

**WEST VIRGINIA UNIVERSITY  
BOARD OF GOVERNORS  
POLICY 11**

**FREEDOM OF EXPRESSION AND USE OF FACILITIES  
West Virginia University and Regional Campuses**

**Section 1. General**

- 1.1 Scope – This policy shall apply to all non-commercial speech on the campuses of West Virginia University including the Main Campus, the Regional Campuses, and other facilities. (Commercial speech is regulated by the campus solicitation policies.)
- 1.2 Authority – West Virginia Code § 18B-1-6, Higher Education Policy Commission Series 4.
- 1.3 Effective Date – November 8, 2002

**Section 2. Introduction**

- 2.1 The primary function of higher education is to discover and disseminate knowledge by means of research, teaching and public service. To fulfill this function a free interchange of ideas is necessary within its walls and within the world beyond as well. It follows that the higher education institution must do everything it can to ensure within it the fullest degree of intellectual freedom. For these reasons, the West Virginia University Board of Governors recognizes the right of individuals to pursue their constitutional right of free speech and assembly, and welcomes open dialogue as an opportunity to expand the educational opportunities of our campus communities.
- 2.2 First Amendment rights must always be applied in light of the special characteristics of the higher education institutional environment. As in the case of other public facilities, a higher education institution may place reasonable restrictions on assemblies to protect safety and property, maintain normal operations, facilitate campus traffic, and the like. In order to protect the rights of participants and non-participants alike, as well as the core functions of the institution, reasonable restrictions on time, place, and manner of speech are appropriate and necessary.

**Section 3.** Freedom of Expression, including speech and any other activity not inconsistent with this policy, is a campus right and subject only to time, place and manner provisions found in Section 5. The following is a non-exclusive list of Freedom of Expression activities.

- 3.1 Symbolic speech, including, among other things, silent protest, wearing expressive clothing, gesturing or standing may be conducted anywhere.
- 3.2 Signs may be posted on bulletin boards designated for public use.
- 3.3 Written or printed materials may be distributed on the grounds outside of campus buildings. Only students, faculty, staff and campus recognized organizations and departments may distribute written or printed materials inside campus buildings, and such groups and individuals must obtain a reservation in accordance with campus reservation procedures.
- 3.4 Assemblies of persons may occur on any grounds on the campus outside of buildings. Outdoor assembly areas, as designated by each campus, may be reserved in advance for assemblies of persons with more than 50 participants\*. Students, faculty, staff and campus recognized organizations and departments that wish to assemble inside campus buildings must obtain a reservation in accordance with campus facility reservation procedures.
  - 3.4.1 Each campus shall designate outdoor assembly areas in size and configuration necessary to accommodate groups that desire to assemble.
  - 3.4.2 The outdoor assembly areas are open to the public and do not require advance reservation for use between 7:30 a.m. and 10 p.m. However, advance reservation is strongly encouraged in order to ensure that a location is available at a specific date and time. Reservations under this section, if any, are to be made in accordance with Section 4 of this policy.

**Section 4. Reservations**

- 4.1 An appropriate reservation procedure shall be instituted on each campus along with a list of the outdoor assembly areas and a provision allowing outdoor assembly areas to be reserved in advance for specific times and dates, with applications processed in the order in which they are received.

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\* This number applies to the WVU Morgantown Campus and is based on the capacity of the assembly areas available on campus as well as security and safety concerns, for both participants and non-participants alike. Other campuses may designate their own number based on the distinctive characteristics of each campus.

**Section 5. Time, place and manner provisions intended to protect participants and non-participants alike.**

- 5.1 All University policies, local ordinances, state and federal laws must be followed.
- 5.2 Under this policy, no person may:
  - 5.2.1 Attempt or actually interfere with, impair or impede the institution's regularly scheduled classes, events, ceremonies or normal and essential operations.
  - 5.2.2 Interfere with, impede or cause blockage of the flow of vehicular or pedestrian traffic.
  - 5.2.3 Interfere with, impede or cause blockage of ingress or egress to or from any building.
  - 5.2.4 Willfully, negligently or recklessly commit any act likely to create an imminent health or safety hazard.
  - 5.2.5 Interfere with a University event by blocking audience view, make sufficient noise to hamper a speaker or performance from being heard or perform any other act disruptive to the event.
  - 5.2.6 Leave an area littered.
  - 5.2.7 Use voice or amplification systems resulting in noise levels that interfere with regularly scheduled classes, campus events or operations or interfere with sleep between 10 p.m. and 7:30 a.m. at the residence halls.
  - 5.2.8 Willfully, negligently or recklessly engage in destruction of property or physical harm to others.
  - 5.2.9 Within 75 feet of the entrance to any campus health care facility, knowingly approach within 8 feet of another person in order to pass a leaflet or handbill, display a sign, or engage in oral protest, education, symbolic speech or counseling with that person, without that person's consent.
- 5.3 The institution reserves the right to deny, cancel or postpone a reservation, or immediately terminate any ongoing activity that represents a violation of the time, place and manner provisions included in this section.
- 5.4 Individuals may face civil and/or criminal sanctions for violations of state, local or federal law.
- 5.5 Students and student organizations may be sanctioned in accordance with institutional policies covering violations.