

Contact: Aimee Claeys

POLICY MANUAL REVISION – FREEDOM OF EXPRESSION

Action Requested: Approve, as a first and final reading, revisions to Board of Regents Policy Manual section 4.2 – Freedom of Expression, and instruct the Universities to implement the revisions no later than July 1, 2020.

Executive Summary: On April 18, 2019, the Board of Regents adopted a Freedom of Expression policy applicable to the Regent universities. This policy provides that “the outdoor areas of campus are public forums, open on the same terms to any member of the campus community subject to reasonable time, place, and manner restrictions.” The Board is requested to consider the new subsection 4.2.4.E to the Freedom of Expression policy addressing chalking in the outdoor areas of campus.

Section 4.2.4. Use of University Grounds and Facilities.

- A. The outdoor areas of campus are public forums, open on the same terms to any member of the campus community subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- B. Members of the campus community may engage in non-commercial expressive activity in any outdoor area of campus in accordance with the provisions of Iowa Code Chapter 261H and published university policies governing time, place, and manner restrictions. No area of campus shall be designated as a free speech zone, nor will the universities create policies that restrict expressive activity to a particular outdoor area.
- C. Each university shall develop viewpoint-neutral time, place and manner policies identifying outdoor areas of campus and governing use by members of the campus community that are consistent with this Chapter 4.2 and Iowa Code Chapter 261H. These policies shall be published on the university’s website in a location that is readily accessible to the public.
- D. University policies may permit reservation of university grounds or facilities, including the outdoor areas of campus, provided any system of reservation is applied in a viewpoint-neutral manner. The use of outdoor areas of campus or other university grounds and facilities for non-commercial expressive activity may be conditioned upon the payment of reasonable expenses to be incurred by the university in accommodating a speaker or event. Expenses must reasonably reflect the actual costs estimated to be incurred by the university, and under no circumstances shall costs be based on the viewpoint of any speaker.
- E. For the purposes of this subsection 4.2.4.E, “chalking” is defined as the marking of a sidewalk surface with water-soluble chalk (commonly referred to as sidewalk chalk). Members of the campus community shall be permitted to engage in non-commercial chalking in the outdoor areas of campus. The Universities may establish reasonable time, place, and manner restrictions on chalking in the outdoor areas of campus provided such policies are content neutral. The Universities may prohibit chalking in designated portions of the outdoor areas of campus provided that members of the campus community are afforded ample alternative areas to engage in non-commercial chalking.