



FREE SPEECH AND ASSEMBLY POLICY

Frostburg State University ("FSU") has an obligation to protect every person's freedom to speak and to hear all views. Hateful speech that does not rise to the level of a true threat or unlawful harassment cannot be banned.

FSU has no obligation to protect any person from exposure to speech with which they might disagree. Exposure to all perspectives, including those that may be deemed disagreeable or even offensive, can be an essential part of the educational experience and can help foster a greater understanding of how to respect a person while communicating a differing opinion.

FSU may restrict time, place, and manner of speech under uniformly applied guidelines, but cannot restrict protected speech based on content.

FSU recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, freedom of thought, and freedom of expression. The university encourages the search for truth and knowledge and 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. Consistent with the mission of the University and in the spirit of academic inquiry, to dissent, to disagree with generally accepted truth and knowledge is acceptable. The university also stands for the right of all the 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.

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 appropriate office based on the building you are intending to reserve in advance in order to make adequate arrangements for safety and security and to ensure the space desired is available. Information can be found at Office of the Lane Center Director located in the Lane Center, Room 214.

FSU provides forums for the expression of ideas and opinions, such as the following:

1. FSU supports outdoor assembly of persons for free speech activities, including vigils, protests, demonstration, and similar activities. Outdoor spaces are also frequently used for FSU sponsored events and activities, such as educational forums, Homecoming, concerts, etc. Public forums include FSU's public yard space, Echo Circle, and the area around the Clock Tower. 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.

2. Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by the 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, the Student Health Center and Counseling and Psychological Services and the library.
4. Additionally, security considerations may affect the availability of spaces that would otherwise be available.

GUIDELINES

1. Registered university organizations and university departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Office of the Lane Center Director located in the Lane Center, Room 214.
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.
3. No amplification equipment may be used. Exceptions may be made by requesting written permission from the Office of the Vice President of Student Success.
4. Use of campus land is on a temporary basis.
5. Flyers may be placed on open bulletin boards inside or outside university buildings with the approval of the Vice President of Student Success or designee.
6. "Chalking" or the use of chalk on FSU sidewalks is governed by the FSU Chalk Policy.
7. Sales, solicitation, merchandising: This policy prohibits the sale of products or food, the exchange of goods, contractual arrangements, or services, or the barter or trade of merchandise or material by any unaffiliated person or group. Outside commercial activities and the posting of flyers for commercial purposes inside or outside of buildings are prohibited unless accompanied by a fully executed Event Services/Facilities Use contract for such activities. The Office of the Vice President for Student Success may authorize, in writing, exceptions to this provision based on written requests received at least three business days prior to the event or activity.
8. Disruptive activities will not be allowed. FSU has defined a disruptive activity as any action by an individual, group, or organization to impede, interrupt, interfere

with or disturb the holding of classes, the conduct of the university business, or the authorized scheduled events and activities of any and all segments of the university. 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 Office of Student Success, and employees will be referred to Human Resources.

9. No activity will be permitted that blocks access to university buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized university activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.

FSU must protect the physical safety of all community members, react to threats of violence or destruction, and penalize unlawful conduct. They must also work to prevent and respond to unlawful harassment that is based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, or any other legally protected class.

Institutional leaders may take positions on the content of speech, particularly if the speech is uncivil and/or designed to denigrate other community members based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class.

FSU's duty to advance facts and the truth--as well as our commitment to the students, faculty, and staff who comprise the FSU community--can also impose an obligation to condemn, confront, or correct speech that is hateful or discriminatory. Institutional leaders and other campus community members may counter speech designed to denigrate others or undermine evidence-based scholarship with additional speech. Offensive speech cannot be banned, but it can—and often should—be challenged.

FSU may respond to offensive, but permitted, speech by fostering opportunities for other speakers with contrary viewpoints. Offensive speech is combatted most effectively not through speech bans, but through additional speech and communication.

FSU should provide support services to community members negatively impacted by offensive, but permitted, speech.

In accordance with applicable law, FSU must track and annually report on hate crimes.

REVIEW

The Vice President for Student Success in consultation with the General Counsel is responsible for the review of this operating policy annually.