



## **EXPRESSIVE ACTIVITIES POLICY**

### **SU Policy Number: 701-003.1**

#### ORIGINATING OFFICE

Office of Inclusion, Belonging, and Social Equity

#### PURPOSE

The primary function of Shippensburg University (the "University") is student learning and personal development through highly effective and innovative teaching, complemented by a wide variety of out-of-class experiences. To fulfill its educational mission, the University must respect and uphold the full panoply of, sometimes conflicting, rights of students, staff, and faculty granted by the First Amendment of the United States Constitution (the "First Amendment") and Article I, Section 7 of the Constitution of Pennsylvania.

In light of the foregoing, the University supports the rights of students, staff, and faculty to individually and collectively engage in Expressive Activity. Such rights are equally extended to other University Community Members including individuals, Registered Student Organizations, University Departments, and Invited Guests.

#### SCOPE

This policy applies to Expressive Activities of University Community Members and the General Public on University Property. Expressive Activity, as defined by this policy, is not permitted in Non-Public-on-Campus Areas except in accordance with University policies and procedures. All Expressive Activities must comply with applicable federal, state; and local laws, including all laws, regulations, and ordinances—e.g. traffic, fire prevention and safety, sound, etc. Additionally, all Speakers engaging in Expressive Activities must abide by all applicable policies of the University and the Pennsylvania State System of Higher Education.

#### OBJECTIVE

This policy establishes guidelines to assure that Expressive Activities do not unreasonably interfere with University Operations, undermine the protected speech of others, or present a threat of imminent harm to others or University Property. This policy defines different areas of campus as Designated University Forums or Designated Public Forums and explains how speech protections apply to different Speakers in those areas. Importantly, through this policy, the University regulates the time, place, and manner of speech in a content-neutral manner as a legitimate way to fulfill its educational mission.

## DEFINITIONS

"Ceddia Union Building (CUB)" refers to the location of all initial requests to use as designated spaces stated in the policy.

"Commercial Speech" means advertisements, solicitations, or testimonials for goods or services, including distribution of commercial leaflets, fliers, handbills, or similar messaging.

"Designated Public Forum" means any area of campus that has been specifically dedicated to the Expressive Activities of both University Community Members and the General Public, such areas are specifically defined in Appendix A.

"Designated University Forum" means any area of campus that has been either specifically dedicated or long held out as open to the speech of University Community Members.

"Disorderly Behavior" means conduct that: 1). intentionally or recklessly creates a hazardous or physically offensive condition; 2). causes reasonable persons to fear for their safety or the safety of another; or 3). disrupts the normal practices, processes, and functions of the University or the local municipalities.

"Employee" means an individual who is employed by the University. This definition does not include independent contractors.

"Expressive Activity" includes constitutionally Protected Speech and assembly, including but not limited to oral presentations, demonstrations, marches, picketing, leafleting, Expressive Conduct, protesting, and similar non-Commercial Speech.

"Expressive Conduct" includes constitutionally protected symbolic speech which communicates a particular message without the use of verbal communication.

"General Public" means any person, group, club, organization, or entity that does not fall within the definition of "University Community Member" or "Invited Guest."

"Invited Guest" means a person, group, club, or other organization invited by a University Community Member to participate in Expressive Activity as defined in this policy on University Property.

"Harassment" means targeted speech that is intended to harass, annoy, or alarm another by communications that are threatening, lewd, or obscene and is not constitutionally protected.

"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 on the rights of others to engage in, or listen to, Expressive Activity.

"Misuse of Property" means unauthorized access to, entry into, or use of University Property, including fixtures or other forms of personal property.

"Non-Public-on-Campus Area" means any area of campus that is not specifically identified in Appendix A is considered non-public and reserved for other activities consistent with the mission of the University or University Operations.

"Protected Speech" means all speech other than certain limited exceptions such as obscenity, threats, incitement of imminent violence, and defamation.

"Registered Student Organization" (RSO) means any organized group, that has complied with, or is in the process of complying with the University's requirements for registration, recognition, or is formed through University academic, athletic, or auxiliary department, or is funded by the Student Government Association (SGA), including any fraternity, sorority, association corporation, order, society, corps, club or service, social or similar group. This definition does not alter or diminish the definition of "student organization" set forth in the University's Anti-hazing policy.

"Responsible University Office" means the office responsible for oversight and enforcement of this policy.

"Speaker" means any person engaging in Expressive Activity including both University Community Members and the General Public.

"Spontaneous Expressive Activity" includes Expressive Activity by a Speaker in a Designated University Forum or Designated Public Forum where notice is not provided.

"Student" means anyone who is registered and currently enrolled in one or more for-credit courses offered by the University, including internships and clinical placements located on or off campus. This definition does not include high school students taking courses at the University through any grant-funded or other program or contractual agreement with a local school district.

"University Community Member" means a University Unit or member thereof, Employee, or Student.

"University Department" means any academic office or department, student affairs office, or similar University entity.

"University Operations" means all operations necessary to carry out the University's academic, health, safety, and administrative functions.

"University Property" includes any building, land, or space, including, but not limited to, grassy areas, entrances and exits to campus, parking lots, sidewalks, paths, stairways, or platforms that are owned, leased, or otherwise controlled by the University.

"University Unit" means Council of Trustees, all University divisions, departments, offices, Registered Student Organizations, athletic teams, and any other organization that is wholly sanctioned, supervised, and governed by the University or a division or department of the University.

## POLICY

1. The following areas are **Designated University Forums** and are reserved for the Expressive Activities of University Community Members:

Any outdoor space, building, or structure that is owned, leased, operated, or 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, provided that any Expressive Activity within twenty-five (25) feet of an academic building while classes are in session, Monday through Friday, from 8:00 a.m. to 5:00 p.m., cannot use sound amplification which may disrupt the classroom environment.

2. The following areas are **Designated Public Forums** and are available for the Expressive Activities of all Speakers, which includes the General Public (reference accessibility URL link in Appendix A):

**Area A: Reisner Lawn:** Between Cumberland and Adams Drive, from the front entrance of Reisner Dining Hall, the area to the right of the Reisner Hall that extends to McLean Residence Hall.

**Area B: The Student Recreation Complex Hockey Rink** [Inside the Hockey Rink Arena, excluding the Student Recreation Pavilion, and Commuter Lot 7 (C-7)].

**Area C: Grass field at the end of Shippen Hall by the Dauphin Humanities Center H-cap lot.**

## RESPONSIBILITIES

### I. General Provisions

#### a. Amplification

Speakers who wish to use sound amplification must contact the CUB prior to use. In all cases, sound amplification may not exceed amplify sound greater than 95dBA (within five feet of amplification source) or from handheld units greater than 90dBA decibels. A sound monitor will be assigned to the event.

#### b. Signs

Items that are carried, such as signs, banners, or flags should be made of soft material, such as cloth or cardboard. The University reserves the right to limit the use of signs and items made of potentially dangerous materials or material that can be used as a weapon.

#### c. Invited Guests

Spaces for Invited Guests to engage in Expressive Activity must be reserved by the Registered Student Organization or University Department in a manner consistent with this policy. The reserving RSO or University Department will be accountable for any policy violations by the Invited Guest.

#### d. Security

The University reserves the right to provide security in an effort to protect both Speakers and University Community Members.

#### e. Distribution of Literature

Speakers may distribute petitions, leaflets, newsletters, and other non-commercial printed materials.

#### f. Restoration of Property

Speakers, or the inviting Registered Student Organization or University Department, are responsible for any non-routine clean-up following an event, including litter from printed materials, excessive signage, and restoring approved structures.

## II. Prohibitions

### a. Specific Prohibitions

The following Disrupting University Operations activities are prohibited:

- i. Obstructing entrances or exits of University buildings or parking lots or otherwise interfering with the free flow of vehicular and/or pedestrian traffic within the University's campus or into or out of campus;
- ii. Construction of permanent or temporary structures without prior approval;
- iii. Camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);
- iv. Conduct that constitutes harassment, disturbance of the peace, or unlawful assembly;
- v. Theft, damage, misuse, or destruction of University Property;
- vi. Misuse of Property as defined in this policy; or
- vii. Sound amplification exceeding 95dBA decibels.

## PROCEDURES

### Reservations

#### 1. Contact

To request a space on campus, please log into the [University's Space and Event Request System](#) or contact the Ceddia Union Building via telephone by calling 717.477.1560. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants.

#### 2. Denial of Request for Use of a Designated University Forum or Designated Public Forum

Requests may be denied for the following reasons:

- a. Previous violation of the conditions of use in this policy;
- b. Unavailability because of a preexisting reservation;
- c. If the denial is due to a preexisting reservation or similar conflict, then the University will reasonably accommodate the Speaker's request with an alternative date, time, or location.
- d. Scheduled maintenance or repair of the property.

The University will provide notice of denial to the requestor within two (2) days.

If the denial is for failure to abide by this policy, then the University will provide the requestor a reasonable opportunity to correct the violation.

#### 3. Appeal of a Denial

If a request is denied, then the requestor may appeal the decision to the Vice President for Administration and Finance or their designee within five (5) business days who will then respond within two (2) business days after the appeal. The decision of the Vice President for Administration and Finance on the requestor's appeal shall be final.

EXCEPTIONS TO THE GENERAL RULES AND PROCEDURESI. General Provisionsa. Small Group Exception

The University encourages University Community Members to use the aforementioned procedure for reserving a space on campus. However, Expressive Activities involving ten (10) or fewer University Community Members or Invited Guests, collectively, may occur **in both Designated University Forums or Designated Public Forums** without advance notice as required in this policy, provided that such activities do not result in violations of this policy or other laws or campus policies, including, but not limited to, interference with functions that occupy a given space.

b. Spontaneous Expressioni. University Community

Without prior notice, University Community Members and Invited Guests may assemble and engage in Spontaneous Expressive Activity in **Designated Public Forums**. Except for the notice provision, all other aspects of this policy apply to spontaneous expression.

To the extent feasible, the University encourages University Community Members to provide advance notice to the CUB, so that the University may provide guidance in scheduling and planning to ensure a safe and successful event and can also assist the Speaker in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

ii. General Public

Without prior notice, the General Public may assemble and engage in Spontaneous Expressive Activity in **Designated Public Forums**. Except for the notice provision, all other aspects of this policy apply to spontaneous expression.

iii. Dissenters, Counter-Speakers, and Protesters

Dissenters, counter-speakers, and protesters have the same speech rights as those who are conducting or attending a planned meeting or Expressive Activity. This provision should not be construed to establish a "hecklers' veto." If University Community Members, Invited Guests, or members of the General Public Materially and Substantially disrupt the Expressive Activities of others, then they are subject to the sanctions referenced in this policy.

## ENFORCEMENT

### I. Sanctions

The Office of Inclusion, Belonging, and Social Equity is the Responsible University Office charged with administering this policy, Old Main 200, 717.477.1161.

#### a. University Community Members

Any violation of this policy may result in the modification or cancellation of an event. Violation of this policy by a University Community Member constitutes misconduct subject to disciplinary action, up to and including discharge or termination, in accordance with any applicable collective bargaining agreement provisions or State System or University policies. Alleged violations by students may be referred by the University for review in accordance with the code of conduct.

#### b. Invited Guests and General Public

Any violation of this policy may result in the modification or cancellation of an event. Additionally, violators may be removed from campus and/or precluded from engaging in Expressive Activities on University Property in the future.

## RELATED SHIPPENSBURG UNIVERSITY POLICIES

The following policies are incorporated herein by reference:

Shippensburg University Police Department General Order, No. 3 80

Shippensburg University Trespass Policy, 404-150.0

Shippensburg University Student Code of Conduct Policy, 301-001.0

Any and all applicable Collective Bargaining Agreements of any and all Shippensburg University employees.

## RECISSION

Upon approval, this policy shall supersede any and all previous Shippensburg University policies governing free speech and expressive activities.

## APPROVALS

Executive Management Team, September 8, 2020

Forum, September 15, 2020

Executive Management Team (revision), April 1, 2021

Forum, April 13, 2021

Executive Management Team, January 7, 2025

## FILENAME

701-003.1 Expressive Activities Policy

## DATE

1/7/2025

## DISTRIBUTION

Public

APPENDIX A

<b>DESIGNATED PUBLIC FORUMS</b>			
<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
<b>Area A: Reisner Lawn</b>	Between Cumberland and Adams Drive, from the front entrance of Reisner Dining Hall, the area to the right of Reisner Hall that extends to the McLean Residence Hall.	Reference the URL link at the bottom of this appendix to access our accessibility map.	While classes are in session, no sound amplification is permitted during academic hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.
<b>Area B: The Student Recreation Complex Hockey Rink</b>	The Student Recreation Complex Hockey Rink Arena, excluding the Student Recreation Pavilion and Commuter Lot 7 (C-7).	Reference the URL link at the bottom of this appendix to access our accessibility map.	
<b>Area C: Grass field at the end of Shippen Hall</b>	Between Shippen Hall and Dauphin Humanities Center H-cap lot.	Reference the URL link at the bottom of this appendix to access our accessibility map.	While classes are in session, no sound amplification is permitted during academic hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.

**\*\*Note:** Please visit [https://www.ship.edu/admissions/visit/directions/accessibility\\_map/](https://www.ship.edu/admissions/visit/directions/accessibility_map/) to learn more about the designated public forums on campus.