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Freedom of Speech and Assembly

POLICY STATEMENT

Delta State University recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, thought, and expression. The University encourages the search for truth and knowledge. The University does not abridge searchers' rights to reveal their findings, by both spoken and written word, even if in so doing they might find themselves at variance with their peers as well as the lay community. To dissent, to disagree with generally accepted truth and knowledge, is acceptable.

The University also stands for the right of all the Delta State University community to pursue their legitimate activities without interference, intimidation, coercion, or disruption. The University will protect the rights of freedom of speech, expression, petition, and peaceful assembly and affirms all rights and freedoms guaranteed under the Constitution of the United States.

Finally, the University recognizes that the right to dissent and the right not to speak are essential components of free expression. To ensure these rights are respected, the University requires that public statements on issues of current importance made on behalf of the University, or any division thereof receive appropriate review and prior approval.

DEFINITIONS

Amplified Sound: A sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official University functions.

Campus Grounds: All outdoor areas owned, leased or controlled by the University that are common and accessible to all students and employees such as sidewalks and park-like areas.

Designated Areas: Outdoor areas of property owned, leased or controlled by the University that may be reserved by students and employees for expressive activity and used by sponsored guests for this purpose.

Disruptive Activities: Any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conduct of University business, or authorized scheduled events and activities of any and all segments of the University.

Expressive Activity: The verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is defamatory, obscene or commercial in nature.

Literature: Any printed material that is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include official University material.

Official University Function: Any activity, event, or program sponsored by an academic unit, administrative unit, or registered student organization of the University.

Outdoor Structure or Exhibit: Any item built, constructed or displayed temporarily on campus grounds as part of an expressive activity, including tents.

Sponsored Activity: Any expressive activity that is presented by a sponsored guest under this policy.

Sponsored Guest: Any person or organization invited to engage in expressive activity on campus grounds by a sponsoring organization in accordance with this policy.

Sponsoring Organization: A group of students who share a common interest and who are registered with the Office of University Services, or a group comprised of University students or employees who officially represent the University at activities sanctioned or sponsored by the University, including but not limited to the cheer squad, athletic teams, Delta State University Statesman Marching Band, etc.

PROCEDURE

Reasonable time, place, and manner restrictions will be enforced. However, the enforcement will not depend, in any way, on the subject matter involved in an expressive activity. It is strongly suggested that all activities be registered with the Vice President for Student Affairs 48 hours in advance in order to make adequate arrangements for safety and security and to ensure the space desired is available. Registration information can be obtained directly from the Vice President for Student Affairs.

Delta State University provides forums for the expression of ideas and opinions, such as the following:

1. Traditional public forums include the University's quadrangle, parks, and similar common areas such as the intramural fields. These areas are generally available for non-amplified expressive activity, planned or spontaneous, for the individual or small group at any time without the need for reservation or prior approval, unless the space is already scheduled. No individual or small group shall be permitted to set up on or obstruct the traffic flow on sidewalks, roadways, or through plazas. Reasonable setback and distance requirements from roads, sidewalks, plazas, and other areas will be enforced to preserve access and traffic flow.

2. Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by Delta State University. Examples of designated forums include parking lots and athletic fields.
3. Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purpose and are typically not available for public expressive activity. Examples include, but are not limited to, classrooms, residence halls, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer labs, and private residential housing on campus.
4. Additionally, security considerations may affect the availability of spaces that would otherwise be available.
5. Disruptive activities will not be allowed.

Furthermore, any activity that incites imminent lawless action or that triggers an automatic violent response will be considered disruptive. In addition to any potential criminal penalties, students engaging in disruptive activities will be referred to the Program Manager for Student Conduct & Community Support, while employees will be referred to the Office of Human Resources. Third-parties not affiliated with Delta State University may face a ban from campus as determined by the Vice President for Student Affairs, in addition to any criminal penalties.

GUIDELINES

1. Registered Delta State University organizations and departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Vice President for Student Affairs' office located in 305 H. L. Nowell Union.
2. Literature can be distributed in public forums. However, the party distributing the literature is responsible for cleaning up any discarded paper and restoring the campus to its previous condition. Literature may not be distributed in non-public forums.
 - a. Literature distributed under this policy by a student, employee, sponsoring organization, or sponsored guest that contains the name "Delta State University" or "DSU" in its name or that contains any reference to being affiliated with the University, must include the statement that the literature is not official Delta State University literature and does not represent the views or official position of the University.

3. No amplification equipment may be used.
4. Use of campus land is on a temporary basis. Sleeping tents, boxes, and/or other structures are prohibited from campus land and no overnight guests/visitors are permitted except as designated through policies associated with university-provided/sanctioned housing. Setups, such as chairs, tables, and tents for non-registered events is prohibited. Encampments are prohibited.
5. Fliers may be placed on open bulletin boards inside or outside university buildings.
6. No activity will be permitted that blocks access to Delta State University buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized Delta State University activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.
7. Occupation of campus buildings outside of their normal hours of operation is prohibited.
8. The use of Delta State University's space for public assemblies or demonstrations is available to current academic community members only (faculty, staff and students).
 - a. Individuals who are not current faculty, staff, or students may not use the University's property for demonstrations, but may apply for a demonstration permit through the City of Cleveland. Such demonstrations will be limited to city sidewalks immediately adjacent to city streets.
9. Private business or commercial solicitation on campus is generally prohibited.

Responsibilities of Individuals, Sponsoring Organizations and Sponsored Guests



Sponsoring organizations are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable University policies. Members of the Delta State University community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of University policies, including the Student Code of Conduct and personnel policies, as applicable.

Sponsored guests who do not comply with this or other applicable Delta State University policies automatically forfeit their reservations and must immediately vacate University property. Repeat violations of this policy by a sponsored guest may result in loss of privilege for

the sponsored guests and/or sponsoring organization, as determined by the Vice President for Student Affairs.

Relocation of Expressive Activities

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas by the Vice President for Student Affairs or, when immediate action is necessary, the Delta State University Police Department, under the following circumstances:

1. Noise generated by the activity disrupts classroom instruction, an official Delta State University function or substantially interferes with residential life and activities (e.g. the activity is too close to an academic, administrative or residential building);
2. The location does not safely accommodate the number of participants;
3. The number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official Delta State University activities;
4. The space has been reserved for an official Delta State University function, has been reserved in accordance with this policy, or a reserved location is needed for an official Delta State University function; or
5. The activity creates a health or welfare hazard, such as interfering with fire, police or emergency services.

Reason for Denial of Reservation/Permit

Requests to reserve a designated area, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied for the following reasons:

1. An earlier request to reserve the same location and time has been made;
2. The designated area or an adjacent area has been reserved for an official Delta State University function or the designated area is no longer suitable for use due to a conflict with a nearby official Delta State University function;
3. The reservation or registration form is incomplete;

4. The request exceeds more than 15 days in a semester or is for more than five consecutive days;
5. The proposed route of a march, parade or rally will cross space that has been reserved for an official Delta State University function or space that otherwise has been reserved in accordance with this policy or the proposed route will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
6. The request was submitted by an individual or organization that is not permitted to reserve space on campus under this policy.

Appeal of Decisions Related to Expressive Activity

Students, employees, and organizations whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the President no later than 2 business days after the decision that is being challenged was made.

The appeal must be made in writing and state the specific reason(s) the individual or organization disagrees with the decision. The appeal should include all information the individual or organization believes will assist the President in deciding the matter.

The President will issue a decision on the appeal within three (3) business days of its receipt. The decision of the President is final.

Institutional Statements

The University recognizes that in some instances matters of current, public importance may warrant a statement on behalf of Delta State University. Additionally, in some instances, individuals may feel it appropriate for a particular division, department, or other unit of the University to offer such a statement.

Statements on behalf of Delta State University on matters of current importance may be made only via the Office of Communications & Marketing after consultation with appropriate Delta State University administrators. Statements offered on behalf of any division, department, or other unit of Delta State University (a “unit-level statement”) must receive approval prior to publication via the following process.

1. A proposal for a unit-level statement may originate from any employee of Delta State University. The proposed statement must be submitted to the appropriate Vice President for that division for initial review and approval. If approved at this level, the proposed

statement will be submitted to the Office of Communications & Marketing for further review and/or revision. When the appropriate Vice President and the Office of Communications & Marketing agree upon a final proposed statement, the Office of Communications & Marketing will publish the statement or submit the proposal for review by the President prior to any publication or release.

- a. For purposes of this section, a statement is subject to review if it states or clearly implies a normative position on matters about which the general public is aware, involving significant social, cultural, political, policy, or similar issues on which there is substantial public disagreement.
 - b. This section does not apply to statements on purely factual issues such as scientific or empirical findings, even if these are subject to public dispute or disagreement.
2. The term “unit-level statement” refers only to statements offered on behalf of divisions, departments, or other units consisting of Delta State University employees, and not to statements by student organizations.
 3. Furthermore, this section in no way limits, or requires review of, any statement by any individual Delta State University employee expressing beliefs in their individual and/or professional capacity, provided such statement does not purport to express the views of Delta State University or any division, department, or unit thereof.

RELATED DOCUMENTS

- [Student Code of Conduct](#)

Attachments

Approval Signatures

Step Description	Approver	Date
Human Resources	Kelvin Davis: Comptroller	10/2024

Cabinet Approval	Claire Cole: Coordinator of Executive Services	10/2024
University Leadership Council Approval	Eddie Lovin: Vice President of Student Affairs	10/2024
VP Approval	Eddie Lovin: Vice President of Student Affairs	10/2024
	Eddie Lovin: Vice President of Student Affairs	10/2024

Applicability

Delta State University External, Delta State University Internal

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