University Policies and Procedures

06-04.11 – POLICY ON TIME, PLACE AND MANNER FOR EXPRESSIVE ACTIVITIES

I. Policy Statement: Towson University ("University") supports the rights of University students, faculty and staff and groups recognized by the Student Government Association (SGA) and/or any University department ("University Community") to engage in protected speech and assembly, including demonstrations, marches, picketing, leafleting and protesting ("Expressive Activity") in On-Campus Public Areas. This policy establishes guidelines to assure that expressive activities do not unreasonably disrupt University Operations, violate the protected speech activity of others, endanger the safety of others or risk destruction of University property. This policy sets forth the Designated Demonstration Area(s) for all recognized student groups, faculty and staff as well as the general public and non-recognized student groups and organizations. The University is committed to support free speech and assembly in a content-neutral manner. Reasonable and content-neutral rules for the time, place and manner of expression and assembly are a legitimate way to ensure the orderly conduct of the University community.

II. Definitions:

A. Expressive Activity: protected speech and assembly including, demonstrations, marches, picketing, leafleting and protesting.

B. Freedom Square: the area between the Lecture Hall and Hawkins Hall including a raised circle with steps leading up on all sides and the chalkboards located at one end of the Lecture Hall. Freedom Square also includes Speaker’s Circle – the outdoor amphitheater between Hawkins, Smith and Lecture Halls.

C. Scheduled Academic Hours: 8:00 a.m.-10:00 p.m. (Monday - Thursday), 8:00 a.m.-5:00 p.m. (Friday), and 9:00 a.m.-3:00 p.m. (Saturday).

D. Recognized Student Group: a group of University Students which is recognized by, sponsored by, or affiliated with the University’s Student Government Association (SGA) and/or a University department, in accordance with University policy and procedures, including TU Policy 05-10.00 – Student Organization Registration.
E. Non-Recognized Organization: an organization that functions at the University that is not recognized by the Student Government Association (SGA), any University department (University Community), and/or is not a Registered Student Organization under TU Policy 05-10.00 – Student Organization Registration.

F. Student: a person who: 1) is enrolled in or registered with an academic program of the University; or, 2) has completed the immediately preceding term and is eligible for re-enrollment; or 3) is on approved leave status.

G. University Affiliate: a person who is either a student, faculty or staff of Towson University or is otherwise enrolled or registered in an academic program of the University or has completed such program in the immediate preceding term or is on approved leave status.

H. Non-University Affiliate: a person who: 1) is not enrolled or registered in an academic program of the University; or, 2) has not completed the immediately preceding term and is ineligible for re-enrollment; or 3) is not on approved leave status; and 4) is not University faculty or staff.

I. University Community: all University Affiliates.

J. On-Campus Non-Public Areas: on campus spaces and areas necessary to conduct University Operations, including but not limited to all University-owned, leased or otherwise controlled property including, but not limited to, offices, lobbies, classrooms, student residences and the corridors and hallways leading thereto, and areas that must be reserved pursuant to University procedures, including conference and meeting rooms in the University Union and space controlled by Events and Conference Services.

K. On-Campus Community Accessible Areas: Any property owned or controlled by the University within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes.

L. Designated Demonstration Area: The area designated for demonstrations by the general public and Non-Recognized Organizations (defined in II.E) and Non-University Affiliates (Defined in II.H) is the sidewalk in front of Towson University Public Safety Building, 290 W. Towsontown Blvd., Towson, MD 21204. (Aerial map of location attached.)

M. University Facilities: land, buildings and physical space owned, leased, operated or otherwise controlled by the University.
N. University Operations: all operations necessary to carry out the University’s educational, health, safety and administrative functions.

III. Responsible Executive and Office:

Responsible Executives:

Vice President for Student Affairs
Executive Vice President for Academic Affairs and Provost
Vice President for Administration and Finance

Responsible Offices:

Office of Student Affairs
Office of the Provost
Office of Administration and Finance

IV. Entities Affected by this Policy: University Community and Non-Affiliates.

V. Procedures:

A. Scope

1. This policy applies to Expressive Activities of the University Community in On-Campus Community Accessible Areas. Expressive Activity, as defined by this policy, is not permitted in Non-Public On-Campus Areas except in accordance with University policy and procedures.

2. This policy designates 290 W. Towsontown Blvd., Towson, MD 21204, in front of Towson University Public Safety Building as a public forum for Expressive Activity by the general public, and organizations not recognized and/or affiliated with the University.

3. No protected Expressive Activity will be prohibited on the basis of the content of the Expressive Activity. Content neutrality and programmatic space availability will be the driving force behind planning an Expressive Activity.

4. This policy does not create any rights beyond those provided under the United States Constitution and the Maryland Declaration of Rights as interpreted by Federal and Maryland courts.

5. The First Amendment rights of faculty and staff to engage in Expressive Activity may not be the same as the rights of Students to do so.

B. Guidelines for Expressive Activity in On-Campus Community Accessible Areas
1. On-Campus Community Accessible Areas will be available for Expressive Activity on a first come basis. The preferred location for Expressive Activity is Freedom Square which includes Speaker’s Circle. If this space is already reserved, an alternative date and time for the activity will be arranged.

2. Students, recognized student groups, departmentally recognized organizations, and/or faculty or staff planning an Expressive Activity must contact the following offices at least 3 business days in advance of any planned Expressive Activity: the Office of Campus Life (Students and Student groups); the Office of the Provost (faculty); and the Office of the Vice President for Administration and Finance (staff). The purpose of the advance contact is to determine the availability of space and to discuss this time, place and manner policy. The persons or groups interested in using On-Campus Community Accessible Areas for Expressive Activity must provide the date, time and duration of the proposed activity and the number of participants reasonably expected to attend.

3. Groups or individuals wishing to use sound amplification must notify the Office of Campus Life prior to use. No amplified sound over 95 decibels, at the source, is permitted. In accordance, a sound monitor will be assigned to the event.

4. Signs, banners, flags and similar items that are carried should be constructed entirely of soft material such as cardboard or cloth, and should not be attached to rigid sticks or poles. The University reserves the right to limit use of items constructed of rigid sticks, poles or other potentially dangerous materials.

5. Student organizations and University departments may not reserve space on behalf of an individual, group, business or organization.

6. Outside entities wishing to use an On-Campus Community Space for Expressive Activity should contact Events & Conference Services.

7. Requests for use during Scheduled Academic Hours may be denied for the following reasons: violation of the Conditions of Use as set forth in section V.C., a prior request having been granted for the same time and location, or failure to comply with the provisions of this policy. If a request is denied, the applicant will be informed of the reason in writing no later than the first business day following the request. If a request is denied because of a failure to comply with this policy, the applicant will (where feasible) have the opportunity to propose measures to correct the failure to comply with the policy. If a request is denied because space is not available, reasonable accommodations will be offered. Requests will be evaluated in a content-neutral manner.

8. If a request is denied, the applicant may, within five (5) business days after the denial, appeal the decision to the appropriate Vice President.
appropriate Vice President or designee will respond no later than the first business day following the appeal. The Vice President’s decision is final.

C. Conditions of Use

1. Expressive Activity must comply with applicable Federal, state and local laws, including, but not limited to, this policy, other applicable University System of Maryland and University policies, regulations established by the State Fire Marshall, traffic laws, and ordinances regarding sound amplification systems. In addition, such activities may not:
   a. disrupt the University’s teaching, research, administrative or service activities, or obstruct or disrupt other authorized or approved activities on the University’s campus;
   b. block entrances to or otherwise interfere with the free flow of vehicular and/or pedestrian traffic into and out of University Facilities or parking lots or into or out of the campus itself;
   c. include construction of any permanent or semi-permanent structures, without prior approval;
   d. include camping or lodging, except in authorized facilities;
   e. include any discriminatory, harassing or threatening conduct toward any person, obscene or lewd conduct, disturbance of the peace or unlawful assembly;
   f. include theft, misuse, or destruction of University property or equipment;
   g. include sound amplification greater than 95dBA (within five feet of amplification source) or sound amplification from handheld units greater than 90dBA;
   h. include commercial solicitation (e.g., advertisements, solicitations or testimonials for goods or services offered for sale; distribution of commercial leaflets, fliers, handbills and/or circulars).

2. Speakers including individuals engaged in Expressive Activity protesting shall not be subject to harassment, nor shall counter-protesting infringe on others’ right to hear the speaker. At the same time, members of the University Community shall have the right to peacefully protest any such activity.

3. Activities that violate this policy may be subject to modification and cancellation.

4. The University reserves the right to provide security when appropriate to uphold the rights and/or to protect the safety of speakers and members of
the University Community.

5. Participants in such activities shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within the Designated Demonstration Area for the general public, Non-Recognized Organizations and/or Non-Recognized Student Groups. University Community members participating in Expressive Activity shall be allowed to distribute such materials in On-Campus Community Accessible Areas. Any such materials which are discarded or dropped in or around the activity areas(s), other than in an appropriate receptacle, must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated activity area(s). If Facilities Management is called to clean the area after an event, the group will be charged for the cost of their services.

Related Policies:  
TU Policy 06-01.00 - Policy Prohibiting Discrimination  
TU Policy 05-01.30 - Chalking Policy  
TU Policy 06-01.10 - Policy on Threats and Violence

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Approved by: President’s Council

Kim Schatzel, Ph.D.
President

Date 11/13/19

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