

## **POLICY #5.1**

**SUBJECT:** Free Speech and Advocacy on Campus [TEMPORARY]

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### **I. PURPOSE**

Southern Utah University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution as well as applicable statutory and regulatory law, and in accordance with generally accepted concepts of academic freedom. It is the purpose of this policy to protect and enhance the free exchange of ideas, the right to free speech, and academic freedom in the University and on the University Campus, without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

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### **II. REFERENCES**

- A. Southern Utah University [Policy 5.0 Threat Management and Safety Intervention](#)
- B. Southern Utah University [Policy 5.11 Facilities Management Operations](#)
- C. Southern Utah University [Policy 5.13 Facility Utilization and Rental](#)
- D. Southern Utah University [Policy 5.20 Political Activity](#)
- E. Southern Utah University [Policy 5.27 Non-Discrimination/Anti-Harassment](#)
- F. Southern Utah University [Policy 5.60 Sexual Misconduct](#)
- G. Southern Utah University [Policy 6.6 Academic Freedom](#)
- H. Southern Utah University [Policy 6.28 Faculty Professional Responsibilities](#)
- I. Southern Utah University [Policy 11.2 Student Conduct Code](#)
- J. Title VII of the [Civil Rights Act of 1964](#)
- K. Title IX of the [Educational Amendments of 1972](#)
- L. [United States Constitution](#)
- M. Utah Code [§ 53B-27 Campus Individual Rights Act](#)
- N. [Utah Constitution](#)

- O. Utah System of Higher Education [Resolution on Freedom of Expression](#)
  - P. Utah System of Higher Education [Resolution on Establishing Expectations for Implementing Principles of Free Expression on Campus](#)
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### III. DEFINITIONS

- A. **Appeals Committee:** The Appeals Committee, comprised of three members of the President's Cabinet, appointed by the President, reviews all appeals of any denials or other decisions made pursuant to sections of this Policy.
- B. **Commercial Speech:** For the purpose of this Policy, Commercial Speech includes all spoken, written, and symbolic speech intended, in whole or in part, for the profit of the person, organization, or institution engaged in the speech. Commercial Speech at the University includes speech paid for by persons or organizations who are not Members of the University Community. Examples include advertisements in or on the Sharwan Smith Student Center, America First Event Center, other signage, or commercial handbills. Generally, the sponsors of Commercial Speech are subject to established University fees and must comply with appropriate University procedures.
- C. **Demonstration/Protest:** Any rally, gathering, protest, parade, or procession to express views or opinions.
- D. **Members of the University Community:** For purposes of this Policy, all enrolled students, all persons employed by the University, including but not limited to administrators, faculty, and staff, and all organizations comprised of Members of the University Community, such as SUUSA and Chartered registered Student Organizations.
- E. **Obscenity:** For the purposes of this Policy, Obscenity is defined by applicable law, including the following U.S. Supreme Court's "Miller test": whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 US 15, 21 (1973).
- F. **Structure:** Any object (other than objects such as handbills, signs, small lawn signs, notices and posters, arm bands, or personal attire) used in expressing views or

opinions, including but not limited to booths, buildings, billboards, banners, large lawn signs, and similar displays.

- G. **Student Organization:** A student organization with a common interest or goal, who meet the University's registration requirements for University Sponsored Organizations or Independent Student Clubs. Each is qualified to receive funding from the Southern Utah University Student Association (SUUSA), as set out by SUUSA, and the University in the applicable Handbook.
- H. **Time, Place, Manner Restrictions:** Requirements on when, where, and how messages may be presented on a University Campus. These restrictions are viewpoint neutral, narrowly tailored to serve significant University interests, and designed to leave open ample alternative channels of expression. These may include, but are not limited to, rules about security measures, facility use, volume, and others. They may be included in this Policy or other relevant means of notice and/or communication, such as handbooks, protocols, rules, procedures, and the like.
- I. **University Campus:** Any campus or facility, physical or virtual, owned or leased by the University.
- J. **University Organizations:** For purposes of this Policy, University administrative departments and academic schools/colleges, centers, institutes, or departments.

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#### IV. POLICY

##### A. Scope of Policy

All persons on Southern Utah University's campus, including Members of the University Community and visitors or guests, are protected by and subject to freedom of speech laws and this Policy. In permitting the exercise of free expression on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used, unless expressly stated otherwise.

##### B. Policy Statement

1. Because free expression and the free exchange of ideas are central to the goals of a university, Southern Utah University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom. The University is committed to protecting

and enhancing the free exchange of ideas and to artistic expression, the right to free speech, and academic freedom in the University and on the University Campus without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

2. Nothing in this Policy shall be construed as protecting, authorizing, or condoning the following unlawful or otherwise unprotected speech, as defined by applicable law:
  - a. Obscenity (see Section III.F.);
  - b. child pornography;
  - c. defamation;
  - d. speech that by its very utterance tends to incite an immediate breach of the peace by the hearer;
  - e. speech that incites or produces imminent lawless action and that is likely to incite or produce such action;
  - f. speech that creates a hostile environment within the meaning of Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, or other applicable law (see SUU [Policies 5.27](#) and [5.60](#), which implement these laws for the University);
  - g. speech that substantially disrupts, obstructs, or interferes with classes, teaching, the use of offices, ceremonies, sporting events, plays/performances or other University activities related to teaching, research, or administration of the University, or vehicular or pedestrian traffic;
  - h. speech that substantially disrupts another's right to freedom of expression that is protected by law;
  - i. speech that damages University or private property;
  - j. speech that discloses confidential information or trade secrets of the University or private parties without appropriate authorization; and
  - k. speech by employees that is protected by law.
3. Nothing in this Policy shall be construed as authorizing or condoning the use of University trade or service marks (including but not limited to names,

logos, mascots, and imagery) in any materials that may be created or displayed under this Policy without the express written authorization from authorized officials from the University.

4. All University employees and students must not, in good faith, create the impression, in public appearances, conduct, speech, or expression, that they are representing the university, unless, in fact, they are.
5. Students, employees, or visitors who violate this Policy or its referenced procedures are subject to University discipline. Moreover, all persons who violate this Policy are subject to orders to leave the campus and possible arrest for criminal trespass for failure to comply with such orders. (See SUU [Policy 5.0](#)).

#### C. Freedom of Speech and Assembly

1. Members of the University Community have the right to freedom of speech and assembly without prior restraint or censorship, subject to clearly stated, reasonable, and nondiscriminatory rules and procedures regarding Time, Place, and Manner, to the extent protected by applicable law.

#### D. Freedom of the Press

1. Members of the University Community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Time, Place, Manner restrictions may be adopted regarding the operations of student, faculty, and staff publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.
2. Student publications supported by University funds or student fees, other than those publications sponsored by a college/school, department, or academic program, shall be regulated by the Student Involvement and Leadership Office pursuant to applicable Time, Place, Manner restrictions, and published on the Student Involvement and Leadership website or made available for public inspection upon request.
3. No member of administration or staff, including but not limited to employees who advise student organizations, shall exercise any prior restraint or editorial control over the content of these publications.
4. In the case of student publications sponsored by a college, school, department, or academic program, such publications and the roles of any

student editors shall be regulated in accordance with the procedures adopted by the sponsoring college, school, department, or academic program, which shall be consistent with this Policy

#### E. Institutional Neutrality

1. A fundamental mission of the University is to promote the exchange of knowledge and ideas through teaching, research, critical evaluation, civil discourse, and debate. The University is an impartial steward of the marketplace of ideas in which viewpoints are subject to rigorous scrutiny, open debate, and critical examination.
2. While the University has its own speech that it can control, based on a December 2023 USHE resolution, the University endeavors to maintain institutional neutrality on political, social, or unsettled issues that do not directly relate to the University's mission, role, or pedagogical objectives. Neutrality allows the University to protect this mission and responsibility by supporting campus community members engaging in rigorous scrutiny and critical examination of ideas on their own merits rather than University endorsement.
  - a. The University as an institution makes statements on political, social, or unsettled issues that are directly related to the University's mission, role, or pedagogical objectives only through authorized channels and only through the President or President's expressly authorized designee only. No other employee is authorized to issue statements on behalf of the University, speak on behalf of the University on such matters, or use university property, resources, or official communication channels in such a way that appears to violate institutional neutrality. See SUU [Policy 5.20](#).
  - b. The University may publicly address, condemn, or prohibit expression or actions that violate the law, such as violence, incitement, genuine threats, discrimination, harassment, or expression that is directly incompatible with the University's ability to achieve its primary missions or pedagogical objectives. Only the President or the President's express designee may make any such public statement for the University.

- c. By state law, the University itself is prohibited from taking, expressing, or asserting a position or opinion on subjects described in Utah Code 67-27-105(1)(b)(ii), which includes:
  - i. anti-racism;
  - ii. bias;
  - iii. critical race theory;
  - iv. implicit bias;
  - v. intersectionality;
  - vi. prohibited discriminatory practice, as that term is defined in Section 53B-1-118; or
  - vii. racial privilege.
3. Institutional neutrality shall not be used to restrict curriculum, expression germane to approved curriculum or subject matter, or to otherwise restrain the academic exploration within the bounds of academic freedom recognized by the University. See SUU [Policy 6.6](#).
4. In permitting the exercise of free speech on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used unless expressly stated otherwise.
5. The University's name may not be used to imply official sponsorship in advertising or publicizing events organized by Members of the University Community, but may use the University's name as a means to identify the location of the event.

#### F. Employee Speech

1. When employees are acting within the scope of their employment, they are acting in their official capacity and their speech may be restricted by the University. The University may speak through its employees, and can generally ask its employees to relay information as determined by the University, subject to the University's policies, including those around Academic Freedom.
2. Scope of employment. As general guidance (which must be informed by current First Amendment law in effect from time to time), employees are acting within the scope of their employment when the matter on which the

employee speaks is within the employee's assigned responsibilities or if the employee has a duty to report to the University or another person designated by the University. Considering all the facts and circumstances surrounding the speech and the employment relationship, the inquiry focuses on whether the speech relates to tasks that the employee was paid to perform when the employee spoke, even if the task relates to activities that the employee is not expressly required to perform in a job description. Examples of what is within an employee's scope of employment include, but are not limited to, personnel and other employment disputes, working conditions, grievances about internal departmental affairs, and workplace frustration, among others.

3. When an employee is not acting within the scope of their employment employees have rights as private citizens. However, the University may still restrict employee speech or expression that is disruptive to the operations of the University. Where employees are acting as private citizens, the University may examine whether the speech or expression engaged in by the employee is a matter of "public concern," as defined by applicable law, and whether the interest of the employer in protecting against disruption, efficiency, harmony, and interference with business operations outweighs the interest of the employee in engaging in the expressive activity.
4. Nothing in this Policy should be construed to require University employees or students, in their personal capacity, to remain neutral in expressing conflicting, controversial, or unpopular viewpoints. See SUU [Policy 5.20](#).

#### G. Academic Freedom for Faculty and Students

1. Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University (see SUU [Policy 6.6](#) and related University policies). Academic freedom shall be recognized as a right of all members of the faculty, whether with or without tenure or continuing appointment, as they engage in teaching, scholarly and creative activities, and service to the University and their professions, as further set out in Policy 6.6.
2. Faculty members' exercise in their personal capacity of freedom of expression, association, or assembly, or their participation in political activities, does not constitute a violation of duty to the University, to their profession, or to students, except as prohibited by applicable law.



## H. Speech of Shared Governance Organizations

1. The University recognizes three shared governance organizations (Staff Association, Faculty Senate, Student Senate).
2. Shared Governance gives voice to constituencies served by the above-named governance organizations to provide input and information on issues and decisions related to the operations and needs of the University. Those serving or participating in positions within a Shared Governance structure are not acting under a delegated authority to act on the University's behalf, and do not represent the University's interests or positions in an official capacity; provided however, the University President and/or General Counsel can include a leader of Shared Governance as part of a decision making process in which that person may act on behalf of the University for that specific purpose.
3. Shared Governance organizations shall follow policy about use of public funds as set out in SUU [Policy 5.20](#).
- 4.

## I. A Forum for Students to Form Registered Student Organizations

1. The University provides a forum for Students to register student organizations for a lawful purpose, in accordance with standards set out in the Student Organization Handbook. The University registers two types of student organizations: University Sponsored Organizations and Independent Student Clubs.
2. Affiliation of any Independent Student Club with lawful off-campus groups shall not, in itself, disqualify that club from enjoying the benefits and privileges that the University affords to student clubs. Independent Student Clubs shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers are required by the University as a condition for registration or access to University funds or enjoyment of University privileges.
3. Independent Student Clubs do not speak on behalf of the University, nor have any endorsement of their viewpoint from the University.
4. Any student organization may be registered with the University upon the filing and approval of completed required documentation, as set out by the

Student Involvement and Leadership Office, through procedures, protocols, and Student Organization Handbook.

5. Student organizations maintain their position on the University student club roster for the academic year upon filing with the Student Involvement and Leadership Office each fall semester (by a deadline provided by the Student Involvement and Leadership Office and in accordance with other requirements, as set out by the Student Involvement and Leadership Office, procedures, protocols, and Student Organization Handbook). Student Organizations that renew by the appropriate date are eligible to be considered for funding from SUUSA. Any club may register at any time, with eligibility remaining through the current academic year.
  6. The Student Involvement and Leadership Office may remove a Student Organization from the applicable roster for failure by the Student Organizations to abide by University rules and policies or Federal or state law. For further information, see the Student Organization Handbook.
- J. Student Body Officer Elections. Subject to the limitations on unlawful/unprotected speech (Section IV.B.2.) and reasonable, viewpoint-neutral, and nondiscriminatory Time, Place, and Manner Restrictions, student body officer elections for the Southern Utah University Student Association (SUUSA) shall be regulated pursuant to the SUUSA constitution and bylaws.
- K. Speakers and Events involving Speech/Expression
1. The rights of speakers to freedom of expression under the United States Constitution and the Utah Constitution shall be protected. The University also takes reasonable steps to protect the rights of speakers to speak and audiences to hear, free from undue disruption and interference, shall also be protected.
  2. Members of the University Community may invite speakers to address audiences on campus (at their expense and/or the expense of the sponsoring organization and members), subject to the limitations on unlawful/unprotected speech, reasonable and nondiscriminatory Time, Place, and Manner Restrictions, such as those about facility use and security measures.
  3. Speaker Areas

- a. Speakers may speak in any outdoor area, as long as it is in accordance with this Policy and other applicable Time, Place, Manner Restrictions.
  - b. The University provides reasonably appropriate places inside the Sharwan Smith Student Center, outside the Gerald R. Sherratt Library, and on the quad north of the Library to enable speakers to address those wishing to listen. These places shall be available to any person, but University Organizations shall have first priority for scheduling, followed by Members of the University Community for the use of these designated places.
  - c. Nothing in this section shall be interpreted as limiting the right of free speech elsewhere on the campus as provided by this Policy.
  - d. Although it is not necessary for a person using one of the designated places named in this section to obtain prior permission from the University, the University encourages such persons to contact the campus Centralized Scheduling Office to reserve or schedule a designated place in advance to ensure availability. Priority for scheduling shall be given to University Organizations, followed by Members of the University Community, when reserving the use of these designated places over those seeking to use these places without reservation.
4. The campus Centralized Scheduling Office provides general notice of the procedures, including but not limited to those referenced in SUU [Policy 5.13](#), for reserving the speaker areas. Use of the speaker areas may be reserved for up to two (2) hours for purposes of speaking.
  5. Persons reserving speaker areas may use university-provided tables and other temporary means for displaying or distributing information, in reasonable quantities based on the space, provided that they set up and remove them upon the expiration of their reservation, subject to charges for any damage caused. Reservations and arrangements for tables, including the payment of applicable fees, shall be made with the campus Centralized Scheduling Office.
  6. The University does not require the rescinding of invitations to speakers or canceling of events solely on one (1) or more of the following bases:
    - a. groups oppose the viewpoints being expressed;

- b. those viewpoints are controversial; or
  - c. the speaker's presence on campus will generate concerns about security and public safety.
7. The University follows objective Time, Place, Manner Restrictions that include clear, objective, narrow, and content neutral criteria for determining security deposits charged to sponsoring persons or entities for Speakers and other similar events.
  8. The University reserves the right to assess costs associated with speakers on campus to the party(ies) responsible for having the speaker on campus, with such assessments not being final until a decision on an appeal to the Appeals Committee, if such costs are appealed by the person or group subject to the fees.

#### L. Protests and Demonstrations

1. To facilitate robust debate and the free exchange of ideas, peaceful protests and demonstrations on campus are legitimate means of expression. Anyone who wishes to engage in protests and demonstrations shall be permitted to do so, as long as the protest/demonstration and the conduct of participants:

1. Does not take place in indoor rooms/areas where quiet or reflection may be expected by those using these rooms/areas (including but not limited to classrooms, office and cubicle space, laboratories, museums, the Gerald R. Sherratt Library, the Beverly Taylor Sorenson Center for the Arts, and other indoor and outdoor venues where theatrical/musical performances or public or private ceremonies are occurring);

2. Does not take place inside buildings where minors are predominantly present;

3. Is not violent or threatening (see SUU [Policy 5.0](#)); and

4. Does not unduly disrupt the functioning of the University, interfere with the rights of other Members of the University Community, or damage University or private property. Protests and demonstrations are also subject to the limitations on unlawful/unprotected speech (Section IV.B.2.) and reasonable and nondiscriminatory Time, Place, and Manner Restrictions.

2. Although it is not necessary for a person planning a protest or demonstration to obtain prior permission from the University, the University encourages such persons to contact the campus Centralized Scheduling Office to reserve or schedule a place in advance to ensure availability, and to review

Policy 5.13. University Organizations and Members of the University Community reserving use of University facilities and places shall be given priority over those who do not have a reservation.

3. Protests and demonstrations must be orderly at all times and must not jeopardize public order or safety. The University reserves the right to prohibit protestors from wearing masks or otherwise disguising their identity during protests if protestors' conduct threatens to endanger the safety of others or to damage University property.
4. Protests and demonstrations must not interfere with the entrances and exits to buildings or the normal flow of pedestrian or vehicular traffic.
5. Protests and demonstrations must not disrupt or obstruct university functions, organized meetings, or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.
6. Protests and demonstrations must not interfere with classes and teaching, the use of administrative or academic departments or offices, University activities related to teaching or research, or previously scheduled meetings or events.
7. Persons violating the Time, Place, and Manner Restrictions relating to protests and demonstrations may be subject to arrest or other action authorized by law after notice is given of the restrictions being violated and the persons refuse to cease and desist.
8. Protesters and demonstrators shall be financially responsible for any damages caused by their protests and demonstrations. Damages caused by third parties not part of the protests and demonstrations shall be assessed against such third parties, with such assessments not being final until they are appealed to and reviewed by the Appeals Committee (Section IV.R.1.).

M. Sound Amplification Equipment

1. Sound equipment shall be used only at volume levels that do not disrupt or disturb teaching, research, workspaces, or other duly authorized meetings or activities at the University, and in accordance with city ordinances.

N. Posting of Signs, Notices, Posters, Flags, and Banners

1. Non-Commercial Signs, Notices, Posters, and Banners

- a. The University shall provide reasonable space indoors and outdoors for the posting of non-commercial signs, notices, posters, and banners by Members of the University Community. Subject to the limitations on unlawful/unprotected speech and reasonable and nondiscriminatory Time, Place, and Manner Restrictions, such signs, notices, posters, and banners may deal with any subject matter, including but not limited to notices of meetings or events and expressions of positions and ideas on social or political topics.
- b. Members of the University Community may post non-commercial signs, notices, and posters on bulletin boards and kiosks located on the University campus and maintained by the University; however, they may not be posted on bulletin boards or kiosks maintained by academic and administrative departments of the University or in classrooms. Noncommercial signs, notices, and posters shall not be attached to non-bulletin board or non-kiosk locations, such as on trees, buildings or portions of buildings (including walls, doors, windows, fixtures, handrails), fountains, statues, equipment, furniture, or machinery, unless otherwise expressly authorized by the Student Involvement and Leadership Office. For lawn sign requirements, see Section IV.N.1.j.
- c. Unless expressly designated for broader use, bulletin boards, easels, and kiosks maintained by an academic or administrative department of the University, and all walls, doors, whiteboards, chalkboards, windows, and other areas within classrooms, are reserved exclusively for University Organizations for University speech. Designated areas in bathroom stalls at the University are also reserved exclusively for University speech by the Student Involvement and Leadership Office. In addition, designated areas for the hanging of artwork on campus are reserved exclusively for University Organizations. Postings under this section do not need approval from the Student Involvement and Leadership Office, but are required to comply with the department's nondiscriminatory rules and procedures
- d. University websites and digital signage are reserved for University Organizations for University speech. However, 10 digital signage slots shall be reserved for Chartered Student Clubs to advertise meetings, fundraisers, service projects, or other events that are open to the

entire student body. Chartered Student Clubs must submit their signage to the Student Involvement and Leadership Office and comply with the digital signage procedures of the office. The Student Involvement and Leadership Office shall post digital signage that complies with such procedures on a first-come, first-served basis, up to the 10-slot limit. The Student Involvement and Leadership Office (and any other relevant campus office) digital signage procedures shall be viewpoint-neutral and shall not violate this policy.

- e. University Organizations, SUUSA, and Chartered Student Clubs may post banners in designated banner areas only after registering the banner with the Student Involvement and Leadership Office, being assigned a banner location, obtaining a date stamp on the banner, and otherwise complying with the Student Involvement and Leadership Office procedures. The procedures shall be viewpoint neutral and shall not violate this policy. Outdoor banners may be posted only in designated outdoor areas identified and maintained by the Student Involvement and Leadership Office.
- f. Messages or slogans of any kind shall not be painted, hung, or otherwise written on trees, buildings, windows, sidewalks, grounds, fountains, walls, flagpoles or other Structures or surfaces, or on the personal property of others, with the exception of Gunther the Rock, located on the quad to the north of the library, which may be used in accordance with the procedures established by the Student Involvement and Leadership Office.
- g. All non-commercial signs, notices, posters, or banners posted on SUU campus, other than those specifically exempted in Sections IV.N.1.k. and IUV.N.1.l. must have a visible expiration date stamp from the Student Involvement and Leadership Office, after which date the sign, notice, poster, or banner must be removed by the party responsible for the installation and may be removed by responsible University personnel, generally not to exceed 14 calendar days from the date of posting.
- h. Non-commercial signs, notices, posters, or banners may be re-posted for an additional 14 calendar days within a 60-day time period after the original posting date, but only after it is shown that there is good reason for the sign, notice, poster, or banner to remain in place for a

longer period (such as the occurrence of a campus closure during the original posting period) and the sign, notice, poster, or banner has been re-stamped by the Student Involvement and Leadership Office.

- i. Due to the limited amount of available display space and preference for University sponsored speech, the number of postings per event sponsored is limited to no more than one posting for any event on any single bulletin board or kiosk.
- j. Small lawn signs may only be used to advertise an upcoming event or deadline held on SUU campus, or sponsored by University Organizations or Members of the University Community, or to provide directions to such events. Sponsors of such events must obtain approval of lawn signs by obtaining a visible expiration date stamp from the Student Involvement and Leadership Office, and must comply with reasonable time, place, and manner procedures that comply with this Policy on the size, number, and graphics requirements of such lawn signs, where such lawn signs may be posted, and for how long, as set forth by the Student Involvement and Leadership Office. Removal of all signage under this section shall be done by the party responsible for its installation, on or before the date of the expiration stamp on the sign.
- k. The SUUSA Elections Committee may publish viewpoint-neutral, nondiscriminatory rules and procedures for the posting of campaign posters, signs, and banners, which may include exceptions to this policy permitting additional election-related signage on campus during a designated period leading to SUUSA elections.
- l. University sponsored events, including Athletic, Shakespeare Festival and similar events, are exempted from the Student Involvement and Leadership Office review and stamp requirements set forth in Section IV.N.1.g. when they post posters, banners, small lawn signs, easels, and other similar media to publicize events sponsored by these departments, as long as they identify such items as University sponsored event media and otherwise comply with this policy and other relevant SUU policies.



- m. University maintenance personnel or other university officials may remove any noncommercial signs, notices, posters, or banners that do not comply with this Policy.

## 2. Commercial Signs, Notices, Posters, and Banners

- a. Facilities Management shall publish procedures governing the posting or distribution of commercial signs (including digital signage and projections on the side of buildings), notices, posters, banners, and other materials for commercial purposes, except for commercial signage at athletic and Shakespeare facilities, and at University athletic and Shakespeare events. Athletics and Shakespeare signage shall be expected to comply with University policies and procedures that apply to those departments. Facilities Management procedures may include a schedule of fees for non-Members of the University Community and limitations upon the areas in which such Commercial Speech may take place. The procedures shall be viewpoint neutral. Signs, notices, posters, and banners are subject to the limitations on unlawful/unprotected speech (Section IV.B.2.) and reasonable and nondiscriminatory Time, Place, and Manner Restrictions. Images of all commercial and non-university community signs, notices, posters, and banners shall be available for inspection in Centralized Scheduling Office, and a written record of actions taken under the procedures shall be maintained by Facilities Management and be open for public inspection.
- b. By posting the commercial sign, notice, poster, or banner on campus, the person or organization (a) agrees to hold the University harmless for any assessed damages or liability incurred as a result of the sign, notice, poster, or banner; and (b) is responsible for the content of any signs, notices, posters, or banners it sponsors or posts on campus.

## O. Distribution of Handbills, Petitions, and Other Written Material

- 1. Any person may hand out and distribute non-commercial handbills, petitions, or other written material throughout campus without prior approval, subject to the limitations on unlawful/unprotected speech (Section IV.B.2.) and reasonable and nondiscriminatory Time, Place, and Manner Restrictions.

2. Time, Place, and Manner Restrictions for Non-Commercial Handbills, Petitions, and Other Written Material

- a. Distribution of non-commercial handbills, petitions, and other written material on the University Campus is permissible but must not interfere with the entrances and exits of University buildings or the normal flow of pedestrian and vehicular traffic.
- b. Distribution may not occur within classrooms, academic and administrative departments or offices, may not interfere with classes, and teaching or University activities related to teaching, may not disrupt the functioning or events of the University, and may not interfere with the rights of other Members of the University Community.
- c. Handbills or other written materials may not be attached or affixed to private property (including but not limited to vehicles) without the owner's permission and may not be dropped or left on the ground or floors, fixtures, furniture, or in other areas in violation of applicable littering laws.

P. Distribution of Commercial Handbills

1. Facilities Management shall publish rules and procedures governing the distribution of commercial handbills. The procedures may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The rules and procedures shall be published on the Facilities Management website, and a written record of actions taken under the rules and procedures shall be maintained and open for public inspection upon request.
2. Any person distributing handbills or written material shall be personally responsible for the content of the material and hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the handbills or material.

Q. Non-Commercial Structures

1. Members of the University Community and their organizations may erect noncommercial Structures on campus to express their views or opinions subject to the limitations on unlawful/unprotected speech (Section IV.B.2.) and reasonable and nondiscriminatory Time, Place, and Manner

Restrictions. Such Structures may deal with any subject matter, including but not limited to social or political issues.

2. Time, Place, and Manner Restrictions for Non-Commercial Structures

- a. Members of the University Community may erect non-commercial Structures in speaker areas defined in Section IV.K.3. of this Policy. Members of the University Community may erect Structures outside of the speaker areas in Section IV.K.3. where it is shown that the message is intended for an audience elsewhere on the campus.
- b. The campus Facilities Management office may create viewpoint-neutral, nondiscriminatory procedures related to the physical requirements and limitations, such as health and safety, of noncommercial Structures, which shall be maintained and available for inspection on the campus Facilities Management webpage.
- c. Prior to the erection of any non-commercial Structure, a person or organization must obtain a permit from Facilities Management for each proposed Structure. Permit application forms may be obtained from the Facilities Management Office. The permit application shall include the identity of the member or Members of the University Community responsible for the Structure; the proposed location, size, and design of the Structure; the period of time the Structure will be in place (up to 10 calendar days for 12 hours per day for booths and buildings of any kind and 24 hours per day for other Structures); an agreement to remove the Structure at the end of each day and upon expiration of the permit and to pay for any damage the Structure may cause to the site upon which it is erected; and an agreement to hold the University harmless for any assessed damages or liabilities caused by the Structure itself. In the case of Structures other than lawn signs, billboards, banners and similar self-explanatory Structures, the Facilities Management Office shall require that the Structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.
- d. The Facilities Management Office shall issue the permit if (a) the intended noncommercial Structure and uses made of it will not constitute a safety hazard and will not impede the normal functions of the University; (b) the Structure does not block or impede entry to any

building or interfere with normal pedestrian or vehicular traffic; and (c) the proposed location of the Structure does not cause damage nor unreasonable wear and tear, in the University's exclusive judgment, to landscaping, buildings, utility systems, or related physical elements of campus property. Structures shall not violate relevant state and local laws and ordinances.

- e. A permit for the erection and use of a non-commercial Structure shall be issued for up to 10 calendar days. In the event of compliance with the terms of the permit, it may be renewed, upon application, for the same time period, subject to the requirements applicable to the issuance of the original permit. All non-commercial Structures must be removed from campus property at the conclusion of the time for which permission was granted.
- f. University maintenance personnel or other University officials may remove any noncommercial Structures that do not comply with this Policy. Costs associated with the removal of said Structures will be assignable to the party responsible for the installation.

### 3. Commercial Structures

- a. The Facilities Management Office shall issue rules and procedures governing the creation and use of Structures for commercial purposes. The rules and procedures, which may include a schedule of fees and limitations upon the areas in which such commercial activity may take place, shall be published on the Facilities Management website, and a written record of actions taken under the rules and procedures shall be maintained and open for public inspection upon request. Commercial Structures are subject to the limitations on unlawful/unprotected speech (Section IV.B.2.).
- b. University maintenance personnel or other University officials may remove any commercial Structures that do not comply with this Policy. Costs associated with the removal of said Structures will be assignable to the party responsible for the installation.

### R. Appeals

- 1. An Appeals Committee is authorized to hear appeals under this Policy, and shall be comprised of members as set forth in Section III Definitions above. Any person seeking to appeal decisions made pursuant to this Policy, such

as the denial of a request to post signs, notices, or posters; the removal of signs, notices, or posters by University staff; the assessment of damages caused by protests/demonstrations; the denial of permission to erect a Structure or restrictions placed upon a Structure's permit; etc., may do so by submitting a written appeal to the Appeals Committee, through the President's Executive Assistant, within five (5) business days of the adverse decision. The written appeal must include the specific reasons for the appeal request.

2. The appeal shall be referred to the Appeals Committee for decision. The Appeals Committee will consult with the Office of General Counsel to ensure compliance with this Policy and applicable law. The decision of the Appeals Committee, which shall be reached by a majority vote, shall be final.
- S. This Policy is intended to provide guidance and implement U.S. Constitution, First Amendment parameters and shall be construed consistent with First Amendment law that is current at the time of the inquiry. Within those parameters, this Policy is also intended to incorporate expectations and directives established by the Utah System of Higher Education in its Resolution Establishing Expectations for Implementing Principles of Free Expression on Campus dated December 01, 2023.
- T. Discretion in Application
1. The University retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the affected individual.
  2. Nothing in this Policy is to be understood or construed to create contractual or legally binding obligations outside or beyond the responsibilities and obligations set forth in federal and state law, rules, and regulations, as well as the policies of the Utah System of Higher Education.

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#### **V. RELEVANT FORMS/LINKS**

N/A

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#### **VI. QUESTIONS/RESPONSIBLE OFFICE**

The responsible office for this Policy is the [Office of the President](#). For questions about this Policy, contact the [Office of the Provost](#) (for faculty), [Human Resources](#), or the [Office of Legal Affairs](#).

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## VII. POLICY ADOPTION AND AMENDMENT DATES

**Date Approved:** [September 21, 1990](#)

**Amended:** [March 12, 2009](#); [May 3, 2018](#); July 1, 2024 (temporary authorization)

FORMER POLICY  
DO NOT USE