

ADMINISTRATIVE DIVISION	POLICY NUMBER PCUNIV 6.00
POLICY TITLE Freedom of Expression and Access to Campus	
SCOPE OF POLICY USC Palmetto College	DATE OF REVISION
RESPONSIBLE OFFICER President/Chancellor	ADMINISTRATIVE OFFICE Office of the Chancellor

PURPOSE

This policy outlines speech, expression, and access to campus for students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of the University.

DEFINITIONS

Academic or Administrative unit: any office or department of the university.

Affiliated person/organization: any enrolled student, faculty or staff member student organization, foundation, or officially recognized and registered alumni group at the University of South Carolina-Palmetto College campuses.

Amplified sound: sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition but are subject to general rules on disruption.

Campus: buildings, grounds or other facilities that are owned, leased, or controlled by the University of South Carolina-Palmetto College campuses.

Commercial Solicitation: advertising, soliciting funds or sales or distributing advertising or other materials or demonstrations that may result in sales.

Commission: A legislatively created organization that supports the development of higher education in the areas where the campuses operate.

Daylight hours: time of day between sunrise and sunset as recorded by the United States Naval Observatory (USNO) or National Oceanic and Atmospheric Administration (NOAA).

Faculty or staff member: includes any person who is employed by the University.

Non-affiliated persons: any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty

member, or staff member of the University of South Carolina-Palmetto College campuses.

Noncommercial Solicitation: any distribution by students individually or as members of student organizations of leaflets, brochures or other written material, or non-amplified oral speech by them to a passerby, conducted without intent to obtain commercial or private pecuniary gain.

Public Speaking: formal, face-to-face, speaking of a single person to a group of listeners, excluding instructional context.

Regional Palmetto College: Palmetto College Central, Palmetto Programs, the University of South Carolina Lancaster, the University of South Carolina Salkehatchie, the University of South Carolina Sumter, and the University of South Carolina Union shall individually be referred to as a Regional Palmetto College and shall collectively be referred to as Regional Palmetto Colleges throughout all university policies.

Reservable Space: any space listed in the CSR system.

Spontaneous Expressive Activity: means nonscheduled meetings, public speaking, performances, demonstrations, rallies, vigils, and other events by members of the University community, including students, student organizations, outside groups whose expression is protected by the First Amendment to the U.S. Constitution.

Student Organization: a student group that is officially recognized and properly registered to the University of South Carolina PC Campus, has fulfilled all responsibilities of a student organization and represents a group of students who desire to come together to support a particular view, explore common interests or accomplish identified tasks. Student organizations must be student-initiated and student-led.

Student: A person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus.

University-operated facility/University property: any buildings or properties that are owned or controlled by the university and directly support or relate to the university's educational purpose.

POLICY STATEMENT

The University of South Carolina ("university" or "USC") supports the free exercise of constitutionally protected expression while maintaining a safe learning environment free from disruption. As the primary mission of the university is the education of the state's citizens through teaching, research, creative activity, and community engagement, we recognize the importance that dialogue across competing ideas has for the continuous

development of our community. Even when expression occurs that may not be in line with the university's values the university recognizes that an essential part of our educational mission is to encourage individuals to engage in the responsible and civil exchange of ideas.

The Board of Trustees of the University of South Carolina system has adopted the core principles articulated in the "[Report of the Committee on Freedom of Expression](#)" at the University of Chicago. The policies and procedures of the University of South Carolina shall be interpreted in a manner consistent with the First Amendment of the United States Constitution and Article 1, Section 2 of the Constitution of the State of South Carolina.

Expression on campus involves the use of university property (including outside areas and inside facilities) by affiliated persons/organizations and non-affiliated persons to engage in five primary activities: public speaking, spontaneous expressive activity, commercial solicitation, noncommercial solicitation, and the posting of promotional material.

A. Limits on Expression and Exclusions

1. The freedom to engage in debate and civil discourse around competing ideas does not imply that all expression is constitutionally protected on campus. Examples of expression that is not protected by law or university policy include: (a) incitement of violence or lawless action, (b) fighting words, (c) true threats, (d) obscenity and child exploitation as defined by law, and (e) harassment. University and community members who believe that they have been subjected to harassment, discrimination, or sexual misconduct based on a protected class can speak with or file a complaint through the Office of Civil Rights and Title IX. Concerns related to a non-affiliated person or organization's speech or expression on campus that do not meet the above criteria can be discussed with the Palmetto College Dean or designee on each campus.
2. In addition, the university may reasonably regulate the time, place, and manner of expression to ensure that activities: (a) not impede student education, academic activities, research, patient care, scheduled events, university function, residences owned by the commission/foundation/university, or the faculty/staff work environment; (b) be safe for participants and not generate security issues; and (c) preserve the construction and aesthetics of university grounds and property. Except as provided by law, the university will not apply time, place, and manner restrictions in a discriminatory manner based on the content of the expression. Public speaking and distribution of literature under this policy is not considered speech made by, on behalf of, or endorsed by the University.
3. In addition to limits on expression, the university prohibits items that pose a threat to the safety of our community; these include, but are not limited to: (a) unless permitted under UNIV 3.04, a mask or facial covering that conceals the identity of the wearer that is calculated to obstruct the enforcement of university rule or law, or to intimidate, hinder, or interrupt a university official; (b) the possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as

weapons such as sticks or poles without permission from the local police department or as authorized by law; (c) body-armor or make shift body-armor; or (d) open flame.

4. Guests invited pursuant to the teaching, research, or other official functions of the University to speak are considered affiliated persons during the duration of the event.

B. Regulation of Outside Areas

1. Public Speaking and Noncommercial solicitation

- a. Permissive activity: Outside of the legal restrictions on speech noted above and the limitations referenced here, the university considers outdoor areas of campus (i.e., outside areas generally accessible to all faculty, staff, and students) to be open on the same terms to any person for public speaking, noncommercial solicitation, and spontaneous expressive activity.
- b. Limited activity: In addition to prohibited expression detailed in Section A above, other expressive activity in outdoor areas may be limited based on the potential for disruption to university operations, teaching, and residential activities. In particular, outside areas immediately adjacent to a living facility, an academic building where classes are taking place, or an administrative building where university business is being conducted may involve the university taking steps to modify or move the activity to an area where disruption would not take place. Likewise, the university reserves the right to move large crowds engaging in constitutionally protected expression to a different campus location if a reasonable determination is made that there is a safety risk in their current location and that the alternative location is more appropriate; decisions to move a demonstration must be made in a content neutral fashion.
- c. Reservable space & scheduled activities: Certain outdoor locations on campus can be reserved for scheduled activities by affiliated persons and organizations during daylight hours on a first-come, first-serve basis as outlined in the procedures section of this policy. Without express written permission, camping is not allowed. The policy does not provide for the use of university resources (tables, utilities, equipment, etc.) in the exercise of spontaneous expression activities.

2. Commercial solicitation

- a. Consistent with legal precedent, the university does not grant commercial solicitation the same degree of constitutional protection as non-commercial solicitation.
- b. Affiliated person(s)/organization: university employees, students, and student organizations may engage in commercial solicitation in outdoor areas on campus

only if permission is granted by the Palmetto College Dean or designee who oversees the property where the activity is set to occur.

- i. The commercial solicitation must not violate terms of any university business contract and follow all SC state laws and city and county ordinances.
 - ii. Fundraising by student organizations on Palmetto College campuses is allowed in accordance with local PC campus policies and procedures. Where these do not exist, such fundraising is subject to approval by the campus dean or their designee.
 - c. Solicitation by employees during working hours: Policy HR 1.48 Solicitation and Distribution, sets for the limitations and guidelines for solicitation by employees during working hours.
 - d. Nonaffiliated parties: nonaffiliated parties may not engage in commercial solicitation in outdoor areas without direct sponsorship from an academic or administrative unit or student organization.
3. Posting of promotional material
- a. Posters, fliers, temporary outdoor signage, banners, and bulletins may be placed on designated bulletin boards or other structures by Academic or Administrative Units or student organizations in accordance with content neutral rules established by the unit with operational control for the purpose of posting.
 - b. Posters, fliers, signs, banners, and bulletins may not be placed on any university buildings, doors, walls, utility poles, trees, shrubbery, or any other surface on campus. No publicity material can be placed, written, chalked, or painted upon any surface – interior or external.
 - c. Temporary outdoor signage for directional purposes is permitted on a limited basis with approval from the unit with operational control who oversees the property where the sign is to be placed.
 - d. Nothing in this section is intended to prevent an individual on campus to use a handheld sign or banner (consistent with A.1.3 of this policy, signs or banners cannot be attached to sticks, poles, or other items that could be used as weapons) unless the content on that sign or banner would violate any of the limitations on expression addressed in this policy.
4. Amplified sound

- a. The use of amplified sound is subject to local ordinances as well as the procedures of the unit with operational control approving use of the amplification and is restricted to those times and places where it will not impact educational activities or university business. During reading day and exam periods, the use of amplified sound is prohibited.

C. Regulation on Inside Facility Use

1. General access limitations

- a. Non-reservable inside spaces: In general, the inside of university facilities are not permissible spaces for expressive activities except for faculty instruction. Areas that are not traditionally used for public expressive activity are restricted for their intended use. Examples include, but are not limited to, classrooms, residence hall rooms, faculty/staff offices, academic buildings, administration buildings, health and medical facilities, libraries, research/computer laboratories, and research facilities. Accordingly, any expressive activity, including public speaking, noncommercial solicitation, and commercial solicitation are not permitted inside university facility buildings absent approval issued by the unit with operational control.
- b. Reservable inside space and scheduled activity: The university has designated certain inside rooms and venues to be a forum where public speaking may occur provided permission has been issued through the unit with operational control as outlined in the procedures section of this policy and the expression occurs based on the time, place, and manner restrictions issued during the reservation period.
- c. Commercial and noncommercial solicitation: The use of university indoor facilities for commercial or noncommercial solicitation requires advance reservation through the Palmetto College Dean or designee as outlined in the procedures section of this policy and shall be noted during the calendar and space reservation process. Solicitation fees may be assessed for use of university facilities in compliance with the approved consolidated list of service charges for the current budget year.

2. Promotional material

- a. Posters, fliers, and bulletins may be placed on designated bulletin boards by academic/administrative units or student organizations in accordance with content neutral rules and posting guidelines established by the Palmetto College Dean or designee who is responsible for that area/structure.
- b. No material can be placed, written, chalked, nailed, or painted upon any surface – interior or external, including ceilings, walls, floors, windows, or doors without the permission of the Palmetto College Dean or designee. Ceiling tiles,

security cameras, and fire safety equipment should not be disrupted for the purposes of posting.

- c. Material for digital displays must be submitted and approved by the Palmetto College Dean or designee who is responsible for the display in that facility.
- d. Nothing in this section is intended to prevent an individual on campus from using a handheld sign or banner (consistent with A.1.3 of this policy, signs or banners cannot be attached to sticks, poles, or other items that could be used as weapons) unless the content on that sign or banner would violate any of the limitations on expression addressed in this policy.

3. Amplified sound

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D. Affiliated person's use of off-campus space

1. Off-campus space leased for a particular event by an academic or administrative unit must have a contractual agreement and approval with the university and unit. Users must adhere to specific property procedures of that space.

PROCEDURES

A. Reserving Space

1. Lancaster Campus Dean's Designees

- a. The dean of the campus shall designate individuals with primary responsibility for implementing these procedures as outlined above. Typically, this designee would be the unit or department head with operational control for the space or process in question. A list of the proper designees shall be posted on the university's website.
- b. Designees shall handle reservations and incidents related to expression on campus in accordance with this policy and its procedures.
- c. Where no person is specifically designated, the Campus Dean will handle the relevant requests or designate someone on an ad-hoc basis to do so.

2. Reservable Outdoor and Indoor Spaces

- a. Affiliated and non-affiliated individuals and groups wishing to use reservable spaces, bulletin boards, and digital displays on campus must contact the unit with operational control to arrange their use of those spaces.
 - b. The unit with operational control may adopt guidelines governing the use of their facilities provided they are consistent with this policy and administered in a consistent, content-neutral way.
3. University considerations when evaluating reservation requests
- a. Use of university property and inside facilities are generally prioritized to university units and student organizations.
 - b. When reserving space for events and activities, the Palmetto College Dean or designee, in consultation with university officials as appropriate, will consider: (a) whether the requested location meets the needs outlined in the reservation request, and (b) whether health and safety concerns require special precautions or arrangements. In addition to other content-neutral considerations, the following factors may be considered:
 - i. Size of the proposed event or activity
 - ii. Noise likely generated and potential impact on educational or university activities at the time of the event
 - iii. Impact on pedestrian and vehicular traffic
 - iv. Accessibility issues for individuals with disabilities
 - v. Compliance with university policy, as well as state, federal, and local laws
 - vi. Health and safety considerations for those at or near the event or activity
 - vii. Conflicts with existing events and/or any exclusive rights contracts of the university
 - viii. Compliance with tobacco free campus mandate
 - c. The Palmetto College Dean or designee may, in a content-neutral and reasonable fashion, consider one or multiple of the following factors when electing to delay, modify, or deny a reservation request: (a) incomplete application, (b) previous damage of University of South Carolina property and failure to pay for repairs, (c) applicant has an outstanding balance for previous reservations/services with the institution, (d) conflict with an existing reservation, and (e) the use or activity would present an unreasonable threat to health or safety.
- a. In the event that multiple individuals or groups request use of the same space at the

same time, the university reserves the right to resolve the conflict in a reasonable and non-arbitrary manner. The university may cancel any internal, non-contractual agreement for space use if the university makes a good faith determination that the university's use of the space is necessary to meet the educational mission of the university or that an emergency requires cancellation.

B. Fees and Service Charges

1. Any fees charged for use of a university facility or property shall comply with the approved consolidated list of service charges for the current budget year and shall be outlined in a reservation agreement or university contract.
2. Individuals and groups using space on campus may, at the dean or designee's discretion, be held financially responsible for any damage to university facilities or property because of use or misuse of a confirmed use of space. Such charges must be applied in a content-neutral way and should not be used to discourage expressive activity specifically or in general.
3. Individuals and groups using space on campus may, at the dean or designee's discretion, be held financially responsible for reasonable custodial, security, parking, or other facilities services required as part of a confirmed use of space when such costs significantly exceed typical levels. Such charges must be applied in a content-neutral way and should not be used to discourage expressive activity specifically or in general.
4. The University shall not be held liable for the actions of individuals during expressive activities that harm others or damage property.

C. Security Guidance on Speech-Related Interactions

1. Security personnel play an important role in keeping students, faculty, and staff safe on campus, and they may be called on to interact with people engaged in First-Amendment activities if those activities are perceived to be disruptive or threatening. When doing so, the following procedures should guide actions:
 - a. Whether a speaker's actions are disruptive shall be determined by security personnel with the guidance of a supervisor, to include the Director of Security and Emergency Management whenever possible. The DSEM will consult whenever possible with the academic and campus deans about what constitutes a reasonable disruption of the learning environment. Such decisions shall be made in a content-neutral and consistent way.
 - b. Any interaction that may infringe the expressive rights or bodily autonomy of a member of the campus community should be coordinated with a supervisor, as long as it is safe to do so. Security personnel shall document such interactions as soon as possible after they occur.
 - c. Space reservation information is often forwarded to the office of Security and Emergency Management. Speakers are also encouraged, but not required, to

discuss their plans in advance with the Director of Security and Emergency Management. Such discussions are especially important in situations where large groups may gather.

D. Free Speech Zones, Public Postings, and the Location of Speech

1. Policy requires and principle recommends that the university not restrict the manner or location of expressive activities except where necessary to preserve the safety of the campus community or the integrity of the educational mission. Reasonable accommodation should be made for such activity whenever possible, and speakers may not be required before the fact to limit their activities to a specific location on campus, so long as the location of their speech is a legitimate public space.
2. Free-Speech Zone
 - a. USC Lancaster designates the area bounded by Hubbard Hall to the east, Medford Library to the south, Starr Hall to the west, and the Starr Hall parking lot to the north as a public forum for expression on all subjects, which can be referred to as the campus “free-speech zone.”
 - b. Students, staff, and faculty of the university, as well as community members, may express any point of view on any subject in the free-speech zone, with or without advance notice. Peaceful, lawful demonstrations in this area that otherwise comply with university policies and procedures are presumed not to disrupt the educational mission of the university. Individuals are not required to carry out free-speech activities in this area, and they should not be pre-emptively moved to this area. Rather, the area is set aside to ensure a space for expressive activities that is reasonably central and visible if and when other locations are deemed disruptive or unsafe on a case-by-case basis.
 - c. Signs or structures are an appropriate exercise of the right of expression in the free-speech zone as long as they comply with this and other policies and procedures, including section A3 of this policy (see above). However, because the erection of structures may limit the use of the area by others and present practical problems unrelated to the point of view being expressed, signs and structures must be continually carried or attended, must not damage property, must not unreasonably impede walkways, and must be removed outside of daylight hours.
3. Unaffiliated individuals are not permitted to post commercial or non-commercial solicitation in hallways, on doors and windows, or on bulletin boards reserved for academic units, including student groups and faculty. However, some boards are designated for public use. A list of public boards will be available upon request from the Campus Dean’s office.

E. Fundraising activities

1. Student groups and academic units may fundraise on campus without prior approval as long as their activities align with these policies and procedures, as well as with relevant

student affairs policies, and as long as they do not conflict with existing University contracts, such as for the exclusive vending of food or beverages. Student groups may contact the Director of Student Life for guidance.

F. Concerns, enforcement, and violations related to these policies and procedures

1. Members of the campus community who have non-emergency questions or concerns related to the handling of on-campus expressive activities should forward those concerns to the campus dean or their designee. Issues raised in this way shall be referred to the Free Expression and Academic Freedom Committee to review the actions of involved parties, including the University itself.
2. Pursuant to the Committee's charge, this review will consider possible violations of academic freedom or the free-expression rights of students, staff, and faculty as set forth in University policies and relevant handbooks.
3. If the committee deems it appropriate, it may then make recommendations to the administration regarding any action to be taken, including revisions to policies and procedures and referrals for violations, as well as the propriety of taking no action. If the committee does so, it shall also file a report with the faculty organization regarding its findings and recommendations. This review does not supersede involved parties' rights to pursue other remedies, such as through grievance and disciplinary procedures or legal action.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

ACAF 3.15 Classroom Scheduling

ACAF 3.17 Conference-Related Activities

CR 1.00 Policy Against Discrimination Harassment & Sexual Misconduct

FCMN 1.05 Leasing "Lease-out" of State-Owned Property to Non-University Parties

UNIV 4.00 Programs Involving Minors

UNIV 5.00 Tobacco Free Campus