



POLICY STATEMENT

Time, Place and Manner for Expressive Activities

SU Policy Number: 701-003.0

ORIGINATING OFFICE

Office of Equity, Inclusion & Compliance
Vice President for Administration & Finance

PURPOSE

Shippensburg University as a public university supports the rights of all, within the bounds of the law, to engage in protected speech and assembly, including but not limited to demonstrations, marches, picketing, leafleting, and protesting (“Expressive Activity or Activities”). The purpose of this policy is to balance free speech rights with the University’s obligation to provide an educational environment for faculty, students and staff free from disruption.

SCOPE

This policy applies to Expressive Activities of any individual or group in On-Campus Community Accessible Areas. Individuals and groups engaging in Expressive Activity or Activities must comply with all applicable laws, this policy, and other applicable policies of Shippensburg University and the Pennsylvania State System of Higher Education.

For the purposes of this policy, the following definitions shall apply:

DEFINITIONS

Expressive Activity or Activities: Speech and assembly including, demonstrations, marches, picketing, leafleting and protesting, protected by the U.S. Constitution’s First Amendment.

Coronavirus Disease 2019 (COVID-19): A contagious respiratory illness transmitted by airborne particles infected with virus; federal and state guidelines limit the size of public gatherings to reduce the risk of COVID-19 transmission and infection.

Grove Lawn: The grassy area between Grove Hall and Math & Computing Technologies Center (MCT).

Reisner Lawn: The grassy area to the southeast of Reisner Dining Hall and southwest of McLean Hall.

The “Hockey Rink”: The covered and open-air area located beyond the parking lot across the street from Luhrs Performing Arts Center.

Scheduled Academic Hours: 8:00 AM – 9:30 PM (Monday – Thursday), 8:00AM – 3:00 PM (Friday).

Student(s): Any person from the time they accept admission to Shippensburg University up through the date of graduation. Students includes new students at orientation and any other person currently enrolled in a credit earning course offered by Shippensburg University.

Student Group: A number of students who are associated with each other or a group of students who have satisfied the university’s procedures and requirements for registration or recognition.

University Group: An administrative or academic department, unit, center or institute within the University.

Non-University Group(s): A group of individuals, other than Student Groups, that are legally separate entities from the University, even though some of the members or participants may be University personnel, alumni, or students.

University Space: Any outdoor space, building, or structure that is owned, leased, operated, or controlled by Shippensburg University.

On-Campus Community Accessible Areas: Any property owned, leased or otherwise controlled by Shippensburg University within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including park areas, sidewalks, streets, or other similar common areas.

On-Campus Non-Public Areas: On campus spaces and areas necessary to conduct University Operations, including but not limited to all University-owned, leased or otherwise controlled property including, but not limited to, offices, lobbies, classrooms, student residences and the corridors and hallways leading thereto, and areas that must be reserved pursuant to University procedures, including conference and meeting rooms in the University Union and space controlled by Events and Conference Services.

Responsible Administrator: The university administrator or their designee with administrative responsibility and specific accountability for the use of the University space under this policy.

POLICY

1. As a University, Shippensburg welcomes the free exchange of ideas in the public forum of campus life. This engaging in Expressive Activity or Activities must comply with applicable federal, state and local laws, including those all laws, regulations and ordinances concerning traffic, fire prevention and safety, and noise generation.
2. Participants in Expressive Activities shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within public spaces on campus. Participants shall clean up after themselves and properly dispose of any printed material discarded on the ground.
3. Speakers including individuals or groups engaged in Expressive Activity or Activities who protest shall not be subject to harassment by any member of the campus community, nor shall counter-protesting infringe on others' right to hear the speaker. At the same time, members of the University Community shall always have the right to engage in peaceful protest in response to a speaker.
4. The University reserves the right to provide security when appropriate to uphold the rights of and/or to protect the safety of speakers and members of the University Community.
5. Student organizations and University departments may sponsor events that include invited Non-University Affiliates but may not reserve space on behalf of an individual, group, business or organization. Non-University Affiliates participating in sponsored events are required to comply with this Policy, and University Affiliates may be held accountable for the invited Non-University Affiliates' compliance with this Policy.
6. Speakers including individuals or groups engaged in Expressive Activity or Activities **shall not:**
 - a. disrupt the University's teaching, research, administrative or service activities, or obstruct or disrupt other authorized or approved activities on the University's campus;
 - b. use sound amplification devices without prior approval
 - c. use or display signs on rigid sticks or poles or are constructed with other potentially dangerous materials that can hurt individuals

- d. block entrances to or otherwise interfere with the free flow of pedestrian or vehicular traffic into and out of University property or parking lots or into or out of the campus;
 - e. without prior approval, construct any permanent or semi-permanent structures;
 - f. except in authorized facilities, engage in camping or lodging activities;
 - g. engage in any conduct that is criminally harassing, threatening, obscene or lewd conduct, or disturb the peace or unlawful fully assembly as all of these terms are defined by law;
 - h. commit theft, or misuse or destroy University property or equipment;
 - i. amplify sound greater than 95dBA (within five feet of amplification source) or from handheld units greater than 90dBA;
 - j. solicit for commercial purposes as defined by Shippensburg University's solicitation policy.
7. Expressive Activity or Activities that violate this policy may be subject to denial, modification and/or cancellation.

PROCEDURES

1. The nation is suffering a pandemic caused by COVID-19 that specifically circumscribes how groups can gather, the number of individuals that can gather at any one time, and the distance mandated between individuals as all people on campus move about University property and facilities. Therefore, in accordance with the federal Center for Disease Control (CDC) and Governor Tom Wolf's public health mandates for the Commonwealth of Pennsylvania, all Expressive Activity or Activities will be limited geographically to protect the health and well-being of all individuals and groups on campus to the "Grove Lawn," The "Reisner Lawn" and the "Hockey Rink." The forbidding of congregating on sidewalks and other public spaces meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct and this regulation is neutral with regard to the message presented, and leaves open alternative methods of communication in accordance with applicable law.
2. On-Campus Community Accessible Areas will be available for Expressive Activity or Activities on a first come basis. Applications for any planned Expressive Activity or Activities must be submitted at least three (3) business days in advance via the events.ship.edu reservation system. The purpose of the advance contact is to determine the availability of space and to discuss this time, manner, and place policy. The persons or groups interested in using On-Campus Community Accessible Areas for Expressive Activity must provide the date, time and duration of the proposed activity and their application to the planned event.
3. **Spontaneous demonstration exception.** Without prior notice, but in all cases subject to this policy, members of the University community and their guests may assemble and engage in Spontaneous Expressive Activity or Activities. Those planning to engage in Spontaneous Expressive Activity are encouraged to provide advance notice to the Office of Administration and Finance so that the office may provide guidance in scheduling and planning to ensure a safe and successful event. The Office of Administration & Finance can also help to identify alternative space, in the event that the desired space is reserved or is in use. No individual or group may circumvent this policy by claiming a planned event is spontaneous and the University will consider any relevant evidence to make the determination about spontaneity, including but not limited to: (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used amplification equipment, (c) whether security was

alerted, or media contacted, substantially in advance of the demonstration, or (d) whether other circumstances demonstrate advance planning by one or more individuals or organizations.

4. Requests for use during scheduled academic hours may be denied for any of the following reasons: Violations of the conditions of use in the policy; unavailability of space because a prior request was granted for same time and location; scheduled repairs to the property; or a superior need of University operations.
 - a. If a request is denied, the requester will be informed within two (2) business day(s) of request. If denial is because of a failure to comply with this policy, the requester, when feasible, will have the opportunity to propose measures to correct the violation. If a request is denied because space is unavailable, reasonable accommodations will be offered.
 - b. When a request is denied, the requester may appeal the decision to the Office of Administration & Finance within five (5) business days. The VP for Administration and Finance or his/her designee will respond no later than five (5) business days after the date of the appeal. The decision of the VP for Administration & Finance shall be final.

RECISSION

APPROVALS

University Forum: 2020.09.15

EMT: 2020.09.18

FILENAME:

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DATE:

9/18/2020

DISTRIBUTION:

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