



TYPE OF POLICY: All University

EFFECTIVE DATE: 5/9/2011

LAST UPDATED:

APPLIES TO: Students, Faculty, Staff, Visitors, Contractors, Vendors

RESPONSIBLE

UNIVERSITY OFFICER: Campus Facility Planning & Space Utilization Manager (Bartlow, Kelly M.)

POLICY OWNER: Interim Assistant Vice President for Facilities Management (Hedlund, Mark J.)

POLICY CONTACT: Director of Public Safety (Schnettler, David J.)
Office of Atwood Memorial Center (Burnett-Pick, Susan P.)
Interim Assistant Vice President for Safety and Risk Management (South, Steve)

RATIONALE

St. Cloud State University facilities are to be used primarily for the purpose of fulfilling the university's mission of teaching, research and public service. In fulfilling its purpose as an institution of higher learning, it encourages the free exchange of ideas.

POLICY

The university will protect the rights of freedom of speech expression, petition, and peaceful assembly as set forth in the U.S. Constitution. St. Cloud State University maintains its right to place reasonable restrictions on time, place, and manner of expression and prohibits any acts that are disruptive to the normal operations of the university. Any participant in a disruptive activity may face criminal charges. Faculty, staff and students engaging in a disruptive activity may be subject to disciplinary action.

The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others. The university reserves the right to maintain a perimeter to promote physical safety.

This policy is effective on the campus of St. Cloud State University and on any other property or medium controlled by St. Cloud State University.

PROCEDURE

Public Expression Areas

St. Cloud State University recognizes the tradition of the "public square"; therefore, the university establishes the following outdoor areas for public expression:

Atwood Mall West green space where the Atwood Memorial Center sign is posted

The mall area in front on the west side of Stewart Hall

The mall on the west side of Administrative Services Building

Plaza on the south side of the National Hockey Center

Southwest plaza side of the Husky Stadium



Individuals or groups wishing to use any campus facilities or grounds other than the Public Expression areas are encouraged to make arrangements through the office of the Vice President for Finance and Administration (finadmin@stcloudstate.edu or 320-308-2286). The purpose of making such arrangements is not to prohibit free speech, but rather to ensure that the proposed activity will not interfere with campus security or University operations, including regularly scheduled or reserved functions in the space being requested.

Public Expression areas, as designated above, are open to the public and do not require an advance reservation for use between 8:00 a.m. and 5:00 p.m., however, notification of the intent to use the space is suggested in order to ensure that a location is available on a specific date and time. An application form for Use of Outdoor Space is available in the Supporting Documents section of this policy and procedure.

The form will be offered to a speaker at the time of the event.

Time, Place and Manner Restrictions

The following items represent a non-exclusive list of forms of public expression and describe the time, place and manner restrictions that will guide university management of events, speakers and other public activities. There are other university policies and procedures that apply and references to additional sources of law or policy may be provided below:

Access: Interfering with, impeding and causing blockage of the flow of vehicular or pedestrian traffic or ingress and egress to or from any building is not permitted.

Demonstration: Gesturing, wearing symbolic clothing or otherwise protesting is permissible unless it is a disruptive to university operations or impedes access.

Banners, Signs, and other Informative Materials: The carrying or display of posters, signs, placards or banners in a way that obstructs or interferes with others' views on University property or inhibits the normal movement of any vehicular traffic or pedestrian movement or presents safety hazards, on university property is prohibited unless permitted by statute. For more information, refer to the Display and Distribution of Information policy (See Related Policies).

Temporary Structures/Displays/Exhibits: All proposed structures may be constructed or placed for any activity upon authorization by the Director of Public Safety. This authorization would be in consultation with the Director of Buildings and Grounds.

Use of Fire: Any torches, flammable outdoor displays or open fires must be approved by the University Safety Administrator. Use of candles is permissible so long as candles are in fire-proof containers and any spilt wax is cleaned up by the sponsoring group after the event.

Responsibility Toward Property: Care must be taken to insure that the university and personal property is not damaged or destroyed or left littered. Those responsible for such damage will be liable for any clean-up or repair costs.

Preference for Student and University Events: The University may, from time to time, at its discretion, preserve University outdoor space exclusively for students or for university sponsored events.

Preference for Scheduled or Reserved Purposes: All activities in Public Expression areas must be conducted so as to avoid interference with the regularly scheduled or reserved functions of that space.

Available Time for Events Without Advance Approval: Events may occur only between the hours of 8 a.m. and 5:00 p.m.

After Hours Events: Events after 5:00 p.m., including overnight stays, are permitted on campus only by registered student groups, with prior approval and in accordance with applicable rules.

Sound Levels: Noise levels should not interfere with classes, meetings, campus events or operations and activities in progress or the privacy of residence hall students. Event noise heard within buildings may be determined disruptive and in violation of this policy. While the interpretation of the sound level may be subjective, the University and its representatives must err on the side of



caution in order to reasonably protect the University's operations. City ordinances may also apply.

Speech That Is Not Protected: The First Amendment to the United States Constitution does not protect speech or expression that threatens the health, safety or welfare of persons in the University community. Any speech that has the effect or is designed to inflict harm or cause a breach of the peace; incite an individual or individuals to commit a crime; threats to do harm; or speech that causes a panic is not considered protected speech. While the interpretation of these factors may be subjective, the University and its representatives must err on the side of caution in order to reasonably protect the University community members and property.

Legal Authority: All individuals participating in events are expected to comply with state and federal law, municipal ordinances, St. Cloud State University policies and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or the police which could include being trespassed from campus for a period of time among other remedies.

DEFINITIONS

University Property

All land, buildings, facilities, parking lots and other property in the possession of, owned, rented, leased, maintained, or controlled by St. Cloud State University. The term Campus may be used interchangeably with University Property.

Assembly

A group or gathering of individuals whether organized or spontaneous.

Disruptive Activity

Obstruction, disruption, or interference with classes, research, events, ceremonies, speakers, performances, meeting rooms, administrative functions, or other university activities.

Employee

Any individual employed by Minnesota State Colleges and Universities, its colleges and universities and the system office, including but not limited to all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Guests/Non-Affiliates/Emeriti

Any person who is not a student or employee but who may be a visitor.



Sign

A billboard or placard displayed for the purpose of promoting events or activities or to convey a message or information of any type.

Student

All Persons or group of persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university; or
2. Withdraw, transfer, or graduate after an alleged violation of the code of student conduct; or
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are not college or university employees and are not enrolled in the institution but live in a college or university owned or controlled residence hall.

Registered Student Organization

Any student organization that has successfully completed the registration process outlined in the Student Organization Guidebook and registers each academic year with the Department of Campus Involvement.

System

The Colleges and Universities of Minnesota State.

University Affiliated Organizations

Includes all official University committees, special committees, groups, and task forces supported directly by the University and the St. Cloud State University Alumni Association and St. Cloud State University Foundation.

University Department

Budgetary units of St. Cloud State University and affiliated organizations.

Visitor

Any individual other than a student, employee, construction employee, contract employee, affiliate, emeriti, or vendor who is on University Property.



RELATED POLICIES

Display and Distribution of Information