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**SUBJECT: FREE SPEECH**

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**1.0 PURPOSE**

1.1. Snow College supports and encourages the free exchange of ideas and believes that is central to the education mission of the College. In addition, Snow College supports and believes in the free speech guarantees of the First Amendment to the United States Constitution, the Constitution of the State of Utah, and Utah statutory law including Utah Code §53B-27-203 or successor statutes. Therefore, Snow College is adopting this Free Speech Policy.

**2.0 DEFINITIONS**

2.1. **Free speech:** An "expressive activity" including: (1) peacefully assembling, protesting, or speaking; (2) distributing literature; (3) carrying a sign; or (4) circulating a petition. Free speech may be referred to herein as "expressive activities".

**Student Life- Will the policy apply to employers who want to recruit on campus? What if they show up randomly?**

2.2. **Campus public forum:** An outdoor area of any Snow College campus including the Ephraim and Richfield campuses. This does not include restricted access areas such as rodeo grounds, stadiums or temporary event facilities such as tents or blocked off and restricted access areas.

2.3. **Literature:** Published material that is not commercial (for profit) in nature.

2.4. **Commercial Literature:** Published material that is for profit including advertising and solicitations. Literature and Commercial Literature may be referred to as "Postings".

2.5. **College community:** Students, faculty, staff, administration and recognized College entities including College Groups.

2.6. **College Groups:** Groups directly connected to the College including administrative or academic units of the College and approved student clubs and groups.

2.7. **Scheduling Office:** The College office and personnel therein that schedule the use of College spaces, facilities and activities and regulate such as stated herein.

**Student Life- Where is the Campus Scheduling Office and who is responsible for it?**

**3.0 POLICY**

3.1. It is the policy of Snow College that members of the College community and the public shall have the right to freedom of speech and assembly in a Campus public forum without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner. Freedom of speech and expressive activities, including peacefully assembling, protesting, or speaking; carrying signs; circulating petitions; and

distributing literature are allowed in any campus public forum subject to reasonable time, place and manner rules.

3.1.1. This Policy is not intended to apply to the College in the regular conduct of its business.

#### 4.0 PROCEDURES

##### 4.1. Time, Place, and Manner Rules

**4.1.1.** The use of violence, or credible threats of violence, defamatory, obscene or other regulated speech is strictly prohibited.

**Derek Walk-Should causing damage to college or private property be added to this list of prohibited behavior?**

**Kathy Fellers- Should the phrase be "non-regulated speech" in the above sentence?**

4.1.2. Expressive activities which infringe upon the **[legal] Braby** rights of another person are prohibited.

**Kari Arnoldsen- How do we reconcile protecting the rights of speakers and protesters to say what they think with the rights of a bypasser saying don't I have the right not to have to listen to this stuff since I have to walk through here to get to my class etc.?**

4.1.3. Expressive activities may not disrupt classes, other educational activities, College events, and other planned events. Because the main mission of the College is to teach, classes are given special consideration. Therefore, expressive activities should typically take place at a distance of at least 50 feet from any building or facility.

**Nate Caplin- To be consistent with legal tobacco use distance and the chalking distance referenced in this draft shouldn't this distance be changed to 25 feet? Are we giving expressive activities less freedom than tobacco use and chalking on sidewalks?**

To exercise free speech at closer than this buffer area, permission must be granted in writing by the Scheduling Office.

4.1.4. Expressive activities may not obstruct the free flow of vehicular or **[reasonable flow of] Braby** pedestrian traffic on campus.

4.1.5. Expressive activities may not use sound amplification except with prior approval by the Scheduling Office. The Scheduling Office will prepare and publish guidelines for approval of sound amplification. The guidelines shall include that sound amplification at a volume that does not disrupt or disturb classes, other educational activities, College events, and other planned events may be used at the Bell Tower at the Ephraim campus without written approval.

**Derek Walk-What's the standard for deciding if volume is disruptive, 1 complaint, 20?**

In the event of competing uses of the Bell Tower priority shall be given to planned events of student government and then those that have obtained written approval. Except at the Bell Tower all other approvals must be in writing.

**Derek Walk- Is there a reason we are going to allow free speech activities without written approval at the Bell Tower but not other places?**

- 4.1.6. Expressive activities may not block the entrances or exits to any campus building or facility.
- 4.1.7. Spontaneous expressive activities, assemblies and demonstrations are permitted consistent with the time, place and manner rules.

**Derek Walk and Student Life- What constitutes a spontaneous gathering?****Derek Walk and Student Life- If there is no scheduling required for a spontaneous gathering, how are security needs met? How are on-campus organizations encouraged to submit event proposals if they can call any gathering a spontaneous gathering?**

Planned expressive activities, assemblies and demonstrations must submit an event proposal to the Scheduling Office at least 5 days prior to the event to guarantee consideration. Such events will be directed to an area consistent with the expected number of participants and general nature of the event (such as marches, use of amplified sound, requested use of tables or other items, etc.). The Scheduling Office will prepare and publish guidelines for approval of planned events.

**English Brooks- This and other clauses herein say the Scheduling Office may yet prepare additional guidelines pertaining to free speech on campus. If these are to be part of the policy implementation, it seems it would be helpful for such guidelines to also be drafted and shared for review alongside the draft policy document in order for everyone to consider them too before supporting approval.**

**Student Life- Who will determine the schedule of fees for campus services required by outside gatherings, and how will it be enforced? What are the regulations on for-profit organizations?**

- 4.1.8. Individuals and organizations are responsible for cleanup and for any cleanup costs resulting to the College from their activities including the distribution of literature.

**Randy Braby-Is the requirement that the group/individual picks up all fliers that may have been dropped somewhere on campus even realistic?**

- 4.1.9. The Scheduling Office may prepare and publish additional guidelines regulating the time, place and manner of free speech. Such guidelines shall be narrowly tailored to serve a significant institutional interest; be based on published, content-neutral, and viewpoint-neutral criteria; and leave open ample alternative channels for communication.
- 4.1.10. Expressive activities as allowed by this Policy are limited to Campus public forums. College buildings, facilities, stadiums, or temporary event facilities such as tents or blocked off and restricted access areas are not Campus public forums and are not areas where expressive activities are allowed as a matter of right. Use of such spaces for any purpose is subject to the Facilities Use Policy.

**Student Life- What can Campus Security regulate? How are students protected from being followed?**

- 4.2. Camping, Sleeping, and Structures
  - 4.2.1. Camping and overnight sleeping as ~~an~~ expressive activities ~~is~~ are not allowed on any College property. This includes using any part of the College property for living accommodation purposes such as overnight sleeping, making preparations for overnight sleeping, laying down bedding, storing personal belongings or erecting any tent or shelter.
  - 4.2.2. Permanent structures may not be erected on College property. Temporary structures—any object (other than objects such as handbills, signs, notices and posters, arm bands or personal attire) used in the process of expressing views or opinions including, but not limited to, lawn signs, tables (and other structures used to display materials), booths, billboards, banners, tents, awnings, shanties and other enclosures—may be erected by members of the College community to express their view or opinions.

**Student Life- Do groups using lawn signs still have to contact Campus Services prior to placing signs in the ground?**

Such structures may deal with any subject matter including, but not limited to, expressions of positions and ideas on social or political topics. Structures must be removed at the end of each day. Prior to the erection of any structure, a permit from the Scheduling Office must be obtained. A permit shall be issued if the intended structure and uses made of it will not be an unreasonable safety hazard and will not impede the normal functions of the College; the structure does not block or impede entry to any building or interfere with normal

pedestrian or vehicular traffic; and the proposed location of the structure does not inflict unreasonable damage upon landscaping or College property.

**Ernie Williams- What about our hosting of the annual Scandinavian Festival (putting up tents, booths, selling stuff) on college property? Will that be affected?**

**Student Life- Do groups have to follow fire code?**

4.2.3. This provision is not intended to apply to sleeping as a non-free speech activity (such as in dormitories or activities) which shall be regulated by the College in the normal course of its business.

4.2.4.

4.3. Posting and Distributing Literature

**Student Life- If all postings have to be approved by the Scheduling Office, is Student Life no longer involved in approving posting?**

4.3.1. Literature may be posted on campus by members of the College community on outdoor bulletin boards designated for College community use. Commercial literature and postings by those outside the College Community are allowed only with written permission from the Scheduling Office and a fee may be charged and limits placed on location. Postings may not be made on trees, light posts, vehicles parked on campus, buildings, or any other structure other than the officially designated bulletin boards. Postings must have a visible posting date and approval stamp and can only be posted for 14 days except with the written permission of the Scheduling Office according to their published guidelines.

Student Life- What will the stamped approval process be, who will house the stamp, and what will their hours of operation be?

Postings that exceed the limit will be removed at regular intervals.

**Student Life- Who is responsible for enforcing the 14 day posting rules?**

4.3.2. Literature may be posted in building interiors of any College building only by members of the College community for official College purposes and with the written permission of the Scheduling Office according to its published guidelines. Official College purposes include notice of recognized College group meetings, notices by College entities of official activities, and notices by student government.

**Travis Schiffman- Will the Scheduling Office be tasked with monitoring ALL postings in ALL buildings about everything? For example, we have official department bulletin boards that we use for our department and division level postings that have never needed prior approval from the Scheduling Office. Will that continue to be the same**

**or has it changed? If it were to change, that seems like a huge additional burden for them. What is your understanding of this section?**

- 4.3.3. The Scheduling Office shall publish rules and regulations governing the posting of Literature or Commercial Literature. The regulations may include a schedule of fees and limitations upon the areas in which the posting of Commercial Literature or postings by non-members of the College community may take place.
- 4.3.4. Literature may be distributed on campus in connection with free speech activities. Literature to be distributed may not be commercial in nature. Literature may not be forced on any person.
- 4.3.5. Individuals and organizations are responsible for the content of their written materials posted or distributed on campus. They are also responsible to be aware of laws concerning defamation, obscenity, and truth in advertising, such materials may be removed or prohibited. They are responsible to clean up discarded literature.

#### 4.4. Chalking

- 4.4.1. Chalking—the writing on sidewalks or elsewhere with chalk or like substances—is not permitted on campus except with written permission of the Scheduling Office. In general, chalking is allowed only by (1) Student Government or College departments to announce activities or (2) by candidates for student government during specific time periods designated by the Scheduling Office. Chalking is limited to sidewalks, must be at least 25 feet from any building entrance, and only a non-permanent, non-damaging substance may be used. Permission for chalking may be suspended at any time.

#### 4.4.2.

**Kari Arnoldsen- Is class time activity use of chalk prohibited now without the permit (it has been spelled out for only student gov., college depts, and stu gov candidates. What about a chalk contest sponsored by an Art class? What about my trig class outside and doing stuff on the sidewalks? Why exceptions for student gov., etc. but not legitimate class activities using chalk outdoors?**

**Judy Wadley- May I suggest that in the chalking section, and possibly in other sections as well, something to the effect that no lewd or obscene gestures or designs should be drawn, written about or otherwise invoked. Unfortunately, some people use these types of things when a lucid argument is beyond their ability to articulate.**

#### 4.5. Priorities

- 4.5.1. Snow College endeavors to allow all persons the right to free speech but recognizes that there may be competing requests for use of a space. In the event of a conflict the following priorities apply:
  - 4.5.1.1. Classes, educational activities, and planned College events

- 4.5.1.2. Planned events
- 4.5.1.3. Spontaneous free speech activities

**Student Life- If a spontaneous gathering interferes with a scheduled gathering, who will enforce the system of prioritization?**

- 4.6. Speakers on Campus
  - 4.6.1. Members of the College community shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), in accord with the College Space Use Policy. The rights of speakers to freedom of expression under the Constitution of the United States and the Constitution of the State of Utah shall be protected. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.
  - 4.6.2. Members of the College community and their organizations who invite speakers to address audiences on or off the campus, except College organizations designated by the College as an official organization of the College, may not use the name of the College to imply official College sponsorship of the speaker in advertising or publicizing the event, except to identify the location of the event.

**Randy Braby- Should we add a equal time standard that says the college must provide equivalent time to speakers offering opposing viewpoints?**

- 4.7. Appeals
  - 4.7.1. Any person or group that is aggrieved by a decision of the College with regard to free speech or that believe their expressive rights were violated (including the denial or ending of an expressive activity) must appeal the decision to the Vice President for Student Success or designee (“VP”). The VP will promptly schedule a time to meet with the aggrieved person, allow them to present the reasons for their appeal, then shall contact the involved College personnel for further information. The VP shall then attempt to resolve the matter to the satisfaction of all interested persons. If a resolution is not reached the VP shall then issue a written decision.

**General Comments:**

**Mike Salitrynski** as spokesperson for a group of concerned faculty:

- Have we compared to other USHE schools? Some faculty members have looked at other policies and we appear to be very different, lots of restrictions.
- What is the role of the Scheduling Office? Very unclear and uncertain about how much restrictive power that unknown office will have



- Grateful for opening statement about commitment to protecting and respecting free speech in an academic environment. Worried that balance of draft is about how to limit or restrict free speech.
- Suggest a working group to help review and revise the policy or at least a forum for further discussion.

### **English Brooks**

“It's great to see Snow taking steps to protect and ensure free speech on campus, and I especially appreciate the policy draft's opening statement on our commitment to support and encourage free speech as central to our mission. One concern I have, however, is whether an 1800 word document like this, however thoroughly developed, would actually have the desired effect of encouraging free speech and protecting the College from risk/liability. Maybe this is just a writing teacher thing, but I often find that the first draft of something can be overcomplicated, but can then be much better streamlined in later drafts. (As I've often had occasion to tell my students--and myself--after an early draft, "now make it half as long.") I wonder if this might apply here, especially as we consider what will best serve our students, how reasonably can we expect them to navigate such a document, etc.

I don't know what the College Council's process was for drafting the proposed policy document, but I wonder if a careful review of other USHE schools' policies might also offer some helpful comparisons and models for how to possibly improve our approach.

**Kathy Fellers-** Also I am assuming that class discussions fall under Academic Freedom guidelines?

**Kari Arnoldsen-** With a bow to the time and effort--is the length needed? I know Morris keeps telling us 'less is more' and as soon as you start spelling out the details all details must be included or missing ones are up for appeal and legal suit. So, is he signing off on this as is?

**Miriam Merrill-** This is fantastic! Thank you for sending it out. I absolutely support it.