

# UNIVERSITY POLICY

## EXPRESSIVE ACTIVITY

### I. INTRODUCTION

The primary function of Slippery Rock University (the "University") is to transform the intellectual, social, physical and leadership capacities of students in order to prepare them for life and career success. 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.

### II. SCOPE

This policy applies to Expressive Activities of University Community Members and the General Public on University Property.

### III. 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.

### IV. DEFINITIONS

"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, as specifically identified 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, as specifically defined in Appendix B.

"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 on-campus spaces and areas necessary to conduct University Operations, other than those designated as university or public forums, including but not limited to, offices, lobbies, classrooms, student residences, private residences and the corridors and hallways leading thereto.

"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.

"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.

## **V. POLICY**

### **A. General Provisions**

1. This policy does not create any rights beyond those provided by the First Amendment and Article I of the Constitution of Pennsylvania.
2. 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.
3. Designated University Forums are available for the Expressive Activities of University Community Members on a first-come basis. Locations identified in Appendix B are preferred locations.
4. Designated Public Forums are available for the Expressive Activities of all Speakers, which includes the General Public, on a first-come basis. Locations identified in Appendix A are preferred locations.
5. Expressive Activity is not permitted in Non-Public-on-Campus Areas except in accordance with University policies and procedures.

### **B. Responsibilities**

1. Amplification

Speakers who wish to use sound amplification must contact Student Center and Conference Services 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.

2. 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.

3. 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.

4. Security

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

5. Distribution of Literature

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

6. 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.

**C. Prohibited Activities**

The following activities are prohibited:

1. 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;
2. Construction of permanent or temporary structures without prior approval;
3. Camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);
4. Conduct that constitutes Disorderly Behavior or Harassment, as defined in this policy;
5. Conduct that constitutes disturbance of the peace, or unlawful assembly, or otherwise violates state or federal law, or other University policy;
6. Misuse of Property, as defined in this policy;

7. Sound amplification exceeding limits established in this policy; and
8. Use of signage that is made of material not otherwise permitted under Section V(B)(2) "Signs", above.

## **VI. PROCEDURES**

### **A. Requests for Use of Designated University Forum or Designated Public Forum**

1. Requests for use of a designated forum should be submitted at least three (3) days prior to the anticipated Expressive Activity.
2. Members of the public, faculty, staff and individual students may request space on campus by visiting [Student Conferences & Services](#) and clicking on "Request an event." Recognized student clubs and organizations can reserve space by completing their reservations on their student portal, [CORE](#).
3. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants.

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

1. A request for use of a designated forum may be denied for the following reasons:
  - a. Violation(s) of the conditions of use in this policy;
  - b. Unavailability because of a preexisting reservation or similar conflict; or
  - c. Scheduled maintenance or repair of the property;
2. If a request is denied due to preexisting reservation or similar conflict, the University will reasonably accommodate the Speaker with an alternative date, time, or location.
3. 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.

### **C. Appeal of a Denial**

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

## **VII. EXCEPTIONS TO THE GENERAL RULES AND PROCEDURES**

### **A. 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 Expression**

### **1. 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.

The University encourages University Community Members to provide advance notice to the Smith Center and Conference Services, so that the University may provide guidance in scheduling and planning to ensure a safe and successful event, and may assist the Speaker in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

### **2. 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.

### **3. 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.

## **VIII. SANCTIONS**

Responsibility for the implementation of this policy is a campus wide effort involving the offices of the Student Center and Conference Services, Student Affairs, University Police, and Planning and Environmental Safety. \_

### **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.

Authority for creation and revision:

University Cabinet: March 29, 2023

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: 9/11 Memorial</b>	The grassy area adjacent to the 9/11 Memorial, across from the University Union Lot, northeast of Bailey Library.	See Map Attachment, Area A	As indicated above, amplified sound must be reserved and may be restricted 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.
<b>Area B: North Hall Lawn</b>	The grassy area bordered by Miller, Old Main, North Hall and Morrow Way.	See Map Attachment, Area B	As indicated above, amplified sound must be reserved and may be restricted 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.
<b>Area C: Block S Circle</b>	The Block S Circle on the pedestrian walkway bordered by Weisenfluh, Dinger, Patterson, and the Art Building	See Map Attachment Area E	As indicated above, amplified sound must be reserved and may be restricted 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.

APPENDIX B

<b>DESIGNATED UNIVERSITY 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: 9/11 Memorial</b>	The grassy area adjacent to the 9/11 Memorial, across from the University Union Lot, northeast of Bailey Library.	See Map Attachment, Area A	As indicated above, amplified sound must be reserved and may be restricted 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.
<b>Area B: North Hall Lawn</b>	The grassy area bordered by Miller, Old Main, North Hall and Morrow Way.	See Map Attachment, Area B	As indicated above, amplified sound must be reserved and may be restricted 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.
<b>Area C: Block S Circle</b>	The Block S Circle on the pedestrian walkway bordered by Weisenfluh, Dinger, Patterson, and the Art Building	See Map Attachment Area E	As indicated above, amplified sound must be reserved and may be restricted 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.
<b>Area D: Academic Quad</b>	The grassy area bordered by Vincent Science Center, Bailey Library, and the Physical Therapy building, north of the SGA Gazebo.	See Map Attachment Area D	As indicated above, amplified sound must be reserved and may be restricted 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.

**STUDENT  
CENTER**

**BOOZEL**

**VSH**

**EAST  
CENTRAL  
LOOP**

**UNION**

**BAILEY**

**SWOPE**

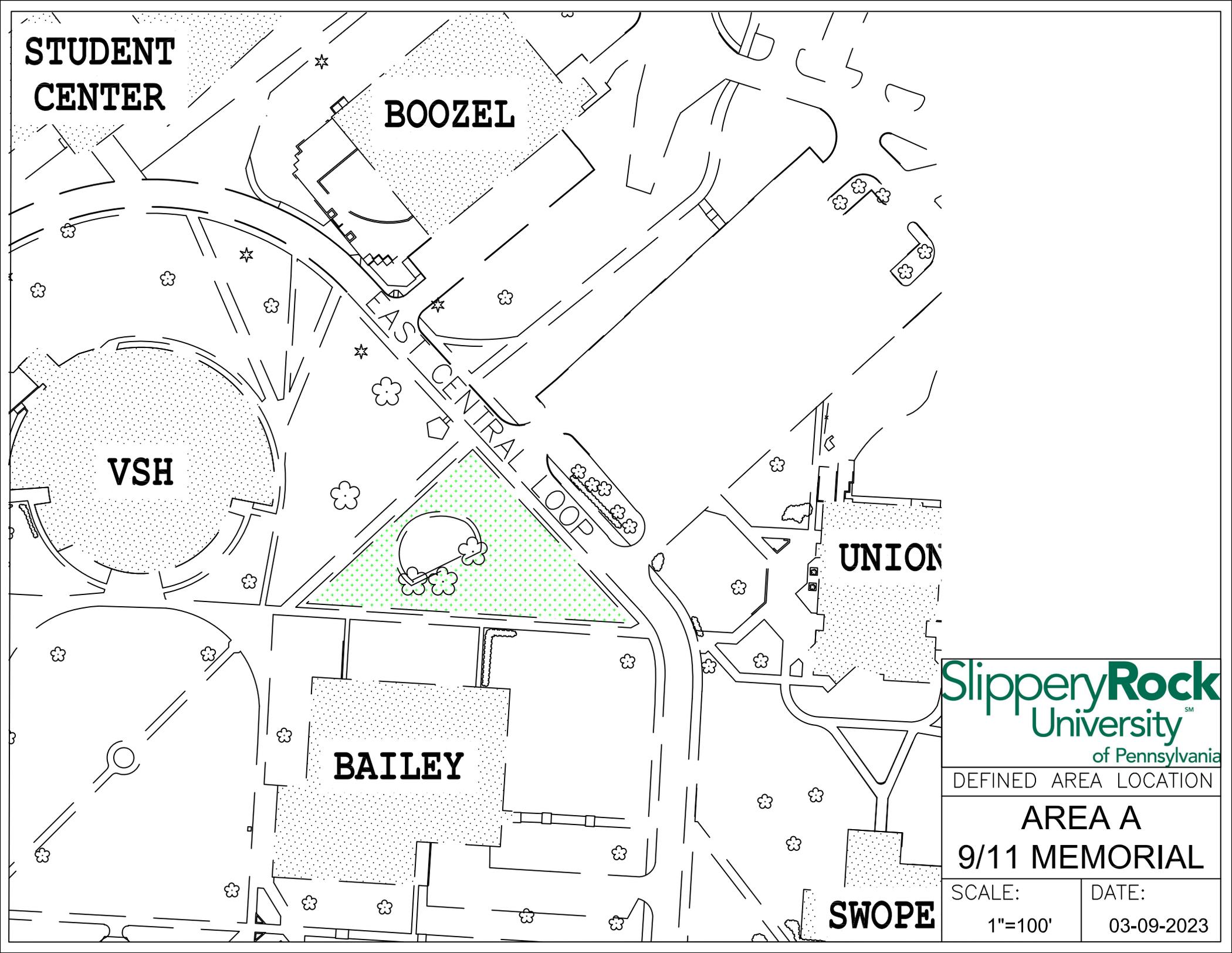
**SlipperyRock**  
University<sup>SM</sup>  
of Pennsylvania

DEFINED AREA LOCATION

**AREA A**  
**9/11 MEMORIAL**

SCALE:  
1"=100'

DATE:  
03-09-2023





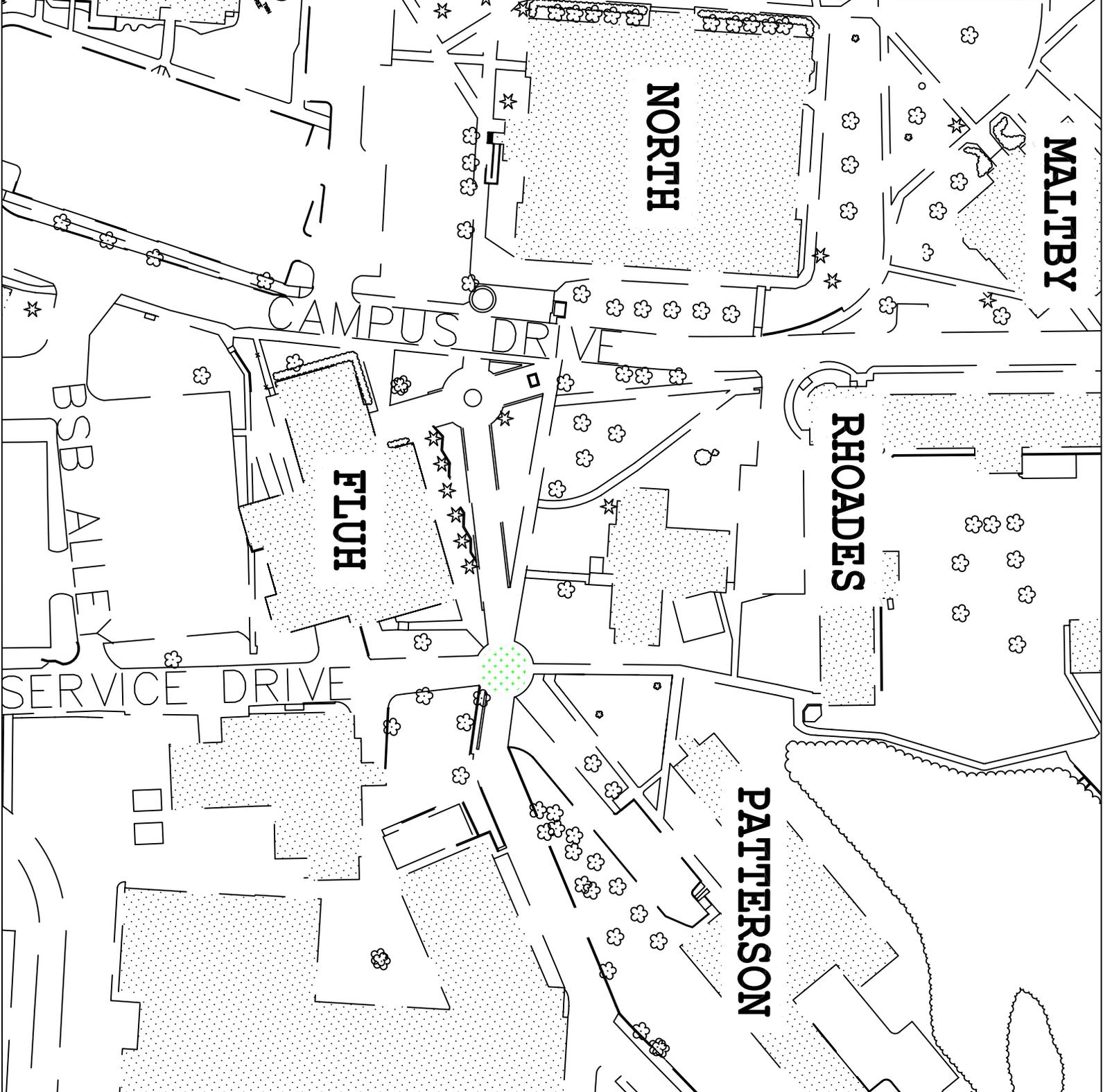
**SlipperyRock**  
 University<sup>SM</sup>  
 of Pennsylvania

DEFINED AREA LOCATION

**AREA B**  
**NORTH HALL LAWN**

SCALE:  
 1"=100'

DATE:  
 03-09-2023



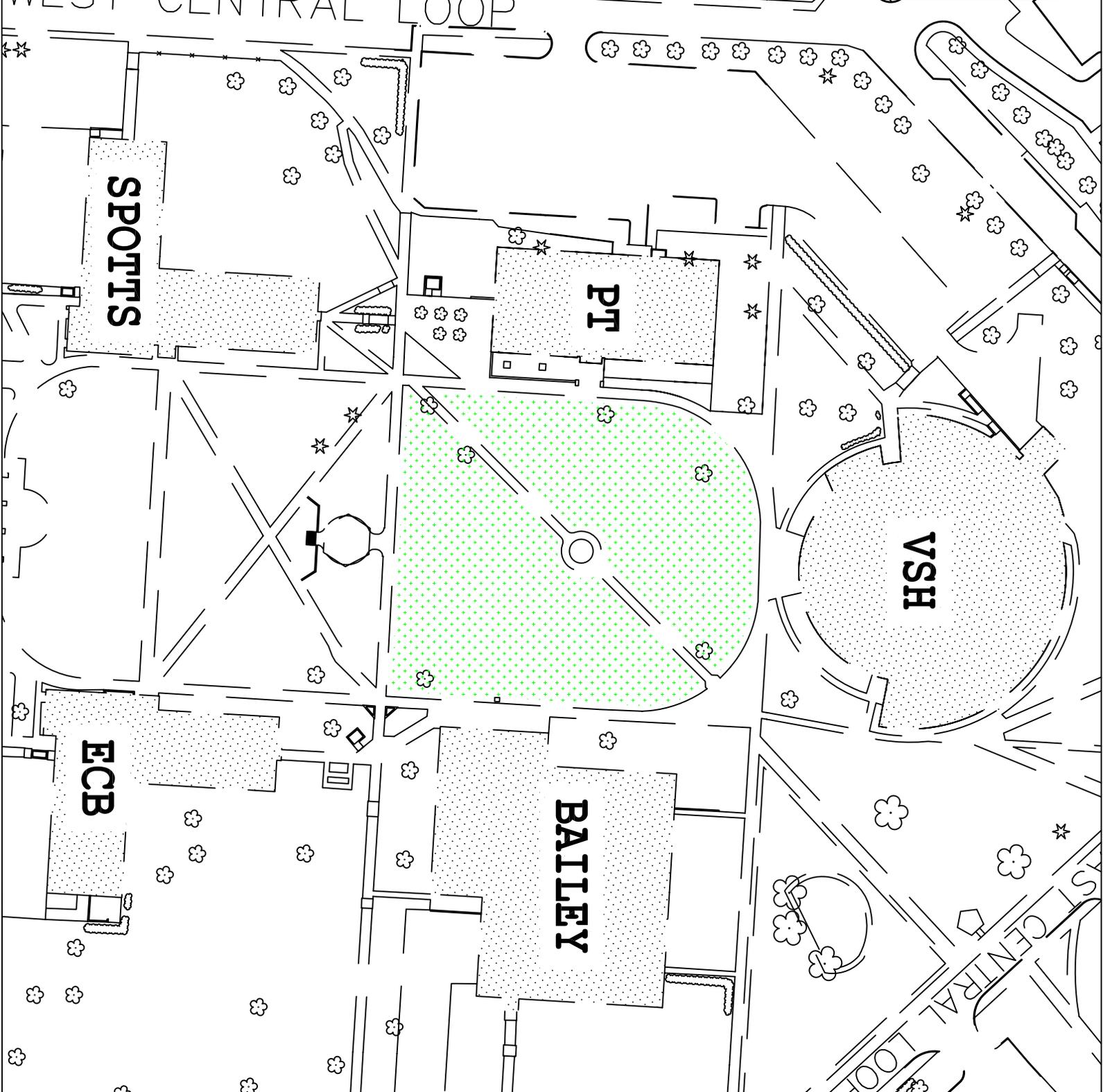
**SlipperyRock**  
 of Pennsylvania  
 University

DEFINED AREA LOCATION

AREA C  
 BLOCK S CIRCLE

SCALE: 1"=100'

DATE: 03-29-2023



**SlipperyRock**  
 University<sup>SM</sup>  
 of Pennsylvania

DEFINED AREA LOCATION

AREA D  
 QUAD

SCALE: 1"=100'	DATE: 03-23-2023
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# **PROCEDURE**

## **Expressive Activity**

In the event of an external or internal speaker or event request that might trigger the [expressive activity policy](#), the following action steps will be implemented:

- 1) Conference Services and/or the Office for Student Engagement and Leadership will notify the Chief Student Affairs Officer (CSAO) who will notify the President's Cabinet that an expressive activity has been scheduled.
- 2) The CSAO will convene as a cross-functional team to discuss institutional response, security, cost, logistical, and other implications. The group should ensure that any decisions are in line with the Expressive Activity Policy or other First Amendment principles. The cross-functional team will consist of:
  - a. Dean of Students
  - b. University Police
  - c. Environmental Health and Safety
  - d. Provost (or designee)
  - e. Chief Diversity Officer
  - f. University Marketing and Communication
  - g. Additional individuals may be brought in depending on the nature of the event
- 3) University Marketing and Communications will work closely with the Office of the President to develop a communication plan for external and internal audiences. Priorities will be placed on communicating the campus's First Amendment responsibilities while simultaneously listening to and empathizing with members of the campus community who may be distressed by the planned event.
- 4) Depending on the nature of the expressive event, specific expectations will be developed to ensure that protecting the safety of those in attendance is paramount. This may include considerations of:
  - a. Setting up spaces for alternative dialogues or counter protests
  - b. Coordinating with outside agencies (i.e. Borough police, State police, local ambulance services)
  - c. Distributing notices regarding the responsibilities of event participants and what types of behavior could lead to removal
  - d. Screening the event for weapons
  - e. Determine the number of non-law enforcement personnel needed at the event to help with crowd management and monitoring.
  - f. Creating resource materials or scheduling staff to support students who may be impacted by the event (i.e. faculty counselors, case managers, etc.)
- 5) After the event concludes, the cross-functional team members listed above will convene to assess campus strengths and areas for improvement.

Reviewed/Approved by Cabinet: 4/8/2024