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 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.

I. When a request is denied, the requester may appeal the decision to the Vice President for Student Affairs (VPSA) within two (2) business days. The VPSA or his/her/their designee will respond no later than two (2) business days after the date of the appeal. The decision of the VPSA shall be final.

Introduction

The primary function of Millersville University (the “University”) serves as an inclusive and comprehensive public university where our student success is our highest priority, and to provide numerous opportunities to facilitate their academic, personal, and social growth and development. To fulfill its educational mission, the University must respect and uphold the full panoply of, and sometimes conflicting, rights of students, staff, and faculty granted by the First Amendment of the United States Constitution (the “First Amendment”) and Article I, Section 7 of the Constitution of Pennsylvania.

In light of the foregoing, the University supports the rights of students, staff, and faculty to individually and collectively engage in Expressive Activity. Such rights are equally extended to other University Community Members including individuals, Registered Student Organizations, University Departments, and Invited Guests.

This policy establishes guidelines to assure that Expressive Activities do not unreasonably interfere with University Operations, undermine the protected speech of others, or present a threat of imminent harm to others or University Property. This policy defines different areas of campus as Designated University Forums or Designated Public Forums 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 speech in a content-neutral manner as a legitimate way to fulfill its educational mission.

II. Definitions

(a) Commercial Speech means advertisements, solicitations, or testimonials for goods or services, including distribution of commercial leaflets, fliers, handbills, or similar messaging.

(b) 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.

(c) 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.

(d) Disruptive Conduct means Conduct that is 1). intentionally or recklessly creates a hazardous or physically offensive condition; 2). causes reasonable persons to fear
for their safety or the safety of another; or 3) disrupts the normal practices, processes, and functions of the University or the local municipalities.

(e) **Employee** means an individual who is employed by the University. This definition does not include independent contractors.

(f) **Expressive Activity** includes constitutionally Protected Speech and assembly, including but not limited to oral presentations, demonstrations, marches, picketing, leafleting, Expressive Conduct, protesting, and similar non-Commercial Speech.

(g) **Expressive Conduct** includes constitutionally protected symbolic speech which communicates a particular message without the use of verbal communication.

(h) **General Public** means any person, group, club, organization, or entity that does not fall within the definition of “University Community Member” or “Invited Guest.”

(i) **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.

(j) **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.

(k) **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.

(l) **Misuse of Property** means unauthorized access to, entry into, or use of University Property, including fixtures or other forms of personal property.

(m) **Non-Public-on-Campus Area** means any area of campus that is not specifically identified in Appendix A is considered non-public and reserved for other activities consistent with the mission of the University or University Operations.

(n) **Protected Speech** means all speech other than certain limited exceptions such as obscenity, incitement of imminent violence, and defamation.

(o) **Registered Student Organization (RSO)** means any organized group, that has complied with, or is in the process of complying with the Student Government Association (SGA) and University's requirements for chartering, registration, and recognition including any fraternity, sorority, association corporation, order, society, corps, club or service, social or similar group.

(p) **Responsible University Official (or Office)** means the position or office responsible for oversight and enforcement of this policy.
(q) **Speaker** means any person engaging in Expressive Activity including both University Community Members and the General Public.

(r) **Spontaneous Expressive Activity** includes Expressive Activity by a Speaker in a Designated University Forum or Designated Public Forum where notice is not provided.

(s) **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. This definition does not include high school students taking courses at the University through any grant-funded or other program, or through contractual agreement with a local school district.

(t) **University Community Member** means a University Unit or member thereof, Employee, or Student.

(u) **University Department** means any academic office or department, student affairs office, or similar university entity.

(v) **University Operations** means all operations necessary to carry out the University's academic, health, safety, and administrative functions.

(w) **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.

(x) **University Unit** means Council of Trustees, all university divisions, departments, offices, Registered Student Organizations, athletic teams, and any other organization that is wholly sanctioned, supervised, and governed by the University or a division or department of the University.

III. **Responsible University official and Office**

(a) The Vice President for Student Affairs has administrative responsibility and specific accountability for the use of the University space under this policy.

IV. **Procedures**

(a) **Scope**

(i) This policy applies to Expressive Activities of University Community Members and the General Public on University Property. Expressive Activity, as defined by this policy, is not permitted in Non-Public-on-Campus Areas except in accordance with University policies and procedures. 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

(ii) The following areas are Designated University forum and is reserved for the Expressive Activities of University Community Members:

(1) Biemesderfer Stadium Gate Lawn, Gordinier Promenade, Villages Quad, Student Memorial Promenade, Brooks Field, Luek Greens, McNairy Promenade, and Student Memorial Center Bell Tower Greens. Winter Center North Lawn, provided that any Expressive Activity cannot use sound amplification during academic hours of 8:00 a.m. – 5:00 pm., Monday through Friday.

(iii) The following areas are Designated Public Forums and are available for the Expressive Activities of all Speakers—which includes the General Public:

(1) Biemesderfer Stadium Gate Lawn, Gordinier Promenade, McNairy Promenade, Student Memorial Center (SMC) Promenade, and Winter Center North Lawn.

(iv) 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.

(v) This policy does not create any rights beyond those provided by the First Amendment and Article I of the Constitution of Pennsylvania.

(b) Guidelines

(i) Designated University Forums

(1) Designated University Forums are available to University Community Members for Expressive Activity on a first-come basis. The preferred locations are identified in Appendix B.

(A) To reserve any designated university forums, submit your request via Astra. 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.

(B) Requestors should make a written request to the Office of the Vice President for Student Affairs three days prior to the anticipated Expressive Activity.

(ii) Designated Public Forums
(1) Designated Public Forums are available to both University Community Members and the General Public for Expressive Activity on a first-come basis. The preferred locations are identified in Appendix A.

(A) To reserve one of the spaces, the Speaker should contact Conference Services at 717-871-5938 or housing@millersville.edu. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants.

(B) Requestors should make a written request to Conference Services three days prior to the anticipated Expressive Activity.

(iii) Exceptions to the General Rules and Procedures

(1) Small Group Exception

(A) The University encourages University Community Members to use the aforementioned procedure for reserving a space on campus regardless of size. However, Expressive Activities involving ten or fewer University Community Members or Invited Guests, collectively, may occur in both Designated University Forums or Designated Public Forums without advance notice as required in this policy, provided that such activities do not result in violations of this policy or other laws or campus policies, including, but not limited to, interference with functions that occupy a given space with prior approval.

(2) Spontaneous Expression

(A) University Community

I. Without prior notice, University Community Members and Invited Guests may assemble and engage in Spontaneous Expressive Activity in Designated Public Forums. Except for the notice provision, all other aspects of this policy apply to spontaneous expression.

II. To the extent feasible, the University encourages University Community Members to provide advance notice to the Office of the Vice President for Student Affairs, so that they may provide guidance in scheduling and planning to ensure a safe and successful event. The Vice President for Student Affairs can also assist the Speaker in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

(B) General Public

I. Without prior notice, the General Public may assemble and engage in Spontaneous Expressive Activity in Designated Public Forums.
Except for the notice provision, all other aspects of this policy apply to spontaneous expression.

II. To the extent feasible, the University encourages the General Public to provide advance notice to Conference Services, so that they may provide guidance in scheduling and planning to ensure a safe and successful event. Conference Services can also assist the Speaker in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

(C) Exceptions to Restrictions in This Policy:

I. Spontaneous expression which otherwise permissible may not take place:

(a) during finals weeks in Villages Quad between 10:00 p.m. and 8:00 a.m.;
(b) Biemesderfer Stadium Gate Lawn from an hour before through an hour after commencement proceedings conclude.

(iv) Amplification

(1) Speakers who wish to use sound amplification must contact Conference Services prior to use. In all cases, sound amplification may not exceed borough ordinance or otherwise constitute Disruptive Conduct. A sound monitor will be assigned to the event.

(v) Signs

(1) 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.

(vi) Invited Guests

(1) Spaces for Invited Guests to engage in Expressive Activity must be reserved by the Registered Student Organization (RSO) 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 Guest.

(vii) Request for Use of a Designated University Forum or Designated Public Forum Denial

(1) Requests may be denied for the following reasons:

(A) Violation of the conditions of use in this policy;
(B) Unavailability because of a preexisting reservation;

I. 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.

(C) Scheduled maintenance or repair of the property;

(D) Violation of this policy.

I. 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.

(2) The University will provide notice of denial within two days.

(viii) Denial Appeals

(1) If a request is denied, then the requestor may appeal the decision to the Vice President for Administration and Finance or their designee within five business days who will respond within two business days after the appeal. The decision of the Vice President for Administration and Finance on appeal shall be final.

(c) Conditions of Use

(i) 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.

(ii) Specific Prohibitions

(1) The following are prohibited:

(A) Disrupting University Operations to a degree that exceeds inconvenience.

(B) Obstructing entrances or exits of University buildings 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;

(C) Construction of permanent or temporary structures without prior approval;

(D) Camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);
(E) Conduct that constitutes harassment, disturbance of the peace, or unlawful assembly;

(F) Theft, damage, misuse, or destruction of University Property;

(G) Misuse of Property as defined in this policy; or

(H) Sound amplification exceeding 95 decibels (within five feet of amplification source) or from handheld units greater than 90 decibels.

(iii) Dissenters, Counter-Speakers, and Protesters

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.

(iv) Enforcement

1. University Community Members

(A) Sanctions

I. 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 code of conduct.

(B) Process and Procedural Safeguards

I. 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 code of conduct.

2. Invited Guests and General Public

(A) Sanctions
I. 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.

(v) Security

(1) The University reserves the right to provide security in an effort to protect both Speakers and University Community Members.

(vi) Distribution of Literature

(1) Speakers may distribute petitions, leaflets, newsletters, and other non-commercial printed materials.

(vii) Restoration of Property

(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, and restoring approved structures.

V. Related Policies

(a) Posting and Chalking policy
(b) Code of Conduct (students)
(c) Solicitation of Students, Faculty and Staff
(d) Facilities Usage Agreements
## Designated Public Forums

<table>
<thead>
<tr>
<th>Name of Space or Building</th>
<th>Location and Description</th>
<th>Boundaries of the Forum</th>
<th>Special Restrictions¹</th>
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¹ E.g. Certain areas of campus that are open to speech may be in close proximity to academic buildings where sound amplification would unnecessarily interrupt academic activities. Thus, in some areas, speech may be limited as to time (not during academic hours) or manner (without amplification).

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