



POLICY TITLE:

Free Speech

APPLIES TO:

All students, faculty, staff, and visitors of Kentucky State University

ADMINISTRATIVE AUTHORITY:

Office of the President

Office of General Counsel

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 8, 2025

NEXT REVIEW DATE:

August 8, 2028

POLICY STATEMENT:

Kentucky State University (KSU) upholds and protects the fundamental right to freedom of expression for all members of the campus community. In accordance with the First Amendment of the U.S. Constitution, the Constitution of the Commonwealth of Kentucky, and Kentucky Revised Statute (KRS) 164.348, KSU is committed to fostering an environment where ideas can be freely exchanged and challenged. Free expression is essential to KSU's educational mission and the pursuit of knowledge.

KSU acknowledges that free speech, academic freedom, and intellectual diversity are vital to a thriving academic community. KSU therefore does not discriminate against any individual or group on the basis of political or social viewpoints, and it is committed to viewpoint neutrality in all operations and activities.

As a public institution, KSU will not restrict freedom of expression except when necessary to implement reasonable time, place, and manner regulations that are content-neutral, narrowly tailored to serve a significant KSU interest, and allow for ample alternative channels of communication.

This policy establishes guidelines to ensure all members of the community can exercise their constitutional rights while maintaining an environment conducive to learning and KSU operations.

DEFINITIONS:

Business Hours

Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding KSU holidays and closures.

Campus Community Member

Any student, faculty member, staff member, or registered student organization.

Expressive Activity

Any lawful verbal, written, or symbolic means by which individuals may communicate ideas to one another, including but not limited to peaceful assembly, protests, speeches, distribution of literature, circulation of petitions, and the recording or dissemination of expressive activity.

External Visitor

Any individual or group not affiliated with KSU as a student, employee, or registered student organization.

Free Expression

The right of individuals to speak, write, listen, challenge, learn, and otherwise participate in the marketplace of ideas that is protected by the First Amendment.

Harassment

Unwelcome conduct directed at an individual that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to KSU's education program or activity.

Public Forums

Spaces on campus generally accessible to the public, such as lawns and common areas, excluding athletic facilities, residential areas, and spaces that have been reserved for specific KSU functions.

Sponsored Visitor

An external individual or group whose campus presence is officially hosted by a KSU department, registered student organization, or campus community member.

Substantial Disruption

Conduct that significantly hinders another person's or group's expressive activity, prevents the communication of their message, or prevents the transaction of business of a lawful meeting, gathering, or procession.

Un-sponsored Visitor

An external individual or group coming to campus independently without a KSU sponsor.

PROCESS:

General Principles of Free Expression

- KSU supports and encourages the free exchange of ideas and views by all campus community members and visitors.
- KSU will not restrict speech based on content or viewpoint, except in the limited circumstances where such speech is not protected by the First Amendment (such as true threats, harassment, or incitement to imminent lawless action).
- Outdoor areas of campus are considered public forums for expressive activities by campus community members and visitors, subject to reasonable time, place, and manner restrictions.
- KSU maintains the right to enforce reasonable regulations on expressive activities to ensure campus safety, protect property, and maintain normal operations.

Expressive Activities in Outdoor Areas

- Campus community members may engage in expressive activities in outdoor public areas without prior reservation or approval, provide such activities:
 - Do not block access to buildings, walkways, or roadways;
 - Do not substantially disrupt KSU functions or activities;
 - Comply with applicable laws and KSU policies;
 - Do not create safety hazards.
- **Time Restrictions.** Expressive activities in unreserved outdoor areas are generally permitted between 7:00 a.m. and 10:00 p.m. Activities outside these hours require advance reservation.
- **Sound amplification.** Use of sound amplification equipment must comply with the following guidelines:
 - Sound levels must not exceed 85 decibels;
 - Amplified sound may not interfere with classes, exams, or other KSU functions;
 - Sound amplification is restricted during weekday business hours near academic buildings.
- Temporary structures, tables, or displays:
 - Must not damage KSU property;
 - Must be staffed at all times;
 - Must not block pathways or create safety hazards;
 - Must be removed at the conclusion of the activity.

Reservation of KSU Facilities and Spaces

- KSU encourages advance reservations for expressive activities to ensure space availability and adequate resources.
- Reservations are required for:

- All indoor facilities;
- Athletic venues and recreational facilities;
- Areas near residence halls;
- Outdoor spaces already reserved for other KSU functions;
- Activities exceeding 50 participants;
- Activities requiring special equipment or services.
- Reservation procedures:
 - Campus community members should contact the Division of Student Affairs and the Facilities Department at least three (3) business days in advance;
 - External visitors must submit requests at least five (5) business days in advance through the Division of Student Affairs and the Facilities Department.
 - Requests will be processed in a viewpoint-neutral manner.
- Priority for reservation requests will generally be given to KSU academic and operational needs, followed by registered student organizations, then other campus and external users.

Invited Speakers and Guests

- Registered student organizations and KSU departments may invite speakers to campus and determine the content of their events without KSU interference.
- KSU will not deny access to facilities or resources based on the anticipated content or viewpoint of speech.
- Any security fees, if necessary, will be based on viewpoint-neutral, objective factors and not on the content of speech or anticipated reaction to the speech.
- KSU will not “disinvite” speakers invited by student organizations or faculty members because of the anticipated content of their speech.

Posting Materials

- Campus community members may post notices, flyers, and other materials on designated bulletin boards and other posting sites in accordance with KSU posting policies and regulations.
- All posted material must identify the sponsoring individual or organization.
- Chalking is permitted only on horizontal concrete walkways that are exposed to weather and at least 25 feet from building entrances, subject to the following conditions:
 - Only water-soluble chalk may be used;
 - No chalking on vertical surfaces, buildings, or covered areas;
 - No defacement of KSU property.
- KSU reserves the right to remove materials that:
 - Violate applicable laws or KSU policies;
 - Pose a safety hazard;
 - Are placed in unauthorized areas;
 - Have not been properly approved (if approval is required).

External Visitors

- Sponsored visitors:
 - Must be registered with the Division of Student Affairs by their campus sponsor;
 - Are subject to the same policies as campus community members;
 - May be required to provide identification upon request.
- Un-sponsored visitors:
 - Must register with the Division of Student Affairs and the Facilities Department at least five (5) days prior to their planned activity;
 - May be assigned to specific locations based on availability and operational needs;
 - Must comply with all applicable KSU policies and procedures.

Prohibited Conduct

- The following activities are prohibited during expressive activities:
 - Obstructing or disrupting KSU operations, events, or activities;
 - Blocking entry to, or exit from, buildings, parking lots, roadways, or walkways;
 - Threatening physical harm to persons or property;
 - Engaging in harassment or discrimination as defined by KSU policies and applicable law;
 - Damaging, defacing, or destroying KSU or personal property;
 - Violating applicable laws, regulations, or KSU policies.

Accommodations for Disabilities

- KSU is committed to ensuring equal access to expressive activities for individuals with disabilities.
- Individuals needing accommodations should contact the Office of Accessibility and Disability Services with reasonable advance notice.
- Event organizers are encouraged to consider accessibility in planning activities.

Policy Violations and Enforcement

- KSU community members who violate this policy may be subject to disciplinary action in accordance with applicable student or employee policies.
- External visitors who violate this policy may be asked to leave campus and may be subject to additional restrictions, if necessary.
- Enforcement of this policy will be conducted in a viewpoint-neutral manner.
- Any person who believes their free speech rights have been infringed may file a complaint with the Office of General Counsel.

REFERENCES AND RELATED MATERIALS:

- First Amendment to the United States Constitution
- Constitution of the Commonwealth of Kentucky, Sections 1, 2, and 8
- Kentucky Revised Statute (KRS) 164.368 – Campus Free Speech Protection
- Americans with Disabilities Act of 1990, as amended
- Section 504 of the Rehabilitation Act of 1973

CONTACTS:

Subject	Office	Telephone	E-mail
Policy Questions & Interpretation	General Counsel	(502) 597-6414	Zachary.Atwell@kysu.edu General.Counsel@kysu.edu

HISTORY:

Revision Type	Date of Issuance/Revision	Drafter(s)/Editor(s)
Issued (New Policy)	June 2025	Zach Atwell
