

# Tunnel Painting

Policy 405.1

## 1 Introduction

1.1 The walls and ceilings of the pedestrian tunnels under Rivers Street are a University venue for use by students to communicate their messages and information to those passing through the tunnels. Such students should understand that the primary purpose of the tunnels is to provide safe passage across Rivers Street for members of the University community and others (including campus visitors, families and children, persons attending campus events, etc.). The use of the walls and ceilings as a venue for communication is clearly secondary to that primary use and function.

## 2 Scope

## 3 Definitions

## 4 Policy and Procedure Statements

### 4.1 Regulation/Censorship of Messages

4.1.1 Although the University encourages students to recognize the interests of all those who use the tunnels and to keep their messages and artwork appropriate to all tunnel users, the University generally will not regulate or censor the content of the expression painted in the tunnels. Nonetheless, students should understand that some forms of expression (e.g., obscenity, defamation, fighting words, harassment), because of their "nonspeech" elements, are not constitutionally protected and may in fact be "constitutionally proscribable." See, e.g., *R. A. V. v. City of St. Paul*, 505 U.S. 377, 382-86, 390-92 (1992). Thus, students may be sanctioned if they paint words or visual depictions on the tunnel walls or ceilings that violate applicable law or policies. Federal law prohibits, among other things, harassment. State law for purposes of this Policy is North Carolina law potentially applicable to expressive conduct, both common law (including, but not limited to, the law of defamation and infliction of emotional distress) and statutory law, including, but not limited to: N.C.G.S. § 14-190.1 (obscene literature and exhibitions); N.C.G.S. § 14-190-13 (definitions for certain offenses concerning minors); N.C.G.S. § 14-190.14 (distributing material harmful to minors); N.C.G.S. § 14-190.15 (disseminating harmful material to minors); N.C.G.S. § 14-288.4 (disorderly conduct); N.C.G.S. § 14-144 (defacing buildings); N.C.G.S. § 14-132 (disorderly conduct in and injuries to public buildings and facilities); N.C.G.S. § 14-145 (unlawful posting of advertisements); N.C.G.S. § 14-159.13 (second degree trespass); N.C.G.S. § 14-394 (anonymous threatening or disgrace-causing writings); and N.C.G.S. § 14-35 (hazing). Violations of law or University policy may subject the violator(s) to judicial sanctions and/or sanctions under the Code of Student Conduct.

### 4.2 Limitation of Messages

4.2.1 All painting must be limited to the walls within the tunnels and the tunnel ceilings and cannot extend to the walls going up the steps, the flooring or steps themselves, the railing, or the areas beyond the tunnels. Your assistance is requested in addressing the issue of vandalism on campus in the form of painting or tagging. If you observe groups or individuals engaging in this illegal activity outside of the tunnel, please contact University Police at 262-2150. Students should understand that painting the tunnel does not insure sole access to its use for a period of time and others may indeed paint over your information. We request that groups whenever possible respect the work of others. Please be advised that should students or others engage in conduct that violates law or University policy, they may be held accountable through the University judicial processes or external judicial processes.

### 4.3 Rules

1. Painting is ONLY permitted on the tunnel walls and tunnel ceiling under Rivers Street.
2. Painting IS NOT permitted on the floors, steps, railing, walls leading out of the tunnels, or the areas outside of the tunnels.
3. Light fixtures within the tunnel are not to be painted.
4. Painting the tunnels DOES NOT insure the display of your artwork or announcements for a specific period of time, and others may paint over what you have painted.
5. Although students painting the tunnels are encouraged to recognize that various individuals (including families with children) utilize the tunnels and try to make information appropriate to all, the University generally will not regulate or censor the content of the expression painted in the tunnels.
6. Painted materials (written or otherwise) that violate law or University policy are not permitted, and such violations may subject those responsible to judicial sanctions and/or sanctions under the Code of Student Conduct.

## **5 Additional References**

## **6 Authority**

## **7 Contact Information**

7.1 Persons who believe that materials painted in the tunnels violate law or policy may contact Mr. JJ Brown, the Associate Vice Chancellor and Dean of Students at 262-2060. While this will not necessarily result in a university response, it will help keep University administration informed of potential violations.

7.2 Please contact the Center for Student Involvement and Leadership (262-6252) for further information.

## **8 Original Effective Date**

## **9 Revision Dates**

December 1, 2009

November 9, 2010