



## POLICY & PROCEDURE DOCUMENT

NUMBER: 0.2310

DIVISION: GENERAL UNIVERSITY

TITLE: Free Speech Policy

DATE: June 10, 2024

AUTHORIZED BY: President and President's Cabinet

### **I. Purpose and Scope**

Western Kentucky University's (WKU) mission is to prepare students of all backgrounds to be productive, engaged, and socially responsible citizen-leaders of a global society. WKU is committed to supporting public discourse and fostering an environment where a wide range of perspectives are exchanged. In furtherance of this mission and consistent with the United States and Commonwealth of Kentucky Constitutions, all members of the WKU community have the right to exercise protected speech, assembly, and peaceful advocacy.

This policy is established in accordance with [KRS 164.348](#) and will define and facilitate campus free speech and assembly.

Nothing in this policy will be construed to limit or otherwise interfere with a faculty member's academic freedom as defined in the University [Faculty Handbook](#) or impede the University's obligations under federal or state law.

### **II. Definitions**

A. "Protected Speech" or free speech means speech, expression, or assemblies protected by the United States and Commonwealth of Kentucky Constitutions, verbal or written, including, but not limited to, peaceful assembly, protests, demonstrations, rallies, marches, public speaking, displays, and distribution of printed materials.

Protected speech does not include the following:

1. Threats;
2. Incitement to imminent lawless action;
3. Defamation, meaning false communication that harms a person's reputation;
4. Harassment that violates University policy<sup>1</sup>; or
5. Speech that infringes on the First Amendment rights of others ("heckler's veto").

B. "Members of the WKU community" includes its faculty, staff, students, contractors, volunteers,

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<sup>1</sup> [WKU Policy 0.2040, Discrimination and Harassment](#); [WKU Policy 0.2070, Sex and Gender-Based Discrimination, Harassment, and Retaliation](#)

and visitors.

- C. "Registered student organization" is an officially recognized group at the University comprised of admitted students with a shared interest or hobby that receives benefits through the University.
- D. "Sound amplification" means any device designed to make sound louder which includes, but is not limited to, the following: bull horns, microphones, etc.

### **III. Policy**

The University acknowledges and affirms the fundamental right of free speech and assembly and encourages an environment where a wide range of perspectives are exchanged. The University expects that persons engaging in expressive activities will demonstrate civility and concern for the safety of persons and property, respect for scheduled University activities, and compliance with University policies and applicable state and federal laws.

#### **A. Meetings, Assemblies or Demonstrations**

1. Western Kentucky University does not impose restrictions on the time, place, and manner of speech except when the restrictions are:
  - a. Reasonable;
  - b. Justified without reference to the content of the regulated speech;
  - c. Narrowly tailored to serve a compelling government interest; and
  - d. Limited to provide ample alternative options for the communication of the information.
2. Planned or spontaneous meetings, assemblies or demonstrations may be conducted in appropriate areas of campus (See <https://www.wku.edu/handbook/time-place-manner.php>) that are regularly available to the public, provided such meetings, assemblies or demonstrations adhere to the following requirements designed to ensure the safety and well-being of our community:
  - a. Protected speech activities must be conducted in a lawful and peaceful manner.
  - b. Protected speech activities may not disrupt normal University operations, including, but not limited to, classes, scheduled meetings, events, ceremonies, and other educational processes.
  - c. Participants in an expressive activity may not possess or use weapons, incendiary devices (including torches), sticks/poles, sound amplification devices, or other items prohibited by university policy.
  - d. Participants in an assembly or demonstration may use signs, flags, posters, or other demonstrative items; however, the items may not be projected on buildings and must be carried. Items may not be attached to a stick, pole, or other object that may be used as a weapon.
  - e. Assemblies may not block streets, pedestrian pathways, parking lots, or ingress or egress to a university building or facility.
  - f. Participants in expressive activity may not camp, sleep in vehicles or tents, or litter on university property.
  - g. The University and/or law enforcement may issue a directive to end expressive activities that are disruptive to University operations, involve the use of prohibited items, or pose a threat to public safety.
3. Nothing in this Policy shall be construed to grant members of the WKU community the right to

engage in conduct that significantly hinders the expressive activity of another person or group or prevents the communication of a message or the transaction of a lawful meeting, gathering or procession.

- a. Conduct that significantly hinders the expressive activity of another person includes, but is not limited to:
  - i. Violence or seriously disruptive behavior
  - ii. Intentionally blocking or significantly hindering any person from attending, hearing, viewing or otherwise participating in expressive activity.
- b. Conduct does not significantly disrupt another's expressive activity if the conduct:
  - i. Is an isolated occurrence that causes minor, brief, and nonviolent disruptions of expressive activity.

## **B. Use of University Facilities**

### 1. Indoor Spaces

- a. Individuals engaging in Protected Speech may only utilize the following indoor spaces for the purposes of conducting a demonstration, meeting, or assembly with prior written permission as set forth in B (2) d.
  - i. Classrooms, libraries, workrooms, hallways, lobbies, administrative and faculty offices, and lounges;
  - ii. Residential buildings; and
  - iii. Entrances and exits of all University buildings.
- b. The approval process requires individuals to submit a request through the University's reservation software [https://www.wku.edu/academicaffairs/space/scheduling\\_space.php](https://www.wku.edu/academicaffairs/space/scheduling_space.php). If the space is not listed in the software / ineligible for reservation, approval must be sought through the building coordinator for the respective space. [https://www.wku.edu/facilities/dfmonly\\_3column.php](https://www.wku.edu/facilities/dfmonly_3column.php)

### 2. Outdoor Spaces

- a. All generally accessible, open, outdoor campus areas are traditional public forums for WKU community members to express their views.
- b. Speech in outdoor areas is subject to the following reasonable, content-neutral restrictions:
  - i. The speech may not interfere with classes, other scheduled meetings, events, or ceremonies or with other educational processes of the University.
  - ii. Those engaging in Protected Speech may not be in streets and/or driveways used for vehicular traffic.

- iii. Those engaging in Protected Speech may not be on sidewalks utilized for pedestrian traffic.
  - iv. Those engaging in Protected Speech may not block access to academic, administrative, or athletic facilities or residence halls.
  - v. Sound amplification, except as utilized for WKU events, is not allowed on WKU property.
- c. Reservations, as set forth in Section B (2) d., are required to utilize the following outdoor spaces for protected speech:
- i. Intramural fields and other recreational areas;
  - ii. Amphitheatres;
  - iii. Parking lots and structures;
  - iv. Chapel-adjacent space; and
  - v. The stadium
- d. For information about reserving space on campus, see <https://www.wku.edu/wkuevents/>.
- e. Registered student organizations or community groups who desire to parade or march on WKU property must commit to the following:
- i. Designation of a representative of the organization or group to meet with the Vice President for Student Experience, or their designee, a minimum of five (5) University business days prior to the commencement of the parade or march.
  - ii. The parade or march must adhere to the reasonable, content-neutral restrictions in Section III.A.2., above.
- f. Nothing in this Policy will be construed to grant members of the WKU community the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

### **C. Non-University Speakers**

1. Officially recognized organizations of students, faculty, or staff may invite speakers of their choice to campus.
2. An invitation to a non-university speaker to speak on WKU property from an officially recognized organization of students, faculty, or staff does not mean that the University supports, endorses, or agrees with the views presented by the invited speaker.
3. While WKU values civility and mutual respect, concerns about non-university speakers may never be used as justification for closing off the discussion of ideas or disinviting the speaker; however offensive, unwise, immoral, contemptible, disagreeable, conservative, liberal,

traditional, or radical the ideas may be to members of the WKU community.

4. WKU Media Relations does not coordinate media access and/or coverage for non-university sponsored events, including non-university speakers.
5. Officially recognized organizations who invite speakers to WKU must adhere to the following:
  - a. Speakers and programs may not interfere with the normal operations of the University.
  - b. Prior to advertising the non-university speaker, a responsible officer for the sponsoring organization must submit two copies of the scheduling [form](#) for non-university speakers with the Vice President for Student Experience who will act upon the request within five (5) University business days from receipt of the form. The Vice President for Student Experience, in their discretion, may consult other WKU administrators, prior to response, e.g., the requesting body is a faculty organization.

#### **D. Solicitation**

On campus solicitation from private business, non-profit organizations, and third-party individuals is prohibited without prior written approval from the Vice President for Student Experience.

#### **IV. Enforcement**

Responsibility for enforcement of this Policy rests with General Counsel and Vice President of Student Experience or designee.

Failure to comply with the terms of this policy may result in charges of violations of the Student Code of Conduct, or of other University regulations in the case of non-student members of the University community. Noncompliance from campus visitors may result in a trespass from campus. Additionally, those failing to comply may be found in violation of the law, if so determined by a law enforcement official on the scene.

#### **V. Related Policies**

See also: [Temporary Signage and Chalking – 0.2300](#)

[Discrimination and Harassment -- 0.2040](#)

[Sex and Gender-Based Discrimination, Harassment, and Retaliation -- 0.2070](#)

[Deadly Weapons / Destructive Devices Policy – 0.2021](#)

[Monument Policy – 0.2200](#)

[Student Code of Conduct – 6.3000](#)