



COMMONWEALTH UNIVERSITY OF PENNSYLVANIA

## **Policy on Time, Place, and Manner Guidelines for the Exercise of Expressive Activities**

### **Policy Number [X-XX]**

Commonwealth University of Pennsylvania

Approved by University Senate, [Date of Approval]

Revised [Date of Revision]

Responsible Office: [Insert Division or Office]

### **1. Purpose**

The primary function of Commonwealth University of Pennsylvania (CU; the "University") is to serve as an inclusive comprehensive public university that prepares students for personal and professional success in an increasingly complex global environment. To fulfill its educational mission, the University must respect and uphold the full spectrum of sometimes conflicting rights of individuals granted by the First Amendment of the United States Constitution and Article I, Section 7 of the Constitution of Pennsylvania.

The University supports the rights of students, staff, and faculty to individually and collectively express their views. In fact, the right to do so is necessary for the ideal of academic freedom that serves as the foundation of the academic community. However, it must also be recognized that free speech rights protect the speech of everyone – including those from within our campus communities as well as uninvited guests to our campuses whose viewpoints may diverge significantly from institutional values.

This policy establishes guidelines related to the time, place, manner of the exercise of Protected Speech rights to ensure that Expressive Activities do not unreasonably interfere with University Operations, undermine the Expressive Activity of others, or present a threat of imminent harm to others or University Property. This policy defines different areas of campus as Designated Public Forums, Designated University Forums, and Public Areas, and explains how speech protections apply to different Speakers in those areas. Importantly, through this policy, the University regulates the time, place, and manner of Expressive Activity in a content-neutral manner as a legitimate way to fulfill its educational mission.

### **2. Scope**

- 2.1. This policy applies to Expressive Activities of University Community Members, Invited Guests, and the General Public on University Property. Expressive Activity, as defined by this policy, is permitted in Designated Public Forums, Designated University



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Forums, and Public areas in accordance with University policies and procedures.

- 2.2. No Expressive Activity as defined in this policy will be prohibited on the basis of content. Any University decisions concerning the prioritization of competing requests for space will be made based on a content-neutral determination of the availability of a space at the time it is requested.
- 2.3. This policy does not create any rights beyond those provided by the First Amendment of the United States and Article I of the Constitution of Pennsylvania.

### 3. Definitions, Roles and Responsibilities

#### 3.1. Definitions

- 3.1.1. **Designated Public Forum:** means any area of campus that has been specifically dedicated to the Expressive Activities of both University Community Members and the General Public. Such areas are specifically defined in Appendix A.
- 3.1.2. **Designated University Forum:** means any area of campus that has been either specifically dedicated or long held out as open to the speech of University Community Members. Such areas are specifically defined in Appendix A.
- 3.1.3. **Employee:** means an individual who is employed by the University. This definition does not include independent contractors.
- 3.1.4. **Expressive Activity:** includes constitutionally Protected Speech and assembly, including but not limited to oral presentations, demonstrations, marches, picketing, leafleting, expressive conduct (including symbolic and/or non-verbal communications), protesting, and similar non-commercial speech.
- 3.1.5. **General Public:** means any person, group, club, organization, or entity that does not fall within the definition of "University Community Member" or "Invited Guest."
- 3.1.6. **Invited Guest:** means a person, group, club, or other organization invited by a University Community Member to participate in Expressive Activity as defined in this policy on University Property.
- 3.1.7. **Harassment:** means targeted speech that is intended to harass, annoy, or alarm another by communications that are threatening, lewd, or obscene and is not constitutionally protected.
- 3.1.8. **Material and Substantial or Materially and Substantially:** refers to actions or activities that have an actual impact as opposed to a predicted one. It includes actions that materially infringe on the rights of others to engage in, or listen to, Expressive Activity.
- 3.1.9. **Misuse of Property:** means unauthorized access to, entry into, or use of University Property, including fixtures or other forms of personal property.
- 3.1.10. **Protected Speech:** means all speech other than certain limited exceptions such as obscenity, incitement of imminent violence, and defamation.



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- 3.1.11. **Public Area:** means an open, outdoor area on University Property that is not a Designated Public Forum or Designated University Forum, is open to the General Public, is not dedicated to pedestrian or vehicular traffic, and is neither reserved for or occupied by another group or activity.
- 3.1.12. **Registered Student Organization or RSO:** means any associated organization or group of students that meets all criteria for recognition and annual registration as outlined in the Student Organization Handbook, including all responsibilities, duties, and rules of being a recognized student club or organization at the University. Student organizations must be directly and solely initiated, operated, controlled, and led by students currently enrolled at the University with a common set of developed goals.
- 3.1.13. **Responsible University Official (or Office):** means the position or office responsible for oversight and enforcement of this policy.
- 3.1.14. **Speaker:** means any person engaging in Expressive Activity including both University Community Members and the General Public.
- 3.1.15. **Spontaneous Expressive Activity:** includes Expressive Activity by a Speaker on University Property where notice is not provided.
- 3.1.16. **Student:** means anyone who is registered and currently enrolled in one or more for-credit courses offered by the University, including internships and clinical placements located on or off campus.
- 3.1.17. **University Community Member:** means a University Unit or member thereof, Employee, or Student.
- 3.1.18. **University Department:** means any academic office or department, student affairs office, or similar university entity.
- 3.1.19. **University Operations:** means all operations necessary to carry out the University's academic, health, safety, and administrative functions.
- 3.1.20. **University Property:** includes any building, land, or space, including, but not limited to, grassy areas, entrances and exits to campus, parking lots, sidewalks, paths, stairways, or platforms that are owned, leased, or otherwise controlled by the University.

### 3.2. Roles and Responsibilities

- 3.2.1. The University Police Department (CUPD) at each campus location is responsible for administering and enforcing this policy.

## 4. Policy

### 4.1. Spaces Available for Expressive Activities



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- 4.1.1. Designated Public Forums (identified in Appendix A) and Public Areas are available for Expressive Activities with advanced notice or for Spontaneous Expressive Activities by University Community Members, Invited Guests, and the General Public. Designated University Forums (identified in Appendix A) are available to University Community Members and their Invited Guests.
- 4.1.2. All spaces are available on a first-come basis, with advanced reservations taking precedence over Spontaneous Expressive Activities.
- 4.1.3. Outdoor space reservations are strongly encouraged, but not required. Please see section 5.1- 5.1for reservation guidelines. All identified forums have been carefully selected for practical and safety reasons.
- 4.1.4. Space Use Request Denials and Appeals
  - a. The University reserves the right to deny usage requests. Please see section 5.2 for information regarding request denials.
  - b. Requestors may appeal a usage denial. Please see section 5.2 for information regarding the appeal process.
- 4.1.5. Security: The University reserves the right to provide security in an effort to protect both Speakers and University Community Members.
- 4.1.6. Distribution of Literature: Speakers may distribute petitions, leaflets, newsletters, and other non-commercial printed materials.
- 4.2. **Conditions of Use**
  - 4.2.1. All Expressive Activities must comply with applicable federal, state, and local laws, including all laws, regulations, and ordinances—e.g. traffic, fire prevention and safety, sound, etc. Additionally, all Speakers engaging in Expressive Activities must abide by all applicable policies of the University and the Pennsylvania State System of Higher Education.
  - 4.2.2. Invited Guests: Spaces for Invited Guests to engage in Expressive Activity must be reserved by the Registered Student Organization or University Department in a manner consistent with this policy. The reserving RSO or University Department will be accountable for any policy violations by the Invited Guests.
  - 4.2.3. Amplification: Speakers who wish to use sound amplification must contact CUPD prior to use. In all cases, sound amplification may not exceed a decibel reading of 70dBA when measured from a distance of 30 feet or more from the Designated Public Forum, Designated University Forum, or Public Area. A sound monitor will be assigned to the event.
  - 4.2.4. Signs: Items that are carried, such as signs, banners, or flags, should be made of soft material, such as cloth or cardboard, and not attached to rigid materials, e.g., metal or wooden poles. The University reserves the right to limit the use of items made of potentially dangerous materials or material that can be used as a weapon.
- 4.3. **Specific Prohibitions**
  - 4.3.1. Disrupting University Operations;
  - 4.3.2. Obstructing entrances or exits of University building or parking lots or otherwise interfering with the free flow of vehicular and/or pedestrian traffic within the University's campus or into or out of campus;



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- 4.3.3. Construction of permanent or temporary structures without prior approval;
  - 4.3.4. Camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);
  - 4.3.5. Conduct that constitutes Harassment, disturbance of the peace, or unlawful assembly;
  - 4.3.6. Theft, damage, misuse, or destruction of University Property;
  - 4.3.7. The use of fire, fire pits, or fireworks of any kind;
  - 4.3.8. Misuse of Property as defined in this policy; or
  - 4.3.9. Sound amplification exceeding a decibel reading of 70dBA when measured from a distance of 30 feet or more from the Designated Public Forum, Designated University Forum, or Public Area.
- 4.4. **Dissenters, Counter-Speakers, and Protesters**
- 4.4.1. Dissenters, counter-speakers, and protesters have the same speech rights as those who are conducting or attending a planned meeting or Expressive Activity. This provision should not be construed to establish a “hecklers’ veto.” If University Community Members, Invited Guests, or members of the General Public Materially and Substantially disrupt the Expressive Activities of others, then they are subject to the sanctions referenced in this policy.
- 4.5. **Restoration of Property**
- 4.5.1. Speakers, or the inviting Registered Student Organization or University Department, are responsible for any non-routine clean-up following an event, including litter from printed materials, excessive signage, approved structures, etc.

## 5. Procedures, Standards, and Guidelines

### 5.1. Reservations

- 5.1.1. To reserve a space, contact CUPD (contact information provided in section 7.4 below). Reservation requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants. If the requested space is already reserved, the University will arrange for an alternative date, time, or location. Requestors should make a written request to CUPD no less than five business days prior to the anticipated Expressive Activity.

### 5.2. Reservation Request Denial

- 5.2.1. Reservation requests may be denied for the following reasons:
  - 5.2.1.1. Violation of the conditions of use in Section 4.3 on Specific Prohibitions;
  - 5.2.1.2. Unavailability because of a preexisting reservation;
    - 5.2.1.2.1. If the denial is due to a preexisting reservation or similar conflict, then the University will reasonably accommodate the Speaker’s request with an alternative date, time, or location.
  - 5.2.1.3. Scheduled maintenance or repair of the property;





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### 5.2.1.4. Violation of this policy.

5.2.1.4.1. If the denial is for failure to abide by this policy, then the University will provide the requestor a reasonable opportunity to correct the violation.

5.2.2. The University will provide notice of denial within two business days of receipt of the request.

5.2.3. Denial Appeals: If a request is denied, then the requestor may appeal the decision to the University's Vice President of Administration and Finance within one business day of receipt of the denial. The Vice President of Administration and Finance or their designee will respond within two business days after the appeal. The decision of the Vice President of Administration and Finance on appeal shall be final.

### 5.3. Enforcement

#### 5.3.1. Sanctions: University Community Members

5.3.1.1. Any violation of this policy may result in the modification or cancellation of an event. Violation of this policy by a University Community Member constitutes misconduct subject to disciplinary action, up to and including discharge or termination, in accordance with any applicable collective bargaining agreement provisions or State System or university policies. Alleged violations by students may be referred by the university for review in accordance with the student code of conduct.

#### 5.3.2. Sanctions: Invited Guests and General Public

5.3.2.1. Any violation of this policy may result in the modification or cancellation of an event. Additionally, violators may be removed from campus and/or precluded from engaging in Expressive Activities on University Property in the future.

## 6 Compliance and Enforcement

6.1 Every University policy will undergo a regular review on a five-year cycle, with approximately 20% of the total policies inventory being reviewed each year.

6.2 All policy reviews will be conducted by the responsible Senate Committee to assure that the policy remains relevant and aligns with applicable federal and state laws and regulations, PASSHE Board of Governors policies, and other University policies, procedures, standards, or guidelines.

## 7 Additional Information

### 7.1 Supporting Documents

7.1.1 Designated Public and University Forums by Campus

Designated Public and University Forums for Bloomsburg			
Name of Space or Building	Location and Description	Boundaries of the Forum	Special Restrictions



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South Penn Street Entryway Steps and Plaza	The exterior steps and plaza southwest of Carver Hall's main entrance	Bordered to the north by lawn area, east by Carver Hall, south by lawn area, and west by South Penn Street	N/A
Warren Student Services Center Plaza	The exterior steps and plaza northeast of Warren Student Services Center's main entrance	Bordered to the north by sidewalk, east by the Academic Quad, south by sidewalk, and west by Warren Student Services Center	N/A
Harvey A. Andruss Library Plaza	The exterior plaza southwest of Harvey A. Andruss Library's main entrance	Bordered to the north by sidewalk, east by the Harvey A. Andruss Library, south by sidewalk, and west by the Academic Quad	N/A

**Designated Public and University Forums for Clearfield**

<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
Clearfield Campus	Greenspace behind student parking lot	Bordered to the west by Founder's Hall, south by student parking lot, north by Clearfield campus academic building	N/A

**Designated Public and University Forums for Lock Haven**

<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
Rogers Gymnasium	The exterior front steps of Rogers Gymnasium's main entrance	Sidewalk area leading into the building towards the start of the bottom steps leading to the sidewalk by the parking lot	N/A
Price Performance Center and Auditorium	The exterior front steps of Price Performance Center's main entrance	Sidewalk area in front of the main entrance leading into Price Performance Center leading down to the top step of the walkway steps in front of Price Performance Center	N/A
Poorman Commons Amphitheater	Amphitheater located at the Poorman Commons	Bordered to the north by Price performance center bottom steps, east Alumni pavilion, south by Poorman Commons walkway	N/A

**Designated Public and University Forums for Mansfield**

<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
South Hall Mall	Flat paved area between Manser Dining Hall and Admissions House	Bordered to the north by South Hall, east by the Admissions House, south by College Place, and West by Manser Dining Hall	N/A
Memorial Hall Lawn	Grass area by Memorial Hall and Alumni Hall	Bordered to the north by Straughn Drive, east by South Academy St., south by Alumni Hall, and west by Memorial Hall	N/A
Simon B. Elliot Lawn	Grass area by Elliot Hall, Straughn Hall, and University flag poles	Bordered to the north by Elliot Hall, east by South Academy St., east by Straughn Drive, and west by Straughn Hall	N/A



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### 7.2 History

- 7.2.1 This policy supersedes PRP 2100 Policy on Time, Place, and Manner Guidelines for the Exercise of Expressive Activities. [Include the effective date of the original policy as well as the date(s) of any subsequent amendments (if known).]
- 7.2.2 Effective Date – [Date Approved by the University Senate or Issued by the Office of the President as an Interim Policy]
- 7.2.3 Revised - [Date of Revision]
- 7.2.4 Next Review Date - [Date of Revision]

### 7.3 Related Policies –

- 7.3.1 [PRP 2405 Space Request Policy](#)
- 7.3.2 [PRP 2420 Conferences](#)
- 7.3.3 [PRP 2450 Use of University Property & Facilities](#)
- 7.3.4 [PRP 2650 Solicitation Policy](#)
- 7.3.5 [PRP 4789 Harassment & Discrimination Policy](#)
- 7.3.6 [PRP 4802 Student Code of Conduct and Judicial Process](#)
- 7.3.7 [PRP 5240 Weapons, Firearms, and Dangerous Devices Policy](#)

### 7.4 Contacts for Additional Information and Reporting

#### 7.4.1 Commonwealth University Police Department

Contact CUPD at the appropriate campus for expressive activity related scheduling/reservations:

Bloomsburg

- 570-389-2211
- [police@bloomu.edu](mailto:police@bloomu.edu)
- Andruss Library on Swisher Circle

Lock Haven

- 570-484-2278
- [police@lockhaven.edu](mailto:police@lockhaven.edu)
- Glennon Building

Mansfield

- 570-662-4900
- [police@mansfield.edu](mailto:police@mansfield.edu)
- Doane Center

#### 7.4.2 Commonwealth University Office of Diversity, Equity, Inclusion, & Belonging

For campus community (students, employees, and invited guests) support related to expressive activities and/or events, contact:

- [cudei@commonwealthu.edu](mailto:cudei@commonwealthu.edu)





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- 570-484-2598