



Review of the Interim University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the Guidelines for Expressive Activity

PRESENTED BY Norma Andrews, Chair

REVIEW DATES SEC – March 30, 2021 | SENATE – April 6, 2021

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VI-4.10\(A\) - University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces](#)

NECESSARY APPROVALS Senate, President

ISSUE

In September 2020, the Office of the President informed the University Senate that revisions were needed to the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces ([VI-4.10\(A\)](#)) and the associated Guidelines for Expressive Activity (formerly the Guidelines on Demonstrations & Leafletting, and the Chalking Guidelines) to clarify where Expressive Activity and outdoor Public Speaking by both Internal and External Users could occur. The necessary revisions were time-sensitive, as clarity was needed before the beginning of the Fall 2020 semester. On September 18, 2020, the President approved the revisions on an interim basis, pending Senate review.

On September 25, 2020, the Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the interim Policy and Procedures and Guidelines for Expressive Activity, consulting with stakeholders, and considering whether the revisions made in the interim Policy and Guidelines were appropriate (Appendix A).

RECOMMENDATIONS

The Campus Affairs Committee recommends that the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the Guidelines for Expressive Activity (VI-4.10[A]) should be revised as shown immediately following this report.

COMMITTEE WORK

The Campus Affairs Committee (CAC) began its consideration of the charge in October 2020. The committee reviewed the interim Policy and Procedures (“the Policy”) and the Guidelines for Expressive Activity (“the Guidelines”); reviewed past Senate action on the policy; consulted with key stakeholders; and reviewed policies, procedures, and guidelines for Expressive Activity at peer institutions.

The CAC’s review focused on the new proposed revisions to the Policy and Guidelines made by a Division of Student Affairs Working Group which was convened by the administration to develop a proposal for the committee’s consideration. The CAC agreed to make minor revisions to the Policy

to clarify the roles and responsibilities of Internal Users, External Users, and Hosts. The committee agreed to include language added to the Policy by the Working Group regarding criteria for which the University may relocate, reschedule, or cancel a Program in order to have an explanation for why the University may reject a request to reserve a space. In order to ensure that unit heads are made aware of Programs without creating an administrative burden, the CAC agreed to revise the Policy to state that Internal Users in administrative or academic units should report Programs to their unit head when they serve as Hosts to External Users for Programs that are open to a general audience. The committee also agreed that Registered Student Organizations should also report all Programs in advance to the appropriate facility manager and/or the Student Organization Resource Center (SORC). The CAC agreed with revisions made to the interim Policy by the Working Group that External Users should not be allowed to reserve the Nyumburu Amphitheatre for Expressive Activity as its location presents security concerns. The committee agreed to revise the Policy and Guidelines to set parameters regarding the use of amplified sound at outdoor events, and to make structural changes to the Policy so users can easily reference the appropriate provisions.

After considering the Guidelines, the CAC agreed that the Guidelines align with the principles established by the committee during their previous review of the Policy, and revised the Guidelines to include a direct reference to the Statement of Free Speech Values. In order to align with standard policy formatting, the committee agreed to revise the Guidelines from an Attachment to an Appendix, and to make minor revisions to formatting and terminology to ensure consistency.

After due consideration, the Campus Affairs Committee approved its proposed revisions to the interim Policy and Guidelines for Expressive Activity in an email vote concluding on March 22, 2021.

ALTERNATIVES

The Senate could choose to reject the recommendation. However, the University would also lose the opportunity to provide more clarity for users regarding policies and procedures for Expressive Activity. The University would also lose the opportunity to ensure that academic or administrative unit heads are appropriately made aware of Programs when their units act as Host for Programs by External Users, as well as lose the opportunity to codify parameters around the use of amplified sound at outdoor events.

RISKS

There are no associated risks to the University

FINANCIAL IMPLICATIONS

There are no known financial implications.



Review of the Interim University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the Guidelines for Expressive Activity

2020-2021 Committee Members

Norma Andrews (Chair, October 2020 – May 2021)

Fulvio Cativo (Chair, August 2020 – September 2020)

Dan Alpert (Ex-Officio – SGA Rep)

Maria Barra (Staff)

Gerald Brust (Faculty)

Yanne Chembo (Faculty)

David Cronrath (Ex-Officio – Provost's Rep)

Leigh Ann DePope (Faculty)

Andrew Fellows (Faculty)

Vanessa Greer (Staff)

Jitendra Sai Gutha (Graduate Student)

Luke Jensen (Ex-Officio – Vice President for Diversity & Inclusion Rep)

Dan Laffin (Ex-Officio – GSG Rep)

Katie Lawson (Ex-Officio – VP University Relations Rep)

Rejanne Le Bivic (Faculty)

Anne Martens (Ex-Officio – VP Administration and Finance Rep)

Andrew Mazer (Graduate Student)

Rebecca Mollet (Undergraduate Student)

Madhulika Nallani (Undergraduate Student)

Allynn Powell (Ex-Officio – VP Student Affairs Rep)

Mark Sherburne (Ex-Officio – Chair of Coaches Council Rep)

Elizabeth Warner (Faculty)

Date of Submission

March 2021

BACKGROUND

In September 2020, the Office of the President informed the University Senate that revisions were needed to the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces ([VI-4.10\[A\]](#)) and the associated Guidelines for Expressive Activity (formerly the Guidelines on Demonstrations & Leafletting, and the Chalking Guidelines) to clarify where Expressive Activity and outdoor Public Speaking by both Internal and External Users could occur. The necessary revisions were time-sensitive, as clarity was needed before the beginning of the Fall 2020 semester. On September 18, 2020, the President approved the revisions on an interim basis, pending Senate review.

On September 25, 2020, the Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the interim Policy and Procedures and Guidelines for Expressive Activity, consulting with stakeholders, and considering whether the revisions made in the interim Policy and Guidelines were appropriate (Appendix A).

COMMITTEE WORK

The Campus Affairs Committee (CAC) began its consideration of the charge in October 2020. The committee reviewed the interim Policy and Procedures ("the Policy") and the Guidelines for Expressive Activity ("the Guidelines"), the recommendations of the Inclusion and Respect Task Force which underly the Policy and Guidelines ([Senate Document #17-18-03](#)), and the CAC's past work on the Review of the University of Maryland, College Park Procedures for the Use of Physical Facilities ([Senate Document #18-19-10](#)). Throughout its review of the charge, the committee consulted with key stakeholders represented by a Division of Student Affairs Working Group on the interim Policy and Guidelines, and with the Office of General Counsel. The CAC also reviewed

policies, procedures, and guidelines for Expressive Activity at peer institutions and a history of Expressive Activity at the University for contextual information.

The CAC's review was guided in large part by its recommendations related to the Policy in 2019 and actions taken since then to implement the Policy. During its prior review of the Procedures for the Use of Physical Facilities, the CAC recommended that it should be charged with reviewing the Guidelines for Expressive Activity after the revised Policy had been approved, since the Guidelines were to be based on principles established in the Policy. Since the development of the Guidelines would require a deep understanding of practices and processes, a Working Group composed of key stakeholders was convened by the administration to develop a proposal for the CAC's consideration. The Working Group was chaired by the Director of the Adele H. Stamp Student Union and included representatives from the Student Government Association (SGA); the University of Maryland Police Department (UMPD); the Department of Environmental Safety, Sustainability, and Risk; the Office of Strategic Communications; the Division of Administration and Finance; Facilities Management; the Office of General Counsel; and the Office of Diversity and Inclusion (ODI). It met a number of times beginning in November 2019 to review and develop the Guidelines.

Upon receiving its charge, the CAC consulted with representatives from the Working Group and the Office of General Counsel to learn more about the development of the interim Policy and Guidelines and the legal framework associated with its development. During the development of the Guidelines, the Working Group identified a need to develop a philosophy of free expression at the University. In doing so, the Working Group reviewed existing University policies, reached out to Big 10 and other peer institutions on their policies and procedures related to Expressive Activity, and reviewed case law and American Civil Liberties Union (ACLU) findings. The Working Group developed a preamble to the Guidelines to articulate this philosophy. In developing the revisions to the Guidelines on practices and processes, the Working Group also determined that associated changes to the Policy were needed to distinguish between Internal Users and External Users so each group can safely exercise their First Amendment rights in appropriate spaces on campus, and to align the Policy with practices operationalized by the Stamp Student Union staff and UMPD in working with users to plan Expressive Activity events.

Since the Policy and Procedures for the Use of Facilities and Outdoor Spaces was reviewed by the CAC and approved by the Senate in 2019, the committee's charge focused on the new proposed revisions to the Guidelines and on the changes in the Policy the Working Group recommended as a result of its work on the Guidelines. The CAC reviewed the principles decided upon by the CAC and the Senate in its prior review, and worked to ensure that the revised Policy and Guidelines upheld those principles.

The CAC considered the revisions made to the Policy related to Internal and External Users and their roles as Hosts. The committee acknowledged that Internal Users and External Users of University facilities and outdoor spaces have different rights and responsibilities. The vast majority of Expressive Activity events on campus are held by students, who are Internal Users and subject to both this Policy and the *Code of Student Conduct*. The University has little to no jurisdiction over External Users, who may simply be renting a space to hold an event. After consideration, the committee agreed that an Internal User or External User may act as a Host who plans or delivers a Program to which others are invited. A Program may include Expressive Activity. After consulting with the Working Group and Office of General Counsel, the CAC agreed to make minor changes in Sections V.A and V.C of the Policy to clarify these roles. The committee also agreed that the Host should assume fiscal responsibility and liability for Programs. During their discussion, the committee felt that the use of the term "fronting" in the Policy was unclear, and agreed to add a definition to the

Policy to clarify that Fronting is a prohibited practice and differs from an Internal User serving as a Host for an External User's program.

The CAC reviewed language added by the Working Group to Article VII.A of the Policy regarding criteria for which the University may relocate, reschedule, or cancel a Program, and considered whether the new language could potentially interfere with the First Amendment rights of users. After consulting with the Office of General Counsel, the committee learned that the added specificity is preferred, as First Amendment issues can arise when Universities lack clear guidelines for which Programs can be canceled. After discussion, the committee agreed to include this criteria in the Policy in order to have an explanation for why the University may reject a particular request to reserve a space, rather than appearing that the decision was arbitrary.

The proposed changes to the Policy by the Working Group included a modification of which Programs need to be reported to unit heads. In the committee's prior work, it recommended that only Programs open to the public should be reported to unit heads, in order to balance awareness of departmental activities while avoiding putting an undue administrative burden on the administrative or academic unit. The Working Group broadened this requirement in the interim Policy to require that all Programs be reported to unit heads, in order to ensure awareness of all events involving External Users. The Working Group also indicated that reporting all Programs would also ensure awareness of support provided by the University for safely facilitating events. In its discussion of the proposed change, the committee acknowledged the importance of ensuring that unit heads are made aware of Programs, but agreed with its prior assessment that reporting all Programs would be unduly burdensome, as it would include reporting activities that have a role in daily academic life, such as speakers visiting classes and colloquia. In order to balance the principles previously established by the committee and the concerns identified by the Working Group, the CAC agreed that Internal Users in administrative or academic units should report Programs to their unit head when they serve as Hosts to External Users for Programs that are open to a general audience. After consulting with the Director of the Adele H. Stamp Student Union, the committee agreed that Registered Student Organizations should also report all Programs in advance to the appropriate facility manager and/or the Student Organization Resource Center (SORC), which has jurisdiction over all Registered Student Organizations.

The interim Policy included revisions from the Working Group to the spaces where Expressive Activity is permitted; the revisions prohibit External Users from reserving the Nyumburu Amphitheatre for Expressive Activity. After consulting with representatives from the Department of Public Safety, the committee learned that safety and security concerns have been identified with Nyumburu Amphitheatre as a location for Expressive Activity for External Users. The Amphitheatre is located in a sunken pit, which creates issues with ingress and egress and potentially limits opportunities for UMPD to prevent physical confrontations, such as throwing bricks and other items at speakers. The Working Group also identified concerns with allowing External Users, who may include contentious users such as hate groups, to gather outside of the Nyumburu Cultural Center, which is dedicated to advancing the multicultural missions of the University. After consideration, the committee agreed that External Users should not be allowed to reserve the Nyumburu Amphitheatre for Expressive Activity. In the interim Policy and Guidelines, External Users are still able to reserve designated sidewalk space outside of the Stamp Student Union and designated space in Hornbake Plaza for Expressive Activity.

In considering the relationship between the Policy and the Guidelines, the CAC considered whether any modifications or structural changes were needed. In keeping with the principle of including broad language in policy and procedural information in guidelines, the committee agreed to revise

Article VI of the Policy to separate provisions related to Programs and Expressive Activity for External Users into different sections. This proposed restructuring allows the Policy to refer External Users directly to the Guidelines for information regarding Expressive Activity. It also makes procedural information on Expressive Activity easier for users to locate, as the same information is not duplicated both in the Policy and the Guidelines.

During its consideration of the Guidelines for Expressive Activity, the CAC acknowledged the challenges of balancing free speech rights with campus safety. The Working Group revised the Guidelines to include a ten-person limit for University students, staff, or faculty to hold Unscheduled Expressive Activity at any location on campus without a reservation. The CAC learned from the Office of General Counsel that the ten-person limit was agreed to as part of a settlement with the ACLU, because ten was thought to be a reasonable number. The Working Group also felt that limiting the number to ten people allows for University staff to quickly deploy to the group's location to ensure the group's safety. The CAC acknowledged that the ten-person limit refers to the location of Unscheduled Expressive Activity and does not limit the content of speech. After discussion, the committee agreed that the Guidelines allow campus community members to engage in Expressive Activity while also providing appropriate spaces for users to reserve to exercise their First Amendment rights. The committee also agreed that the Guidelines align with the principles established by the committee during their previous review of the Policy.

As it reviewed the Guidelines, the CAC expressed great appreciation for the principles outlined in the Statement on University Values and Statement of Free Speech Values, which were approved by the Senate and the President as part of the recommendations of the Inclusion and Respect Task Force in 2018 ([Senate Document #17-18-03](#)). To ensure that the Guidelines align with these principles, the committee developed revisions to include a direct reference to the Statement of Free Speech Values. After reviewing the Statements and the language within the Guidelines, the CAC felt that the language was similar but did not conflict, and so it retained the language added by the Working Group for additional context.

The CAC revised the Guidelines for Expressive Activity to align with standard policy formatting. The committee agreed that the Guidelines should be changed from an Attachment to an Appendix; Appendices typically include substantive information that require Senate review before any revisions can be made. This change ensures that the Senate is made aware of any potential future changes to the Guidelines. The committee also agreed to revise the Guidelines into a standard outline format to enhance clarity and ensure that users can easily reference specific provisions. After consulting with the Office of General Counsel, the committee agreed to make a few minor revisions in the Guidelines to keep terminology consistent, such as changing the term "persons" to "individuals" throughout the Guidelines.

In March 2021, the CAC was informed by the Director of the Stamp Student Union of ongoing concerns related to the use of amplified sound at outdoor events. After consulting with the Director and the Office of General Counsel, the committee agreed to add permissions and parameters regarding the use of amplified sound to Article IV.J of the Policy and Section III.A of the Guidelines.

After due consideration, the Campus Affairs Committee approved its proposed revisions to the interim Policy and Guidelines for Expressive Activity in an email vote concluding on March 22, 2021.

RECOMMENDATIONS

The Campus Affairs Committee recommends that the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the Guidelines for Expressive Activity (VI-4.10[A]) should be revised as shown immediately following this report.

APPENDICES

Appendix 1 - Charge from the Senate Executive Committee



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. **“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. “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. **“Fronting” means an Internal User acting as an agent for an External User to (1) receive access to University facilities and outdoors spaces only intended for use by Internal Users; or (2) receive discounted rates for the use of University facilities or**

outdoor spaces where the Internal User attempts to vacate responsibility for the event, program, or activities that occur after receiving discounted rates. ~~“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. **“Host” means an Internal User or External User who plans and/or delivers a Program to which others are invited.** ~~“Program” is an activity or event that is intended to take place in a University facility or outdoor space, which may include Expressive Activity.~~
- E. **“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.** ~~“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. **“Program” is an activity or event that is intended to take place in a University facility or outdoor space, which may include Expressive Activity.** ~~“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. **“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.** ~~“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)].~~
- I. **“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

- A. University facilities and outdoor spaces are available primarily for Programs offered by and intended for Internal Users as members of the University community.
- ~~B.~~ **A** Except as noted in Section VI, all Programs must be hosted by an Internal User.

- C.~~B~~. Internal Users are encouraged to reserve University facilities and outdoor spaces for Programs in advance.
- D.~~C~~. Hosts are responsible for all activities associated with the Program, including all financial and legal liabilities.
- E.~~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.
- F.~~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.
- G.~~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. Fronting by Internal Users is prohibited.**
- I.~~H~~. **Expressive Activity must comply with the University's Guidelines for Expressive Activity. See (Appendix A) Attachment B.**
- J.~~I~~. The following activities are prohibited unless specifically authorized **by the relevant space manager**:
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.
- K.~~J~~. Failure to adhere to this Policy may result in revocation of an approved reservation and/or other appropriate administrative action.
- L.~~K~~. Subject to the restrictions in **(Appendix A) 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 **serve as Hosts for** ~~host~~ Programs proposed by External Users, but **F**ronting by Internal Users is prohibited.
- B. **Internal Users in** University academic or administrative units **who serve as Hosts to External Users for Programs that are open to a general audience** must report **the all** Programs in advance to **their** ~~the Host's~~ unit head. Registered Student Organizations must report all Programs in advance to **the appropriate facility manager and/or** Stamp **Student Organization Resource Center ("SORC")** ~~Event & Guest Services~~.
- C. Except as provided in ~~s~~**Section VI. of this Policy** and **Appendix A** ~~Attachment B~~, only University academic or administrative units, and Registered Student Organizations, may **serve as a Host for** ~~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 **section paragraph** ~~V.D.1.~~ **above**, 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 **and Appendix A**.
- F. Other University Facilities and Outdoor Spaces
 - 1. University Facilities and outdoor spaces controlled by academic or administrative units other than those included in ~~s~~**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: Reservations for Programs & Expressive Activity ~~Use of University Facilities and Outdoor Spaces~~

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

B. Reservations for Programs ~~University Facilities~~

1. External Users may directly reserve University facilities **and limited outdoor spaces** for Programs.
 - a. External Users may directly reserve the designated University facilities **and outdoor spaces** set forth in **the List of Facilities and Outdoor Spaces Available for Direct Reservations by External Users** (Attachment A), through the appropriate reservations office.
 - b. External Users may directly reserve University facilities **and outdoor spaces** not listed in Attachment A through Conferences & Visitor Services.
 - c. Each reservable facility **and outdoor space** will have an approved pricing structure and internal procedures for serving the general public.

C. Reservations for Expressive Activity ~~Outdoor Space~~

1. ~~Specific~~ Outdoor spaces **that** are available to External Users who wish to engage in Expressive Activity, including Leafletting, **and procedures for reserving those spaces are defined in Appendix A** ~~as set forth below.~~
2. External Users are required to reserve space in advance by requesting a reservation with Stamp Event & Guest Services. **Priority will be given to Internal Users.**

~~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

- A.** 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~~ **the** 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 **individuals** ~~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.
- B.** Reviews will be conducted by an Event Coordination Team (ECT) subject to criteria set forth in **the** ECT ~~g~~**G**uidelines.

Attachment A

List of Facilities and Outdoor Spaces Available for Direct Reservation ~~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)

Appendix A
Attachment B
Guidelines for Expressive Activity

I. Rationale

~~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 **University of Maryland recognizes that 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.

The University's Statement on Free Speech Values (<https://policies.umd.edu/statement-free-speech-values/>) articulates the role of a university in discovering and disseminating knowledge as one that requires a free exchange of ideas within its walls and with the world beyond. 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.

II. Principles on Expressive Activity

- A. ~~The These~~ Guidelines for Expressive Activity (“~~these~~ **Guidelines**”) 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.
- B.~~1.~~The University supports the right of **individuals** ~~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)})}~~ (“**the Policy**”) and the reasonable time, place, and manner restrictions outlined below.
- C. 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 **University of Maryland Code of Student** ~~Code of~~ Conduct (**V-1.00[B]**) “*Code of Student Conduct*”.

III. Rules for Expressive Activity

- Aa.**Individuals** ~~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.
- Bb.**Individuals** ~~Persons~~ may not block or otherwise interfere with ingress and egress into and out of campus buildings.
- Ce.**Individuals** ~~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.
- Dd.**Individuals** ~~Persons~~ shall not engage in unlawfully harassing, physically abusive, threatening or intimidating, or lewd or obscene conduct toward any person.
- Ee.**Individuals** ~~Persons~~ shall comply with the directions of any University official acting in the performance of their duty.
- Ff.Classes or other scheduled activities shall not be disrupted.
- Gg.Use of public address systems and amplified sound will not be permitted without prior approval from the University, **through the relevant space manager. Those approved to use amplified sound are generally only permitted to use it at the following days/times: Fridays (5pm – 10pm), Saturdays (10am – 10pm), and Sundays (12pm – 8pm).**
- Hh.Where an invited speaker is the object of protest, **individuals** ~~persons~~ may engage in Expressive Activity outside the building where the speech is taking place. **Individuals** ~~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 **individual(s)** ~~persons~~ being asked to leave. Any signs, banners, or similar items carried ~~by individuals~~ into the building must be constructed **of materials that do not present a safety hazard** ~~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.

Ii. University property must be protected at all times.

Jj. In accordance with Maryland Code Ann., Educ. § 26-102, as amended, **individuals 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 **individual person** is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the University.

Kk. **Individuals 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.

Ll. **Registered Student Organizations** who host Expressive Activity will be held responsible for compliance with **the 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 **Registered Student Organization** or not, is accountable for compliance with the provisions of **the this** Policy and ~~Procedures VI-4.10(A) and~~ all other applicable **University** policies and procedures, including the *Code of Student Conduct*.

M. Violation of **the this** Policy may be grounds for disciplinary action against both individuals and/or the sponsoring or participating **Registered Student Organizations** and their officers.

IV. Additional Rules for Leafletting and Chalking

A.m. **Individuals Persons** may engage in Leafletting in accordance with **the this** Policy and ~~Procedures VI-4.10(A) and~~ subject to the following:

- 1i.** **Individuals Persons** may set up their own tables for Leafletting and are responsible for disassembly of the tables and general clean-up.
- 2ii.** Leafletting does not include littering. All **individuals 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.
- 3iii.** 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.
- 4.** **External Users may engage in Leafletting in designated areas for Expressive Activity, in accordance with section V.**

Bn. Internal Users may use chalk to create messages on approved surfaces subject to the following:

- 1i.** Messages may be written only on flat horizontal surfaces of sidewalks.
 - 2ii.** No messages may be written on vertical surfaces, including but not limited to walls, buildings, pillars, posts, benches, fencing, doors, trash receptacles, or kiosks.
 - 3iii.** No messages may be written on roads, paths, **building porches, outdoor athletic facilities**, or walkways other than pedestrian sidewalks. Such prohibited ~~areas~~ **walkways** include but are not limited to stairs, ~~building porches and~~ entryways, ~~outdoor athletic facilities~~, or memorial garden walkways.
 - 4iv.** Chalked messages may not deface decorative symbols or sculptures, including but not limited to the ODK fountain, the University seal, the sundial, **Testudo statues**, or engraved text in concrete.
 - 5v.** 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.
 - 6vi.** 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.~~

Vp. Rules ~~Guidelines~~ for Scheduled Expressive Activity by External Users ~~Registered~~ University Students

Ai. ~~All External Users 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.

- 1. Scheduled Expressive Activity will be permitted at the following locations:**
 - a. Designated sidewalk space outside of the southeast entry to Stamp Student Union; and**
 - b. Designated space in Hornbake Plaza.**
- 2ii.** Any such request ~~must~~ **may** be made to Stamp Event & Guest Services **five (5) business days in advance but** no less than one **(1)** business day in advance of the **date of anticipated use or** activity.
- 3iii.** 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:~~

VI-4.10(A) **Appendix A Attachment B:** Guidelines for Expressive Activity

- ~~McKeldin Mall~~
- ~~Hornbake Plaza~~
- ~~Stamp Student Union (South East Plaza)~~
- ~~Nyumburu Amphitheatre~~

4. External User requests will be considered on a first-come, first-served basis after giving priority to Internal Users.
5. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.
6. Reservations are valid only for the date and time authorized by Stamp Event & Guest Services.
7. A copy of a Confirmation Summary for the Speaker Registration Form must be made available for inspection upon request by University officials.

VI. Rules for Scheduled Expressive Activity by Registered University Students

A. Individual or groups of registered University students are subject to the provisions below.

1. Scheduled Expressive Activity will be permitted at the following locations:
 - a. McKeldin Mall;
 - b. Hornbake Plaza;
 - c. Stamp Student Union (South East Plaza); and
 - d. Nyumburu Amphitheatre.
2. Any reservation request must be made to Stamp Event & Guest Services no less than one (1) business day in advance of the activity.
3. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.
4. In the event a reservation request is denied, an appeal may be made to the Vice President for Student Affairs who shall respond promptly to any such appeal.
5. 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 ~~the this Policy and Procedures VI-4.10(A).~~

VIIq. Rules ~~Guidelines~~ for Unscheduled ~~Spontaneous~~ Expressive Activity by University Students, Staff, or Faculty

A. Expressive Activity by ten (10) or fewer University students, faculty, or staff may occur at any outdoor area without advance reservation.

Bi. 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.

1ii. Unscheduled spontaneous Expressive Activity may be held by University students, staff, and faculty in the areas defined in **section VI.A.1. of these Guidelines paragraph 1.p.v** provided that the activity does not interfere with any functions for which that space has been reserved in advance.

2iii. University students, staff, and faculty may not circumvent the usual reservation requirements by claiming to be spontaneous.

3. 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.



**Review of the Interim University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the Guidelines for Expressive Activity
(Senate Document #20-21-11)
Campus Affairs Committee | Chair: Norma Andrews**

The Senate Executive Committee (SEC) and Senate Chair Dugan request that the Campus Affairs Committee review the interim University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the associated Guidelines for Expressive Activity.

The Campus Affairs Committee should:

1. Review the interim University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces and the associated Guidelines for Expressive Activity ([VI-4.10\[A\]](#)).
2. Review the recommendations in Inclusion and Respect at the University of Maryland ([Senate Document #17-18-03](#)).
3. Review the report and recommendations on Review of the University of Maryland, College Park Procedures for the Use of Physical Facilities ([Senate Document #18-19-10](#)).
4. Review similar policies, procedures, and guidelines at Big 10 and other peer institutions.
5. Consult with a representative from the Division of Student Affairs Working Group responsible for overseeing the development of the interim policy and guidelines.
6. Consult with a representative of the Office of General Counsel to understand the legal framework associated with the interim policy and guidelines.
7. Consult with a representative of the Department of Public Safety to better understand the security concerns that led to revisions within the interim policy and guidelines.
8. Consider whether the roles of internal users, external users, and hosts defined in the interim policy are appropriate.
9. Consider which of the defined roles should assume fiscal responsibility and liability for events under the policy.
10. Consider whether the language in the policy related to the facility/space use review process should include language on criteria associated with the review.
11. Consider whether it is necessary for administrative and academic units to report all programs to their Unit Head in advance.
12. Consider whether the spaces where Expressive Activity is permitted by internal and external users are appropriate and whether they are consistent between the policy and the guidelines.

13. Consider whether Registered Student Organizations should report all programs in advance to Stamp Event & Guest Services, or whether reporting those held within the Stamp Student Union is sufficient.
14. Consider whether the Guidelines on Expressive Activity align with the interim policy, the [Statement on University Values](#), the University's [Statement of Free Speech Values](#), and the principles established in Senate Document #18-19-10.
15. Consider whether the roles and responsibilities of internal and external users should be clearly identified in the Guidelines on Expressive Activity.
16. Consider whether the Guidelines on Expressive Activity should be an appendix to the policy instead of an attachment.
17. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy or associated guidelines.
18. If appropriate, recommend whether the interim policy and procedures and/or the associated guidelines should be revised.

We ask that you submit a report to the Senate Office no later than **March 30, 2021**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.