

# CSU-Pueblo Policy Library

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## CSU-PUEBLO POLICY: FREE SPEECH AND PEACEFUL ASSEMBLY POLICY

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### PURPOSE OF THIS POLICY

Free speech and peaceful assembly at Colorado State University -Pueblo (CSU-Pueblo) is an acknowledged right. The purpose of this policy is to advise University and Community members about these rights and to define the University's public forums for exercising these rights. Standards of conduct are outlined in this policy that must be observed by demonstrators and groups that participate in and exercise their rights of free speech and peaceful assembly while utilizing University grounds and facilities.

### APPLICATION OF THIS POLICY

This policy applies to all faculty, staff, students and visitors to campus.

### EXEMPTIONS FROM THIS POLICY

There are no exemptions from this policy.

## DEFINITIONS USED IN THIS POLICY

*Commercial Speech or Expression:* Speech, expression, and activities that are primarily intended to advertise, market, sell or promote goods and services on behalf of any person or entity that is not a CSU-Pueblo department or affiliated organization. Soliciting for charitable contributions or donations is considered commercial speech.

*Non-public area:* An area of the University that is normally not intended to be open to the general public for purposes of expressive activities or gatherings. Examples include classrooms, residence halls, academic and administration buildings, offices, research facilities, and limited-access facilities. These areas are generally reserved for use by specific programs, or for specific purposes, and the University may limit the types of activities and gatherings in these areas as appropriate to the normal operations of the institution.

*Official University Event:* An event that is sponsored by a campus academic or administrative unit.

*Other Public Areas:* Areas of the University that are traditionally open to all for public discourse and expression, subject to the terms of this Policy, such as grounds and common areas.

*Public Forum:* An area of the University recognized by the University as a traditional destination for public speech and assembly, and that may be reserved in advance for specific events or gatherings, subject to the provisions of this Policy. An example would be the Fountain Plaza or Amphitheater.

*Student Forum:* As applied to students, any generally accessible, open, outdoor area on campus, as well as any nonacademic and publicly open portion of a facility that the University has traditionally made available for expressive purposes. Student forums are subject to time, place and manner restrictions that are reasonable, content neutral, narrowly tailored to serve a significant governmental interest and leave open ample alternative channels for communication of the information or message.

*Vendor:* Any person engaged in Commercial Speech or Expression as defined herein.

## POLICY STATEMENT

Colorado State University-Pueblo affirms and is committed to the rights of students and others to engage in free speech and to assemble in groups for peaceful purposes in accordance with the First Amendment of the United States Constitution and applicable state law. This includes diversity of thought, academic freedom and critical academic inquiry. In addition, CSU-Pueblo expects that there will be no endangerment to health or safety and that any gatherings or events must not disrupt the normal conduct and operations of the University or endanger persons or property.

The First Amendment to the Constitution of the United States assures that "Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble ...." These rights to free speech and peaceful assembly are afforded and protected by CSU-Pueblo. In addition, the University may, consistent with the Constitution and applicable law, require compliance with reasonable time, place, and manner restrictions that are content-neutral, narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels for communication of the information or message. These restrictions are enforced in a content-neutral manner to assure the safety of the campus community and the orderly operations of the University. This policy both facilitates the exercise of these rights of free speech and peaceful assembly, and protects the University community.

It shall be the policy of CSU-Pueblo that members of the University community and others may assemble in groups for peaceful purposes. At such gatherings, the University expects the rights and privileges of all persons to be respected and their health and safety to be paramount. Such gatherings must in no way disrupt the normal conduct of University affairs or harm property.

The University may, consistent with the Constitution, establish reasonable regulations regarding the time, place, and manner in which persons exercise their free speech rights to the extent necessary to prevent disruption of the normal conduct of University affairs or the endangerment of health and safety of persons or damage to property.

## **POLICY PROVISIONS**

### **Public Forum**

While the University's public areas are open to all for expressive activities, including any student forum available to enrolled students, whether planned or spontaneous, all events and gatherings on campus, whether or not scheduled in advance, must be for the purposes of carrying out lawful activities without undue disruption of the campus' operations, and without harming or creating a threat of harm to persons or property, and in compliance with this Policy and the large Event Guidelines. Nothing in this Policy shall be construed to limit or constrain the duties and authority of the University, nor law enforcement authorities, to maintain order and protect public safety. Contact Event Coordinator if free speech assemblies are desired so that assistance can be provided in avoiding scheduling conflicts, and protecting the safety of the campus community.

Public areas are not open for commercial expression (such as solicitations and advertisements) except as provided herein.

- A request for a reservation may be denied, and the University reserves the right to cancel or postpone any reservation or reserved use of a public forum, on one or more of the following grounds:

- Conflict with a pre-existing reservation or planned use of the location that would unreasonably interfere with either event;
- Conflict with reasonable restrictions on signage, display, erection of structures, sound amplification, or other aspects of the event that would unreasonably interfere with the health or safety of persons, protection of property, access, traffic, or the peaceful, orderly operations of the campus;
- Inadequate notice for purposes of providing security, facilities support, or other preparations necessary for the protection of persons and property; or
- Failure to comply with this Policy or the Large Event Guidelines set forth in this Policy.
- The sponsoring organization and participants must cooperate with law enforcement and Auxiliary staff with respect to all security arrangements and the Large Event Guidelines. Groups that have not reserved space in advance may be asked to reschedule based on the University's ability to safely support the event.
- Upon the request of any person who is aggrieved by a decision regarding a reservation for or use of a public forum, the decision may be reviewed by the Director of Auxiliary Services or designee, and, if the objection is not resolved, then by the Vice President of Administration and Finance, whose decision is final.
- To avoid conflicts in the use of space and to ensure the safety of the campus community, CSU-Pueblo does not allow structures to be erected, including, but not limited to, tables, booths, displays, etc. without the permission of the Event Coordinator. To reserve space contact the Event Coordinator per the Facility Use and Event Scheduling Policy. Reservations are made on a first-come, first-served basis. Entire Fountain Plaza reservations are limited to CSU-Pueblo faculty, staff, students, student organizations, and campus departments and are restricted to three (3) days total per semester. If the Fountain Plaza is not a suitable location for the event, the organizer should consult with the Event Coordinator to find a suitable location consistent with the nature of the facility, event, and public safety considerations. Demonstrations are prohibited in any special-use facility, classrooms, or in any instance which interferes with educational functions. Demonstrators refusing to vacate premises upon request are subject to immediate temporary suspension and arrest under applicable municipal and state laws.

## Commercial Speech

Commercial speech may be regulated by the University to a greater extent than noncommercial speech and expressive activities. The University is under no obligation to make any area or facility available for commercial activities. When permitted, commercial speech should promote an educational, rather than commercial atmosphere on campus, prevent commercial exploitation of students, and preserve the tranquility of the campus. In order to promote these objectives, the Event Coordinator shall act as, or may designate, a coordinator for commercial events held on campus. The coordinator shall be responsible for working with student organizations, other sponsors, and vendors to assure that events are in accordance with University regulations.

Solicitation of charitable donations is considered commercial speech. Where a registered student organization wishes to solicit donations, for large-scale humanitarian efforts/natural disasters (e.g., earthquake, hurricane or flood relief efforts), that Organization must receive prior approval from the Event Coordinator. Approval is granted only for very extreme circumstances and when well-coordinated with campus departments and organizations.

## Requirements and Restrictions

1. **Amplification:** Amplified sound is generally prohibited on campus, but may be permitted for official University and registered student organization events with the prior approval of the Event Coordinator or his/her designee. Amplified sound of voice, recorded and live music is permitted when approved in advance by the Event Coordinator, with a reservation. Sound levels are not to exceed 80 decibels at any time. Due to the proximity of classrooms, offices, laboratories, and the library. Sound levels will be monitored and may be required to be lowered when necessary to avoid undue disruption of others.
2. **Chalking:** Chalking is allowed only on the horizontal concrete ground (not on steps, paving stones, buildings or walls) and must be at least 15 feet away from any building entrance. To prevent property damage, only washable chalk may be used; no paint, or similar material may be used on University property. Violators may be charged for the cost of cleanup.
3. **Disruptive Activity:** Any act that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal functioning of the University, damages property, or endangers health or safety is specifically prohibited. No person may attempt to, nor actually interfere with, impair or impede the institution's regularly scheduled classes, events, ceremonies, or normal and essential operations.
4. **Reasonable Access:** The University is required by law to provide and maintain reasonable access to, and exit from, any office, classroom, laboratory, or building. This access must not be obstructed at any time. Vehicular and pedestrian traffic cannot be impeded by demonstrations or gatherings.
5. **Normal Operations:** The normal operations of the University (classes, scheduled meetings, events, ceremonies, or other educational purposes) must not be interfered with or disrupted.
6. **Picketing:** Picketing in an orderly manner in public or student forums is permitted in accordance with this Policy. Such activities should not become disruptive to University operations nor should they impede access. Picketing is not permitted inside campus buildings or other non-public areas.
7. **Commercial Literature:** Commercial literature may be distributed in designated public forums only (i) at University events where the commercial activity has been pre-approved; and (ii) on University-approved bulletin boards (in accordance with the University Policy on Signage and Posting). All other commercial solicitations, including distributing literature on vehicles, are prohibited. Vendors shall not distribute literature by accosting individuals, taking up a position near a building access point, or blocking foot or vehicle traffic. Anyone distributing literature is responsible for cleanup of any literature on the grounds when the event concludes. Debris left

- after an event concludes could preclude a vendor or group from being permitted to return to campus for an event.
8. Symbolic Protest: Displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access to facilities. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention to a lawful assembly and/or an official University event.
  9. Noise-Making: sustained or repeated noise made in a manner that substantially interferes with another speaker's ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings, or activities in progress or the privacy of residence hall students.
  10. Unsafe Items: The display of firearms or weapons and the illegal possession of firearms or weapons, as well as the possession of torches or other items with an open flame greater than one inch, sticks, poles, shields or other items that may be used to cause injury are not permitted. Persons may carry signs or flags as long as those signs or flags are not attached to a stick or pole. For public safety concerns and to avoid damage to property, the following are not allowed on campus without the prior approval of the Event Coordinator or Facilities Management: wires, rope, chains, slacklines, and any other object that might injure oneself or others; unauthorized signage or displays; and graffiti. In addition, depending upon the event and its location, the University may have additional restrictions that limit the possession of other items.
  11. Force or Violence: Any attempt to impede, impair, or interfere with the orderly operations of the University, including official University events or other lawful assemblies, by threat or use of force or violence is not permissible.
  12. Damage to Property: Any damage to University or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed. This includes the campus lawns, shrubs, and trees. Violators may be charged for the costs of removal and property damage.
  13. Night Limitations: All Public Forums are closed for any event, demonstration, meeting, assembly, or other expressive activity after 7:00 p.m. and before 7:00 a.m., unless a prior reservation has been approved by the University (subject to this policy and the Large Event Guidelines).
  14. Temporary Changes: The University may temporarily restrict expressive activities or change the physical characteristics of an area through the use of barricades, fences or other temporary structures or devices in areas that are otherwise open for expressive activities when needed for safety or security reasons or for Official University Events.
  15. Other Laws and Rules: All applicable laws, rules and regulations (including, but not limited to, the Student Code of Conduct, Faculty Handbook and Administrative Professional Handbook) must be followed whenever engaging in activities on campus.

## **Non-Public Forums**

Demonstrations, amplified sound, and signage are prohibited in all non-public areas, as is any activity that interferes with academic or operational functions. Demonstrators refusing to vacate

premises upon request are subject to arrest under applicable municipal and state laws and may be subject to disciplinary action by the University. Commercial expression is prohibited in non-public areas, except as provided herein.

## **Reservations of Space**

Please see the Facilities Use and Event Scheduling Policy for guidance on reserving facilities, venues and outdoor spaces on campus.

## **COMPLIANCE**

Failure to comply with this Policy may result in removal from University property, employee or student disciplinary action, and/or civil or criminal liability. Compliance with this Policy, including the Large Event Guidelines, and the reasonable time, place, and manner restrictions, as well as any permitting obligations is required. Failure to abide by any restrictions or requirements held herein may also result in fines or fees associated with any damages or repairs as well as the ability of a person or group's presence on campus being revoked.

## **REFERENCES**

Colorado Senate Bill 17-062. Right to Free Speech on Campuses of Public Institutions of Higher Education (CRS 23-5-144)

CSU-Pueblo Facility Use and Events Policy

Code of Student Conduct

CSU-Pueblo Posting Policy

CSU System Policy of Free Speech and Peaceful Assembly

Large Event Guidelines

## **Laws Relevant to Rallies, Demonstrations and Gatherings**

This information is provided so that all people involved in a demonstration or assembly may know their legal rights and obligations. For questions about rights or obligations during an assembly, rally, or demonstration, contact the Parking and Safety Manager (PASM) or the Pueblo County Sheriff's Office (PCSO) located at CSU-Pueblo for clarification prior to engaging in behaviors that may subject persons to arrest or fines.

### **Obstructing Highway or Passageway**

It is illegal to intentionally, knowingly or recklessly obstruct a street, sidewalk, or building entrance or disobey a reasonable request from a peace officer or other person in authority to move from such location. (18-9-107 C.R.S)

### **Disrupting Lawful Assembly**

It is illegal to obstruct or interfere with a gathering or meeting by any physical action, verbal communication, or other means. (18-9-108 C.R.S.)

### **Interference with Educational Institutions**

It is illegal to willfully deny to students, employees, or visitors: lawful freedom of movement on institutional premises; lawful ingress or egress to facilities; and lawful use of the property of or facilities of the institution. It is also illegal to impede faculty or staff at an institution in the performance of their duty or to impede a student of an institution in the lawful pursuit of his or her educational activities in any way. (18-9-110 C.R.S)

### **Public Buildings-Trespass, Interference**

It is illegal for any person to so conduct himself at any public building owned or operated by the state, to willfully deny to any public official, public employee or invitee the right to enter and use facilities or leave such facilities. It is also illegal to impede any public official or employee in the lawful performance of their duties. (18-9-110 C.R.S.)

### **Harassment**

It is illegal for a person to: strike, shove or subject another person to physical contact; engage in conduct that alarms or seriously annoys another person and serves no legitimate purpose; or repeatedly insult, taunt or challenge another person in the manner likely to provoke a violent or disorderly response when the intent is to harass, annoy or alarm the other person. (18-9-111 C.R.S.)

### **Unlawful Conduct on Public Property**

It is unlawful for any person to enter or remain in any public buildings or on any public property or to conduct himself in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection, limiting or prohibiting the use or activities or conduct in such public building or on such public property (18-9-117 C.R.S.)

Failure or refusal to leave premises or property upon request of a peace officer - penalties - payment of costs:

A person committing certain violations or conduct may also be billed for any extraordinary expenses resulting from such violations. (18-9-119 C.R.S.)

## **Riot Law:**

If convicted of engaging in riotous behavior, the minimum penalty is immediate suspension from all state supported universities for at least 12 months. (23-5-124 C.R.S.)

NOTE: This list of laws relevant to rallies, demonstrations and gatherings is intended to be informative, however, it is not exhaustive of all statutes that may apply, and the CSU-Pueblo Student Code of Conduct is also applicable to activities associated with demonstrations and assemblies. Statutes are subject to change; always consult official statutes.

## **FORMS AND TOOLS**

### **APPROVALS**

Approved by Dr. Timothy P. Mottet, President 1-31-2019

## **Large Events**

### **LARGE EVENT GUIDELINES**

The University expects the rights and privileges of all persons to be respected and that there will be no endangerments to University property or the health or safety of the campus community, or significant disruptions to normal University operations. The following guidelines apply to all Large Events to be hosted or sponsored by University departments, registered student organizations or non-campus parties on University property. These guidelines will be enforced in a content-neutral manner to facilitate the exercise of rights of free speech and assembly while also protecting the University community.

### **Scope of Guidelines**

These guidelines apply to any Large Events hosted or sponsored on University property by University departments, registered student organizations and non-campus parties. Only University employees acting in the course and scope of their University employment may organize and supervise a departmental event.

For purposes of these guidelines, a Large Event is any planned gathering, including but not limited to celebrations, lectures, forums, performances, rallies, social gatherings, concerts, speaker presentations, and conferences to be hosted or sponsored on University property by University departments, registered student organizations and non-campus parties.

Large Events include events at which the following conditions apply:

1. Over 100 or more persons are anticipated to attend; and/or

2. Authorized University officials determine that the event is likely to significantly affect campus safety and security, or significantly affect normal University operations, including but not limited to providing usual and customary services to students, faculty and staff, classes and educational activities.

Any determination by relevant University officials that an event constitutes a Large Event shall be based on the officials' content-neutral assessment of information relevant to the proposed event.

The University reserves the right to classify any proposed event as a Large Event subject to this policy, consistent with the guidelines above. Event hosts and sponsors are encouraged to consult with the appropriate campus contact at the earliest possible time to help ensure the event is properly planned and may be successfully hosted.

## **Purpose of Guidelines**

These guidelines are implemented to promote the safe and orderly use of University property. Priority for the use of University property is given to University departments and registered student organizations. Subject to the requirements of these guidelines, and to campus regulations and policies applicable to specific facilities, campus facilities may be made available for use by non-campus parties provided the facilities are not needed and the use would not disrupt campus operations or activities.

These guidelines operate in conjunction with specific requirements for use of each campus facility. Facility reservation deadlines and other procedural details may vary among campus facilities. Therefore, the Event Coordinator and/or the facility manager of the requested venue must be consulted before the event to obtain specific details concerning reservation and event procedures.

Failure to comply with campus regulations and policies pertaining to events may result in denial of the facility use request.

## **Rules and Procedures**

Event organizers are responsible for all costs. This includes, but is not limited to, facility fees, reasonable security costs, and any damages that arise from the event. The following rules apply to all Large Events:

1. The use and/or possession of illegal drugs and weapons are prohibited at all campus events.

2. All event attendees may be subject to search for contraband, weapons, drugs, alcohol, and other illegal or prohibited materials as deemed reasonably necessary to ensure the safety and security of event participants, the campus community and University property. Participants will be notified through clearly posted signs near event entrances if they will be subject to a search.
3. The maximum room capacity for all campus facilities must be observed at all times.
4. The possession and/or consumption of alcohol at Large Events is prohibited unless approved, in advance, pursuant to the CSU-Pueblo Alcohol and Other Drug policy and in accordance with state law.

Any University department, registered student organization or non-campus party that wishes to host or sponsor a Large Event must adhere to the following requirements as determined by the authorized University officials:

1. Contact the appropriate office (Event Coordinator) to make a preliminary reservation request for the event's desired location, preferably six weeks or more prior to the event, and provide general information regarding the proposed event, the parties involved, who it will be marketed to, anticipated number of participants and related information sufficient to allow for event planning. The preliminary reservation request does not constitute approval of the use of the venue at the proposed date and time.
2. Requests to host Large Events will be reviewed by the University in consultation with the Pueblo County Sheriff's Office (PCSO) at CSU-Pueblo, Parking and Safety Manager (PASM), Campus Safety Team, Office of the General Counsel, or other relevant campus units.
3. The Large Event organizers must meet with relevant campus officials to review event details at least four weeks prior to the event to share event information and discuss logistical expectations.
4. Changes to event details (e.g., speakers, expected attendance, location, etc.) submitted may result in denial of the facility use as requested.
5. All publicity materials must be provided prior to publication and at least two weeks prior to the event.
6. Event insurance must be secured and the event host or sponsor must provide confirmation of insurance at least one week prior to the event.
7. PCSO and PASM will conduct a security assessment based on information provided from the event organizers and such other information PCSO and PASM obtained in consultation with the Campus Safety Team, and will assess security needs based on objective and credible evidence of specific risks, and not on assessment of the viewpoints, opinions, or anticipated expression of event speakers, sponsors, participants, community, or performers. Permissible factors for consideration include but are not limited to: (a) the proposed location of the event, (b) the estimated number of participants based on event organizer estimates and any other relevant information, including past or similar events at CSU-Pueblo or other locations, (c) the time of the day that the event is to take place, (d) the date and day of the week of the event, (e) the proximity of the event to other activities or locations that may interfere, obstruct, or lessen the

effectiveness of the security measures being implemented, (f) the resources needed to secure the event, (g) the anticipated weather conditions, (h) the estimated duration of the event, and (i) any similar viewpoint- and content-neutral considerations relevant to assessment of security needs.

8. PCSO and PASM will make security recommendations that, in its professional judgment, will address security threats identified as a result of the evaluation. The goals of the PCSO and PASM security recommendations will be to

- a. Minimize risks to the health and safety of the event participants and audience;
- b. Minimize risks to the campus and surrounding community;
- c. Maximize the ability of the event sponsors to successfully hold the event; and
- d. Protect the rights of free expression by the event sponsors, participants, and community.

Recommended security measures may include, but are not limited to, adjusting the venue, date, and/or time of the event; providing or requiring additional law enforcement; imposing controls or security checkpoints; and creating buffer zones around the venue.

9. If PCSO and PASM determine the event has substantial security needs, the host organization must schedule a security assessment meeting with PCSO and PASM no later than three weeks prior to the event date. The meeting may include, as necessary, the following: the relevant facility manager or designee; representatives from the sponsoring organization or non-campus party; and anyone else whose presence is requested by PCSO and PASM. PCSO and PASM will discuss security concerns and recommendations at the security assessment meeting, and meeting participants will discuss options for mitigating security needs that PCSO and PASM has identified. PCSO and PASM will make the determination if mitigation efforts are sufficient.

10. If PCSO and PASM determines that, because of new information it has received or changing circumstances, its security assessment must be modified, it will schedule additional meetings or communications with stakeholders to discuss its revised recommendations.

11. Should the event organizers and PCSO and PASM be unable to agree on implementation of security measures or recommendations, the event sponsor may submit an appeal to the Campus Safety Team (minus PCSO representatives and PASM) for final determination. The Campus Safety Team may determine the security measures required for the event based on PCSO and PASM's security assessment. The goals of that determination will be to:

- a. Minimize any identified threat to health and safety of the event participants and audience;
- b. Minimize any identified threat to the campus and surrounding community;
- c. Maximize the ability of the event sponsors to successfully hold the event; and
- d. Protect the exercise of rights of free expression by the event sponsors, participants, and community.

12. The event sponsors must pre-pay 50% of estimated security costs as reasonably established by PCSO and PASM at least seven (7) days prior to the event, and reimburse the remaining amount owed within fourteen (14) days of the event. Costs will be based on standard billing rates for PCSO and PASM for providing security services and/or supplemental contracted security as approved by PCSO and PASM, personnel and for any associated equipment costs or rentals. The number of personnel and amount and type of equipment charged will be based on the PCSO and PASM assessment, including but not limited to the following criteria:

- a. Event venue, including venue size, location, number of entrances and exits to be staffed;
- b. Time of day;
- c. Number of expected attendees;
- d. Whether entrances will be controlled and whether tickets will be sold;
- e. Whether the event will be open and/or advertised to non-affiliates of the University;
- f. Whether alcohol will be served;
- g. Whether there will be sales of food, beverages, or other items and whether cash handling will occur;
- h. Whether event performers come with personal security teams or details that require PCSO and PASM liaisons; and
- i. Whether event sponsors or event performers request additional security measures.

Additional security fees will not be charged to event sponsors based on the subject matter of the event or the viewpoints, opinions, expression of the sponsors, event performers, or others participating in the event.