

Administrative Policy
Free Speech

A. Purpose

The University of Central Arkansas believes in academic freedom and free speech. The purpose of this policy is to provide additional guidance regarding free speech on campus and to recognize the first floor of the Ronnie Williams Student Center as a campus forum as defined in Arkansas Code Annotated § 6-60-1402. Board Policy 406 sets forth free speech policies regarding outdoor areas of campus. Board Policy 400 sets forth policies regarding the scheduling and use of university facilities. These policies shall, wherever possible, be construed in a manner that is consistent with each other and all other University policies.

B. Policy Statement

The First Amendment of the United States Constitution, the Arkansas Constitution, the Forming Open and Robust University Minds (FORUM) Act, and Act 614 of 2023 protect the rights of free speech at state-supported institutions of higher education. To the extent any provision of this policy conflicts with federal or state law, the law shall control.

The University shall not limit or restrict the expression of a member of the campus community in a campus forum based on the (1) viewpoint of the expression or (2) reaction or opposition from listeners to or observers of the expression.

C. Definitions

For purposes of this policy, the following definitions shall apply:

- a. "Campus Community" means: (i) the university's students, administrators, faculty, and staff and (ii) invited guests of the university or its students, administrators, faculty, and staff. A student, administrator, faculty member, or staff member must accompany the invited guest when such person is engaged in expressive activity protected by this policy.
- b. "Materially and substantially disrupts" means a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group or prevents the transaction of the business of a lawful meeting, gathering, or procession by: (i) engaging in fighting, violence, or other unlawful behavior or (ii) physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.
- c. "Campus Forum" means (1) any non-academic and publicly open portion of the first floor of the Ronnie Williams Student Center or (2) outdoor areas of campus as defined in Board Policy 406.
- d. "Harassment" means expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the university.

D. Procedure

The non-academic and publicly open portions of the Ronnie Williams Student Center are deemed a campus forum for members of the campus community. A member of the campus community may engage in noncommercial expressive activity in such areas during the public operating hours of the Ronnie Williams Student Center.

Expressive activities protected by this policy and state law consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation: (1) communicating through any lawful verbal, written, or electronic means; (2) participating in peaceful assembly; (3) protesting; (4) making speeches, including without limitation those of guest speakers; (5) distributing literature; (6) making comments to the media; (7) carrying signs; and (8) circulating petitions.

Free speech by individuals or groups must not violate any right of others, materially and substantially disrupt the normal function of the university, materially and substantially disrupt previously scheduled or reserved activities, violate other university policies, or be unlawful. As set forth in statute and case law, free speech does not extend to harassment or threats. In such cases, the individual or individuals will be prohibited from these activities on the UCA campus.

Amplification equipment is prohibited, and no structure(s) may be erected. Individuals or organizations responsible for expressive activities (i) must not obstruct entrances or exits to buildings, (ii) must not obstruct pedestrians, (iii) must not alter, modify, deface, or destroy University property, and (iv) must remove all signs and litter from the area at the conclusion of the event.

Rooms and spaces on the second floor of the Ronnie Williams Student Center may be reserved in advance for use at a specified date and time in accordance with Board Policy No. 400. The university bookstore, university business offices, university radio station, post office, food stores, restaurants, and the interior of the food court are not publicly open non-academic areas as defined in this policy, but are university offices or commercial areas leased to vendors engaged in a commercial activity for the benefit of university operations.

This policy is not applicable to individuals or organizations who are not members of the campus community. Individuals or organizations who are not members of the campus community must comply with Board Policies 400 and 406.

E. Grievance Procedure

Any member of the campus community that has a concern regarding free speech on campus, is aggrieved by a decision made pursuant to any free speech policy, or believes that a member of the campus community has violated any free speech policy may submit a grievance, in writing, to the Dean of Students. Upon decision of any grievance made in writing to the Dean of Students, the grievant may appeal to the Vice President for Student Affairs within ten days of the decision.