

# FREE EXPRESSION, USE OF SPACE, AND FIRST AMENDMENT-PROTECTED ACTIVITIES

**RESPONSIBLE OFFICIAL:** GENERAL COUNSEL

**EFFECTIVE DATE:** 06/16/2026 (revised)

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**BOARD OF REGENTS APPROVAL**

## **I. POLICY STATEMENT**

Northern Kentucky University recognizes that freedom of expression is essential both to a worthy education and to the healthy functioning of a democratic society. Our institution's mission of learning, discovery, and the dissemination of knowledge requires the free exchange of ideas and expression. The University is committed to offering an excellent education in which scholars engage in a robust exchange of ideas, critique theories and test assumptions, challenge the unexamined, produce creative works, and welcome thoughtful dissent – all in service of our shared search for truth and new knowledge. The University embraces intellectual diversity and the informed expression and probing of ideas from all perspectives, which are essential to the vitality of our institution and the preparation of our students.

As a public institution, the University also embraces the freedoms established by the First Amendment, including the right to free speech and assembly. Our University educates those who will lead and sustain our communities and uphold our democratic institutions, and in doing so, we must teach and model the essential nature of free speech in a free society.

### **Policy Applicability**

This policy protects the rights and governs the conduct of all individuals engaging in expressive activities on the University's campus. This policy will be applied in a manner consistent with the First Amendment, the Kentucky Campus Free Speech Protection Act, and other relevant federal and state laws.

This policy applies to property, buildings, facilities, and other spaces owned or controlled by the University. The generally accessible outdoor areas of the University's campus are a limited public forum – spaces entitled to the most robust protection afforded by the First Amendment – for students and employees.

In addition to this policy, the University may communicate additional rules and procedures applicable to use of specific spaces, including in facility use agreements.

As used in this policy, "teaching staff" refers to University staff members with assigned responsibilities for teaching and/or scholarly research, whether formal (as instructor of record or lead researcher) or occasional (as guest lecturer, co-instructor, or research team member), while they engage in those responsibilities.

"Student organizations" refer to Registered Student Organizations and University Affiliated Organizations.

This policy does not restrict the University's use of its own space for its official activities, events, and functions, including teaching, research, and administrative activities of colleges, departments, offices, and other units. The University's use of its own space typically takes priority over conflicting uses.

### **Expressive Activities**

This policy governs expressive activities, a phrase that refers to a wide range of speech and expressive conduct protected by the First Amendment. This includes, but is not limited to, public speech-making, publication and distribution of literature, demonstrations and similar assemblies, and the display and posting of signs.

### **Content and Viewpoint Neutrality**

The First Amendment protects a wide range of speech, including speech that many listeners may find mistaken, offensive, or hostile. The University does not shield individuals from speech protected by the First Amendment, including speech that may be unwelcome. The University also typically may not apply different rules to different speakers, enforce rules more or less harshly depending on whether the speech is popular or disfavored, or impose punishment based on the content or viewpoint of the speech.

Accordingly, the University will follow and enforce this policy without regard to the content or viewpoint of expressive activity, except when permitted by the First Amendment and appropriate to uphold the University's mission or to comply with its legal obligations. For example, the University will not consider the content of the message in processing space-reservation requests or assessing compliance with the time, place, and manner rules established in this policy. The University also will not impose restrictions on lawful speech based on the actual or anticipated reaction of listeners.

The University will not retaliate against any individual on the basis of that individual's expression of speech protected by the First Amendment. The University also will not discriminate against an individual on the basis of the individual's political or social viewpoint.

### **Time, Place, and Manner Rules**

The First Amendment's protections are expansive on a public university campus, but they are not unlimited. The First Amendment permits, and this policy establishes, reasonable rules that regulate speech based on content-neutral factors, including the time, place, and manner in which the speech occurs. The University may communicate other content-neutral rules in procedures and facility use agreements that apply in particular University spaces.

### **Material Disruption**

Speech and other expressive activities are prohibited when they create a substantial and material interference with or disruption to teaching, instruction, research, student organization and extracurricular functions, administrative activities, other important University operations or to the activities of those who have reserved or contracted for use of University space. A material disruption also occurs when an activity creates an imminent and serious risk to physical safety.

Whether speech is disruptive unavoidably depends on context and a variety of factors, including the location of the speech and its proximity to important University operations and activities, the time of

day, noise volume, and the number of participants. Mere inconvenience is not a substantial and material disruption. For example, loud chanting as part of an outdoor, daytime march across campus is unlikely to be disruptive, but chanting at that same volume inside a room within the Student Union or immediately adjacent to classroom buildings during weekdays may be disruptive. Expressive activities that generate substantial noise within residential buildings at any time are likely to be disruptive, and participants may be required to relocate the activities.

A speaker also may not materially disrupt the lawful expressive activities of others, such as when one speaker attempts to shout down and prevent another speaker from being heard.

A determination whether speech creates a disruption in a particular case will be made in accordance with this policy by appropriate University administrator(s) with suitable authority over the activity and/or the space. When possible and appropriate, speakers who create a material disruption will be given a brief opportunity to cease, adjust, or relocate their activity before being disciplined or removed.

The material disruptions that can be addressed under this policy typically do not arise from the content or viewpoint of the speech itself, given the University's commitment to content and viewpoint neutrality. Determinations regarding disruption must be made without reference to the content or viewpoint of the speech, except in cases involving unprotected expression (e.g., threatening or harassing speech).

### **Harassment and Other Speech Not Protected by the First Amendment**

Certain kinds of speech are not protected by the First Amendment, and those who engage in that speech may be disciplined in accordance with University policies and, in some cases, punished under applicable federal and state law. These categories include threats of violence, incitement to violence, protected class harassment, and false defamatory statements.

However, not all hostile or offensive speech may be punished as harassment under the First Amendment. Speech constitutes harassment and loses its constitutional protection when it is discriminatory on the basis of a legally protected class and either creates a hostile work environment for employees or is so severe, pervasive, and objectively offensive that it effectively denies a student access to the University's programs and activities. The University prohibits discriminatory harassment. Individuals wishing to submit a complaint regarding discriminatory harassment should refer to the [Nondiscrimination in Education and Employment policy](#).

### **Policies Governing Conduct**

Other University policies govern the behavior of individuals on campus. Those policies apply to conduct, not speech, and they apply regardless of the content of any related expression. For example, individuals participating in expressive activities may not engage in conduct that is menacing or threatening, including pursuing and stalking passersby.

## **II. USE OF OUTDOOR SPACES**

The outdoor areas of the University's campus are dedicated primarily for use by the University community for purposes consistent with the institution's mission and its academic, teaching, learning, research, extracurricular and student life, administrative, and other supporting and related activities.

## Reservable Outdoor Spaces

Several outdoor campus spaces are available for reservation by University students, registered student organizations, employees, and the public in accordance with this policy and procedures established by relevant University units. Reservation fees may apply. Users may be required to enter into space use agreements that contain additional rules.

Reservable outdoor spaces include: Griffin Hall West Oval; Oakley and Eva G. Farris Amphitheatre; Fine Arts Amphitheatre; Student Union Plaza; and Loch Norse Lake area.

Reservations may be made by the campus community via the [Reservation Request System](#). External entities should contact Conference Management and Event Services.

Reservations are not required to use these spaces. However, a user who has reserved the space is entitled to exclusive use of that space during the reservation time. Conflicting uses during a reservation time may not be permitted.

During the reservation process, the user will identify one or more individuals to serve as an on-site point of contact during the reservation time. The contact individual(s) must be present for the duration of the reservation time.

## Tabling (Outdoor Spaces)

Students, student organizations, employees, and members of the public may set up tables in connection with their expressive activities only in areas designated by Conference Management and Event Services, which include areas immediately adjacent to the Student Union. Student organizations also may do so in connection with fundraising activities.

Reservations may be made by the campus community via the [Reservation Request System](#). External entities seeking a reservation should contact Conference Management and Event Services.

Tables may not be placed on grass or landscaping and may not be attached to other structures. Tables must be removed after each use and may not be left overnight.

The University's [Commercial Solicitation and Sales policy](#) governs commercial activities by individuals and groups that are not affiliated with the University and by University students and employees acting in their personal capacities.

## Protests, Demonstrations, Marches, Parades, and Assemblies

Protests, demonstrations, marches, parades, and similar assemblies may occur in outdoor campus spaces, as long as participants comply with the requirements of this policy. These activities may occur without prior notice to or approval by the University.

However, it is strongly recommended that groups larger than thirty contact the Vice President for Student Affairs or designee at least three weeks in advance of the planned event to coordinate logistics and, if appropriate, to access additional University support services.

Parades, run/walks, and similar activities on University roads and parking lots are prohibited unless prior approval is obtained from the University Police Department and Parking Services. Users seeking

closure of University roads or parking lots must contact those offices at least one month in advance of the planned event.

## **Tents and Displays**

Users may set up tents, displays, flags, and similar items in connection with expressive activities in accordance with this policy. All such items must be free-standing, and users may not attach them to vegetation, light poles, retaining walls, or other University structures or property. Tents, displays, flags, and other items may not be staked into the ground.

Any structures may not be weight-bearing for individuals unless approved in advance by the Vice President for Student Affairs or designee (e.g., no event stages or platforms without prior approval).

Absent prior written permission from the Vice President for Student Affairs or designee, all items permitted by this subsection must be taken down and removed from the space at the conclusion of the related event each day and may not be left in place overnight.

The University may remove or require a user to remove any item that reasonably appears to threaten the physical safety of surrounding persons and/or University property.

## **Chalking**

Student organizations and students may promote campus events and activities using water-soluble chalk. Chalking may not be used for any other purpose. Chalked messages may be written only on sidewalks and similar outdoor concrete surfaces at least thirty feet from the entrance to any campus building, and messages must be fully exposed to the weather elements. Chalked messages must be removed by the group/individual who created them after five business days. Failure to timely remove a message may result in clean-up charges.

Chalking is not permitted indoors or on brick paved surfaces, buildings or other vertical surfaces, signs, walls, pillars, posts, benches, planters, doors, windows, handrails, fountains, gates, bridges, trash receptacles, steps, or light poles.

Messages may not be created using paint of any kind, spray/adhesive chalks, markers, inks, or similar products.

No other group or individual may engage in chalking on campus unless permitted by this policy or approved in advance by the Vice President for Student Affairs or designee.

## **Time, Place, and Manner Rules**

The following rules pertain to use of the University's outdoor campus spaces for expressive activity:

Amplified Sound: Amplified sound devices such as microphones, speakers, and bullhorns are prohibited unless approved in advance by the Vice President for Student Affairs or designee. Use of amplified sound devices between sunset and sunrise generally will not be approved.

Items Attached to Structures: No signs, equipment, or other items may be attached to trees or other vegetation, light poles, retaining walls, or other structures or signs, except in areas dedicated to posting

of materials (e.g., bulletin boards). This rule does not prohibit use of hammocks and similar attachments, as long as the user does not damage vegetation or leave the hammock unattended.

Parking Lots, Garages and Roadway: Participants in expressive activities may not block or march across or through parking lots, parking garages, and roadways absent express prior permission from NKUPD and Parking Services.

Building Access and Pedestrian Movement: Participants in expressive activities may not block or materially impede access to/from buildings or across pedestrian walkways and stairs.

Athletics and Intramural Sports Facilities: Users may not engage in expressive activities on playing fields and surfaces designated for use by Athletics Department intercollegiate teams or by intramural sports teams.

No Open Flames: Open flames are prohibited unless approved in advance by the Vice President for Student Affairs.

No Camping: Camping and sleeping-out overnight are prohibited unless approved in advance by the Vice President for Student Affairs.

No University Utilities: Users may not install cords, plugs, pipes, or similar devices for the purpose of using University utilities (e.g., electricity, natural gas, water) in connection with expressive activities unless approved in advance by Conference Management and Event Services.

Post-Event Clean-Up; Damage: Users must leave the space in a neat and clean condition after using it, ensuring that no trash or other debris are left behind. Users may not damage University property in connection with expressive activities. Clean-up and damage fees and costs may be assessed on the responsible persons and groups.

Construction Zones: Users may not engage in expressive activities in or immediately adjacent to construction zones, which typically will be marked by signage.

Other Rules. Use of a particular space may be subject to additional rules posted at that location or included within the policies and/or contracts for use of the space.

### III. USE OF INDOOR SPACES

The indoor spaces of the University's campus are intended primarily for use by the University community for purposes consistent with the institution's mission and its academic, teaching, learning, research, extracurricular and student life, administrative, and other supporting and related activities.

#### Reservable Spaces

Many indoor spaces may be reserved by University employees, students, student organizations, and, for certain spaces, non-University groups and individuals.

Indoor spaces are managed by different University colleges, offices, and units, depending on the facility. Facility use fees may apply, and users may be required to agree to appropriate facility-use contracts.

Users wishing to reserve indoor space must contact the unit responsible for managing the relevant facility. General questions, including inquiries regarding whom to contact for a certain space, may be directed to Conference Management and Event Services.

Certain reservations may be made through the [Reservation Request System](#) or through Ad Astra (for classroom and similar spaces). External entities seeking a reservation should contact Conference Management and Event Services.

A user who has reserved an indoor space is entitled to exclusive use of that space during the reservation time. Unscheduled or conflicting uses during a reservation time may not be permitted.

During the reservation process, the user will identify one or more individuals to serve as an on-site point of contact during the reservation time. Those individuals must be present for the duration of the reservation time.

Certain indoor spaces may be used only for official University purposes or by contracted reservation or invitation. These spaces are not available for general, unreserved use. Such spaces include the Digitorium, SOTA practice and performance spaces, research laboratories, clinical teaching spaces with specialized equipment, spaces used for University information technology, utilities, and similar infrastructure-support functions, and Athletics facilities, along with private offices and office suites, meeting rooms, and similar spaces.

### **Demonstrations, Protests, and Assemblies**

Demonstrations, protests, and similar assemblies may occur in reservable indoor spaces, as long as participants observe the requirements of this policy and do not create a material and substantial disruption to or interference with University functions.

For example, users may reserve a large Student Union space to hold an assembly that conveys messages protected by the First Amendment. Other reservable indoor spaces also may be used for expressive activities, but note that smaller venues such as conference and meeting rooms may not be suitable locations for certain activities that are likely to disrupt operations in adjacent spaces.

Demonstrations, protests, and assemblies intended to communicate to a general surrounding audience that involve occupying and remaining within a nonreservable indoor space as part of the expressive activity are prohibited. For example, this policy prohibits spontaneous demonstrations, protests, and sit-ins in nonreservable indoor spaces such as building hallways, concourses, lobbies, and offices.

### **Tabling (Indoor Spaces)**

Indoor tabling spaces on the second floor of the Student Union are available for use only via reservation by students, student organizations, employees, and non-University groups and individuals.

Reservations may be made by the campus community via the [Reservation Request System](#). External entities seeking a reservation should contact Conference Management and Event Services.

### **Time, Place, and Manner Rules**

The following rules pertain to use of the University's indoor spaces for expressive activity:

Amplified Sound: Amplified sound devices such as microphones, speakers, and bullhorns are prohibited unless approved in advance by the University office responsible for managing the space.

Occupancy Limits: The number of participants in expressive activities within an indoor space is subject to occupancy limits applicable to the space. If an activity exceeds occupancy limits, the University may require participants to leave or, if necessary, may end the event.

Building Hours: Expressive activities may occur only during the relevant building operating hours, unless prior permission has been given by the University office that manages the space. Expressive activities may not occur overnight within indoor spaces without prior permission. Otherwise, all expressive activities within an indoor space must cease no later than the end of the building's operating hours.

Building and Interior Access. Participants in expressive activities may not block or materially impede access to/from buildings or rooms or similar spaces within buildings or access through hallways, corridors, lobbies, stairwells, elevators, and escalators.

Equipment, Materials, and Structures: Equipment, structures, fixtures, and materials used in connection with expressive activities must be free-standing and may not be attached to or supported by walls, doors, poles, or other fixtures, unless approved in advance by the University office that manages the facility, except for posting of materials permitted by this policy. Structures may not be weight-bearing for individuals unless approved in advance. The University may require a user to remove any structure that reasonably appears to threaten the physical safety of surrounding persons and/or University property.

Post-Event Clean-Up; Damage: Users must leave the space in a neat and clean condition after using it, ensuring that no trash or other debris are left behind. Users may not damage University property in connection with expressive activities. Clean-up and damage fees and costs may be assessed on the responsible persons and groups.

Construction Zones: Users may not engage in expressive activities in or immediately adjacent to construction zones, which typically will be marked by signage.

Other Rules. Use of a particular space may be subject to additional rules posted at that location or included within the policies and/or contracts for use of the space.

#### **IV. POSTING FLYERS AND DISTRIBUTING MATERIALS**

Individuals and groups may distribute literature in the spaces and in the manner permitted by this policy for expressive activities.

In addition, University students and student organizations may post flyers and similar materials on campus bulletin boards and in similar designated areas. Use of certain bulletin boards may be limited to certain users (e.g., student organizations) or reserved for official University use.

All materials must reflect the date that they are posted and must be removed by the poster no later than thirty days after the posting date. Materials that are not timely removed by the poster may be removed by the University. A poster that fails to timely remove materials may be temporarily suspended from using bulletin boards and similar spaces.

To ensure sufficient posting space, only one copy of a particular flyer may be posted on a given bulletin board. Posted materials must be no larger than 8.5" x 11" unless larger sizes are permitted in a particular space.

Materials may not be affixed to interior or exterior surfaces that are not designated for that purpose, including interior or exterior walls (except on bulletin boards and similar spaces designated for posting), windows, doors, glass surfaces, inside restrooms, floors, sidewalks, paved surfaces, stairwells, inside or on elevators or elevator doors, light fixtures, lamp posts, garbage cans, trees, or on vehicles.

Materials that promote or advertise the use of alcoholic beverages or illegal controlled substances are prohibited.

## V. BANNERS

Student organizations may hang banners indoors only in designated reservable spaces in the Student Union. Banners must identify the sponsoring student organization and must advertise an event that is open to the entire campus community. A student organization may display only one banner at any given time. Banners must be made on a twin-sized flat bed sheet (approximately 96" x 66").

Banner spaces may be used only via reservation on a first-come, first-served basis. Reservations may be made through the [Reservation Request System](#). Note that banner space is limited. Banners may be hung only by University staff.

Banners may be displayed for a maximum of two calendar weeks. University staff may require groups to follow other content-neutral rules and procedures pertaining to banners.

Banners may not be hung in any other campus space without prior approval by the Vice President for Student Affairs.

## VI. INVITED GUEST SPEAKERS

University faculty, teaching staff, students, and student organizations may invite guest speakers to participate in expressive activities in spaces and in the manner permitted by this policy. The University will not regulate events and expressive activities by invited guest speakers, including assessing use and security fees, based on the content or viewpoint of the message except as permitted by the First Amendment and this policy.

## VII. ACADEMIC FREEDOM

The University affirms that the academic freedom of its faculty and teaching staff is essential to the institution's mission and to our community's shared search for truth and knowledge. University faculty and teaching staff have academic freedom in their teaching, scholarship, creative expression, research, and publication activities within their areas of expertise. In performing those responsibilities, faculty and teaching staff should maintain scholarly rigor, respect the educational purposes of the institution, and strive to exceed the professional standards of their disciplines. To ensure a robust culture of discovery and learning, the institution may not subject faculty or teaching staff to censorship or discipline for activities protected by academic freedom.

## VIII. RIGHTS AND RESPONSIBILITIES OF UNIVERSITY EMPLOYEES; UNIVERSITY GOVERNANCE ASSOCIATIONS

University employees retain the right of freedom of speech and related rights secured by the First Amendment. However, where permitted by applicable federal and state law, and subject to the academic freedom of faculty and teaching staff, the University may restrict speech by employees that is made pursuant to University responsibilities or that materially disrupts University operations, including when an employee's personal expressive activities conflict with worktime performance of that employee's job responsibilities.

Faculty Senate and Staff Congress have been empowered by the Board of Regents to advocate regarding University governance matters and to represent their constituents in meetings of those bodies and related committees and in other customary University governance activities, as further described in the [Participation in Employee Governance and Professional Associations policy](#).

Employees who serve in those bodies may perform those functions in accordance with applicable governing documents and University policies and will not be subject to University discipline based on the substance of the recommendations, opinions, and perspectives they express while doing so.

## IX. POLICY INTERPRETATIONS AND ENFORCEMENT

General questions regarding use of campus space may be directed to [space@nku.edu](mailto:space@nku.edu).

This policy will be interpreted and enforced according to applicable University processes, including the Code of Community Standards and Student Rights (for students) and faculty and non-faculty personnel policies.

Exceptions to the requirements of this policy may be granted by a University administrator with authority over the activity and/or the space.

Misconduct that occurs in connection with expressive activities may be punished under applicable state law and University policies, including acts that cause property damage and littering.

## X. REFERENCES AND RELATED MATERIALS

### Related Policy

n/a

### Revision History

REVISION TYPE	MONTH/YEAR APPROVED
<b>New Policy</b> Replacing prior Free Expression, Posting Materials on Campus, Speakers from Off-Campus, and Un-Invited Speakers from Off-Campus policies	June 10, 2026

# FREE EXPRESSION, USE OF SPACE, AND FIRST AMENDMENT-PROTECTED ACTIVITIES

## **PRESIDENTIAL APPROVAL**

President

*Date*

Cady Short-Thompson, Ph.D.

## **BOARD OF REGENTS APPROVAL**

The Board of Regents approved this policy on \_\_\_\_\_.

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