

# UNIVERSITY POLICY 134

## Section n Menu

[Home](#) > [Discover](#) > [Leadership](#) > [Office of the Chancellor](#) > [Legal Counsel](#) >  
[university-policies](#) > [numerical-index](#) >

## Assemblies, Public Addresses, and Political Activities

Initially approved: June 6, 2023

Revised: February 18, 2025

Policy Topic: Governance and Administration

Administering Offices: Administration and Finance; Legal Counsel's Office; and Student Affairs

### I. POLICY STATEMENT

Recognizing that its support derives in large part from public funds, Western Carolina University (the "University") is committed to making its facilities and grounds available for use by all groups, consistent with its educational mission, its duties as a custodian of State resources, applicable state and federal law, and its responsibility to consider the safety and welfare of its students, faculty, staff, and visitors. The University strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and N.C. Constitution. Free speech is central to the University's academic mission and it encourages and supports open, vigorous, and civil debate. While the University wishes to be accessible to the public, the University has the right under appropriate circumstances to regulate the time, place, and manner of exercising constitutionally protected rights and to use its own facilities in

accordance with the University's business needs. The purpose of this Policy is to place reasonable limitations on assemblies and public addresses and political activities so that the University may fulfill its primary mission of education and ensure the safety and welfare of the campus community.

## II. SCOPE AND APPLICATION OF POLICY

1. This policy applies to assemblies, public addresses, and political activities conducted on the University's campus.
2. All activities under this Policy must also comply with University Policies 65, 82, and 110, where applicable.
3. Use of a University facility for an assembly, public address, or political activity does not mean that the University in any way supports, sanctions, or agrees with the policies and activities of the user. The University reserves the right to limit use of the University's name, registered marks, and other University indicia in connection with promotion or endorsement of events. Except for the purpose of describing location, promotional and advertising materials may not implicitly or explicitly use the University's name, logo or other indicia without prior approval of the University, which may be obtained from the Brand Manager located in the Office of Creative Services at (828) 227-2077.

## III. DEFINITIONS

**"Assemblies and Public Addresses"** are meetings or gatherings organized for an intended purpose. Public Addresses also may involve speeches to a group of individuals in a structured, deliberate manner intended to inform, influence, or entertain the listeners.

**"Affiliated Group"** means a group or entity that is directly or indirectly controlled by, controlling or under common control with the University. It includes University Groups and Recognized Student Organizations.

1. "University Group" is an administrative or academic unit, department, or center within the University, staffed by University employees acting within the scope of their employment.
2. "Recognized Student Organization" means the Student Government Association and other student clubs and groups that have been officially recognized by the University.

**“Non-Affiliated Group”** is an individual or group that is a legally separate entity from the University, even though some of the members or participants may be University personnel, alumni, or students.

**“Nonpartisan Programs and Events”** are events where there is no political preference expressed, or if political preference is expressed, all sides get a fair and equal opportunity to express their views. Examples include, but are not limited to, voter registration activities; a debate where each “side” has the same opportunity to speak and to respond to questions; get-out-the-vote activities that are designed to encourage and support all WCU community members to vote, regardless of their political affiliation or beliefs; candidates appearing on campus in their role as a public officeholder, not as a political candidate.

**“Partisan Programs and Events”** are campaign rallies, speeches, and other events designed to support one candidate or party over another. Examples include, but are not limited to, events or activities sponsored by a political campaign office; a forum or town hall event designed to convince persons to vote a specific way or for a specific candidate; direct contact to solicit votes, identify supporters, or influence persons to vote a specific way on a candidate, platform, party or issue (i.e., canvassing).

## IV. ASSEMBLIES AND PUBLIC ADDRESSES

All groups and individuals shall comply with the following requirements regardless of the space used or event held:

1. Activities of attendees must not conflict with, disrupt or otherwise interfere with a facility's normal use or primary function; or disrupt any event, program or activity; display objects blocking sight lines; or restrict pedestrian or traffic flow or create hazardous conditions; or otherwise violate University policy or applicable state or federal law.
2. Assemblies and Public Addresses must be conducted so that members of the University community not participating in the event may proceed with their normal activities.
3. All proposed activities requiring prior approval must be reviewed to assure compliance with insurance and safety requirements prior to final approval.
4. Persons may not obstruct, disrupt, interrupt or attempt to physically force the cancellation of any event or activity sponsored by the University or by any users authorized to use University property.
5. Persons shall not engage in unlawfully harassing, physically abusive, threatening, or intimidating conduct toward any person.

6. Persons shall comply with the directions of a University official acting in the performance of his or her duty.
7. A scheduled use shall have priority over any unscheduled use, even when scheduling is not required by this Policy.
8. An unscheduled use by a University academic unit for University instructional, research, or service activities shall have priority over any other unscheduled use.

## **A. Use of Exterior Spaces**

1. **Affiliated Groups and Students.** Subject to Additional Requirements described below, Affiliated Groups and Students may conduct Assemblies or Public Addresses without prior approval at any exterior campus location. The use of the Picnic Grounds, however, requires the submission of a reservation form to the Director of the University Center at least forty-eight (48) hours in advance of the Assembly. Groups comprised of twenty (20) or more persons are encouraged to notify the Director of University Police and Parking Services and the Associate Vice Chancellor for Facilities at least forty-eight (48) hours in advance of the Assembly/Public Address so that safety measures may be considered if necessary.
2. **Non-Affiliated Groups.** Non-Affiliated Groups (whether the groups are sponsored by an Affiliated Group or are unsponsored) may conduct Assemblies or Public Addresses at exterior campus locations as follows: (1) without prior approval/scheduling, on the sidewalks adjacent to Centennial Drive, Forest Hills Road, and Central Drive; or (2) with prior approval/scheduling, on the southeast section of the Hinds University Center lawn or the Central Plaza as may be determined by the Director of the University Center. These areas are highlighted on the campus map attached as Attachment "B".
  1. Scheduling the use of the Hinds University Center lawn or the Central Plaza shall be handled by the Director of the University Center. Non-Affiliated Groups must submit a reservation form to the Director of the University Center at least forty-eight (48) hours in advance of the Assembly or Public Address. The Director of the University Center should notify the Director of University Police and Parking Services and the Associate Vice Chancellor for Facilities at least forty-eight (48) hours in advance of the Assembly/Public Address so that safety measures may be provided if necessary. Administrative review will be limited to reasonable time, place, and manner considerations.
  2. The Director of the University Center, in consultation with the Vice Chancellor for Student Affairs and General Counsel, may waive the 48-hour requirement for good cause, which shall include: (1) consideration of the number of people expected to

attend the assembly or public address; (2) the availability of space and whether other events are concurrently scheduled; (3) the safety and welfare of the campus community; and (4) whether the activities will disrupt normal University operations. Waivers must be based on neutral criteria and not on the content of the event or the viewpoint of the sponsors.

3. The University may disapprove or retract an invitation and cancel or postpone a scheduled event based only upon reasonable time, place, and manner considerations or when the situation demands. Any postponed invitation shall be rescheduled as quickly as possible. The University will determine the appropriate venue for the outdoor Assembly or Public Address based only upon reasonable time, place, and manner considerations.
  4. The University shall keep a record of the permit indicating the date, time, and location of the event approved by the appropriate University official.
3. Additional Requirements. Because the use of exterior campus facilities presents the possibility of disturbance to normal University activities and damage to University property, the guidelines governing the use of exterior space shall include, but not be limited to, the following:
1. No permanent or semi-permanent structure, including but not limited to stakes driven in the ground, tents, or trailers, may be constructed or placed for any activity in these outdoor facilities without approval of the Associate Vice Chancellor for Facilities or his/her designee or in connection with a ticketed event.
  2. No sleeping on top of any parked vehicle, under any parked vehicle, or outdoors on University managed or controlled property with or without bedding, tent, hammock, tarp, or similar device, protection, or equipment overnight, between sunset and sunrise.
  3. No semi-permanent structure may be constructed or placed for any activity conducted on emergency access roads, accessible paths or rights of way.
  4. All outdoor Assemblies and Public Addresses must be conducted without sound amplification equipment unless permission for amplification is obtained from the Vice Chancellor for Student Affairs.
  5. Users are responsible for the cleanliness and order of all open spaces following their use. Users may be billed for cleanup that they do not adequately complete themselves.
  6. Fires are not permitted except upon prior written approval from the Associate Vice Chancellor for Facilities.

7. Fireworks are not permitted except upon prior written approval from the Associate Vice Chancellor for Facilities.
8. No outdoor assembly may be conducted within 200 feet of a childcare playground or facility during operating hours, within 50 feet of any building, or within 50 feet of any other individual's or group's outdoor assembly. The University may take additional measures as necessary to provide for adequate safety and security.
9. Outdoor assemblies may not take place within the confines of any campus recreation facility or athletic facility. No outdoor assembly may take place in residential areas (those areas within 50 feet of any residence hall) between the hours of 12:00 midnight to 8:00 a.m.

## **B. Use of Interior Spaces.**

Any individual or group desiring to use any interior space on campus must comply with University Policy #82, Facilities Use Policy, University Policy #65, Space Management, University Policy #110, Conferences and Events, and any other facility-specific facilities use policy (e.g., Ramsey Regional Activity Center policy). Assemblies and Public Addresses will generally be scheduled and/or coordinated by the Office of Conference Services in the Division of Student Affairs.

## **V. FREE EXPRESSION AND ACCESS TO CAMPUS**

Students, staff, and faculty shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity is lawful and does not materially and substantially disrupt the functioning of the constituent institution, subject to State law [\[1\]](#) and the requirements of this Policy. For faculty and staff, participation in assemblies and engagement in spontaneous expressive activity may be conducted only at times when the activity does not interfere with University employment obligations. In exercising these rights, neither an employee's position nor University resources can be used.

The material and substantial disruption of an individual or group's lawful exercise of speech or expressive conduct protected by the First Amendment is prohibited. A "material and substantial disruption" includes, but is not limited to, any or all of the following:

1. Any action that qualifies as disorderly conduct under N.C.G.S. § 14-288.4;
2. Any action that qualifies as a disruption under N.C.G.S. § 143-318.17;

3. Any action in violation of a chancellor's designation of a curfew period pursuant to N.C.G.S. § 116-212;
  4. Any action that results in the individual receiving a trespass notice from law enforcement.
- [\[2\]](#)

The right to dissent is the complement of the right to participate in expressive activity, but these rights need not occupy the same forum at the same time. Actions that may give rise to a material and substantial disruption include protests and demonstrations that materially infringe upon the rights of others to engage in and listen to expressive activity when the expressive activity (1) has been scheduled pursuant to this Policy or other relevant institutional policy, and (2) is located in a nonpublic forum. [\[3\]](#)

In determining whether an action is a material and substantial disruption, WCU will consider the degree to which the disruptive activity impedes access to or from any scheduled institution events or the degree to which the activity impedes an audience's ability to see and hear the expressive activity. [\[4\]](#) Other activities that may materially and substantially interfere with the institution's missions include disrupting the classroom environment, laboratory or research environments, patient care environments, or blocking the flow of pedestrian traffic. Anyone who substantially interferes with acceptable forms of dissent is also considered in violation of this policy in the same way as a dissenter who violates the rights of the speaker or the audience. [\[5\]](#) See Section V. of University Policy 133, Free Speech and Free Expression, for a list of activities not protected by the First Amendment or State or federal law.

Students who materially or substantially disrupt the functioning of the University or who substantially interfere with the protected free expression rights of others in violation of this Policy shall be subject to the WCU Code of Student Conduct. Faculty or staff who materially or substantially disrupt the functioning of the University or who substantially interfere with the protected free expression rights of others in violation of this Policy shall be subject to disciplinary action according to the appropriate disciplinary procedures for misconduct, including suspension, or, as appropriate, dismissal. Anyone under the jurisdiction of the University who is involved in Expressive Speech or Conduct Disciplinary Cases in violation of this Policy shall be entitled to procedural protections provided by the WCU Student Code of Conduct or relevant faculty and staff disciplinary and grievance policies. [\[6\]](#)

## **VI. POLITICAL EVENTS AND PARTISAN POLITICAL ACTIVITIES**

The University, while being nonpartisan, recognizes that political discussion is an important part of the educational process. Political candidates may be invited to appear on campus by affiliated groups that have reserved space in accordance with University Policy 65, Space Management, University Policy 82, Facilities Use Policy, and University Policy 110, Conferences and Events. The Director of External Affairs shall be notified of such an appearance. The Director of External Affairs may assist the facility coordinator and the affiliated group in conducting the event; however, the event remains that of the affiliated group. The event may include the service of refreshments as long as refreshments are provided through the University's food service contractor. Political candidates may also use outdoor facilities without invitation from an affiliated group as long as the use is in accordance with this Policy and Policy 82. However, political fundraising events are not allowed on campus. No fundraising may take place in connection with a partisan political event. Partisan events may be sponsored by recognized student organizations if the costs associated with the partisan event are paid by the partisan co-sponsor or, to the extent costs are paid by the registered student organization, student fees and other University-provided funds must not be used.

Each member of the University community has the right to express his/her views on any subject, including advocacy for/against political candidates or positions. However, in exercising these rights, neither an employee's position nor University resources can be used. In addition to employment obligations, reasonable time, place, and manner restrictions apply to all political activity, e.g., complying with applicable University policies for the use of facilities. All postings and displays must comply with North Carolina law, UNC System policy, and University guidance on partisan political activities on campus.

## **VII. DISCLAIMER**

In making its facilities available for use under this policy to individuals or groups other than University administrative units, the University assumes no obligation or responsibility for the activities of the person or group. The University reminds all users to be aware of and comply with applicable laws, including those related to safety, libel, slander, defamation, and obscenity.

## **VIII. POLICY REVIEW**

This policy shall be reviewed and revised as necessary every two (2) years.

IX. RELATED POLICIES AND RESOURCES

University Policy #65, “[Space Management](#)”

University Policy #81, “[WCU General Campus Policy for Alcoholic Beverages](#)”

University Policy #82, “[Facilities Use Policy](#)”

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

[Campus Map – Attachment “B”](#)

- [1] N.C.G.S. § 116-300(4).
- [2] Section 1300.8 of the UNC Policy Manual, Paragraph IV.
- [3] Section 1300.8 of the UNC Policy Manual, Paragraph VII.
- [4] Id.
- [5] Id.
- [6] See Section 1300.8 of the UNC Policy Manual, Paragraph VII.A.1.

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Quick Links

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| <a href="#">IT Help</a>               | <a href="#">Title IX</a>              |
| <a href="#">Jobs at WCU</a>           | <a href="#">Canvas</a>                |
| <a href="#">Emergency Information</a> | <a href="#">myWCU</a>                 |
| <a href="#">Staff Directory</a>       | <a href="#">Digital Accessibility</a> |