

University Administrative Policy

Policy Name:	Freedom of Speech and Expressive Activities
Responsible Office:	Office of the General Counsel
Effective Date:	October 25, 2021
Revision History:	Replaces the Policy on Public Speaking, Distribution of Literature, Commercial Solicitation and Demonstrations in Public Areas
Web Link:	https://records.salemstate.edu/

1. Rationale

The university recognizes and supports the rights of individuals to engage in all forms of constitutionally protected expression on campus without prior restraint or censorship. The university acknowledges that public discourse in an educational environment may include the discussion of controversial ideas and will not limit such discourse based solely on its content. The university is committed to providing a healthy and robust educational environment where students may pursue their educational goals, while also growing, prospering and becoming exemplars of the next generation of engaged citizenry.

To achieve these ends, the university's physical and virtual campus must allow access to all services, resources and supports for students and community members in a safe and inclusive manner. Activities, including expressive activities, must be balanced in consideration of the university's primary mission – that being education. As such, the university adopts reasonable and content-neutral time, place, and manner restrictions.

It shall not be inferred or implied that the university endorses the messages expressed in accordance with this policy.

2. Statement of Policy

A. Designated/limited forums

Designated/limited forums include parts of the campus that become available for expressive activity when designated by university officials. Expressive activities include but are not limited to the following: activities undertaken by an individual or individuals who seek to orate, distribute literature, engage in sequential, incidental, brief, and transitory verbal interactions with passersby, or conduct an event or assembly where individuals gather. Examples of designated/limited forums include, but are not limited to, Alumni Plaza and the North Campus Quadrangle on North Campus, green space on the Harrington and South Campuses, as well as auditoriums, lobbies, and athletic fields.

Expressive activities that are not allowed on campus include the following (please note that these activities have very specific legal meanings and will be interpreted in accordance with the law):

1. Solicitations to commit crimes;

2. Incitement of imminent violence or lawless action;
3. Harassment, threats, defamation, perjury, blackmail, plagiarism or obscenities, including child pornography;
4. Fighting words.

The university adopts the regulations set forth in Appendix A - *Regulations for Use of Designated/Limited Forums for Expressive Activities*.

B. Non-public forums

Non-public forums include all areas that are not defined as designated/limited public forums. These locations are not available for expressive activity. Examples include, but are not limited to, interior spaces within academic and administration buildings including classrooms, faculty, administrative and student offices, libraries, cafeterias and other eateries, computer labs, and residence halls.

C. Space Occupied by Unaffiliated Entities

Spaces owned or leased by the university that are occupied by unaffiliated entities (such as spaces in the Enterprise Center that are occupied by private entities) are excluded from this policy.

3. Scope

This policy shall apply to all members of the campus community including but not limited to students and employees of the university, including faculty, staff, contract employees, student employees, volunteers (“Members of the Campus Community”) and visitors and groups that are unaffiliated with the university (“Third Parties”).

4. Fiscal Considerations

	Direct Costs / Savings / Revenue Generation	Indirect Costs / Savings / Revenue Generation
Initial Implementation	N/A	N/A
Ongoing	N/A	N/A

5. Responsibilities

Responsible Party	List of Responsibilities
Office of Public Safety and Risk Management	Ensure the policy is updated as needed.
Dean of Students	Communicate this policy and its related procedures to students.
Provost and Vice President of Academic Affairs	Communicate this policy and its related procedures to faculty.
All Other Area Vice Presidents	Communicate this policy and its related procedures to staff.

6. Policy Enforcement

Violation(s)	Engaging in speech or other conduct that is prohibited.
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Potential consequences	If use of a designated/limited forum creates an unsafe environment on campus, its participants may be relocated to a safer location. Members of the Campus Community who violate this policy may be subject to administrative disciplinary action and Third Parties not affiliated with the university may be asked to leave the property. Failure to adhere may result in legal action or face criminal charges.
How to report	Violations of this policy should be reported to the Office of Public Safety and Risk Management or, if the individual is a student, to Community Standards.

7. Reference Documents

Policy or Document	Web Address
Minors on Campus Policy	https://records.salemstate.edu/
Campus Events Policy	https://records.salemstate.edu/
Student Social Event Policy	https://records.salemstate.edu/

8. Contact(s)

Subject	Office or Position	Telephone Number	Email
Questions related to this policy	Rita Colucci, General Counsel	Ext. 8600	rcolucci@salemstate.edu
Questions related to safety and security preparations for events	Gene Labonte, University Police Chief	Ext. 6542	glabonte@salemstate.edu
Questions related to policies and procedures for student organizations	Melissa Arroyo, Associate Director of Campus Life and Recreation	Ext. 2806	marroyo@salemstate.edu

9. Effective Date: Upon approval by the president.

10. Dissemination: Posted on the university web site and announced to the university community.

11. Review Cycle: Initial review after 12 months; subsequent review every 3 years.

Appendix A: Regulations for Use of Designated/Limited Forums for Expressive Activities and Distribution of Non-commercial Literature

The following regulations apply to any expressive activity in designated/limited forums on campus, including, but not limited to, the distribution of non-commercial literature (hereinafter “expressive activities”).

1. Expressive activities are allowed only in designated/limited forums.
2. Before engaging in any expressive activity, Members of the Campus Community and Third Parties must request space at least three (3) business days in advance and provide the date, time, approximate number of people involved/anticipated, and contact information of the organizer. Please call the office of campus life and recreation at 978.542.2806 to request reservation of space.
 - a. Space may be reserved no more than three times per semester and no more frequently than every 30 days.
 - b. For spontaneous instances of expressive activities that are directly related to or occasioned by major , national or international news, events or affairs, the university may waive the 72-hour notice requirement. However, requests for space should still be made to the university as soon as practicable.
 - c. Failure to request reservation of space pursuant to these regulations may result in immediate and future denial of the use of the space.
 - d. In the event of a conflict, priority for spaces will be given to Members of the Campus Community.
 - e. The university reserves the right to ask Members of the Campus Community or Third Parties to move to another space in the interests of security, campus operations, or use of the space by others.
3. Individuals wishing to use sound amplification must do so in accordance with the Major Campus Events Policy at <https://records.salemstate.edu/policies/campus-event-policy>
4. All persons shall comply with the directions of university officials lawfully acting in the performance of their duties. Failure to comply with the directions of a university official or other public official acting in the performance of his or her duties while on university property may lead to cancellation of the expressive activity. University officials shall not invoke this provision to stifle expression because of its content.
5. Designated/limited forums are available for use between the hours of 9 am and 9 pm, Monday through Friday, excluding those weeks/times that are designated as reading periods and final exam periods. All areas must be cleaned up and restored to their previous states by midnight. Any materials left on the site after that time will be cleared by Facilities and the user may be charged for the costs of the cleanup.
6. Prevention, obstruction or interference with activities of the campus, including but not limited

to educational programming, including classroom teaching, student or administrative activities, or athletic events or university ceremonies, is prohibited.

7. For expressive activities held indoors, hand-held signs larger than 11” by 17” or signs of any size with handles attached are prohibited.
8. Signs affixed to posts of any type are prohibited.
9. No person may block or otherwise interfere with reasonable ingress or egress into and out of buildings, to include obstructing entrances, exits, corridors and other thoroughfares, or block or otherwise interfere with the free flow of pedestrian, vehicular, or bicycle traffic. The right of way on streets and sidewalks must be maintained.
10. The safety and well-being of individuals and the physical campus must be protected at all times. Any event that would constitute an immediate and actual danger to university students, faculty or staff, or to the security of the university is prohibited, including physically assaultive conduct toward any other person.
11. All participants in any expressive activity must respect the right to dissent. Any person who interferes with the rights of a dissenter is considered in violation of this policy in the same way as a dissenter who violates the rights of a speaker or audience member.
12. Preventing speech from occurring by disruptive protest is not allowed.
13. Open flames or burning of objects of any type is prohibited.
14. Possession or consumption of alcoholic beverages without prior approval is prohibited. Use of tobacco, marijuana and vaping is strictly prohibited.
15. Malicious or unwarranted damage or destruction of property owned or operated by the university or personal property belonging to students, faculty, staff, or guests of the university is prohibited. If damage is caused, responsible individuals will be held legally and financially responsible.
16. Responsible individuals must remove all resulting structures, signs, and litter from the area at the end of an event. If items are not removed, these items may be confiscated and the responsible individual may be held financially responsible for any related costs.
17. All persons participating in an expressive activity must comply with applicable state and federal laws and university policies, rules and regulations to include, but not limited to, laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital/parental status, or veteran status.
18. The university reserves the right to close the campus or cancel an event where expressive activities interfere with the right of the university to conduct its affairs in an orderly manner, or where the activities threaten the safety of the community, or when inclement weather is expected or occurs, or where activities are restricted by physical limitations of the space, or where exceptions to expressive activities are articulated in section 2 A of this policy and in Appendix A.

