective students, within 14 days of Board of Visitors approval;
- Submit this policy for inclusion in the online Policy Library within 14 days of approval; and
- Educate and train all stakeholders and appropriate audiences on the policy's content, as necessary.



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REVIEW SCHEDULE

- Next Scheduled Review: March 2024
- Approved by, date: Board of Visitors, March 19, 2021
- Revision History: May 3, 2019; December 11, 2020

Supersedes: *None*

RELATED DOCUMENTS

- NSU Conference Services and Events Policies for Facility Use and Fees Manual
<http://www.nsu.edu/auxiliary-services/forms>
- Virginia law governing speech on campus, Va. Code § [23.1-401](#) and [23.1-401.1](#)

FORMS

Conference Website:

<https://www.nsu.edu/auxiliary-services/forms>

REFERENCE

<https://www.equalityhumanrights.com/en/our-work/news/freedom-speech-education-foundation-effective-society>

<https://www.aclu.org/other/speech-campus>

<https://mtsu.edu/first-amendment/post/637/college-students-support-free-speech-with-exceptions>

<https://www.insidehighered.com/news/2019/09/16/states-passing-laws-protect-college-students-free-speech>