

Effective: June 9, 2021

Administrative Policy Time, Place and Manner for Expressive Activities Policy

Approved: June 9, 2021
President's Cabinet

PURPOSE

Millersville University as a public university supports the rights of all, within the bounds of the law, to engage in protected speech and assembly, including but not limited to demonstrations, marches, picketing, leafleting, and protesting (“Expressive Activity or Activities”).

In order to support and achieve its educational mission, the University has an obligation to maintain an environment in which the business of the University can be conducted without undue disruption, imperil public safety, or obstruct or damage University facilities, all in accordance with the highest standards of institutional integrity, the University’s EPPIIC values, academic freedom, freedom of expression, and recognition of the rights, privileges and responsibilities of University community members and the public.

SCOPE

This policy applies to Expressive Activities of any individual or group in On-Campus Community Accessible Areas. Individuals and groups engaging in Expressive Activity or Activities must comply with all applicable laws, this policy, and other applicable University policies and the Pennsylvania State System of Higher Education.

For the purposes of this policy, the following definitions shall apply:

DEFINITIONS

Expressive Activity or Activities: Speech and assembly including, demonstrations, marches, picketing, leafleting, and protesting, protected by the U.S. Constitution’s First Amendment and Article I of the Pennsylvania Constitution.

Coronavirus Disease 2019 (COVID-19): A contagious respiratory illness transmitted by airborne particles infected with virus; federal and state guidelines limit the size of public gatherings to reduce the risk of COVID-19 transmission and infection.

Biemesderfer Stadium Exterior Gate Lawn: The grass area south of Biemesderfer Stadium, along Pucillo Drive between the east and west ticket gates. Campus map link is [campus-map.pdf \(millersville.edu\)](#)

Gordinier Promenade: The paved area between the Gordinier south side entrance and the South Quad lawn.

McNairy Promenade: The grassy area to the northeast of McNairy Library main entrance.

Student Memorial Center (SMC) Promenade: The paved area near the Marauder statue between the SMC and Gordinier Hall.

Winter Center North Lawn: The large grassy area north and northwest of the Winter Center.

Student(s): Any person from the time they accept admission to Millersville University up through the date of graduation, disenrollment, or transfer to another institution. Students include new students at orientation and any other person currently enrolled in a credit earning course offered by Millersville University.

Student Group: A number of students who are associated with each other or a group of students who have satisfied the university's procedures and requirements for registration or recognition.

University Group: An administrative or academic department, unit, center, or institute within the University.

Non-University Group(s): A group of individuals, other than Student Groups, that are legally separate entities from the University, even though some of the members or participants may be University personnel, alumni, or students.

University Space: Any outdoor space, building, or structure that is owned, leased, operated, or controlled by Millersville University.

On-Campus Community Accessible Areas: Any property owned, leased, or otherwise controlled by Millersville 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, including park areas, sidewalks, streets, parking lots or other similar common areas.

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, private 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 SMC and space controlled by Events and Conference Services, including the Bolger Conference Center in Gordinier Hall.

Responsible Administrator: The Associate Vice President for Student Affairs and Enrollment Management has administrative responsibility and specific accountability for the use of the University space under this policy.

POLICY

1. As a University, Millersville welcomes the free exchange of ideas in the public forum of campus life. This engaging in Expressive Activity or Activities must comply with applicable federal, state, and local laws, including all laws, regulations and ordinances concerning traffic, fire prevention and safety, and noise generation.
2. Participants in Expressive Activities shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within public spaces on campus. Participants shall clean up after themselves and properly dispose of any printed material discarded on the ground. Participants are not allowed to place leaflets or other materials on vehicles, poles, shelters, walls, doors, and other structures. Posting or the use of chalk should align with the [Posting and Chalking Administrative](#) Policy.
3. Speakers including individuals or groups engaged in Expressive Activity or Activities who protest shall not be subject to targeted speech that is intended to harass, annoy, or alarm another by communications that are threatening, lewd, or obscene and is not constitutionally protected by any member of the campus community, nor shall counter-protesting infringe on others' right to hear the speaker. At the same time, members of the University Community shall always have the right to engage in peaceful protest in response to a speaker.
4. The University reserves the right to provide security when appropriate to uphold the rights of and/or to protect the safety of speakers, members of the University Community and University property.
5. Student organizations and University departments may sponsor events that include invited Non-University Groups but may not reserve space on behalf of an individual, group, business, or organization. Non-University Groups participating in sponsored events are required to comply with this Policy, and University Groups may be held accountable for the invited Non-University Groups compliance with this Policy.
6. Speakers including individuals or groups engaged in Expressive Activity or Activities **shall 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. At any time violate the Millersville Borough noise ordinance (Borough of Millersville Ordinance Code – Chapter 257 Noise).
 - c. Use or display signs on rigid sticks or poles or are constructed with other potentially dangerous materials.
 - d. Possess, display, or use firearms, toy or replica guns, weapons of any kind, laser pointers, mace, pepper or other irritant spray, fireworks or any [other item deemed to be a potential safety hazard](#)
 - e. Operate a drone or other unmanned aircraft system without approval as defined in the [University Drones or Unmanned Aircraft](#) Systems (UAS) administrative policy.

- f. Block entrances to or otherwise interfere with the free flow of pedestrian or vehicular traffic into and out of University property or parking lots or into or out of the campus.
 - g. Without prior approval, construct any permanent or semi-permanent structures.
 - h. Engage in long-term camping or lodging activities that unreasonably disrupt university operations.
 - i. Engage in any conduct that is criminally harassing, threatening, obscene or lewd conduct, or disturb the peace or unlawful assembly as all these terms are defined by law.
 - j. Commit theft, or misuse, damage or destroy University property or equipment.
 - k. Solicit for commercial purposes as defined by Millersville University's solicitation policy
7. Expressive Activity or Activities that violate this policy may be subject to denial, modification and/or cancellation.

PROCEDURES

1. On-Campus Community Accessible Areas will be available for Expressive Activity or Activities on a first come basis. Applications for any planned Expressive Activity or Activities must be submitted at least five (5) business days in advance via the university's reservation system. The purpose of the advance contact is to determine the availability of space and to discuss this time, manner, and place 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 their application to the planned event.
2. Spontaneous demonstration exception. Without prior notice, but in all cases subject to this policy, members of the University community, their guests, and any individual or groups may assemble and engage in Spontaneous Expressive Activity or Activities. To the extent feasible, the University encourages all speakers (Students, Student Groups, University Groups, Non-University Groups, and members of the public) to provide advance notice to the Responsible Administrator, so that the Responsible Administrator may provide guidance in scheduling and planning to ensure a safe and successful event. The Responsible Administrator can also assist the speaker(s) in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.
3. In the case of an emergency or unusual circumstance that affect the health and wellbeing of the campus community, the university may issue guidance, in a manner consistent with applicable governmental guidance or orders, related to group gatherings and Expressive Activities.
4. Requests for use of On-Campus Community Accessible Areas may be denied for any of the following reasons: Violations of the conditions of use in the policy;

unavailability of space due to proximity to sites hosting finals exams during the last week of the academic semesters; unavailability of space because a prior request was granted for same time and location; scheduled repairs to the property.

- a. If a request is denied, the requester will be informed within two (2) business day(s) of request. If denial is because of a failure to comply with this policy, the requester, when feasible, will have the opportunity to propose measures to correct the violation. If a request is denied because space is unavailable, reasonable accommodations will be offered.
- b. When a request is denied, the requester may appeal the decision to the Vice President for Student Affairs and Enrollment Management (VPSAEM) within two (2) business days. The VPSAEM or his/her/their designee will respond no later than two (2) business days after the date of the appeal. The decision of the VPSAEM shall be final.