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SECTION MENU

PG-65 CAMPUS FREE SPEECH PROTECTION

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Policy: PG-65

Subject: Campus Free Speech Protection

Approval Date: 08/08/2019

Revision Date:

PURPOSE:

To protect the fundamental and constitutional right of all students and faculty to freedom of expression.

DEFINITIONS FOR POLICY:

“Faculty” means any person tasked by Morehead State University with providing scholarship, academic research, or teaching, regardless of whether the person is compensated by the University.

“Student” means an individual currently enrolled in at least one (1) credit hour at Morehead State University or a student organization registered pursuant to University policies.

POLICY:

To protect the fundamental and constitutional right of all University students and faculty to freedom of expression, pursuant to law, the following policies shall hereby be followed by University students, faculty, staff, administration, and all other University personnel:

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(a) Marketplace of Ideas:

The University maintains a marketplace of ideas where the free exchange of ideas shall not be suppressed because an idea put forth is considered offensive, unwise, disagreeable, conservative, liberal, traditional, or radical by some or even most of the members of the University community. To promote and protect a lively and fearless freedom of debate and deliberation, students and faculty are granted the broadest

possible latitude to speak, write, listen, challenge, learn, and discuss any issue, without substantial obstruction or substantial interference from students and faculty who may reject the views expressed.

(b) Religious or Political Discrimination:

The expression of a student's religious or political viewpoints in the classroom, homework, artwork, and other written and oral assignments shall be free from discrimination or penalty based on the religious or political content of the submissions.

(c) Student Speakers:

1. The selection of students to speak at official University events shall be made in a viewpoint-neutral manner.
2. Prepared remarks of the student speaker shall not be altered before delivery, except in a viewpoint-neutral manner, unless requested by said student.
3. A student speaker may be prohibited from engaging in speech that is obscene, vulgar, offensively lewd, or indecent.
4. If the content of the student speaker's speech is such that a reasonable observer may perceive affirmative University sponsorship or endorsement of the student speaker's

religious or political viewpoint, the University will communicate, in writing, orally, or both, that the student speaker's speech does not reflect the endorsement, sponsorship, position, or expression of the University.

(d) Student Religious and Political Organizations:

1. Student religious and political organizations shall be given equal access to public forums on the same basis as nonreligious and nonpolitical organizations.
2. No recognized religious or political student organization shall be hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolution of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities.
3. Student activity fee funding to a student organization shall not be denied based on the viewpoints that the student organization advocates.

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(e) Public Forums:

1. The generally accessible, open, outdoor areas of campus are maintained as traditional public forums for University

students and faculty to express their views.

2. Freedom of speech and expression of students and faculty is not limited to particular areas of the campus or “free speech zones.”
3. There shall be no restrictions on the time, place, and manner of student and faculty speech that occurs in the outdoor areas of campus or is protected by the First Amendment of the United States Constitution, except that administrative restrictions may exist that are reasonable, justified without reference to the content of the regulated speech, narrowly tailored to serve a compelling governmental interest, and limited to provide ample alternative options for the communication of the information.

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(f) Permit Requirements:

Spontaneous outdoor assemblies or outdoor distribution of literature is not prohibited. Members of the University community may be permitted to reserve certain outdoor spaces in advance as set forth by administrative regulation.

(g) Guest Speakers:

1. Students and faculty are permitted to invite guest speakers to campus to engage in free speech, regardless of the views of the guest speakers.

2. Students shall not be charged fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to the speech.
3. A speaker invited by a student, student organization, or faculty member shall not be disinvited because the speaker's anticipated speech may be considered offensive, unwise, disagreeable, conservative, liberal, traditional, or radical by students, faculty, administrators, government officials, or members of the public.

(h) Disruptive Conduct:

1. This Policy shall not be construed to grant the right to engage in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group.
2. Conduct intentionally, materially, and substantially disrupts another's expressive activity if it significantly hinders the expressive activity of another person or group or prevents the communication of a message or the transaction of a lawful meeting, gathering, or procession by being of a violent

or seriously disruptive nature or physically blocking or significantly hindering any person from attending, hearing, viewing, or otherwise participating in an expressive activity.

3. Conduct does not intentionally, materially, and substantially disrupt another's expressive activity if the conduct is protected under the First Amendment of the United States Constitution or the Constitution of the Commonwealth of Kentucky, including, but not limited to, lawful protests and counter-protests in the outdoor areas of campus generally accessible to the public, except during times when those areas have been reserved in advance for other events or is an isolated occurrence that causes minor, brief, and nonviolent disruptions of expressive activity.

(i) Publication:

This Policy and any amendments made thereto shall be made available to students and faculty through publication in the Student Handbook and Faculty Handbook, posted in relevant locations on the University website, mailed electronically to all students and faculty, and included in orientation programs for new students and faculty.

REFERENCES: KRS 164.348

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