



Executive Policy Chapter 10, Land and Physical Facilities
Executive Policy EP 10.206, Free Expression on University Campuses
Effective Date: December 1, 2014
Prior Dates Amended: July, 1983 and November, 2012
Responsible Office: Office of the Associate Vice President for Student Affairs
Governing Board of Regents Policy: RP 10.205
Review Date: August 2019

I. Purpose

To set forth policies regarding speech and other expressive activity on University of Hawai'i campuses.

II. Definitions

No policy specific or unique definitions apply.

III. Executive Policy

A. Introduction

This Executive Policy establishes the policies and guidelines to implement Administrative Rule, Title 20, Chapter 13, and specifically sections § 20-13-6 and § 20-13-7 regarding speech, assembly, and solicitation, or other expressive activity on University campuses. The free exercise of these expressive activities is guaranteed by the Federal and State Constitution. The Board of Regents has delegated authority to the President to promulgate practice and procedure relating to use of university-owned or operated facilities under Board of Regents Policy RP 10.205 (formerly Section 10-5). This Executive Policy supersedes sections of former Executive Policy E10.201 concerning the same topic.

B. Commitment to Free Expression

The University of Hawai'i is committed to the free and open exchange of ideas and affirms the rights of members of the university community to engage in speech and other expressive activity guaranteed by the First Amendment to the U.S. Constitution and by Article I, Section 4 of the Constitution of the State of Hawai'i. These activities may be conducted at such times and places and in such a manner to assure the orderly conduct and least interference with the University responsibilities as a public institution for higher education and scholarly inquiry.

1. Campuses will implement Section 20-13-6 of the Administrative Rules for the University of Hawai'i in a manner to permit non-commercial student speech and assembly in all areas generally available to students and the community without first having to apply for or obtain permission from the Chancellor. These generally available areas include open areas, sidewalks, walkways or internal streets, or other similar common areas.
2. Persons speaking, assembling, and/or distributing non-commercial material shall not physically impede the progress of passersby.
3. No event, speech, demonstration or other expressive activity on campus shall interfere with or disrupt the education process or other scheduled activities of the campus or its facilities. This includes the use of any means of amplification that creates noise or diversion that substantially disrupt the orderly conduct of the campus or classes taking place at the time.
4. The Chancellors of each campus may, but are not required to, designate one or more appropriate "forum" areas on their respective campuses where individuals or groups may also assemble and engage in public speech activities. These forum areas shall be in addition to, and not in lieu of, the generally available areas identified in subsection 1. Potential users are encouraged, but are not required, to give advance notice of their intended use of the forum area to the Chancellor or the Chancellor's designee for the purposes of avoiding scheduling conflicts and assuring the equal access to all potential users. Nothing in this section shall be interpreted as a limit on student expression.
5. Individuals utilizing a designated public forum area on campus or using generally available open areas must comply with University and campus rules and policies.

C. Solicitation.

Campuses will implement the solicitation policy as set forth in Section 20-13-7 of the Administrative Rules for the University of Hawai'i in a manner to permit students to approach others on campus and to distribute non-commercial literature such as petitions, circulars, leaflets, newspapers in all areas generally available to students and the community.

D. Providing Community Bulletin Boards for Posting of Materials.

Each Chancellor shall make available one or several community bulletin boards at campus convenient locations for use in posting non-commercial student

materials. To ensure equal access and maximum use of these community bulletin boards, all materials displayed on a bulletin board will be dated and removed from the board after a reasonable period of time determined by the Chancellor.

E. Practices and Procedures Covering Time, Place, and Manner of Public Speech Activities

The university administration may establish campus specific guidelines governing time, place, and manner of expressive activities, as long as those guidelines do not conflict with the provisions in this executive policy and are viewpoint neutral.

In creating these guidelines, Chancellors may recognize that some campus buildings or areas warrant special restrictions.

These time, place, and manner guidelines must not distinguish between permissible and impermissible subjects of speech (i.e., these regulations must be “content-neutral”). These restrictions must be neutral as to particular viewpoint expressed and applied even handedly to all similarly situated parties. These guidelines must be narrowly tailored and not substantially burden the expressive activity more than reasonably necessary to further the Campus interest in the orderly function as an educational and research public institution. These guidelines must leave open ample alternative channels of communication.

The Chancellor should encourage speakers to be respectful and recognize and the rights of all students to effectively use campus facilities and property to obtain an education.

F. Dispute Resolution

The Chancellor shall establish a voluntary dispute resolution process whereby members of the campus community who believe their free speech rights are threatened may immediately communicate their concerns to designated campus administrators. This dispute resolution process shall engage the parties in good faith discussions for the purpose of devising campus-level resolutions acceptable to the campus community.

IV. Delegation of Authority

- A. Campus Chancellors are delegated authority to develop and implement campus-specific guidelines concerning the time, place, and manner for free speech and other constitutionally guaranteed expressive activities on their respective campus only to the extent consistent with this Executive Policy.
- B. Chancellors are encouraged to seek the inputs from campus organizations and other members of the campus community, including faculty and administrative staff, in formulating and implementing free speech guidelines. Where a Chancellor is responsible for multiple campuses, the Chancellor shall coordinate procedure among the campuses and have them applied uniformly.

V. Contact Information

Office of the Associate Vice President for Student Affairs at telephone number 956-8753 or by email at javinar@hawaii.edu

VI. References

- A. Link to superseded Executive Policies in old format:
<https://www.hawaii.edu/policy/archives/ep/>
- B. Link to Administrative Procedures in old format:
<https://www.hawaii.edu/policy/archives/apm/sysap.php>

Approved:

Signed
David Lassner
President

December 1, 2014
Date