



|                            |  |
|----------------------------|--|
| Policy Title:              | Free Speech and Political Activities on Campus   |
| Policy Number:             | UNIV-477   |
| Revision Date:             | May 2024   |
| Policies Superseded:       | STUD-CLSE 309; STUD-CLSE 310; STUD-CLSE 311; UNIV-UCOM 405; UNIV-UCOM 407; UNIV-UCOM 478 |
| Policy Management Area(s): | Student Affairs<br>University Marketing and Communication                                |

## I. UNIVERSITY POSITION ON FREE SPEECH

Coastal Carolina University (“the University”) is committed to the principles of free expression and encourages the timely and rational discussion of topics in an environment that is intellectually and ideologically diverse. The University as an institution shall not attempt to shield individuals from constitutionally protected speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

As an institution of higher education, the University recognizes the critical importance of free expression and is committed to making its facilities and property available for use by its students, faculty, staff, administrators, other employees, Invited Guests, or External Entities. Such use is consistent with the University’s educational mission and values, its duties as stewards of State resources, and its responsibility to consider the welfare of its students, faculty, staff, visitors, and campus community.

Outdoor areas within the boundaries of campus constitute a designated public forum for the benefit of students, student organizations, faculty, administrators, other employees, and their Invited Guests, to engage in Expressive Activity unless access to the area is otherwise properly restricted.

The University as an institution will not discriminate against any student, student organization, faculty, administrator, other employee, or their Invited Guests based on the content or viewpoint of their Demonstration or Expressive Activity. Access to, and use of, facilities at the University shall be equally available to all students, student organizations, faculty, administrators, other employees, and their Invited Guests, regardless of the ideological, political, or religious beliefs of the organization.

While the University assumes a posture of neutrality toward the content and subject matter of any Demonstration or Expressive Activity, we will not allow Demonstrations or Expressive Activity that advocates unlawful activity or that includes forms of speech not

protected by the First Amendment of the United States Constitution and Article 1, Section 2 of the Constitution of the State of South Carolina. Forms of unprotected speech include, but are not limited to, child pornography<sup>1</sup>, fighting words<sup>2</sup>, obscenity<sup>3</sup>, true threats<sup>4</sup>, or inciting language<sup>5</sup>.

This University reserves the right to curtail a Demonstration or Expressive Activity for the benefit of the University in maintaining a peaceful and productive academic environment<sup>6</sup> that is conducive to academic work; will preserve the dignity and seriousness of University ceremonies and public exercises; and will respect the private rights of all individuals. This includes regulating the time, place, and manner of these freedoms, provided that these time, place, and manner limits serve a significant institutional interest and are published, content – and viewpoint-neutral.<sup>7</sup>

Demonstrations or Expressive Activities by students, student organizations, faculty, administrators, other employees, and their Invited Guests will be allowed and encouraged on campus, subject to the limitations listed in this Policy and compliance with other University policies and procedures.

The policies and procedures of the University in regard to free speech 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.

Nothing in this policy prohibits the University from complying with federal law or acting against a student, student organization, faculty, administrator, or other employee and/or their Invited Guests for violations of federal or state law, including but not limited to Title VI of the Civil Rights Act of 1954, 42 U.S.C. Sec. 2000e et seq. and Title IX of the Education Amendments of 1972, 20 U.S.C. Sec 1681 et seq.

## II. POLITICAL ACTIVITIES

- A. University facilities are available to political candidates or parties as an External Entity or Invited Guests upon request; however, the facilities will not be used for political rallies or for campaign purposes that would further the interest of the candidate or candidates of any one political party without providing similar access to other parties on an equal basis. See S.C. Code Ann. § 8-13-765(B).
  
- C. The University may invite elected officials and their staff members to campus. All such invited elected officials and staff are considered Official Visitors and are to

---

<sup>1</sup> See, *New York v. Ferber*, 458 U.S. 747 (1982).

<sup>2</sup> See, *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942).

<sup>3</sup> See, *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942); *Roth v. United States*, 354 U.S. 476 (1957).

<sup>4</sup> See, *Virginia v. Black*, 538 U.S. 343 (2003).

<sup>5</sup> See, *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

<sup>6</sup> See, *Travis v. Owego-Apalachin School Dist.*, 927 F. 2d 688 (1991).

<sup>7</sup> See, *Ward v. Rock Against Racism*, 491 U.S. 781 (1989).

be coordinated through the Office of Scheduling and Space Management. Official Visitors must be reported to the Office of the President pursuant to UNIV-457 [Official Visitors to Campus](#).

- D. Individual faculty, staff, students, and members of the Board of Trustees or affiliates may support political candidates/parties of their choosing; however, the use of University resources to do so is only allowable in compliance with the law. See S.C. Code Ann. § 8-13-765 (A),(C).

### III. DEFINITIONS

- A. Demonstration – a public meeting or march protesting against something or expressing views on a political subject or other issue or topic.
- B. Expressive Activity – any event that has as its main goal the expression of ideas or thoughts, which includes, but is not limited to, alternative perspectives, demonstrations, counterdemonstrations, protests, marches, rallies, or speak outs.
- C. External Entity – any non-University organization, business, nonprofit or individual seeking to reserve space on campus in order to promote, solicit, or interact with the University community.
- D. Invited Guest – any speaker who is not a current student, employee, or volunteer of the University, and who has been invited by a department, faculty member(s), or organization to speak on campus and has been approved through appropriate channels.
- E. Official Visitor – a person invited to attend an event on the University campus pursuant to UNIV-457 Official Visitors to Campus who is either: (1) an elected official or an elected official’s staff member, or (2) a representative of an organization.
- G. Time, place, and manner – limits or restrictions on the time, place, and/or manner of a Demonstration, Expressive Activity, or the like, that, in the context of public or designated public forums, are content- and viewpoint-neutral, further a significant government interest by narrowly-tailored means while leaving open alternative channels of communication.