



## About This Policy

### Last Updated

07/21/2021

### Responsible Office

**Student Development Campus Life**

## I. Policy on Expressive Activity.

This policy applies to all buildings, grounds, and other spaces owned or controlled by Montclair State University. The term “Expressive Activity” includes:

1. Meetings and other group activities of students and student organizations;
2. Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
3. Distributions of literature, such as leafleting and pamphleting; and
4. Any other expression protected by the First Amendment to the U.S. Constitution.

## II. Policy Statement.

Montclair State University property is primarily dedicated to academic, student life and administrative functions. But it also represents the “marketplace of ideas,” and especially for students, many areas of campus represent a public forum for speech and other Expressive Activities. For students and student organizations, the outdoor areas of campus are venues for free expression, including speeches, demonstrations, and the distribution of literature.

Montclair State University shall not consider the content or viewpoint of the expression or the possible reaction to that expression in applying this policy. The University shall not impose restrictions on students, student organizations, or university employees on the basis of the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react

negatively to a student's, student organization's, or university employee's expression, the University (including University Police) shall take all necessary steps to ensure public safety while allowing the Expressive Activity to continue.

No event or Expressive Activity shall be permitted to violate or hinder the rights of others within the campus community. No event or Expressive Activity shall prevent others from pursuing their work or studies or other campus activities, nor in any way threaten or intimidate others.

Montclair State University does not assume any obligation or responsibility for the content of the materials distributed.

### **III. Rules and Regulations.**

#### **A. General Rules.**

Subject to the additional rules set forth herein, students and student organizations shall be allowed to conduct Expressive Activities on University property as long as such activity:

1. Does not block access to campus buildings or obstruct or interfere with university-related or university-sponsored activities.
2. Does not obstruct vehicular or pedestrian traffic.
3. Does not constitute unlawful activity.
4. Does not create a clear and present threat to public safety.
5. Does not take place in a location that has been reserved by another student organization or University group.
6. Does not include physically attaching materials to University property.
7. Is conducted by a non-commercial entity.
8. Takes place during hours when the University is open.
9. Distribution of printed materials must be done in person.
10. Individuals and/or groups engaged in Expressive Activity are responsible for picking up any printed materials dropped on the ground around the areas of distribution or other litter resulting from the activity. The University may charge such individuals and/or groups a reasonable clean up fee if they fail to do so.
11. Individuals and/or groups engaging in Expressive Activity agree to pay for any damages to University property that is caused by their use of such property.
12. No use of amplification devices in outdoor locations is permitted outside of the common hour on campus, to avoid interference with classes. No amplification is permitted inside buildings at any time to avoid interference with offices, classes and programs.

This policy shall not apply to any person or organizations desiring to sell merchandise or services on campus. Any person or organization desiring to sell merchandise or services on campus should contact the Office of Campus Business Services.

#### **B. Outdoor Locations.**

For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous Expressive Activities provided that such activities are in compliance with all other provisions of this policy.

#### **C. Indoor Locations.**

For indoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous Expressive Activities subject to the following conditions:

1. Distribution of written or printed materials, such as leafleting or pamphleting, and petitioning for signatures may only be conducted at one of the following locations: (a) University Hall or (b) Student Center
2. The Expressive Activities are in compliance with all other provisions of this policy.

#### **Reserving Campus Facilities:**


1. If students, student organizations, or university employees desire to reserve indoor or outdoor campus facilities, they shall submit their application for reservation to the Dean of Students four business days prior to the Student reservation date. The University will respond to the reservation application within two business days
2. External individuals or organizations may be sponsored by University students, employees or organizations, in which case the reservation must be made by the University sponsor. In the event that a non-community member's reservation conflicts with a University community member's application, the reservations will be given in the priority listed in footnote 1.
3. Reservation requests will be processed and granted on a first-come, first- served basis, consistent with the priority listed in *footnote 1*. These requests may be denied for the following reasons only:
  - a. The requested venue is a facility that the university has designated as not available for Expressive Activity under this policy;
  - b. The requested venue is a facility and the request conflicts with restrictions enacted pursuant to this policy;
  - c. The venue is already reserved for another event *1*;
  - d. The activity will attract a crowd larger than the venue can safely contain;
  - e. The activity is a clear and present threat to public safety, according to the university's police department, including the inability to schedule sufficient personnel/police within the necessary time frame;
  - f. The activity will occur during college examination periods or during other major campus events, such as convocations; home-coming or heavily attended athletic competitions or performances; or
  - g. The activity is unlawful.
4. During an event, the student, student organization, or university employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.


*1 In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official university sponsored or contracted activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.*


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 1 Normal Ave.  
Montclair, NJ 07043

 973-655-4000

 Campus Map



**Policies and Procedures**

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**Policies**

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