Policy Number: **M-22**

University of Louisiana System

Title: FREE SPEECH

Effective Date: October 25, 2018
Cancellation: None
Chapter: Miscellaneous

Policy and Procedures Memorandum

I. University of Louisiana System's Statement on Free Speech

The University of Louisiana System ("the System") is fully committed to free speech among students, faculty, staff, and visitors. To fulfill our primary role of discovering and disseminating knowledge, a free interchange of ideas is necessary. We pride ourselves on being bastions of free expression and believe a culture of intense inquiry and informed argument generates lasting ideas. This freedom comes with a responsibility to welcome and promote expression for all people, even in disagreement or opposition. The right is inclusive of peaceful protests and orderly demonstrations but does not allow any conduct that disrupts University operations or endangers the safety of others.

The System's institutions are subject to this Policy and shall each adopt an institutional policy in accordance with all applicable laws and this Policy. Each institution's policy must comply with Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37 ("Louisiana Campus Free Expression Law). Each institution is encouraged to develop supplementary procedures to further support the implementation of this Policy.

II. Policy and Procedures Memorandum

All institutions shall strive to ensure intellectual freedom and free expression. It is not the proper role of an institution to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Public areas shall be deemed traditional public forums and open to expressive activities. Expressive activities by students, administrators, faculty members, staff members, and invited guests are protected. Any person who

wishes to engage in noncommercial expressive activity on a campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution. Any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity shall not be permitted.

Institutions shall not institute policies contrary to the laws of the State of Louisiana or the policies of the University of Louisiana System. Each member institution shall make all due diligence efforts to comply with applicable laws and regulations. While the provisions of the laws listed above are mandatory components of the institutional policy, institutions may supplement the provisions of this Policy as necessary, but any such supplemental provision shall comply with the laws and this Policy.

III. Definitions

a. **Expressive activities** include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation business or organization.

b. **Outdoor areas** are outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

c. **Student organization** means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of admitted students.

IV. Time, Place, and Manner

Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws permit and within the limits of time, place, and manner of expression that are necessary to achieve a significant institutional interest.

Each institution is required to evaluate the constitutionality of time, place, and manner (TPM) restrictions. TPM restrictions must be narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, and content- and viewpoint-neutral criteria and provide for ample alternative means of expression.

Any such restrictions shall allow for spontaneous and contemporaneous assembly and distribution of literature.

V. Requirements

Each institution's free speech policy and associated processes shall be published and disseminated as follows:

- Placed in institutions' handbook, website, and through student orientation programs.
- Incorporated in the materials, programs, and procedures provided to all employees and students.
- Information regarding the procedures whereby a person aggrieved by a violation on the institution's free speech expression policy may seek relief must also be posted.

VI. Reporting

Each institution shall submit a report to the Governor and legislature by January 1, 2019, on the implementation of their free speech policies.

Each institution shall annually submit a report to the Governor and the legislature regarding any barriers to or incidents against free expression that occurred at the institution. The report shall detail the barrier or incident as well as actions taken in response to the barrier or incident.

If an institution is sued for an alleged violation of a right guaranteed by the First Amendment of the Constitution of the United States of America, the institution shall submit a supplementary report with a copy of the complaint to the Governor and the state legislature within thirty days of receipt of the complaint.

VII. Review

The institutions' free expression policies and procedures should be reviewed by a committee of faculty, staff, and students bi-annually, or more frequently as needed.

Review Process:

Legal Counsel
System President
Chief Student Affairs Officers

Distribution:

University Presidents
Vice Presidents for Academic Affairs
Vice Presidents for Student Affairs