



NEVADA STATE  
COLLEGE

## ADMINISTRATIVE POLICY

# Free Speech Policy (AD 6)

## POLICY STATEMENT

Nevada State College is committed to assuring that all people may exercise the constitutionally-protected rights of free expression, speech, assembly and worship.

The time, place, and manner of exercising speech and advocacy on campus are subject to campus procedures, which shall provide for noninterference with College functions. Additionally, campus procedures shall provide reasonable protection to people against practices that would place them in reasonable fear, as determined by the College, for their personal safety.

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## DEFINITIONS

**Amplification:** Sound is produced or made louder by any electric, electronic, mechanical, or motor-powered means.

**Distribution:** Dissemination of printed materials, including papers, signs, posters, and banners of any type on Nevada State College property.

**Event (also known as a Special Event):** Any activity, occasion, reception, performance, special meal, conference, training, meeting, or any combination thereof that does not appear in a published class schedule. Appointments and classes are excluded. All events, activities, and meetings scheduled by external organizations must be scheduled using the Facilities Use Agreement. An event may take place at a venue off-campus as well.

**Grounds Open to the Public:** Outdoor areas of the campus (e.g. lawns, patios, plazas) that are at least twenty (20) feet from the entrances/exits of campus buildings and parking lots, that do not restrict movement on campus walkways, and that are also a safe distance from the curbs of campus roads.

**Manner:** Manner-based limitations are those which regulate the mode of individual expression.

**Place:** Place-based limitations are those which regulate where individuals may express themselves.

**Posting:** Placement, affixing, or posting of printed materials, including papers, signs, posters, and banners of any type on Nevada State College property.

**Tabling:** Use of one or more tables to promote an organization and advertise organizational or departmental Events at a College-sponsored Event. Tabling may not be used to promote local businesses, for fundraising activities (except for fundraising activities conducted by Nevada State College), or for outside organizations unless the organization is co-sponsored by an academic department, administrative office, or officially recognized student organization for the activity involved. In co-sponsorship situations, the academic department, administrative office, or officially recognized student organization must submit the Tabling request for the Event they are co-sponsoring.

**Time:** Time-based limitations are those which regulate when individuals may express themselves.

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## PROCEDURES

### **I. Speech and Advocacy**

The College has an obligation to protect free inquiry and free expression. On College grounds open generally to the public, all individuals may exercise the constitutionally-protected rights of free expression, speech and assembly. Such activities must not unreasonably interfere with the right to the College to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the College's obligation to protect the rights of all to teach, study, and fully exchange ideas. Physical force, the threat of force, or other coercive actions used to subject anyone to a speech of any kind is expressly forbidden.

This policy in no way constitutes a prohibition on the right to express ideas and views expressed by individuals on College grounds.

### **II. Time, Place, and Manner Standards**

A person's exercise of constitutional rights, including free speech and advocacy, may not unreasonably hinder orderly behavior, the normal conduct of College affairs, or safety. The College must be able to ensure safety, security, and order, prevent unlawful conduct, preserve architectural aesthetics, and limit the volume of solicitations in public areas. The College may subject all speech and conduct in public areas to reasonable Time, Place, and Manner regulations as long as the regulations are content-neutral, narrowly tailored to serve a significant functional end, and leave open ample alternative channels of communication. Time, Place, and Manner standards for exercising free speech and advocacy shall not be based on the content of the speech.

### **III. College Grounds**

The College grounds are open to the public except those locations where such activity would significantly interfere with and/or disrupt College business (e.g. immediately adjacent to classrooms, where teaching and learning would be disrupted, or narrow walkways or corridors where the free flow of foot-traffic would be impeded).

All activity in Grounds Open to the Public, as defined in this policy, must be conducted in such a way that traffic is not impeded and normal activity in classrooms and offices is not disrupted.

### **IV. Reservations for Areas Available for Public Gatherings**

Non-College individuals are permitted to speak in areas of the campus Grounds Open to the Public without invitation. Certain specific areas and properties available for public meetings and gatherings may be reserved. Though not required, reservations are strongly encouraged in order to ensure that a location is available for outdoor assembly at a specific date and time. The College may change the locations available for reservations in accordance with reasonable Time, Place, and Manner restrictions.

### **V. Amplification**

Except for College events, Amplification is not allowed on College grounds.

## VI. Posting

- A. Posting of any non-College related material or commercial material on College grounds is expressly prohibited.
- B. Anyone in the College community wishing to Post materials on campus must contact the Nevada State Student Alliance. Decisions regarding the permissibility of Posting will not be made on the basis of content, with the exception of materials that contain illegal content or that violate the College's or NSHE's policies. Examples of impermissible content include materials that are obscene, that convey an imminent threat of physical harm to specific individuals, that disclose confidential information without appropriate authorization, that include content so severe and pervasive and objectionably offensive that it effectively creates a hostile environment, or that contain copyrighted images or content.
- C. Permission may be granted to Post materials, on a space-available basis, to announce activities and Events.
- D. All materials must advertise, promote, or relate to College activities and programs and must clearly designate the sponsoring organization.
- E. Material may be authorized for Posting only on bulletin boards located outside classrooms. Any material Posted in unauthorized locations or without stamped approval is subject to removal.
- F. Material may be Posted on designated bulletin boards only. Material may not be Posted on doors, windows, painted surfaces, classrooms, sidewalks, fences, trash receptacles, light poles, trees, or reserved bulletin boards. Sponsors are responsible for the removal of their material after the expiration date or once the material becomes obsolete. The Dean of Students (or designee) may grant exceptions to these restrictions.
- G. Materials may be removed by any member of College staff if they are obsolete or if they are found to be in violation of any state or federal law or other applicable College or NSHE policies.
- H. The number and size of posters any one organization may Post is subject to limitation.

## VII. VI. Distribution

- A. Materials may be Distributed only on Grounds Open to the Public.
- B. Written material of any kind is not to be Distributed in parking areas. Such Distribution of materials on the windshields of cars or any locations that results in littering may be considered by the College as a violation of the littering law and the Distributor and/or company or organization responsible for the Distribution may be subject to a fine as determined by campus policy.
- C. All materials must clearly designate the sponsoring organization.

## VIII. Tabling

- A. Tabling is limited to student organizations, College schools and departments, and invited guests. Invited guests are those individuals, organizations, and companies who respond to and participate in a College-sponsored Tabling Event.
- B. Tables may be set up in authorized areas. Requests must be submitted to the Marketing and Events Department. Tables may not be scheduled for periods longer than the College-sponsored Tabling Event. Tables and the Distribution of materials must not obstruct or delay traffic. Organizations Distributing materials will be asked to keep noise at a level that does not interfere with or interrupt classroom instruction.
- C. External tables must be staffed at all times and a placard identifying the organization must be displayed. Tablers may not wander from the reserved space and/or actively solicit customers.
- D. Rates will be assessed according to the current fee structure.
- E. Completion of the Facilities Use Agreement for Tabling.
- F. Request for space must be made at least **fifteen (15) Working Days** prior to the planned Event.

## IX. Events and Space Requests

Campus Facilities exist to provide the spaces in which the College's primary mission can be carried out. Therefore, Event space requests are limited to student organizations, College schools and departments, and invited guests, and any activity occurring in a campus facility must be an appropriate use of that facility. At all times, Nevada State College maintains the right:

- to scrutinize all utilization of space;
- to determine what constitutes appropriate use according to content-and-viewpoint-neutral criteria;
- to deny use if there is no logical link to the College's educational mission;
- to assess a use fee and/or other charges for services and equipment according to content-and viewpoint-neutral criteria;
- to retroactively assess use fees for Special Events which purported to be something completely different in the original description and which necessitate further planning and coordination on the part of the College.

## X. Policy Violations

- A. Students who violate this policy are subject to the Student Code of Conduct.
- B. Employees who violate this policy will be referred to Human Resources for possible disciplinary action.
- C. Third parties who violate this policy will be referred to the appropriate authority on a case-by-case basis.

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## FORMS/INSTRUCTIONS

Facilities Use Agreement

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## CONTACTS

UNIT	CONTACT	PHONE	EMAIL
Marketing and Events	Danielle Welch	(702) 992-2621	<a href="mailto:Danielle.welch@nsc.edu">Danielle.welch@nsc.edu</a>
Office of Student Life	Phil LaMotte	(702) 992-2193	<a href="mailto:studentlife@nsc.edu">studentlife@nsc.edu</a>

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## RELATED INFORMATION

[NSHE Freedom of Expression: Aspirational Statement of Values](#)

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## HISTORY

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**APPROVAL SIGNATURES PAGE**

Serge Ballif      5/8/2020  
 Faculty Senate (Chair's Signature)      Date

Recommendation (check one):

	Denial	Approval	Approval w/ condition*
<i>Recommendation</i>		X	

x

Vickie Shields      5/15/2020  
 Office of the Provost (Provost's Signature)      Date

Recommendation (check one):

	Denial	Approval	Approval w/ condition*
<i>Recommendation</i>		x	

[Signature]

6.10.2020

Office of the President (President's Signature)      Date

Final decision (check one):

	Denial*	Approval
<i>Recommendation</i>		x

\*Attach rationale for denial or conditional approval