



PERMANENT MEMORANDUM 79 FREEDOM OF SPEECH AND EXPRESSION

POLICY DIGEST

Monitoring Unit: Office of the President
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I. GENERAL POLICY

Louisiana State University (“LSU” or the “University”) is fully committed to free speech among students, faculty, staff, and invited guests lawfully on campus. A free interchange of ideas is necessary to fulfill LSU’s primary role of promoting critical thinking and knowledge. LSU strives to ensure the fullest degree of protection for the political views and freedom of association of its students, faculty, staff, and invited guests. This freedom comes with a responsibility to welcome and promote expression for all people and all ideas, even when there is disagreement or opposition. This policy applies to all LSU campus locations.

LSU endeavors to ensure the fullest degree of intellectual freedom and free expression on its campuses. It is not the proper role of the University to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America, Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including, without limitation, ideas and opinions it finds unwelcome, disagreeable, or even deeply offensive. Students, faculty, staff, and invited guests have the freedom to discuss any topic that presents itself in the public areas of campus considered traditional public forums in a manner that is lawful, does not materially and substantially disrupt the functioning of the University, is in furtherance of a significant institutional interest, and is within the limits on time, place, and manner of expression provided herein.

Encouraging members of the University community to engage with each other effectively and responsibly is an essential part of the University’s educational mission. However, the freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. The University prohibits expression that violates the law, defames a specific individual, constitutes a genuine threat, violates a LSU institution’s code of student conduct, unjustifiably invades substantial privacy or confidentiality interests, or violates any other term of this policy.

Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in a free speech and First Amendment protected expressive activity are forms of censorship that will not be tolerated and constitute violations of this policy.

II. TRADITIONAL PUBLIC FORUMS

Under Louisiana law, Outdoor Areas of a campus are traditional public forums and are open to expressive activities. “Outdoor Areas” are defined as outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted. Student expression may be allowed elsewhere on campus with time, place, and manner restrictions. (See Section III below)

On occasion, Outdoor Areas may be reserved or temporarily used for University-sponsored activities, and such areas will be unavailable for exercise of expressive activities under this policy. This policy does not provide for the use of University resources in the exercise of free speech or expressive activities.

III. TIME, PLACE, AND MANNER RESTRICTIONS

The University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the educational activities and mission of the institution. Except as allowed by law, the University shall not apply these restrictions in a discriminatory manner toward the content of the view being expressed or the speaker, or in any manner that otherwise infringes on any form of free speech or expressive activities protected by the First Amendment.

Under the time, place, and manner restrictions, any exercise of free speech or expressive activity under this policy may not:

- A. Involve the use of cots, tents, or temporary, makeshift, or portable structures intended for living or sleeping;
- B. Obstruct the flow of pedestrian or vehicular traffic or circulation;
- C. Impede access to University buildings, grounds, or facilities;
- D. Interfere with or disrupt University business, activities, classes, or other scheduled programs or events (even if in an Outdoor Area);
- E. Involve the use of amplified or otherwise create unreasonable noise disruptive of University activities;
- F. Involve the posting of signs, posters, boards, etc., on any property/surface owned by the University (unless specifically designated for public notices), including on interior or exterior walls, doors, and windows of buildings, in trees and bushes, or on the ground or a building using chalk or paint;
- G. Involve the use of signs or banners that prevent the audience from seeing the speaker or presentation or otherwise disrupts the audience's ability to hear, see, and interact with the speaker; or
- H. Violate any federal, state, or local law, regulation or safety code.

IV. GROUP EXPRESSION

If an individual or group of individuals attracts a group of 20 or more persons, then a representative from the group is encouraged to contact campus law enforcement as soon as circumstances reasonably permit. The University reserves the right to direct a group of 20 or more persons to another available Public Area in order to ensure the safety of campus members, to provide for proper crowd control, and to limit disruption of the academic and other operations of the University. Any relocation must not be based on the content or viewpoint of the expression.

V. CLASSROOM OR ACADEMIC SETTINGS

The classroom and other academic settings are not traditional public forums for free speech and First Amendment protected expressive activities under this policy. Under Louisiana law, a professor or instructor is prohibited from imposing the professor's or instructor's political views on students. Specifically, a professor or instructor may not:

- A. Require a student to attend a political protest or engage in any other political activity outside the classroom that aligns with the political views of the professor or instructor; or

- B. Require a student to participate in a certain political activity outside the classroom as a condition of obtaining the letter grade to which the student would otherwise be entitled based upon the student's actual academic performance in class.

VI. STUDENT-ON-STUDENT DISCRIMINATORY HARASSMENT

LSU is committed to protecting its students from student-on-student discriminatory harassment, and such conduct is prohibited by this policy and may implicate other LSU policies. "Student-on-student discriminatory harassment" is defined by law as unwelcome conduct or harassment that targets a victim and is so severe, pervasive, and objectively offensive that it detracts from the victim's educational experience such that the victim is effectively denied equal access to the University's resources and opportunities.

VII. PROHIBITED ACTIVITIES

The following are expressly excluded from free speech and First Amendment expressive activities under this policy:

- A. Provocations with fighting words or incitements to engage in immediate violence;
- B. Unwelcome conduct or harassment that targets a victim and is so severe, pervasive, and objectively offensive that it detracts from the victim's educational experience such that the victim is effectively denied equal access to an institution's resources and opportunities;
- C. Threats which demonstrate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals;
- D. Interference with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into and out of University facilities;
- E. Material and substantial disruption of the educational mission and business activities of the University;
- F. Obscenity as defined by law;
- G. Any criminal activity prohibited under federal, state, or local law;
- H. Advocacy for the deliberate violation of law by preparing a group or audience for imminent action and seeing it to such action;
- I. Activities in which an individual or group is knowingly being funded by any individual, corporation, business, or organization that has been designated as a foreign terrorist organization or foreign adversary of the United States Department of State under federal law; or
- J. Commercial activities in which individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

VIII. GRIEVANCE PROCEDURE

Any individual aggrieved by a violation of this policy may file a written complaint with the University within 14 calendar days of the alleged policy violation. The University shall provide a written response to the complainant within 14 calendar days of receipt unless, for good cause, additional time is needed to ascertain facts or speak with the complainant or relevant officials. Any decision rendered in response to a complaint shall be final.

- A. If a student or student organization is claiming a violation of this policy, the complaint may be filed with the chief student affairs officer of the particular campus or their designee. A “student organization” is defined by law as an officially recognized group at an institution, or a group seeking official recognition, comprised of enrolled students.
- B. For all other individuals or organizations claiming a violation of this policy, including faculty or staff, the complaint may be filed with the Chancellor of the particular campus or, for the Baton Rouge campus, the Office of the President.

IX. ADMINISTRATION/ENFORCEMENT

This policy shall be administered and enforced by the Office of the President, the chancellors (and equivalents), institutional chief student affairs officers, respective campus police departments, and other University officials as designated.

An individual student or student organization alleged to be in violation of this policy may be subject to referral to their respective student accountability/disciplinary office for a determination under the institutional code of student conduct. Any student or student organization charged for violation of this policy shall have the right to have an attorney present at any disciplinary hearing, at the student’s or student organization’s expense. A member of faculty or staff alleged to be in violation of this policy may be subject to discipline through the campus’s respective human resource management office.

An invited guest to campus and any other individual alleged to be in violation of this policy may be subject to immediate removal from the campus without further warning by appropriate University agents or officials and may be subject to appropriate legal action.

X. FREEDOM OF ASSOCIATION/POLITICAL OR IDEOLOGICAL BELIEF-BASED ORGANIZATIONS

The University does not discriminate on the basis of political ideas, religious beliefs, affiliations, or ideology against any organization or the organization’s leaders or members of the organizations in ways that:

- A. Restrict the organization’s sincerely held religious beliefs or the political or ideological beliefs of the organization;
- B. Restrict compliance with the organization’s standards of conduct with respect to free speech and First Amendment protected expressive activities;
- C. Restrict the organization’s mission or purpose, as defined by the organization with respect to free speech and First Amendment protected expressive activities; or
- D. Require the organization to accept elected officers, choose leaders, or accept members who are not members of the same religion or the same political party or who do not share the same ideological beliefs if to do so would violate the organization’s standards of conduct.

XI. NON-ENDORSEMENT/RATIFICATION

Nothing in this policy is intended nor should be interpreted as an endorsement or approval by LSU of any demonstration, any exercise of free speech, an invitation or license to speak or demonstrate, or the granting of any right or permission to speak or demonstrate on campus beyond the rights existing under federal and state law.

XII. SUPERSEDING POLICY

This policy supersedes and nullifies any provision in the University's policies and regulations restricting speech on campus.

XIII. SOURCE

This policy is adopted pursuant to La. R.S. 17:3399.31, *et seq.*, and has been updated to incorporate the 2024 amendments to the statute.