



## **Overview of Use of Facilities & Outdoor Spaces Policy and Guidelines on Expressive Activity**

The proposed Policy and Procedures for the Use of Facilities and Outdoor Spaces provides guidance on the use of the University's facilities and outdoor spaces by members of the campus community and outside individuals or groups.

- The Policy defines Internal Users as 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 and External Users as anyone not identified as an Internal User or who do not have an Internal User as a Host, including current employees acting outside the scope of their employment.
- Allows Internal Users to serve as Hosts for External Users but prohibits Internal Users from doing so if it is merely to allow the External User to gain access to facilities only available to Internal Users or discounted rates while otherwise vacating responsibility for the activity.
- Prioritizes the use of the University's facilities and outdoor spaces for programs offered by and intended for Internal Users.
- Prohibits specific activities during events without prior authorization such as sale or promotion of goods or services and use of amplified sound; and also prohibits blocking vehicular or pedestrian traffic; and conduct that disrupts University activities.
- Defines "Expressive Activity" as 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.
- Provides guidance to External Users without a Host about all spaces available for reservation for programs, as identified in Attachment A or reserved through Conferences & Visitor Services, and notes that information on reservations related to Expressive Activity is available in the Guidelines in Appendix A.
- Specifies the University's authority to review all requests to reserve facilities and outdoor spaces in order to ensure compliance with the policy; prevent substantial disruption of the University's teaching, research, and service mission; preserve residential tranquility and University property; and protect the health and safety of the University community and those using University facilities.

The revised Guidelines for Expressive Activity consolidate all information related to reservations for Expressive Activity for Internal and External Users in one document.

- The Guidelines were developed with the recognition that the University must uphold the principles of the First Amendment and the rights of individuals and groups, including those outside our campus community, to engage in free speech and freedom of expression while protecting the rights of the University to further its mission and protect the campus community.

- The Guidelines clarify that the University's review of any requests related to Expressive Activity is **content neutral** and the only restrictions imposed by the University are based on the **time, place, and manner** of the Expressive Activity.
- Based on these principles, the Guidelines provide general information for all users about behavior that is considered disruptive; conduct that is unlawfully harassing, physically abusive, threatening or intimidating, or lewd or obscene; parameters for the use of amplified sound; and pathways for the University to conduct a content-neutral review that could lead to relocating, rescheduling, or canceling a reservation for a program.
- All users are allowed to leaflet within specific parameters that prohibit littering. Internal Users can leaflet anywhere on campus without a reservation. External Users may only leaflet by request and in specific spaces designated for Expressive Activity.
- ONLY Internal Users are allowed to chalk, and they may only do so on flat horizontal surfaces of sidewalks. There are also restrictions on the type of chalk used and limitations on where chalking is allowed.
- The Guidelines limit the spaces available for Expressive Activity by **External Users, who do not have an Internal User as a Host, to designated space in Hornbake Plaza and sidewalk space outside the southeast entrance to the Stamp Student Union**. These two spaces were identified because they allow for the high level of visibility that External Users often seek, provide appropriate ingress and egress spaces if the event must be relocated or evacuated, and allow UMPD to protect the safety of all participants at the event.
- The Guidelines also explain that reservation requests by External Users must be made 1-5 days in advance, are considered on a first come first serve basis, after Internal Users are given priority, and are approved based on the stated expected use of the space **without regard to the content or viewpoint** of the Expressive Activity.
- Registered University Students & Student Groups who want to make reservations for Expressive Activity are permitted to use **McKeldin Mall, Hornbake Plaza, the southeast plaza of the Stamp Student Union, and Nyumburu Amphitheatre**. The reservation requests must similarly be made 1-5 days in advance and will be approved based on the stated expected use of the space **without regard to the content or viewpoint** of the Expressive Activity. The Guidelines also allow students to appeal to the Vice President for Student Affairs in the event that a reservation request is denied or if they would like to use another location other than those specified in the Guidelines for Expressive Activity.
- The Guidelines allow spontaneous Expressive Activity by 10 or fewer members of the campus community in any outdoor location on campus. The Guidelines limit this provision to a group of 10 for safety and management purposes; ten was thought to be a reasonable number that was agreed to with the ACLU and the University's own event staff who feel that it is a manageable size that can be safely moved to another location, if needed.