Free Speech Policy

ROWAN UNIVERSITY POLICY

Title: *Free Speech and Peaceful Assembly Policy*
Subject: *Public Safety*
Policy No: *DPS: 2015:01*
Applies: *University-Wide*
Issuing Authority: *President*
Responsible Officer: *Assistant Vice President, Public Safety*
Date Adopted: *04/23/2015*
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I. PURPOSE

Rowan University is inherently a marketplace of ideas, and encourages and protects the rights of members of the University community to express divergent viewpoints and opinions. At the same time, the University encourages persons engaging in expressive activity to demonstrate civility, concern for the safety of persons and property, and respect for University activities and for those who may disagree with their message. All persons engaging in expressive activity on University property must comply with University policies. The purpose of this policy is to provide for expressive activity to be conducted on the grounds of the University in a manner consistent with these principles.

II. ACCOUNTABILITY

Under the direction of the President, designated University personnel shall implement this policy and ensure compliance.

III. APPLICABILITY

This policy applies to all Rowan University faculty, staff, students, and visitors to all Rowan University campuses who wish to engage in speaking, rallies, vigils, literature distribution, poster or sign displays, petitioning and similar non-commercial activities (generally referred to as “expressive activity”) at locations on University property.

IV. POLICY

1. GENERAL INFORMATION
   Rowan University is committed to providing an educational climate that is conducive to the personal and professional development of each individual. The University recognizes the right of all individuals to engage in peaceful and orderly expressive activity which is not unlawful, does not disrupt the functions of the University or interfere with the rights of others. The University will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the United States Constitution and the Constitution of the State of New Jersey. The University maintains its right to implement reasonable time, place, and manner restrictions concerning expressive activity.

   The Supreme Court of the United States has adopted a forum analysis framework to assess whether,

and to what extent, a government entity such as Rowan University must permit expressive activity on its property. The Court has established three categories of forums (this forum analysis is highly fact dependent and the examples which follow are intended to serve as illustrative and not definitive):

a. Quintessential or traditional public forums – Quintessential or traditional public forums, including public streets, sidewalks, parks, and common outdoor facilities and areas on campus that are generally available for expressive activity, planned or spontaneous, for an individual or small groups (generally where a crowd of twenty-five (25) or less will be present), at any time;
b. Designated public forums – Designated public forums are created by the University when it deliberately opens property to the public. These forums may be so designated for only limited uses or for only limited class of speakers;
c. Nonpublic forums – Nonpublic forums are areas that are not traditional public forums or designated public forums. These forums will be restricted to use for their intended purpose. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, the Student Center, medical treatment facilities, libraries, research and computer laboratories and facilities, and locations where University events, ceremonies, commencement activities and other similar events and activities are held.

2. RESERVATION OF LOCATION

In an effort to ensure safety and to promote an environment conducive to study, advance reservation is required for expressive activity that is expected to have more than twenty-five (25) participants; and strongly encouraged for expressive activity expected to have twenty-five (25) or fewer participants.

Any individual or group, either required by this section to make an advance reservation, or desiring to make an advance reservation, may reserve an outdoor location for the use of the group/organization by completing the **Reservation Request Form** and submitting it to the Office of the Assistant Vice President for Public Safety and Emergency Management (Bole Annex), at least 72 hours in advance of the expressive activity. On the main Glassboro Campus, it is recommended that a group/organization request to reserve either Bunce Green or the Student Center back patio. A group/organization may reserve only one location for each day, and cannot reserve the same location for more than one day in each calendar week. Smaller groups (less than 25) and individuals are requested to voluntarily use the suggested areas, but may use any outdoor area open to the public that can safely be used so long as noise levels do not conflict with the conduct of University business and crowds do not impede egress and ingress to University facilities.

Advance reservation is encouraged to avoid conflicts and ensure availability of the location. With a proper reservation, a group/organization will have exclusive use of the reserved location and may not transfer the reservation to, or allow use of the location by, any other group/organization. The group /organization that has reserved the location has priority over non-reserved groups/organizations. If a location has not been reserved, it will be available for use by a group/organization, consistent with the other requirements of this policy. Registered student organizations and University groups will have priority in the event of conflicting requests.
After applications are reviewed by appropriate personnel, including those designated with management or assignment responsibility for specific areas, the group/organization will be advised by the Office of the Assistant Vice President for Public Safety and Emergency Management. An advance reservation request may be denied for the following reasons:

a. The requested venue is an indoor facility that the University has designated as not available for expressive activity under this policy;
b. The request does not comply with applicable sound and sign requirements;
c. The requested venue conflicts with restrictions enacted pursuant to this policy;
d. The venue is already reserved for another event;
e. The expressive activity will attract a crowd larger than the venue can safely contain;
f. The expressive activity is a clear and present threat to public safety, according to the Rowan University's Department of Public Safety;
g. The expressive activity will occur during college examination periods; or

h. The expressive activity is unlawful.

If the expressive activity is proposed to be held in either a quintessential/traditional or designated public forum (as listed above), then under no circumstance will the decision to grant or deny a reservation request be based on the content or viewpoint of the expressive activity unless there exists a compelling interest of the University to do so. If a reservation request is denied, the reason(s) for that decision shall be provided in writing. The denial of a reservation request can be appealed to the President of the University or his/her designee.

In addition, because locations within buildings are frequently booked well in advance, those wishing to engage in expressive activities in a particular room or building should reserve that space through the established procedures for the particular facility. Contact University Events for assistance in determining the appropriate individual or office to contact to reserve the building space.

Individuals, or student groups/organizations associated with the University wishing to use University-owned sound amplification equipment may request to rent equipment by contacting the Student University Programmers ("SUP").

The University recognizes that spontaneous expressive activity may occur. In such situations, the University expects the persons involved to act responsibly and peacefully in accordance with this policy, and reserves the right for an appropriate University official, such as the Associate Vice President for Student Affairs and Dean of Students or any Public Safety Officer or security personnel, to ask persons to relocate the expressive activity if it proves disruptive or creates a safety hazard at the particular location(s).

3. REQUIREMENTS OF USE

As the above principles illustrate, and subject to compliance with this policy, the University recognizes the right of all individuals on University property or at any place in use for an authorized University purpose to engage in peaceful and orderly expressive activity, which does not disrupt functions of the University or interfere with the rights or safety of others.

The University will not allow conduct that materially or substantially disrupts or interferes with the University’s proper operation or the rights of others. Persons engaging in disruptive conduct shall be subject to disciplinary action, including, but not limited to, removal from the premises and/or charges of violations of the law, and in the case of students, expulsion and/or separation. Such conduct is strictly prohibited on University property or at any place in use for an authorized University purpose.

Participants in the expressive activity are expected to clean up after themselves, and asked to assist in cleaning up any litter that might result from leafleting or other activity.

Listed below are examples of activities that will be considered disruptive and will result in discipline and /or removal, arrest, and/or prosecution.

a. Interference with scheduled University ceremonies, events and/or activities held on University property or at any place in use for an authorized University purpose is prohibited. During a University ceremony, event and/or activity, assembling and/or demonstrating noiselessly, such as by wearing clothing, gesturing, standing or distributing literature, is acceptable, provided it does not impede access to the University ceremony, event and/or activity, disrupt the University ceremony, event and/or activity or interfere with the attendees' ability to see or hear the University ceremony, event and/or activity
b. Any use of signs, prolonged standing, or other activity likely to block the view of any of the attendees is prohibited, unless it is confined to the last row of the crowd, if the University ceremony, event and/or activity is held outdoors, or to the back of the room, if the University ceremony, event and/or activity is held indoors.
c. Chanting or making other sustained or repeated noise or displaying or utilizing objects such as kites, balloons, banners or similar objects in a manner which interferes with the communication of

any speaker at a University ceremony, event and/or activity, or the attendees' ability to see or hear the speaker, ceremony, event and/or activity, is prohibited.

d. Activities with a noise level that disrupts or poses a tenable threat of disrupting the proper operation of the University are prohibited.
e. Obstruction, disruption or interference with classes, research, administrative functions or other University activities is prohibited.
f. Actions that endanger the safety of any individual, the University community, or the academic process are prohibited.
g. Failure to comply with directives of authorized University Officials in the performance of their duties, including failure to identify oneself when properly requested to do so, is prohibited.
h. Unauthorized entry, use, or occupancy of University facilities, or refusal to vacate a University facility or property that is being used without authorization when directed to do so by an authorized official is prohibited.
i. The use of sound amplification equipment within a building without prior authorization is prohibited.
j. Damage to or destruction of University property or of property on University premises belonging to others is prohibited.
k. Unauthorized setting of fires on University property, or unauthorized use of or interference with fire equipment, is prohibited.
l. Actions which threaten or incite immediate property damage, assault, or injury to self or other persons are prohibited.
m. Verbally provoking immediate physical assault, personal injury or property damage through the use of harassment, intimidation, bullying, threats, or fighting words is prohibited.
n. Violation of published University regulations, policies or rules, or violation of any New Jersey state law or federal law is prohibited.
o. Obstruction of vehicular and/or pedestrian traffic and/or obstruction of access to, and exit from, any university ceremony, office, classroom, laboratory or building is prohibited.
p. Infringement on the rights of others is prohibited.

V. ATTACHMENTS

1. **Reservation of Location Request Form**