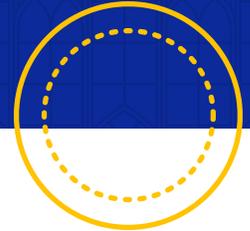


Institutional Policies



[Home](#) / [College Policies](#) / [Institutional Policies](#) / Time, Place & Manner Policy

Time, Place & Manner Interim Policy

INSTITUTIONAL POLICIES

I. Justification and Statement of Policy

As per F&M's [Statement on Freedom of Expression](#), the College encourages expression of multiple points of view. While this principle allows for the expression of ideas and opinions individuals may find unwelcome, disagreeable, uncivil or even deeply offensive, the College expects that all expressive activities will be conducted with respect for others and for College activities and property, and will prioritize the safety and security of all individuals. The purpose of this policy is to ensure that expressive activity is conducted in a manner consistent with these principles and to ensure that the College can adequately support activities of this nature, assure the safety of all participants, and avoid inhibiting access for students to the education they are pursuing on our campus. As always, all expressive activities must comply with other applicable College policies and facility rules and regulations, including occupancy limits, fire codes, and hours of

II. Scope

This policy applies to all faculty, staff and students of Franklin & Marshall College engaging in expressive activity on College property.

III. Definitions

- A. “Amplification” means using any device which produces, reproduces or amplifies sound.
- B. “Chalking” means use of a water-soluble substance, or substance washable by water or rain, to write or draw. The use of markers, paints of any sort, oil-based products and/or any material that is temporary or permanent is prohibited.
- C. “College property” means all land, ground structures, facilities, and/or other physical property owned, controlled or operated by the College, including approved off-campus student housing facilities. Space that is rented or reserved for the purposes of College-sponsored events is considered to be controlled by the College.
- D. “Community member” means faculty, staff, and students of Franklin & Marshall College.
- E. “Demonstrations” means expressive activity that includes assemblies, demonstrations, picketing, rallying, speechmaking, and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.
- F. “Expressive activity” means verbal, written, audiovisual, or other speech and assembly including demonstrations and counter-demonstrations,

- G. “Flag” means cloth or a similar material attachable by one edge to a pole or rope and used as the symbol or emblem of a country, institution, organization or as a decoration during public festivities.
- H. “Installation” means signs, symbolic structures, art, and other displays erected on College property for expressive activity purposes.
- I. “Organizer” means the individual who serves as the primary contact for approved expressive activity.
- J. “Protest” means a public demonstration of opinion undertaken to attract attention. This includes, but is not limited to, verbal expression, signs and displays, and bodily occupying a particular space.
- K. “Registered student organization” means a student group that is currently registered and in good standing with the Office of Student Engagement.
- L. “Vigil” means a gathering of individuals for the common purpose of mourning or commemorating a tragedy.

IV. Policy

Use of the College’s property is reserved for the support of its teaching, research, service missions, administrative functions, and students’ campus life activities. Therefore, expressive activity on College property is limited to community members, who may invite guest speakers with advance permission through the registration process outlined in Section B below. External constituents are prohibited from engaging in expressive activity on College property.

When engaging in expressive activity, community members should remember that they speak for themselves only and are responsible for their own speech. Community members may not attribute their speech to the College, unless they are College spokespersons acting within the scope of their duties. Nor may the speech of sponsored guests be attributed to the College. Therefore, the

A. LOCATIONS FOR EXPRESSIVE ACTIVITY

To best meet its goals of teaching and research and to ensure unfettered access to the College's educational activities, the College has chosen to limit expressive activities on its campus to the following open areas:

- Hartman Green
- Klauder-Appel Walkway (i.e. Lux et Lex walkway)

In addition to the above named locations, flags may be hung in the Steinman College Center as allowed by this policy.

Chalking may also be done in other areas of campus but is only permitted outdoors on flat, horizontal surfaces and not on buildings. It may not be done on brick (pedestrian sidewalks/walkways) and must be fully exposed so that rain can wash the water-soluble material away naturally. Chalking is not permitted in the following locations:

- Manning Green in front of Shaddek-Fackenthal Library
- Any vertical surface that includes buildings, steps, signs, walls, statues, benches, the reflecting pool, etc.
- Any space north of Harrisburg Avenue

When selecting a location for any expressive activity, groups should consider such factors as the number of people involved in the activity, how much space will be required, and the anticipated time and duration of the activity. The use of walkways or other common areas located in the above locations may not block the free passage of others or impede the regular operation of the College. Expressive activity taking place in locations other than those listed above may be terminated, suspended, or removed.

B. REGISTRATION OF EXPRESSIVE ACTIVITY

- Students and student organizations: Office of Student Engagement
- Staff: Conference and Event Services
- Faculty: Office of the Provost

Other offices will be consulted as necessary. It is required that a community member be designated as the Organizer for the event. The Organizer is responsible for communicating the parameters that have been set for the event by the relevant approver to all participants prior to the event and to take reasonable measures to ensure the safety of participants. Given the often-complicated nature of expressive activity on College property and the need to coordinate among various areas for safety and security, the Organizer will also act as the primary liaison with the Department of Public Safety during the event itself.

Approval of registration requests will be based on the availability of the requested area and stated expected use of the area without regard to the content or viewpoint of the expressive activity.

C. TIME AND DURATION OF EXPRESSIVE ACTIVITY

The following time and duration restrictions apply to expressive activities:

- Expressive activity that involves the congregation of individuals (e.g. demonstrations, rallies, vigils) is only allowed from 8:00 am to 8:00 pm and is restricted to a two-hour maximum.
- Expressive activity is not allowed during times when the College is not in session (e.g. Thanksgiving Break, Winter Break, and Spring Break).
- Expressive activity is not allowed during [Reading Days](#) or final exam days.
- Flags and installations may only be placed/erected for seven (7) days or less.
- Chalking will be removed seven (7) days after the chalking activity if it has not already been washed away by weather or other activity. For events-related



D. CONDITIONS OF EXPRESSIVE ACTIVITY

In addition to other College policies and rules that apply to students, faculty, staff, and visitors, the following requirements apply:

- Disruption of the College's teaching, research, administrative or service activities is prohibited.
- Pedestrian or vehicular traffic must not be impeded in any manner, and exit signs, exits, or fire and life safety systems must not be impeded in any manner.
- Encampments or other lodging and overnight demonstrations are not permitted and unauthorized overnight activities will be considered trespassing.
- Damage, misuse or destruction of property is prohibited. Should damage, destruction, or clean-up charges/cost occur, the organization, department, or individual who uses the space will be responsible for any and all expenses.
- Flashing or rotating lights and illuminated signs may not be used.
- Individuals may not wear a head/face covering or other device that is intended to conceal the identity of the wearer. The prohibition does not apply to personal protective coverings (e.g. medical face coverings) or religious garments (e.g. hijabs).
- Candles must be battery operated or dripless (there must be a candle holder to collect wax).
- Signs, placards, posters, banners, photographs, and the like may not be attached to poles or posts and shall not be affixed in any manner to College grounds and property, including but not limited to buildings, poles, gates, fences, trees, or other vegetation. All such materials must be removed at the conclusion of each day's use. Signage cannot obstruct the flow of traffic. *Note: This prohibition does not apply to items posted on the Protest Tree or on other approved spaces of campus in accordance with College policies.*
- Tables must be staffed by the sponsoring organization and/or group and may be used only in those areas designated for expressive activity. The use of tables must be stipulated at the time of reservation. The name of the sponsoring organization or group must be displayed at the table(s).

- Counter-protests that have the effect of preventing other people from speaking, or demonstrating are prohibited.
- Individuals on College property may be required to provide identification



establishing that the individual is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the College.

- Discriminatory, harassing, or threatening conduct toward any person, obscene or lewd conduct, disturbance of the peace, or unlawful assembly is prohibited.
- Following recommendations from the National Institute for Occupational Safety & Health (NIOSH), sound amplification greater than 85dBA within five feet of amplification source or sound amplification from handheld units greater than 80dBA is prohibited. (Please see [NIOSH's app](#) for more information.)
- Commercial solicitation (e.g., advertisements, solicitations or testimonials for goods or services offered for sale; distribution of commercial leaflets, fliers, handbills and/or circulars) is prohibited.
- Flags and installations must be flame retardant. Installations must clearly identify the sponsoring individual or group.
- Chalking must be at least 25 feet away from the entrance to any building, and only water-soluble, biodegradable or non-permanent chalk may be used.
- Outside speakers who are not members of the F&M community must be approved in advance through the registration process outlined in Section B above.

E. FLAG POLICY

Flags representing the home country of currently enrolled students may be displayed in the Steinman Center and during College ceremonies. Other flags may be displayed in Steinman with the approval of the Director of Student Engagement.

Flags promoting a political candidate or party are not allowed anywhere on campus.

F. SPONTANEOUS DEMONSTRATION EXCEPTION

Occasionally, events occur that lead to immediate public reaction, and this policy is not designed to limit community members' rights to protest such events.

spontaneous.

In deciding whether a demonstration is spontaneous or planned, the College may consider any relevant evidence, including (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.

G. OBSTRUCTIVE OR DISRUPTIVE EXPRESSIVE ACTIVITY

If it is decided that expressive activity is disruptive or obstructive, the following steps will be taken:

1. The individual(s) involved will be informed that their actions are disruptive/obstructive and asked to cease and desist their activities. The individual(s) will also be informed specifically how they may continue their activity in a manner that is not disruptive or obstructive.
2. If the individual(s) fail(s) to respond to the request to cease and desist their activities or if they fail to modify them in such a manner as to permit the undisturbed operation of the area in question, the warning will be repeated and clearly stated as a final warning.
3. If the second warning is ignored and individuals persist in the obstructive or disruptive action, the following will occur:
 - a. For students, the Dean of Students in consultation with the Vice President for Student Affairs, and, for employees, the AVP of HR and/or Provost, in

- b. If the individuals do not leave the area immediately upon being instructed to do so, Public Safety will be informed of the situation and may take necessary action to clear the area.
4. The Dean of Students, the Department of Public Safety, and/or the relevant area Vice President(s) reserve the right to instruct community members to leave the area immediately without following the steps in this policy when the health, safety, and property of any community member have been harmed or are imminently threatened.

The above are generally followed in instances in which expressive activity has been approved in accordance with this policy. Unapproved activities are not permitted and may be ended without following the above steps.

H. UNAPPROVED ACTIVITIES

Expressive activities that have not been approved in accordance with this policy are not permitted and may be ended without notice. Organizing individuals and groups, as well as participants, may be subject to referral to the Dean of Students or Human Resources for further action.

As a non-profit institution, the College is prohibited by federal tax law from engaging in political campaign activities. Therefore, community members may not use F&M resources to engage in expressive activities that qualify as political campaign activity.

V. Related Documents and Forms

[Statement on Freedom of Expression](#)

[Registration Request Form for Expressive Activity](#)

[National Institute for Occupational Safety & Health \(NIOSH\) Sound Level App](#)





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[PRIVACY POLICY](#)

