

Policy 8.14

Open Expression Policy

Responsible Official:	SVP and Dean for Campus Life
Administering Division/Department:	Campus Life
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Policy Sections:

- I. [Overview](#)
- II. [Applicability](#)
- III. [Policy Details](#)
- IV. [Definitions](#)
- V. [Related Links](#)
- VI. [Contact Information](#)
- VII. [Revision History](#)

Overview

n/a

Applicability

n/a

Policy Details

- 8.14.1 General Principles
- 8.14.2 Permissible Restrictions on Expression
- 8.14.3 Jurisdiction, Implementation, and Enforcement

8.14.1 General Principles

8.14.1.1

Although as a private institution, Emory University is not bound by the First Amendment to the United States Constitution, Emory nonetheless respects the protections and principles of free speech and assembly as set forth in the First Amendment (and the corresponding sections of the Georgia Constitution). This standard, with appropriate limitations developed by the courts, generally embodies a reasonable balance between the free-speech interests of faculty, staff, and students, and the significant interests of the university (which include, among other activities central to the university mission, teaching, research, healthcare, housing, dining services, and providing safety on the Emory campuses). All members of the Emory Community have broad latitude to speak, write, listen, challenge, and learn, whether they are on or off campus. These freedoms are limited to the extent necessary to protect significant university interests enumerated above, and any regulations should not discriminate with respect to viewpoint or content. The freedom to debate and the freedom of expression come with responsibilities set out in this Policy.

8.14.1.2

Emory also endorses the general principles and purposes embodied in the 1940 Statement of Principles on Academic Freedom and Tenure, originally cosponsored by the Association of American Colleges and the American Association of University Professors, along with the correlative obligations and responsibilities set forth in that Statement.

8.14.1.3

The University is committed to equitable application of its policies and procedures related to expressive activity (including campus protests and demonstrations) in a manner that does not discriminate based on any legally protected characteristics of the protest participants and/or those on whose behalf the protest activities are undertaken (such as race, national origin or sex), including in evaluating whether a requested protest will be permitted and in the University's response to any existing protest (such as whether to involve external law enforcement and/or whether the University presses criminal charges against individuals who participate in protests).

8.14.1.4

This Policy is not intended to interfere with or impact patient care and therefore does not apply to Emory Healthcare.

8.14.2 Permissible Restrictions on Expression

8.14.2.1

Consistent with the Principles outlined above, the following is a non-exhaustive set of examples of types of expression that are not protected: (1) threats; (2) harassing speech or behavior that is subjectively and objectively offensive and is so severe or pervasive, that it unreasonably limits or effectively denies a person's ability to participate in or benefit from the educational program or activity; (3) speech directed at inciting or producing (and that is likely to produce) lawless action; (4) obscenity.

Conversely, the following is a non-exhaustive set of examples of types of expression that are presumptively protected (subject to the requirements of this Policy): (1) assemblies of Emory Community Members in common spaces in buildings on university grounds; (2) lectures, discussions, and debates involving internal or external speakers invited by recognized student organizations; (3) chalking and posting of flyers.

8.14.2.2

Expression that violates federal, state, or local law or other applicable laws, regulations, or legal principles is not protected. This includes, but is not limited to, antidiscrimination statutes such as Titles VI and VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, as interpreted by the courts.

8.14.2.3

No one may unreasonably interfere with or disrupt the protected expression of others, or people's ability to read, view, or hear the protected expression of others. No one's expression may unreasonably interfere with general activities of the University or with the ordinary activities of Emory Community Members, including studying,

attending or participating in classes, extracurricular activities or other events, performance of their jobs, their freedom of movement on campus, or their access to or use of Emory Healthcare facilities or other commercial facilities on campus property.

8.14.2.4

Emory is permitted to adopt time, place, and manner restrictions on protected expression, as long as certain conditions are met: (1) the restrictions must be neutral with respect to the content of the expression; (2) the restrictions must be narrowly tailored to serve significant University interests (including the University's missions as a teaching and research university and as a provider of healthcare, as well as the safety and privacy of the Emory Community); and (3) the restrictions must leave open ample alternative channels for speakers to communicate messages that are otherwise protected by this Policy and other University policies.

8.14.2.5

Consistent with these principles, Emory may adopt reasonable regulations governing, for instance: reservation of physical spaces on campus; acceptable uses of physical spaces on campus; times during which buildings and other spaces may be accessed; noise; placement of flyers, posters, chalking, and the like; and recognition and funding of student organizations. Such policies shall be clear and easily accessible to Emory Community Members.

8.14.2.6

It is the intent of this Policy to provide opportunities for impromptu activities that occur without a reservation, especially in areas that are well suited to such activities and that have traditionally been used for such activities, for example, outdoor spaces on campus. If protestors or the organizers of an event want to use an area where such activities are prohibited, the University administration shall make reasonable efforts to accommodate such activities in an alternate location nearby. The University will not unreasonably withhold permission for impromptu events.

8.14.2.7

Listeners' feelings of offense or the unpopularity of the view expressed are not sufficient bases for regulating speech on campus. The University shall treat all invited speakers neutrally with respect to the content of their expression and shall not arbitrarily suppress opinions on public questions.

8.14.3 Jurisdiction, Implementation, and Enforcement

8.14.3.1

The Administration shall consult with the President of the University Senate before implementing changes to this Policy or the time, place, and manner restrictions set forth in this Policy. The University Senate will be given a reasonable opportunity to respond to the proposed changes before they are implemented. The University Senate or its committees play an important role in educating the Emory Community about their rights and obligations under this Policy and in advising the Administration of its concerns about how the Policy is being implemented and whether the principles of open expression are being upheld at Emory.

8.14.3.2

The University administration (through the Senior Vice President and Dean of Campus Life) is responsible for this Policy and may be reached at campuslife@emory.edu.

The Division of Campus Life (DCL) may appoint, and Community members may request, Open Expression Observers to facilitate expressive events. Open Expression Observers work closely with event organizers to ensure that events can be held within the parameters of the Policy and as envisioned by the event organizers.

To the extent reasonably possible and to the extent safety or other emergency considerations do not indicate otherwise, the Senior Vice President and Dean of Campus Life must strive to consult with the event organizer and the President of the University Senate before ending a protest that is in violation of this Policy.

In the absence of safety concerns, the University will attempt to de-escalate situations that arise during protests. If protestors fail to follow directives given by the University, internal disciplinary actions under the applicable conduct code may be necessary. If a member of the Community is found in violation of the applicable conduct

code, sanctions may include, but are not limited, to verbal or written warnings, educational sanctions, suspension, expulsion, or, if applicable, termination of employment, in accordance with applicable procedural protections. The decision to pursue internal disciplinary processes is preferable, but nothing in this paragraph precludes the University from seeking law enforcement assistance, if necessary, as outlined below.

8.14.3.3

The Emory Police Department (EPD) is part of the Emory Community and may be present, on a nondiscriminatory basis, at any protest or demonstration. The University shall consider nondiscriminatory factors in determining whether to involve external law enforcement in connection with a protest or demonstration, including the following non-exclusive list: (1) the likelihood of violence, property damage, or a safety issue; (2) the likelihood of a violation of any law or University policy (including a disruption to University operations); (3) when it appears there are or may be weapons or illegal substances present or being created; and/or (4) other such nondiscriminatory factors specific to the relevant circumstances.

8.14.3.4

If a protest or demonstration is forcibly terminated or arrests are made, a full statement of the circumstances leading to the incident shall be publicized by the Administration within the University.

8.14.3.5

The Committee for Open Expression (CFOE), a standing committee of the University Senate, shall have a role in interpreting the Policy, opining on issues that arise under the Policy, and advising the Emory Administration.

The CFOE may have up to 15 members and may conduct its business by a quorum consisting of a majority of its existing members. In selecting members for the CFOE, the Senate shall strive to include representation of faculty, staff, and students (both undergraduate and graduate), shall strive to include members from different divisions, and shall strive to include members who have expertise in free speech issues. The CFOE membership shall include one member to be designated by the University administration and shall include two nonvoting members, one to be designated by the undergraduate and one by the graduate/professional student government associations. The CFOE may adopt bylaws to facilitate its internal operations.

The CFOE may opine on whether, in any situation involving the interpretation of this Policy, the Policy was violated, and may post its opinions to the University Senate website. The CFOE shall not itself have disciplinary power but may report alleged violations of this Policy to the appropriate University officials.

8.14.3.6

In any instance in which a member of the Emory Community may face disciplinary consequences (under an applicable student or employee code of conduct, for example), Open Expression rights should be given substantial consideration before such disciplinary action is taken.

8.14.3.7

The CFOE shall have the authority to meet with members of the Emory Community who believe their rights under this Policy were violated and to advocate on behalf of those individuals if requested to do so. Members of the CFOE may not participate in student conduct hearings or employee disciplinary proceedings and may not require university administrators or other Community Members to respond to inquiries or produce student records, employee records, or any other documents. However, a member of the CFOE may serve as an advisor at any disciplinary hearing if requested by the Community Member who is facing disciplinary action, to the extent permitted by the applicable code. Individuals are encouraged to cooperate with the CFOE to the extent possible without violating confidentiality expectations or other legal considerations. If Community Members are unable to respond to an inquiry from the CFOE because of confidentiality concerns, the CFOE shall note in any opinion issued, that their opinion is based only on the information available to it, and that some information was not provided because of privacy or confidentiality concerns.

The CFOE shall also have the authority to interpret and opine upon matters in this Policy on its own, even if there is no active complaint. The CFOE may post its opinions on these matters on its website, including the names of all CFOE members who participated in reviewing the matter, and the names of all who voted in favor of the opinion and those who were opposed. Any opinion of the CFOE may be disapproved by a vote of the University Senate. The CFOE is expected to produce these opinions in a timely manner. The CFOE may also, if requested, provide guidance to Emory Community Members about whether planned conduct is likely permissible.

8.14.3.8

The CFOE recognizes the private nature of many of the situations on which it seeks to opine. The CFOE must maintain the confidentiality of members of the Emory Community and must avoid conflicts of interest and also publishing any information that a reasonable person would deem to be private, sensitive, or confidential in nature. If the CFOE seeks to publish an opinion and name (or include other identifying information about) any individuals in its written opinion, the CFOE must obtain written permission of that individual before doing so.

Definitions

“Emory,” “Emory University,” and “the University” shall include all units and all campuses of Emory University, including Emory programs that take place off campus.

“Expression” “expressive activity” or “expressive event” includes speech, assemblies, protests, demonstrations, chalkings, postings, lectures, and any other conduct generally protected by the free speech and assembly protections of the First Amendment of the U.S. Constitution (and the corresponding sections of the Georgia Constitution).

“Protest” or “Demonstration” is a gathering of Community Members to bring attention to a cause, which may include picketing, rallies, sit-ins, vigils, or similar forms of expression.

“Building occupation” refers to entering and remaining in a university building (or a substantial portion of it) without authorization, in a manner that significantly disrupts or impedes normal building operations, including, but not limited to refusing to leave at official closing times, or establishing a sustained presence (e.g., setting up sleeping areas or barricades).

For purposes of this Policy, the terms “Emory Community” and “Community Members” are limited to those individuals with a current enrollment or employment status at Emory. Community Members are entitled to the benefits and obligations set forth in this Policy. Emory Community Members are those individuals and groups, such as current students (and recognized student groups), faculty (of any status) and staff, all of whom may be subject to disciplinary action under Emory policies, including violation of this Policy. Because those who have no current student or employment relationship with Emory cannot be disciplined under Emory’s standards of conduct, they are not members of the Emory Community for purposes of this Policy.

For purposes of this Policy, the term “Guests” includes all individuals who have been individually invited by a member of the Emory Community (not via mass communication) to the Emory campus to engage in expressive activity, such as guest speakers, panelists, artists, performers, and participants, within the time and space constraints of the specific events. Guests are entitled to be on the Emory campus for a specific purpose and must be able to identify the Emory Community Member who invited them to campus.

“Patrons” are individuals who are on campus to use services offered by Emory, such as the bookstore, performance spaces, retail dining and the like, or to attend lectures or similar events that are open to the public.

Guests and Patrons have the same rights and obligations under this Policy as Community Members, but only within the time and space constraints of the event or service. If asked by Emory Administration or law enforcement to leave campus, they must do so immediately or face legal consequences.

Related Links

- Current Version of This Policy: <http://policies.emory.edu/8.14>
- Undergraduate Student Code of Conduct (<http://conduct.emory.edu/>)
- Meeting Services Space Reservation Policies (<http://universitycenter.emory.edu/>)
- Posting Guidelines and Practices : download (<http://policies.emory.edu/uploads/Emory%20Posting%20Guidelines%20and%20Practices2016.pdf>)

Contact Information

Subject	Contact	Phone	Email
Complaints or Violations to this Policy	University Senate and the Committee for Open Expression	n/a	openexpression@emory.edu
Administration of Policy	Campus Life	404-727-4364	campuslife@emory.edu
Student Organization Support	Student Involvement, Leadership, and Transitions	404-727-6169	silt@emory.edu
Conduct-Related Questions or Sanctions	Office of Student Conduct	404-727-7190	conduct@emory.edu
Space Reservations	Meeting Services	404-727-1706	universitycenter@emory.edu
Open Expression Observers	Open Expression Programs	404-727-6268	oeprograms@emory.edu

Revision History

- Version Published on: March 20, 2025 (*University Senate-approved policy to replace existing policy; Policy name changed*)
- Version Published on: Aug 27, 2024 (*Added Addendum*)
- Version Published on: [Sep 21, 2018](#) (*Quick updates to Details, Updated Links, Contacts*)
- Version Published on: [Apr 12, 2017](#) (*policy updated by committee*)
- Version Published on: [Dec 05, 2016](#) (*link to Standing Committee opinion-cmty member definition*)
- Version Published on: [Aug 26, 2016](#)
- Version Published on: [Jun 01, 2016](#) (*links updated and uploaded guidelines*)
- Version Published on: [Nov 18, 2015](#)
- Version Published on: [Mar 02, 2015](#) (*Senate approved changes 2.2015*)
- Version Published on: [Nov 05, 2013](#) (*Original Publication*)

Appendix A: Time, Place, and Manner Regulations for Open Expression at Emory University

The Open Expression Policy is a community compact. Just as the University commits to supporting and promoting the open expression rights of its Community Members, those members must likewise commit to ensuring that their expression does not interfere with the expression and the other rights of others. Additionally, they must commit to their open expression respecting the ability of the University and its members to fulfill core institutional functions, including teaching, learning, research, and other operational activities. This Policy does not apply to Emory Healthcare or its employees.

To uphold these principles, these Time, Place, and Manner regulations are established as a supplement to the Open Expression Policy. All members of the Emory Community are responsible for adhering to these regulations when engaging in expressive activities as members of the Emory Community. It is the duty of Emory University to enforce the time, place, and manner regulations in a content neutral and non-discriminatory manner.

The Time, Place and Manner restrictions do not apply to University-sponsored events, including but not limited to Commencement, Staff Fest, Alumni Weekend, or other events sponsored by the University.

A.1. Duty to Post

The University is responsible to post and disseminate all time, place, and manner regulations in a way that is likely to reach the Emory Community.

A.2. Awareness of Responsibilities

All Community Members are expected to understand and follow these time, place, and manner regulations. Violators of these standards or other University policies during expression may be held accountable for their behavior. Members uncertain about planned conduct are encouraged to seek guidance from the Committee for Open Expression or Open Expression Observers in advance.

A.3. General Framework

This framework aims to balance robust support for open expression with the University's commitment to maintaining its essential operations and the safety of its community.

The University supports expressive events in nearly all indoor and outdoor locations on campus, with exceptions listed below. However, the University reserves the right to regulate and limit expression if such events substantially interfere with University functions, compromise the safety of Community Members, or are reasonably expected to cause such interference faster than the University can effectively respond.

A.3.1. No Disruption of Others' Expression

Expression of any viewpoint, whether verbal or nonverbal (e.g., flyers or signage), is protected under this Policy as long as it adheres to these guidelines. The University supports simultaneous dissent, provided it does not prevent others' expressions.

Individuals exercising their expression rights are entitled to express themselves, and their audience is entitled to hear or view the message without substantial interruption.

Dissenters are entitled to organize their own parallel events or engage in parallel nonverbal expression, provided their activities do not significantly interfere with others' expression. Protests occurring outside an expressive event must not substantially disrupt the communication taking place inside.

A.3.2. Impromptu vs. Scheduled events

While the University encourages both impromptu and scheduled expression, the standards for supporting impromptu events may differ from those for scheduled events. While the university accepts and has an obligation to affirmatively support all protected expression, including impromptu expression, scheduled events allow the University to plan and implement measures to ensure that activities do not create a legitimate safety concern and do not unreasonably disrupt normal university operations. A legitimate safety concern exists when there is (1) a likelihood of violence or property damage; (2) the likelihood of a violation of any law or University policy (including a disruption to University operations); (3) when it appears there are or may be weapons or illegal substances present or being created; and/or (4) other such nondiscriminatory factors specific to the relevant circumstances.

Community Members, including student groups, are encouraged to request open expression observers sufficiently in advance of events in order to coordinate and support their activities effectively. All Emory Community Members have access to spaces on campus to meet, confer, study, socialize, etc. and may reserve certain spaces. The University will restrict reservation of certain spaces by non-recognized student groups in order to prioritize access for Registered Student Organizations.

Reservations for expressive events must be handled in a content-neutral manner. Requests may only be denied for reasons such as prior space assignments, legitimate safety concerns as outlined above, or unreasonable disruptions to normal University operations. The University will not deny space for expressive events based on disagreement with the message of the event. If the CFOE is notified that a request was denied, it may request information about the reason for the denial, and the University will provide that information. The CFOE may then issue a determination on whether the denial was warranted and provide any recommendations for rule changes to address future similar situations.

A.4. Place regulations

Open Expression events are generally prohibited in the following areas or under the following conditions, unless a special exception is granted. However, when the focus of the event directly involves one of these areas, the University will make reasonable efforts to accommodate expression in nearby spaces:

- **Restricted Areas:** Individual and shared offices, research laboratories, or associated facilities; computer centers; museums, and other facilities housing valuable or sensitive materials, collections, or records protected by law or University policy, including educational, student-related, personnel, or financial records.
- **Spaces designated for fundamental student needs:** Residential spaces, dining facilities, and libraries may not be used for expression that interferes with or disrupts the normal use of the respective spaces. The definition of interference or disruption is broader in these spaces than in other spaces on campus, because of students' fundamental need to eat, sleep and study without disruption.
- **Spaces in Use:** Classrooms, seminar rooms, auditoriums, meeting rooms, or outdoor spaces in which classes or meetings are actively taking place or are scheduled to occur during the expression event time.
- **Traffic and Safety Risks:** Locations where the free flow of vehicular or pedestrian traffic is unreasonably impeded; entrances or exits to individual and shared offices, classrooms, or meeting spaces that are blocked; spaces where undue health and safety risks are created.
- **Essential Services and Infrastructure:** Hospitals, clinics, and surrounding grounds, including sidewalks, access roads, and parking areas; emergency facilities, communication systems, utilities, or other infrastructure critical to the University's operations.

A.5. Time regulations

Expressive events are permitted between the hours of 7:00 am and midnight. Protests and demonstrations are not permitted after midnight. Other expression is permitted after midnight in spaces that are open after midnight so long as the expression is consistent with and does not disrupt the proper use of the space. Any expression that requires

university support, including open expression observers, campus services personnel, and/or EPD is prohibited between midnight and 7:00 am.

In addition, certain constraints apply depending on the time of day to ensure safety and uninterrupted continuation of University operations:

- **During academic hours:** Noise levels near academic buildings must be kept at a level that avoids disrupting classes and academic activities. The flow of traffic, both vehicular and pedestrian, must not be impeded near academic buildings.
- **Near healthcare buildings:** Noise should be minimized, and the free flow of traffic should be maintained near facilities where patients are receiving treatment to avoid disrupting clinical operations and patient care.
- **Events in buildings:** Emory does not allow activities to occur in any building after that facility's business hours, which differ for different buildings.
- **Outdoor events after normal business hours:** Events extending after regular business hours (between 6:00 pm and midnight) that require public safety support may be subject to additional regulation or restrictions, pending a University assessment. Because Emory is not staffed or budgeted to provide overnight Open Expression observers, custodial services, or security, all expressive events must end by midnight.
- **Compliance with local noise ordinances:** Expression events must comply with DeKalb County and/or City of Atlanta noise regulations, including quiet hours, if they can be heard off-campus, or at the hospital building or student dorms, where and when people can be reasonably expected to be sleeping.

A.6. Manner regulations

Expression is prohibited if it is directed at inciting or producing (and/or is likely to produce) lawless action. Additionally, events that explicitly violate federal, state, or local laws and regulations are prohibited. However, expressive events that make individuals uncomfortable but do not violate laws and are unlikely to result in lawless action are not constrained by this Policy.

Use of amplified sound is regulated because it can create a significant disruption to the normal operations of the university, and the amplified sound cannot violate reasonable noise levels. This disruption is typically determined in real time by Emory's Open Expression Observers, who work directly with individuals to limit or minimize the impact of such noise, but general guidelines depend on location and time of day, as described above.

Temporary structures on university property—whether planned or impromptu—are only permitted to the extent that they do not obstruct the ability of Open Expression observers, police, or other Community Members to fully see the expressive activity. Therefore, tents or similar structures are not permitted, but open sided canopies or similar temporary structures which allow for full view of activities occurring within the canopy, for purpose of providing shade or protection from rain, may be permitted. The University has the discretion to limit the number and type of such structures. In addition, structures that violate federal, state, or local laws, or substantially interfere with University operations or the rights of other Community Members are not permitted. A content-neutral evaluation process will be used to determine whether and where the temporary structures would be permissible, taking into consideration whether the temporary structures pose an operational impediment. Factors for consideration may include the duration and size of the expressive event, as well as the number and type of structures used.

All temporary structures used for expressive events must be removed by midnight.

Building occupations and takeovers are expressly prohibited.

A.7. Nonverbal expression regulations

The manner regulations for nonverbal expression, such as flyers, signs, and displays, must be reasonable in terms of access, time frame, requirements, and costs. No nonpersonal expression should be denied based on the content of

the flyer, sign, or display, as long as it is within the legal limits. Additionally, any member of the Community who defaces protected expression of others will be held in violation of this Policy.

- **Flyers, Posters, and Banners:** Emory limits flyer postings on building interiors to bulletin boards. Specific posting policies on institutional bulletin boards vary across university buildings. Flyer and/or banner posting is prohibited on sidewalks, streets, building exteriors, benches, light poles, bike racks, windows, doors, landscaping or other unapproved surfaces and spaces.
- **Chalking** is permitted on most sidewalks and streets on university property that are exposed to the elements. Chalking is only permitted in areas where the chalk would be washed away by normal rainfall. Chalking is prohibited on building exteriors or other vertical surfaces and on horizontal surfaces covered by permanent structures such as covered walkways, tented entryways and covered terraces. The use of spray chalk or other spray products (toxic or non-toxic) is strictly prohibited.
- **Removal by university:** Flyers, posters, banners or chalking that defame, harass, threaten violence, call for lawless action, or otherwise violate federal, state, and local laws and regulations will be removed. They can also be removed by university Campus Services staff if posted in unapproved locations. Neither flyers nor chalking can be removed simply because they make some individuals in the Community uncomfortable if they otherwise do not violate these regulations. Flyers (but not chalking) related to specific events may also be removed by Campus Services staff after the event date has passed. Otherwise, chalk messages will remain until they are naturally washed away by rain or foot traffic.
- **Prohibited materials:** Permanent adhesives are prohibited to prevent property damage. The use of spray chalk or any non-chalk materials (including paint) is prohibited. Permanent markings are not allowed. Any damage caused by improper posting or art must be reimbursed by the party responsible.
- **Removal or modification by Community Members:** Deliberate removal or modification of someone else's chalking or flyers, posters, or banners is prohibited, whether these expressions are compliant with these regulations or not; only Campus Services staff can remove expression that is deemed by the Open Expression Observers as violating rules.