Information

Speech and Distribution of Literature

Effective

April 20, 2004

Applicability

This policy applies to individuals and groups who are not part of the campus community who wish to engage in speech activities, including the distribution of literature, within the demarcated physical boundaries of the university. This policy applies specifically to non-commercial speech.

Administrative Authority

Vice President for Student Affairs and Dean of Students

Responsible Unit

Dean of Students Office

History

Revision Date(s): February 8, 2005; December 2, 2011; June 2, 2021; September 7, 2021; February 27, 2025
Reviewed Date(s): April 3, 2020, January 16, 2025

This document supersedes all other statements or documents that attempt to define and regulate speech activities on the University of Louisville campus by outside individuals or groups. In coordination with federal, state, and local guidance, the University of Louisville's students, faculty, staff, and visitors must adhere to pandemic public health guidelines. This policy may be adjusted at any time to comply with pandemic public health

guidelines as established by federal, state, and local guidance.

Categories

Statement:

As set forth in this policy, the university offers a designated public forum for free speech. Provided the person does not interfere with the educational process of the university and abides by the requirements of this policy, individuals and groups are allowed to express their views on any topic.

Use of the university's facilities does not mean that the individual or group speaking represents the institution or its ideals and principals. Members of the university community are free to walk away and not listen to any person speaking on campus.

Content and Manner

A. Content
Defamation, incitement to violence, and obscenity are prohibited, as herein defined.

1. *Obscenity*
   No person or organization shall distribute or display on the campus any writing or visual image that is obscene.

2. *Defamation*
   No person shall make, distribute, or display on the campus any statement that defames any other person. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

3. *Incitement to imminent violations of the law*
   No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to incite or produce

violations of law.

B. Manner

Public speech and the distribution of literature must not threaten the safety of the members of the university community or interfere with the university's educational mission. The manner of speech or distribution of literature must comply with the following restrictions:

1. *Harassment*
   No speaker or distributor of literature shall harass anyone.

2. *Wearing of Masks (Metro Govt. General Provision 130.01)*
   No person shall enter, be or appear on the university campus, while wearing any mask whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer.

3. *Impediment of movement*
   No person may deliberately impede the flow of pedestrians or vehicular traffic on campus.

4. *Coercion*
   No person may attempt to coerce, intimidate, or badger any other person into listening to speech or into reviewing or accepting a copy of any literature distributed.

5. *Demanding Attention*
   No person may persist in requesting or demanding the attention of any other person after that individual has attempted to walk away from or has clearly refused to listen to the speaker or has not accepted the distributed literature.

6. *Identification of Distributor*
   All literature distributed on campus must include the identity of the registered person(s) or organization as well as a valid and complete contact address and telephone number.
7. *No Sales*
   No literature may be for sale or dispersed with the expectation of a donation.

Individuals or groups who seek to advertise or sell goods or to distribute material for commercial purposes should contact the Student Activities Office.

8. *No Litter*
   Any person(s) distributing literature on campus must remove all copies from the ground within 30 feet of the designated area before leaving campus.

9. *Signage*
   Persons registered to distribute literature or speak on campus may carry or wear signs, but must exercise care not to bump, injure or hit any other person. Signs may not promote items for sale. Sign handles must be made of cardboard or other pliable material.

10. *Amplification*
    Because of the proximity of the public speech areas to classrooms, no amplification will be permitted.

Compliance with Policy

A. Violations

Failure to abide by the terms of this document will result in the Dean of Students Office (or designee) or law enforcement employee directing the violating individual(s) to leave campus. In cases of marginal disruption, administrators or law enforcement officials will clearly identify the behavior or speech violating this procedure, and seek voluntary compliance before removing an individual or individuals from campus or resorting to charges and/or arrest.

Upon a violation, the Dean of Students Office will schedule a meeting with the individual or organization representative within 20 workdays to impose a restriction from campus for a period of up to six months. Appeals in writing may be made to the Vice President for Student Affairs and Dean of Students within 10 workdays of imposition of the restriction from campus. The Vice President for Student Affairs and Dean of Students (or designee) will review the appeal and will make a written response to the appeal within 15 workdays. The decision of the Vice President for Student Affairs and Dean of Students is final.

B. Failure to Register
Unregistered individuals speaking or distributing literature who come to the attention of the university will be removed from campus by law enforcement personnel. Such persons will be permitted to return to speak or distribute literature only after complying with the terms of the registration procedure described herein.

C. Failure to Appear
Because the university seeks to accommodate and manage the requests of multiple individuals and groups to speak on campus, a failure to appear at the date and time for which an individual or group has registered will constitute a violation of this procedure, and three such instances within a twelve-month period will trigger the provisions of Section 6(A).

Related Information:

Security
The university will provide security if it deems that the speaker or distributor of literature may engender a strong or hostile response. The university is not liable for any injury or destruction of property the individual or organization may incur as a result of the lack or failure of any security measures.

Location
Public areas include the grass and sidewalk areas of the university and do not include buildings and outdoor instructional, athletic or sports venues.

The university has identified certain campus public areas where public speech and distribution of literature will be permitted. All speakers and distributors of literature will be assigned to those areas.

Definitions:

Literature: Includes any printed material, including any newspaper, magazine or other publication, and any leaflet, flyer, or other informal printed matter intended for distribution or actually distributed to members of the university community.

Obscenity: As set forth in KRS 531.010 or successor provisions, and within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court, obscenity includes materials (a) as to which the predominant appeal is to prurient interest in sexual conduct, (b) which is depicted or described in a patently offensive way, (c) that when taken as a whole lacks serious literary, artistic, political, or scientific merit.

Harassment: As set forth in KRS 525.070, harassment includes the following: when with intent to harass, annoy or alarm another person he or she: strikes, shoves, kicks, or otherwise subjects a person to physical contact; or attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or follows a person in or about a public place or places.

Procedures:

Individuals or groups who seek to distribute material for commercial purposes should contact the Student Activities Office.

Required Registration Process

Organizations or individuals external to the University of Louisville who desire to speak or distribute literature on campus must complete and submit in person or online a required registration request form to the Dean of Students, before 5:00 p.m. at least five full business days prior to the date requested on the registration request form.

The person may fill out a form in person at the Dean of Students Office W301 of the Student Activities Center. Office hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. Electronic registration is available around the clock, but must still meet the 5:00 p.m. deadline for date requests.

Completion of the form does not insure that the university will approve the requested date and time. The university reserves the right to substitute another date and time frame for that requested.

SPEECH REGISTRATION AND REQUEST FORM

A. Date and Time

Distribution of literature and public speaking will occur during the weekday business hours, 9:00 a.m. - 5:00 p.m., while most students are on campus. The registration form allows the individual or group to propose the date and time of a visit of up to three hours.

By 5:00 p.m. on the third business day following the submission of the registration request form, the university will respond to the requesting individual or organization. The university may confirm the request as submitted, or the university may notify the requesting individual or organization that, based upon the university's right to determine time, place and manner and its need to assess and provide appropriate security, the request cannot be approved as submitted.

If the request is rejected, the university will contact the requesting individual or organization within 30 days of the rejection to provide an alternate date and time. The alternate date and time shall be within 30 days of the date and time originally requested unless extraordinary circumstances require a further postponement.

B. Number of Participants

A group of up to five off-campus persons from one organization at any one time may distribute literature on campus. Up to two off-campus persons from one organization may speak publicly on campus at any one time.

C. Form of Communication

So that a written record of all communication can be maintained, e-mail shall be the preferred form of communication between the university and the requestor.

Forms/Online Processes:

Speech Registration and Request Form https://student.louisville.edu/dean-students/policies/dean-students-additional-policies/dean-students-speech-and-distribution