

Freedom of Expression Regulation

Updated: February 21, 2025

POLICY:

REG07.30.06

TITLE:

Freedom of Expression Regulation

CATEGORY:

Finance, Operations and Auxiliary Services

SUB-CATEGORY:

Facilities

AUTHORITY:

Chancellor

CONTACT:

For questions about reserving University Property:

Central Reservations Office

Web site: <https://cro.ecu.edu/>

Email: CRO@ecu.edu

Telephone: (252) 328-4731

For questions about this Regulation:

General Counsel and Vice-Chancellor of Legal Affairs

Telephone: (252) 328-6940

Students may submit complaints reporting violation of the regulation through the grievance process administered by the ECU Dean of Students, for which information can be found

at: <https://deanofstudents.ecu.edu/home/complaints-grievances/>.

Anyone may submit a complaint reporting violation of the regulation through the general institutional complaint procedure administered by the Chief of Staff, for which information can be found

at: <https://chancellor.ecu.edu/>.

RELATED POLICIES:

[Student Conduct Process](#)

[Student Code of Conduct Rights and Responsibilities \(pdf\)](#)

[Brody School of Medicine Code of Student Conduct \(pdf\)](#)

[Brody School of Medicine Code of Professional Conduct \(pdf\)](#)

[School of Dental Medicine Handbook](#)

[Code of Ethical Conduct and Professional Behavior for Students and Residents](#)

[ECU Faculty Manual](#)

[Employment Policy for Employees Exempt from the State Human Resources Act](#)

[Review Process and Procedure for EHRA Non-Faculty Employees](#)

[Office of State Human Resources](#)

[SHRA Performance Appraisal Policy](#)

[SHRA/CSS Employee Handbook \(pdf\)](#)

[Clinical Support Services \(CSS\) Disciplinary Policy](#)

[Use of University Property Regulation](#)

ADDITIONAL REFERENCES:

[First Amendment, United States Constitution \(pdf\)](#)

[Article I, Section 14, North Carolina Constitution](#)

[N.C. General Statutes § 116-300 through § 116-304, Campus Free Speech](#)

[UNC Policy Manual, § 1300.8, Free Speech and Free Expression Within the University of North Carolina](#)

[UNC Policy Manual § 101.3.1; § 300.1.1; and § 300.2.1](#)

[UNC Code § 601; §603; § 604; § 608; and § 609; and §612](#)

[UNC Policy Manual 700.4.1, Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)

[UNC Policy Manual 700.4.1.1\[R\] Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations](#)

[UNC Policy Manual 700.4.2, Policy on Student Conduct](#)

[UNC Policy Manual 700.4.3\[G\], Guidelines on Student Disciplinary Proceedings: Meaning and Effect of Expulsion](#)

[N.C. General Statute § 14-288.4](#)

[N.C. General Statute § 143-318.17](#)

[N.C. General Statute § 116-212](#)

[Main campus map \(pdf\)](#)

[Health Sciences Campus map](#)

[ECU Office of Disability Support Services](#)

HISTORY:

April 19, 2017; revised July 17, 2017; revised October 10, 2018; revised July 15, 2019; revised August 19, 2024; revised November 12, 2024; revised February 21, 2025.

PREVIOUS VERSIONS:

No previous versions available.

1. Introduction

The primary function of East Carolina University (the “University”) is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the University must strive to ensure the fullest degree of intellectual freedom and free expression as guaranteed by the First Amendment to the United States Constitution (“First Amendment”).

The diverse ideas and opinions of members of the University Community will sometimes conflict. However, intellectual conflict may give rise to the theories and concepts that drive our society forward, and must not be suppressed solely because they are thought by others to be offensive, unwise, immoral, disagreeable or wrongheaded. Students, staff, and faculty have the freedom to discuss any problem that presents itself, as the First Amendment permits, and within the limits of viewpoint and content-neutral restrictions on time, place, and

manner of expression that are necessary to achieve significant University interests. All University policies, regulations, rules and standard operating practices (SOP's) governing use of University Property for Expressive Activities shall be publicly available on the University's website.

The University shall not take action, as an institution, on the public policy controversies of the day in such a way as to require students, faculty, or administrators to publicly express a given view of public policy. Moreover, the University shall remain neutral, as an institution, on the political controversies of the day.

Any University Regulations, Rules and SOP's are hereby nullified to the extent they restrict Expressive Activity to a greater extent than allowed by the First Amendment or this Regulation, whichever provides the greatest level of protection of Expressive Activity.

2. Definitions

2.1. "All Persons and Organizations" means, collectively, all Members of the University Community, their Guests and Non-Members of the University Community.

2.2. "Associated Entity" means a private organization, foundation, association, or 501(c)(3) corporation that operates under its own charter or bylaws, but which provides funding or other support to the University.

2.3. "Brickyard" means the approximately 2.3 acre Main Campus space, which consists of a brick plaza and associated greenspace. It is bounded on the south by Mendenhall, bounded on the north by the Erwin, Bloxton and Mamie Jenkins Buildings, bordered on the west by the Eakin Student Recreation Center parking lot, and bordered on the east by the Old Cafeteria Building. Contact the CRO with questions.

2.4. "Central Reservations Office" (CRO) means the University Department responsible for coordinating, scheduling and approving space reservations for Events and Expressive Activities on or in University Property that is under the CRO's scheduling jurisdiction. In doing so, the CRO coordinates with Sub-Schedulers and other campus officials to support Expressive Activities and Events. The CRO shall comply with this Regulation.

2.5. “Common Areas of the Student Center(s)” means the lounge spaces located on the first, second, and third floors of both Student Centers. These spaces are open for use at all times during hours of operation. This excludes all dining seating locations

2.6. “Designated Forums”

2.6.1. “Main Campus Designated Forum” means the approximately 5,250 square foot area, within the Mall, that contains the Cupola and is bounded on all four sides by well-traveled pedestrian sidewalks. Contact the CRO for details.

2.6.2. “Health Sciences Campus Designated Forum” means the grassy area adjacent to the bus loop for the Health Sciences Campus Student Center (HSCSC), which is located to the left of the concrete walkway that leads into the east entrance of HSCSC. The space is limited to the grassy area adjacent to the bus loop between trees located to the north and south. Contact the CRO with questions.

2.7. “Event” means a use of University Property which falls outside the definition of “Expressive Activity.” The term “Event” includes, but is not limited to, advertising or Commercial and/or Non-Profit Solicitations that promote the sale or use of a product or service; training seminars; workshops; job fairs; fundraisers; experiential activities, receptions; ceremonies; banquets; recreational events; and dances. Events should be scheduled using content-neutral criteria, including a consistently applied fee structure for use of University Property.

2.8. “Expressive Activity” or “Activity” means all forms of expression that occur on University Property and that fall within the ambit of the First Amendment to the United States Constitution, which may include, but not be limited to, demonstration, speech-making, oral presentation, protest (including silent protest), marching, picketing, signs, leafleting, petition circulation, distribution of written information, counter-protest, symbols, and similar expressive communications and activities that are non-commercial in nature.

2.9. “Expressive Activity Area” (EAA) means, with regard to the Main Campus, the Mall, the Brickyard, the Main Campus Designated Forum, those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval, and the Common Areas of the Student Center. With regard to the Health Sciences Campus, EAA

includes the Health Sciences Campus Designated Forum, the Common Areas of the Student Center, and those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval. All parking lots are excluded during hours when they are in use. All Expressive Activity on or in University Property, whether inside or outside an EAA, remains subject to the provisions of this Regulation.

2.10. “Guest” means a person, group, club or other organization that is invited to engage in Expressive Activity in or on University Property and is sponsored by a Member of the University Community. Any Member of the University Community may revoke their own Guests’ invitations at any time

2.11. “Mall” means the approximately 5.5 acre site in the heart of Main Campus that is bounded on the east by Wright Circle, bounded on the north by Faculty Way, bounded on the west by Cupola Court and bounded on the south by Flanagan, Joyner East, and Student Health Buildings. Contact the CRO with questions about space reservations for the Mall.

2.12. “Material and Substantial” or “Materially and Substantially” refers to actions or activities that have an actual impact, as opposed to a predicted one. It includes actions that materially infringe upon the rights of others to engage in, or listen to, Expressive Activity. When determining whether this threshold has been met, officials should apply content-neutral, objective and relevant factors, including, but not limited to, whether an Expressive Activity is closed to the public; whether the Activity is occurring inside or outside; whether someone is interfering with the ability of others to hear, participate in or otherwise benefit from an Expressive Activity; whether someone is impeding ingress or egress to/from an Expressive Activity; and whether University functions are impeded or disrupted, including, but not limited to, University offices, classrooms, walkways, streets, and medical facilities.

2.13. “Member of the University Community” or “Member” means a University Unit (including the Board of Trustees), a Registered Student Organization, a current employee, or a currently enrolled student.

2.13.1. This definition excludes K-12 students and K-12 employees when they are in attendance at, or operating in the course and scope of their work duties, within a secondary school, as applicable,

because such students and employees enjoy different First Amendment protections in the secondary school setting.

2.14. “Non-Member of the University Community” means all persons, groups, clubs or other organizations that do not come within the definitions of Member of the University Community or Guest.

2.15. “Registered Student Organization” means an organization (including a club) comprised of University students, that is fully registered, and in good standing with, the Office of Student Activities and Organizations.

2.16. “Responsible Officer” means the University Official(s), office(s) or department(s) appointed by the Chancellor to respond to questions about this Regulation.

2.17. “Responsible Person” is one who serves as a liaison between a person or persons engaging in an Expressive Activity and University Officials in order to promote compliance with this Regulation, and who shall identify themselves upon the request of an Authorized University Official, including in the course of a Spontaneous Expressive Activity. The University recognizes that the nature of the Expressive Activity may make it impractical to have someone serving in this role. An example could be Spontaneous Expressive Activity involving a large number of persons. If there is only one person exercising their free speech rights, then that person would serve as the Responsible Person. The Responsible Person shall be a Member of the University Community, except in cases where the Expressive Activity is carried out by Non-Members of the Community in a Designated Forum.

2.18. “Sculpture Garden” means the approximately 1 acre East Campus space that is bounded on the east by Mendenhall, bounded on the west by Joyner Library and bounded on the north by Erwin and Old Cafeteria.

2.19. “Spontaneous Expressive Activity” means Expressive Activity by Members of the University Community in an Expressive Activity Area which Activity was planned less than twenty-four (24) hours prior to the date of the event.

2.20. “Sub-Schedulers” means those University employees and Units who have responsibilities for managing space reservations for particular University Property outside of the CRO’s scheduling

jurisdiction. In doing so, Sub-Schedulers work in concert with the CRO.

2.21. “True Threats” means statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.

2.22. “University,” except when otherwise indicated, means East Carolina University.

2.23. “University of North Carolina System” or “UNC System” means the organization that oversees, regulates and directs the 16 constituent institutions of the University of North Carolina. This University (East Carolina University) is one of those 16 constituent institutions.

2.24. “University Officials” means University employees who are authorized to act on behalf of the University with regard to the subject matter of this Regulation. This includes, but is not limited to, Police Officers, Student Affairs Administrators and Facilities Administrators.

2.25. “University Property” or “Property” means all grounds, outdoor space, buildings, structures, rooms, auditoriums, facilities, stadiums, or other space or improvements, that are owned, leased, used, operated, managed, or otherwise controlled by the University.

2.26. “University Unit” means the Board of Trustees, the Chancellor, and all University Divisions, Departments, Associated Entities, Registered Student Organizations, Centers, Institutes and any other organization that is wholly sanctioned, supervised and governed by the University or a Division or Department of the University.

3. Responsibilities and Duties Applicable to All Persons and Organizations Engaging in Expressive Activity Anywhere on University Property

The University supports and encourages Expressive Activity on and in its Property. Thus, subject to this Regulation, Expressive Activity is not to be confined to the Expressive Activity Areas. At the same time, the University recognizes that its primary mission is to provide an environment that is conducive to education, research and patient care. The University has a significant institutional interest in preserving its limited space and employee resources.

3.1. All Persons and Organizations engaging in Expressive Activity (including Spontaneous Expressive Activity) anywhere on or in University Property shall:

- 3.1.1. Comply with this Regulation and any applicable laws, Policies, Regulations and Rules, including but not limited to the Use of University Property Regulation;
- 3.1.2. Be liable for any damage to University Property they cause;
- 3.1.3. Unless officially authorized to do so by the Chancellor or Designee, refrain from representing that the Person or Organization is speaking on behalf of the University;
- 3.1.4. Unless officially authorized to do so, pursuant to content-neutral time, place and manner limitations, refrain from placement of any of the following on University Property: temporary structures, including, but not limited to, stages, canopy tents, podiums, chairs, tables, vehicles, trailers or any object that will pierce or be driven into any grounds or buildings;
- 3.1.5. Have at least one Responsible Person physically present for the duration of the Expressive Activity, who shall, upon request by a University Official, identify him/herself for the purpose of facilitating communications;
- 3.1.6. At the conclusion of the Expressive Activity, remove and properly dispose of all garbage, signs, placards, papers, flyers and other materials that remain in the area of the Expressive Activity. If this is not accomplished, the Person or Organization organizing or sponsoring the Expressive Activity may be held financially responsible. Any items left behind or unattended (including memorials) may be removed by University Officials at the conclusion of the Expressive Activity; and
- 3.1.7. Whenever possible, hold Expressive Activities in locations that are accessible to persons with disabilities. When in doubt about accessibility, the ECU ADA Coordinator should be contacted with sufficient lead time to make a determination and/or provide modifications to the location in order to enhance accessibility.

3.2. Before moving or limiting a planned or ongoing Expressive Activity, the University will first attempt to avoid or minimize any negative impact on the Activity. If a move or limitation becomes

necessary, the University will allow and facilitate alternative means of expression whenever possible.

3.2.1. A planned or ongoing Expressive Activity on or in University Property may be moved or limited:

3.2.1.1. To the extent it is (a) directed toward inciting or producing imminent lawless actions; and (b) likely to incite or produce such action, including unlawful infliction of bodily injury or substantial damage to University property or grounds; or

3.2.1.2. Upon the occurrence of:

3.2.1.2.1. Circumstances beyond the control of the University, such as emergencies, facility infrastructure disruption, and/or weather related conditions;

3.2.1.2.2. Bonafide unanticipated needs of the University for use of the space; or

3.2.1.2.3. Material and Substantial changes in the needs or size of the scheduled Activity.

3.2.2. An ongoing Expressive Activity on or in University Property may be moved or limited to the extent it Materially and Substantially:

3.2.2.1. Disrupts another Expressive Activity, including impeding others from participating in, listening to or observing such Expressive Activity;

3.2.2.2. Disrupts University activities or functions;

3.2.2.3. Interferes with lawful forms of dissent;

3.2.2.4. Obstructs or Materially and Substantially limits ingress or egress to University Property, including building entrances, walk-ways or rights-of-way of vehicular or pedestrian traffic;

3.2.2.5. Provokes immediate violence (“fighting words”);

3.2.2.6. Impedes the classroom environment, laboratory or research environments;

3.2.2.7. Interferes with patient care environments or treatment of patients;

3.2.2.8. Exceeds the capacity of the University Property where the Expressive Activity is taking place such that persons or

property are in danger of harm;

3.2.2.9. Exposes another to a True Threat;

3.2.2.10. Constitutes a violation of the University Chancellor's content-neutral designation of a curfew period pursuant to N.C.G.S. § 116-212;

3.2.2.11. Violates applicable laws or regulations, including:

3.2.2.11.1. Disorderly conduct under N.C.G.S. § 14-288.4;

3.2.2.11.2. Disruption under N.C.G.S. § 143-318.17;

3.2.2.11.3. Trespass under N.C.G.S. 14-159.13

3.2.2.11.4. Invasion of privacy or confidentiality on a matter not involving a matter of public concern;

3.2.2.11.5. Expression that a court applying controlling law has lawfully and finally deemed to be defamation that is unprotected by the First Amendment;

3.2.2.11.6. Obscenity; or

3.2.2.11.7. Harassment

4. Expressive Activity

With the exception of Spontaneous Expressive Activity (see below) all Persons and Organizations planning to engage in Expressive Activity on or in University Property that is under the scheduling jurisdiction of the CRO must pre-schedule with the CRO or its Sub-Schedulers, pay applicable charges, and comply with published content-neutral and publicly available Regulations, Rules and SOP's. If the particular University Property requested is not within the jurisdiction of the CRO or Sub-Schedulers, they will direct such requestors to the persons or Units, if any, that have jurisdiction over those areas, and this Regulation will continue to apply.

4.1. Spontaneous Expressive Activity

4.1.1. Without prior notice or prior payment, but in all cases subject to this Regulation, Members of the University Community and their Guests may assemble and engage in Spontaneous Expressive Activity in the Expressive Activity Areas.

4.1.2. Although not required, those planning to engage in Spontaneous Expressive Activity are strongly encouraged to provide prior notice to the Central Reservations Office (“CRO”) with as much lead time as possible. The CRO offers guidance in scheduling and planning, and works with campus facilities and service providers to help ensure a successful and safe event. The CRO may also be helpful in identifying alternative space if an area is already reserved or in use.

5. Expressive Activity by Non-Members of the University Community

Free of charge, but in all cases subject to this Regulation, Non-Members of the University Community may use the East Campus Designated Forum or the West Campus Designated Forum for Expressive Activity, if they provide the CRO with a completed written request for use of the particular Designated Forum at least two (2) business days prior to the Expressive Activity.

6. Academic Freedom shall not be Adversely Impacted

All Members of the University Community share the responsibility for maintaining an environment in which Academic Freedom flourishes and in which the rights of each member of the academic community are respected. This Regulation shall not be interpreted as limiting the right of Academic Freedom as set forth in the University’s Faculty Manual.

7. Potential Sanctions and Procedural Safeguards for Students and Employees of the University

7.1. Potential Sanctions

7.1.1. Any student or employee who has Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; who is found to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is found to have violated this Regulation, is subject to the full range of applicable disciplinary sanctions, up to and including suspension or expulsion (applicable to students) and termination (applicable to employees). In

conformance with existing University policies, repeat violations may be considered when determining the severity of disciplinary sanctions.

7.2. Procedural Safeguards for Students

7.2.1. In all student disciplinary cases where disciplinary action is proposed for a student who allegedly Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; or who is alleged to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups, is entitled to a disciplinary hearing in compliance with (a) applicable published University Policies, Regulations and Rules, including but not necessarily limited to the Student Conduct Process Regulation; and (b) UNC Policy Manual, Section 700.4.1, including the following:

7.2.1.1. The right to receive advance written notice of the charges;

7.2.1.2. The right to review the evidence in support of the charges;

7.2.1.3. The right to confront witnesses against them, in the manner required by law, which may differ depending on the violation alleged;

7.2.1.4. The right to present a defense;

7.2.1.5. The right to call witnesses;

7.2.1.6. A decision by an impartial arbiter or panel;

7.2.1.7. The right of appeal; and

7.2.1.8. The right to active assistance of counsel, consistent with N.C. G.S. §116-40.11.

7.3. Procedural Safeguards for Employees

7.3.1. Whenever disciplinary action is proposed for an employee who allegedly Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; who is alleged to

have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is alleged to have violated this Regulation, the employee is entitled to the same procedural safeguards that already apply by virtue of the employee's classification. (Discontinuation of at-will employment without cause and non-renewal of contractual employment shall not be considered to be disciplinary action) See a non-exhaustive list of procedural safeguards below.

7.3.1.1. Faculty Members are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules, including but not necessarily limited to, the Faculty Manual and sections 603, 604, 607 and 609 of the UNC System Code;

7.3.1.2. Senior Academic and Administrative Officers and Exempt Professional Staff are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules applicable to each appointment type, this may include but is not necessarily limited to the Review Process and Procedure for EHRA Non-Faculty Employees (applicable to EPS employees); and sections 300.1.1 and 300.1.1 [R] ("Regulation Concerning Discharge for Stated Cause for Non-Faculty Employees Exempt from the North Carolina Human Resources Act") UNC Policy Manual and section 612 of the UNC System Code; and

7.3.1.3. SHRA, DMSS and CSS Employees are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules, including but not necessarily limited to, the SHRA and CSS Employee Handbooks; and the policies of the Office of State Human Resources.

7.4. Potential Sanctions: Guests and Non-Members of the University Community

7.4.1. Any Guest or other Non-Member of the University Community who has Materially and Substantially disrupted or interfered with official meetings or other official functions of the University, or any Unit, Associated Entity or board of any of these; who is found to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is found to have violated this Regulation, is subject to removal from the vicinity to the

extent necessary to end the Material and Substantial disruption, as may be allowed by law. In addition, if the conduct occurred on University Property, then the Guest or other Non-Member of the University Community may be barred from University Property, and/or subject to criminal sanctions, to the extent allowed by law.

7.5. The Freedom of Expression Rights of Dissenters and Counter-Protestors

7.5.1. Dissenters and counter-protestors have the same free speech rights as those who are conducting or attending a planned meeting or Expressive Activity. Any students, employees, Guests and/or Non-Members of the University Community who Materially and Substantially disrupt the protected rights to freedom of expression and/or Expressive Activities of dissenters or counter-protestors are subject to the same potential sanctions set forth in this Regulation.

8. Dissemination of Information

The University will disseminate information to the Campus Community describing the University's published Policies, Regulations and Rules governing Expressive Activities, free speech and free expression, including links to where the information may be found on the University website. This information will be provided:

- 8.1. To matriculating students as part of each new student orientation program;
- 8.2. Annually, during the first week in September, to all then-current students;
- 8.3. Annually, during the first week in September, to all University employees; and
- 8.4. To outside parties upon request.

9. Appointment of Responsible Officer and Deputy Responsible Officers

9.1. The Chancellor shall appoint one or more University Officials, offices or departments to serve as the Responsible Officer. The Chancellor, in his/her discretion, may appoint Deputy Responsible Officers in other offices or departments as may be necessary to assist the Responsible Officer.

9.1.1. The Chancellor/Designee will notify the UNC System Vice-President and General Counsel of the identity of the Responsible Officer, and any changes to that designation.

9.1.2. The Responsible Officer is the University Counsel and Vice Chancellor for Legal Affairs, who may be contacted with questions about this Regulation at (252) 328-6940