



Idaho State University

POLICIES AND PROCEDURES (ISUPP)

Use of University Space for Expressive Activity

ISUPP 11010

POLICY INFORMATION

Policy Section: *Facilities and Operations*

Policy Title: *Use of University Space for Expressive Activity*

Responsible Executive (RE): *Vice President of Operations*

Sponsoring Organization (SO): *Office of General Counsel*

Dates: Effective Date: *November 6, 2024*

Review: *November 2027*

I. INTRODUCTION

Idaho State University (ISU) is committed to the right of free speech and the right to assemble in a peaceable manner as guaranteed by the Constitutions of the United States and the State of Idaho. As a public institution of higher education, ISU encourages the use of university spaces for expressive activities and the free exchange of ideas, including points of view that others may find distasteful or offensive. This policy outlines the use of university space for expressive activities and the reasonable time, place, and manner restrictions that ensure the university environment remains conducive to education, research, and the safety of all community members.

II. DEFINITIONS

- A. **Expressive Activity:** Any conduct intended to convey a message, including but not limited to speech, demonstrating, protests, guest speakers, distribution of literature, circulating petitions, and displaying or carrying signs.
- B. **Disruptive Activity:** Any activity that materially interferes with the normal operations of the university, including its teaching, research, administrative, or university functions.

III. POLICY STATEMENT

ISU supports the rights of free expression and assembly by students, faculty, staff, visitors, and the public on university grounds, including spontaneous assembly and distribution of literature. Expressive Activity and the use of university space for this purpose may not substantially and materially interfere with the university's ability to conduct its affairs in an orderly manner, maintain access to educational activities, and preserve safety of the university community.

IV. AUTHORITY AND RESPONSIBILITIES

- A. Vice President for Operations or their Designee shall:
 - 1. Receive and process requests for prior approval as required under this policy.
 - 2. Receive and decide appeals.
- B. Department of Public Safety will assess the security needs of large gatherings when notified in advance.

V. PROHIBITED ACTIVITIES

Certain types of expression are not protected under this policy, including but not limited to:

- A. Activities that materially and substantially disrupt or interfere with classes, university business, arts and cultural activities, research, or scheduled events.
- B. Commercial activity for the profit of any person or business, unless approved in advance in writing by the Vice President overseeing the applicable space or their designee. Because the university maintains exclusive contracts for food services, beverages, educational materials, and other university business, the university reserves the right to regulate commercial activity on campus in accordance with these contracts and in order to maintain a safe and healthy educational environment.
- C. Violations of university policy or applicable law.
- D. Activities that create a safety or fire hazard.
- E. True threats, including speech and other conduct that communicates a serious intent to commit an act of unlawful violence against an individual or group, as defined by applicable law.
- F. Incitement to violence or illegal activity.

- G. Unlawful harassment, including speech and other conduct based on a protected class and targeted at an individual or group in a manner that effectively denies educational access, opportunities, or rights.

VI. TIME, PLACE, AND MANNER RESTRICTIONS

In addition to the specific restrictions outlined below, ISU may impose additional restrictions on the use of university space and reasonable time, place, and manner requirements to ensure activities do not disrupt university operations or the rights of others. These restrictions must be content-neutral and serve a significant university interest.

A. Outdoor Areas

1. Outdoor areas on campus are generally available for Expressive Activity without the need for prior reservation, provided the activity does not substantially and materially disrupt university operations, a scheduled university event, or campus activity.
2. The university may institute reasonable, content- and viewpoint-neutral procedures and costs for the reservation or exclusive use of outside areas.
3. Expressive Activity may not obstruct the free and orderly flow of pedestrian or vehicular traffic. No Expressive Activity may prevent employees, students, or other authorized individuals from accessing classrooms or other university services.
4. Expressive Activity may not block the entrances or exits to any campus building, facility, parking lot, or stairway. Expressive Activity must occur at least 15 feet from the door of a building or stairway to facilitate the free and safe flow of traffic.
5. Camping is not permitted on university property. Any tent erected on campus must be removed by 11:00 pm and may not remain overnight. RVs are allowed overnight in university parking lots only with prior approval for authorized events from the Vice President for Operations or designee.
6. In order to prevent damage to grounds and underground systems, stakes, posts, and flags inserted into the ground are not permitted without prior approval from the Vice President for Operations or designee.
7. Chalking is permitted on university sidewalks except under the Hypostyle and sidewalks less than 15 feet from any door at the ICCU Dome or the Stephens Performing Arts Center. Chalk must be washable and may not be placed on stairs, buildings, or other structures. The university may remove any chalking still visible after 3 days.
8. No signs, posters, fliers, banners, chalking, paint, electronic projections, or other materials may be placed on trees, light posts, utility boxes, railings, stairs, landscaping, buildings, or doors by anyone other than authorized university officials.

9. Amplified sound, including use of bullhorns, is permitted only for approved university events and purposes.
10. University parking spaces and parking lots are provided for vehicle parking. To preserve safety and cleanliness in parking lots, fliers and other printed materials may not be placed on vehicles parked in university spaces.
11. Organizers of large gatherings or events expected to draw significant attention are strongly encouraged, but not required, to notify the Department of Public Safety in advance to discuss safety plans. The university will assess security needs based on objective and credible evidence of specific risks and not on assessment of the viewpoints, opinions, or anticipated expression of event speakers, sponsors, or participants.

B. Indoor Areas

1. University buildings are generally open to the public during normal business hours. Public access is limited in the following areas:
 - a. Classrooms
 - b. Labs and research space
 - c. Employee work spaces
 - d. University housing
 - e. Athletics facilities
 - f. Health clinics
 - g. Other areas deemed necessary to protect safety or privacy.
2. The University may institute reasonable, content- and viewpoint-neutral procedures and costs for the reservation or exclusive use of space inside buildings.
3. Sound amplification equipment is not permitted inside university buildings except in reservable space and when used in accordance with applicable requirements.
4. Printed materials, writings, or other tangible materials or means of expression may be placed inside buildings only in designated areas in accordance with rules established for that building.

VII. VIOLATIONS AND ENFORCEMENT

A. Any person violating this policy is subject to:

1. Institutional discipline in accordance with applicable policies, if an employee, student, or student group;

2. An order to vacate the area, remove materials, or pay for cleanup; and/or
 3. A no trespass order.
- B. Enforcement of this policy will be viewpoint-neutral and based on disruptive conduct, not based on the content or viewpoint of the Expressive Activity.
 - C. Persons failing to comply with an order to leave or remain off property owned or controlled by the university may be referred to local police for criminal trespass.
 - D. The University's failure to enforce this policy in any one instance does not waive the right to enforce the policy in any other instance.

VIII. APPEALS

- A. Individuals may appeal the interpretation or enforcement of this policy against them by submitting an appeal in writing to the Vice President for Operations or their designee. The Vice President for Operations or their designee will approve or deny the appeal within 15 business days of receipt. Appeals of institutional discipline for violations of this policy shall proceed in accordance with applicable policy.