



FAIRMONT STATE UNIVERSITY™

Fairmont State University Board of Governors

Policy # GA-04

Effective Date: August 20, 2020

Freedom of Expression Policy

I. Purpose and Scope

- 1.1 The Fairmont State University Board of Governors recognizes a First Amendment right of free speech and assembly. The Board of Governors encourages educational opportunities through open dialogue on our campus.
- 1.2 This rule applies to Fairmont State University and all satellite campuses or programs.

II. Definitions

- 2.1 For the purposes of this Rule, “member(s) of the University community” refers to all groups or student organizations, and any individual affiliated with the University as a student, employee, or volunteer.
- 2.2 “President” means President of Fairmont State University or their designee.

III. Higher Education and the First Amendment

- 3.1 The University recognizes that the primary purpose of higher education is to use research, teaching, and public services as means to discover and disseminate knowledge. The University is committed to fulfilling this charge through a free interchange of ideas within the campus community.
- 3.2 The special characteristics of the higher education institutional environment impact the application of First Amendment rights. An institute of higher education may put reasonable restrictions on assemblies to protect safety and property, maintain normal operations, facilitate campus traffic, etc. Reasonable restrictions on time, place, and manner of speech are appropriate and necessary to protect the rights of participants and non-participants while respecting the core functions of the University.
- 3.3 The University expects members of the University community that are engaging in expressive activities will demonstrate civility, concern for safety of both persons and property, respect for University activities, respect for those persons who may disagree with their message or demonstration, and compliance with applicable local, state, and federal laws as well as University rules and policies.



IV. Expressive Activities

4.1 Freedom of expression is a campus right subject only to reasonable content-neutral time, place, and manner restrictions. Expressive activities may include, but are not limited to:

- Assembling outside of campus buildings;
- Distributing written or printed materials outside campus buildings;
- Posting signs on bulletin boards designated for public use;
- Engaging in symbolic speech, such as silent protest, or standing, etc.
- Written or printed materials being distributed inside campus buildings by a member of the University community.

4.2 Some forms of expression are not protected forms of speech and may lead to disciplinary, administrative, or legal action. These may include, but are not limited to, the following:

- True threats, including speech and other conduct based on a protected class, that effectively denies educational access of individuals;
- Harassment, including speech and other conduct based on a protected class, targeted at an individual, that effectively denies educational access, opportunities, or rights;
- Defamation;
- Unjustifiable intrusion into the substantial privacy or confidentiality interests of another person;
- Incitement of illegal action;
- Illegal activity;
- Child pornography.

V. Reasonable, Content Neutral Limitations

5.1 Time, Place or Manner Restrictions. The President shall enact reasonable, content-neutral time, place, and manner restrictions that are narrowly tailored to serve a significant University or governmental interest. Fairmont State University reserves the right to deny, cancel, or postpone a reservation or terminate an ongoing activity that violates, or has the propensity to violate, any of the time, place, and manner restrictions in this section.

5.2 No Right to Create a Hazard. No group(s) or individual(s) may undertake any expressive activity that would create an imminent health or safety hazard for themselves or other members of the University community.



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5.3 No Right to Interfere, Impair, or Impede. No group(s) or individual(s) are allowed to interfere with, impair, or impede the following:

- 5.3.1 The University's regularly scheduled classes, events, ceremonies, or normal and essential operations.
- 5.3.2 The flow of vehicular, bicycle, or pedestrian traffic in, around, or through the University's campus or within any campus building.
- 5.3.3 The boarding or debording of any form of public transportation.
- 5.3.4 The ingress or egress from any building, parking structure, or driveway.
- 5.3.5 To knowingly approach within 12 feet of another person, without their consent, to pass a leaflet or handbill, display a sign, or engage in oral protest, education, symbolic speech or counseling within 100 feet of a campus health care facility.
- 5.3.6 Any other person or group's lawful assembly or expressive activity, regardless of viewpoint.

5.4 Advanced Reservations. The grounds outside of campus buildings are usually open to the public without reservation; however, any group(s) or individual(s) wishing to use a particular space shall reserve it through the appropriate channels to ensure the space is available on a particular date and time.

5.5 Compliance with Other Rules, Policies, and Laws. Anyone participating in expressive activities must comply with local, state, and federal laws as well as University rules and policies.

VI. Superseding Provisions

- 6.1 This rule supersedes and replaces any University guidelines, policies, and procedures, including but not limited to those for internal use, related to the subject matter of this rule.

VII. Authority



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7.1 W. Va. Code § 18B-1-6.