



## **VI-4.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES FOR THE USE OF FACILITIES AND OUTDOOR SPACES**

(Approved by the President August 1, 1991; Amended January 18, 2001; Technical amendment April 24, 2003; Amended and approved September 24, 2019; Amended and approved on an interim basis by the President September 18, 2020)

### **I. Policy**

It is the policy of the University of Maryland, College Park (“University”) that its physical facilities and outdoor spaces be used to support the University’s central mission as a land grant institution and its goals of achieving excellence in teaching, research, and public service within a supportive, respectful, and inclusive environment that honors freedom of expression and complies with the First Amendment.

### **II. Applicability**

This policy applies to members of the University community (students, faculty, and staff) and other individuals or parties who utilize University facilities and outdoor spaces. The licensed use of University facilities for research-related activities by external users is addressed in the University of Maryland Policy on the Use of University Facilities by External Users for Research-Related Activities [VIII-14.00(A)].

### **III. Definitions**

- A. “Host” means an Internal User or External User who plans and/or delivers a Program to which others are invited.
- B. “External User” means a group or individual that is not a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or a registered University student.
- C. “Internal User” means a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or an individual or group of registered University students.
- D. “Program” is an activity or event that is intended to take place in a University facility or outdoor space, and includes Expressive Activity.
- E. “Public Speaking” means orally and audibly expressing a message, idea, opinion, concept, principle, or belief directed to a general audience and in a manner other than through a private conversation.

- F. “Leafletting” means the distribution of non-commercial announcements, statements, handbills, leaflets, pamphlets, magazines, or other materials to individuals, who may accept or decline to accept the materials.
- G. “Expressive Activity” means verbal or non-verbal expression and assembly protected by the First Amendment, including but not limited to Public Speaking, Leafletting, demonstrations, rallies, picketing, vigils, parades, and marches.
- H. “Registered Student Organization” is a student group that is registered with the Student Organization Resource Center within the Division of Student Affairs as defined by the University of Maryland, College Park Procedures for Student Organizations [V-1.00(F)].

#### **IV. General Guidelines for the Use of University Facilities and Outdoor Spaces**

University facilities and outdoor spaces are available primarily for Programs offered by and intended for Internal Users as members of the University community.

- A. Except as noted in Section VI, all Programs must be hosted by an Internal User.
- B. Internal Users are encouraged to reserve University facilities and outdoor spaces for Programs in advance.
- C. Hosts are responsible for all activities associated with the Program, including all financial and legal liabilities.
- D. Use of University facilities and outdoor spaces is limited to the declared purpose of the reservation and must comply with all relevant University policies and procedures and local, state, and federal laws and regulations.
- E. Fees may be charged for the use of University facilities and outdoor spaces to cover the cost of reservations, personnel, technology, and security. These costs are the responsibility of the Internal User or External User reserving the facility or space.
- F. Insurance may be required, when appropriate.
- G. Internal Users may not front or act as agents for External Users to receive discounted rates for the use of University facilities or outdoor spaces.
- H. Expressive Activity must comply with the University’s Guidelines for Expressive Activity. See Attachment B.
- I. The following activities are prohibited unless specifically authorized:
  - 1. The sale or promotion of commercial goods or services;

2. The use of amplified sound;
  3. The blocking of pedestrian or vehicular traffic; and
  4. Conduct which the University reasonably deems to cause disruption to campus activities.
- J. Failure to adhere to this Policy may result in revocation of an approved reservation and/or other appropriate administrative action.
- K. Subject to the restrictions in Attachment B, nothing in this Policy and Procedures shall be construed to prohibit any person or group who is engaged in a permitted use of University facilities or outdoor spaces from engaging in free expression activities such as private conversation, gesturing, standing, wearing expressive clothing, accessories, buttons, or stickers, or from participating in free expression activities germane to a specific activity or event.

#### **V. Internal Users: Use of University Facilities and Outdoor Spaces**

- A. Internal Users may host Programs proposed by External Users, but fronting by Internal Users is prohibited.
- B. University academic or administrative units must report all Programs in advance to the Host's unit head. Registered Student Organizations must report all Programs in advance to Stamp Event & Guest Services.
- C. Except as provided in Section VI and Attachment B, only University academic or administrative units, and Registered Student Organizations, may host a Program where External Users are invited to participate in Expressive Activity.
- D. General Purpose Classroom Space
1. Course and Classroom Scheduling Services in the Office of the Registrar has first priority to schedule general purpose classrooms for classes.
  2. Subject to paragraph V.D.1, Internal Users may reserve available general purpose classroom space as set forth below:
    - a. Academic or administrative units, faculty, and staff may reserve general purpose classroom space through Course and Classroom Scheduling Services in accordance with internal procedures.
    - b. Registered Student Organizations may reserve general purpose classroom space through Stamp Event & Guest Services in accordance with internal procedures.

E. Outdoor Space

1. Reservations for the use of outdoor space controlled by Stamp Event & Guest Services are made through Stamp Event & Guest Services in accordance with internal procedures.

F. Other University Facilities and Outdoor Space

1. University Facilities and outdoor spaces controlled by academic or administrative units other than those included in Sections V.D and V.E are managed by the units to which the space is allocated and may be reserved in accordance with internal procedures or through Conferences & Visitor Services.

**VI. External Users: Use of University Facilities and Outdoor Spaces**

- A. External Users not otherwise hosted by a University academic or administrative unit or Registered Student Organization may reserve University facilities and outdoor spaces for Programs in accordance with this Section VI.

B. University Facilities

1. External Users may directly reserve University facilities for Programs.
  - a. External Users may directly reserve the designated University facilities set forth in Attachment A through the appropriate reservations office.
  - b. External Users may directly reserve University facilities not listed in Attachment A through Conferences & Visitor Services
  - c. Each reservable facility will have an approved pricing structure and internal procedures for serving the general public.

C. Outdoor Space

1. Specific outdoor spaces are available to External Users who wish to engage in Expressive Activity, including Leafletting, as set forth below. External Users are required to reserve space in advance by requesting a reservation with Stamp Event & Guest Services.
  - a. Procedures for Reserving Space
    - i. Reservation requests are approved on a space-available basis and based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.
    - ii. Priority will be given to Internal Users. If vacancies are available after giving priority to Internal Users, External User requests will be considered on a first-come, first-serve basis.

- iii. Reservation requests may be made five (5) business days or less in advance of the date of anticipated use.
  - iv. Reservations are valid only for the date and time authorized by Stamp Event & Guest Services.
  - v. A copy of the Speaker Registration Form must be available for inspection upon request by University officials.
- b. Outdoor Spaces Available for Expressive Activity
- i. Designated sidewalk space outside of the Stamp Student Union.
  - ii. Designated space in Hornbake Plaza.
2. Reservations for the use of designated outdoor space for purposes other than Expressive Activity must be through the appropriate reservations offices for the spaces listed in Attachment A, or through Conference & Visitors Services for other spaces, and in accordance with internal procedures.

## **VII. Facility/Space Use Review**

The University reserves the right to review any request for the use of its facilities or outdoor spaces in order to ensure compliance with this Policy and Procedures and to prevent substantial disruption of the advancement of the University's teaching, research, and service mission; prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and persons using University property. Based on that review, the University may relocate a Program to a more suitable location, reschedule a Program, or cancel a Program. Reviews will be conducted by an Event Coordination Team (ECT) subject to criteria set forth in ECT guidelines.

## **Attachment A**

### **List of facilities and outdoor spaces that may be directly reserved by External Users**

Adele H. Stamp Student Union

Clarice Smith Performing Arts Center facilities

Intercollegiate Athletics facilities and spaces (e.g., Xfinity Center, Maryland Stadium)

Memorial Chapel

Samuel Riggs IV Alumni Center facilities

School of Music facilities

School of Theatre, Dance, & Performance Studies facilities

University Recreation and Wellness facilities (Eppley Recreation Center, Ritchie Coliseum, Armory, Golf Course Clubhouse)

## **Attachment B**

### **Guidelines for Expressive Activity**

It is the policy of the University that its physical facilities and outdoor spaces be used to support the University's central mission as a land grant institution and its goals of achieving excellence in teaching, research, and public service within a supportive, respectful, and inclusive environment that honors freedom of expression. The exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. The University supports the rights of individual students, faculty, staff, and student organizations to engage in the expression of ideas, demonstrate, and leaflet, provided such activities are lawful and consistent with University policies.

Freedom of thought and expression are the lifeblood of our academic community. As a community of scholars and learners, the University is committed to fostering vigorous debate among faculty, staff, students and student organizations. The University also recognizes that a healthy and thriving academic community depends on mutual respect and civility. It is the University's goal to encourage civility and mutual respect and to educate its community about how to communicate effectively and respectfully regarding contentious and disagreeable issues. Exposure to all perspectives, including those that may be deemed disagreeable or offensive, can and should be an essential part of the educational experience and academic life on this campus.

The ideas of different members of the University community may often and quite naturally conflict. Individuals may find some ideas and opinions unwelcome, disagreeable, or even deeply offensive. With certain exceptions, such as threats of physical violence and unlawful harassment, the expression of ideas through speech in University facilities and outdoor spaces is protected by the First Amendment of the United States Constitution, subject to reasonable time, place and manner restrictions the University imposes.

The University also recognizes its obligation to protect the physical safety of its community members, and to address unlawful conduct including unlawful harassment based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information or any other legally protected status.

These Guidelines for Expressive Activity are intended to guide and apply to those who wish to reserve University facilities and outdoor spaces for Expressive Activity, including both Internal Users and External Users.

1. The University supports the right of persons to engage in Expressive Activity, provided such activities are consistent with the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces [VI-4.10(A)] ("Policy") and the reasonable time, place and manner restrictions outlined below. Violations of these regulations by students, staff, or faculty may be grounds for disciplinary action under other University policies and procedures, including but not limited to the Student Code of Conduct.

- a. Persons may not block or otherwise interfere with the free flow of pedestrian or vehicular, traffic or other transportation modes used by persons on campus, including but not limited to public transit, bicycle, moped, golf cart, scooter, skateboard, rollerblades, etc. The right of way on streets and sidewalks must be maintained.
- b. Persons may not block or otherwise interfere with ingress and egress into and out of campus buildings.
- c. Persons shall not obstruct, disrupt, interrupt or attempt to force the cancellation of any Program hosted by the University or by any users authorized to use University facilities or outdoor spaces.
- d. Persons shall not engage in unlawful harassing, physically abusive, threatening or intimidating, or lewd or obscene conduct toward any person.
- e. Persons shall comply with the directions of any University official acting in the performance of their duty.
- f. Classes or other scheduled activities shall not be disrupted.
- g. Use of public address systems and amplified sound will not be permitted without prior approval from the University.
- h. Where an invited speaker is the object of protest, persons may engage in Expressive Activity outside the building where the speech is taking place. Persons who wish to enter the building must do so as members of the audience and must give the speaker a respectful hearing. Failure to grant the speaker a respectful hearing may result in the offending persons being asked to leave. Any signs, banners, or similar items carried by individuals into the building must be constructed entirely of soft material such as cardboard, foam board, or cloth, and may not be attached to rigid materials such as sticks or poles. The use of such items may not deprive others of their rights or otherwise violate these Guidelines. The University reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.
- i. University property must be protected at all times.
- j. In accordance with Maryland Code Ann., Educ. § 26-102, as amended, persons on University property may be required to provide identification and evidence of qualification to a University official upon request. Evidence of qualification means evidence that the person is a bona fide, currently registered student, staff or faculty member at the institution or has lawful activity to pursue at the University.



- k. Persons engaging in activities on University property are subject to and expected to comply with all applicable University policies and procedures, laws, regulations, and ordinances.
- l. Student organizations who host Expressive Activity will be held responsible for compliance with this Policy. However, this in no way relieves participating individuals of responsibility for their conduct. Each individual participating in Expressive Activity, whether hosted by a student organization or not, is accountable for compliance with the provisions of this Policy and Procedures VI-4.10(A) and all other applicable policies and procedures, including the Code of Student Conduct. Violation of this Policy may be grounds for disciplinary action against both individuals and/or the sponsoring or participating student organizations and their officers.
- m. Persons may engage in Leafletting in accordance with this Policy and Procedures VI-4.10(A) and subject to the following:
  - i. Persons may set up their own tables for Leafletting and are responsible for disassembly of the tables and general clean-up.
  - ii. Leafletting does not include littering. All persons are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. Leaving materials unattended on a surface to be picked up is considered littering.
  - iii. Internal Users may engage in Leafletting without registration or advance approval in any University outdoor space, the use of which is not otherwise restricted or reserved.
- n. Internal Users may use chalk to create messages on approved surfaces subject to the following:
  - i. Messages may be written only on flat horizontal surfaces of sidewalks.
  - ii. No messages may be written on vertical surfaces, including but not limited to walls, buildings, pillars, posts, benches, fencing, doors, trash receptacles, or kiosks.
  - iii. No messages may be written on roads, paths or walkways other than pedestrian sidewalks. Such prohibited areas include but are not limited to stairs, building porches and entryways, outdoor athletic facilities, or memorial garden walkways.
  - iv. Chalked messages may not deface decorative symbols or sculptures, including but not limited to the ODK fountain, the University seal, the sundial, or engraved text in concrete.
  - v. Messages must be written in chalk that is water-soluble. Approved chalk includes commercially sold “sidewalk chalk” but does not include spray chalk or artist pastels.
  - vi. Internal Users who chalk in violation of these rules may be held responsible for costs incurred by the University for removal.
- o. Expressive Activity by ten (10) or fewer University students, faculty or staff may occur at any outdoor area without advance reservation.
- p. **Guidelines for Scheduled Expressive Activity by Registered University Students**
  - i. Registered University students who wish to schedule Expressive Activity such as a demonstration, rally or equivalent activity, may request outdoor space as set forth below.

- ii. Any such request must be made to Stamp Event & Guest Services no less than one business day in advance of the activity.
  - iii. Stamp Event & Guest Services will respond promptly to any reservation request.
  - iv. In the event a request is denied, an appeal may be made to the Vice President for Student Affairs who shall respond promptly to any such appeal.
  - v. Scheduled Expressive Activity will be permitted at the following locations:
    - McKeldin Mall
    - Hornbake Plaza
    - Stamp Student Union (South East Plaza)
    - Nyumburu Amphitheatre
  - vi. Scheduled Expressive Activity may be held at other locations on campus with the approval of the Vice President for Student Affairs on a first-come, first-served basis after an assessment that such activity will not otherwise interfere with scheduled University use or fail to comply with this Policy and Procedures VI-4.10(A).
- q. **Guidelines for Unscheduled Spontaneous Expressive Activity by University Students, Staff, or Faculty**
- i. Occasionally, events may occur that result in sudden and immediate public outcry, and it is not the intent of this Policy to limit University students, staff, or faculty members' rights to protest such events.
  - ii. Unscheduled spontaneous Expressive Activity may be held by University students, staff, and faculty in the areas defined in paragraph 1.p.v provided that the activity does not interfere with any functions for which that space has been reserved in advance.
  - iii. University students, staff, and faculty may not circumvent the usual reservation requirements by claiming to be spontaneous. In deciding whether Expressive Activity is spontaneous or planned, the University may consider any relevant evidence, including (a) whether signs or placards used at the activity were commercially produced, (b) whether participants used amplification equipment, (c) whether security was alerted, or media contacted, substantially in advance of the activity, or (d) whether other circumstances demonstrate advance planning.