

06-04.11 – Policy on Time, Place and Manner for Expressive Activities

I. Policy Statement

Towson University (“University”) supports the rights of University students, faculty and staff and groups recognized by the Student Government Association (SGA) and/or any University department (“University Community”) to engage in protected speech and assembly, including demonstrations, marches, picketing, leafleting and protesting (“Expressive Activity”) in On-Campus Community Accessible Areas. This policy establishes guidelines to assure that expressive activities do not unreasonably disrupt University Operations, violate the protected speech activity of others, endanger the safety of others or risk destruction of University property. This policy sets forth the Designated Demonstration Area(s) for all recognized student groups, faculty and staff as well as the general public and non-recognized student groups and organizations. The University is committed to support free speech and assembly in a content-neutral manner. Reasonable and content-neutral rules for the time, place and manner of expression and assembly are a legitimate way to ensure the orderly conduct of the University community.

II. Definitions:

- A. “Expressive Activity”:** protected speech and assembly including, demonstrations, marches, picketing, leafleting and protesting.
- B. “Freedom Square”:** the area between the Lecture Hall and Hawkins Hall including a raised circle with steps leading up on all sides and the chalkboards located at one end of the Lecture Hall. Freedom Square also includes Speaker’s Circle – the outdoor amphitheater between Hawkins, Smith and Lecture Halls.
- C. “Scheduled Academic Hours”:** 8:00 a.m.-10:00 p.m. (Monday - Thursday), 8:00 a.m.-5:00 p.m. (Friday), and 9:00 a.m.-3:00 p.m. (Saturday).
- D. “Recognized Student Group”:** a group of University Students which is recognized by, sponsored by, or affiliated with the University’s Student Government Association (SGA) and/or a University department, in accordance with University policy and procedures, including TU Policy 05-10.00 – Student Organization Registration.
- E. “Non-Recognized Organization”:** an organization that functions at the University that is not recognized by the Student Government Association (SGA), any University department (University Community), and/or is not a Registered Student Organization under TU Policy 05-10.00 – Student Organization Registration.
- F. “Student”:** a person who: 1) is enrolled in or registered with an academic program of the University; or, 2) has completed the immediately preceding term and is eligible for re-enrollment; or 3) is on approved leave status.
- G. “University Affiliate”:** a person who is either a student, faculty or staff of Towson University or is otherwise enrolled or registered in an academic program of the University or has completed such program in the immediate preceding term or is on approved leave status.
- H. “Non-University Affiliate”:** a person who: 1) is not enrolled or registered in an academic program of the University; or, 2) has not completed the immediately preceding term and is ineligible for re-enrollment; or 3) is not on approved leave

status; and 4) is not University faculty or staff.

- I. “University Community”:** all University Affiliates.
- J. “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 and the corridors and hallways leading thereto, and areas that must be reserved pursuant to University procedures, including conference and meeting rooms in the University Union and space controlled by Events and Conference Services.
- K. “On-Campus Community Accessible Areas”:** any property owned or controlled by the 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.
- L. “Designated Demonstration Areas”:** the area designated for Expressive Activity by Non-Recognized Organizations (defined in II.E) and Non-University Affiliates (Defined in II.H).
- M. “University Facilities”:** land, buildings and physical space owned, leased, operated or otherwise controlled by the University.
- N. “University Operations”:** all operations necessary to carry out the University’s educational, health, safety and administrative functions.

III. Responsible Executive and Office:

Responsible Executives:

Vice President for Student Affairs

Executive Vice President for Academic Affairs and Provost

Vice President for Operations

Responsible Offices:

Office of Student Affairs

Office of the Provost

Office of Human Resources

IV. Entities Affected by this Policy:

University Community and Non-Affiliates.

V. Procedures:

A. Scope

1. This policy applies to Expressive Activities of the University Community and Non-University Affiliates in On-Campus Community Accessible Areas. Expressive Activity, as defined by this policy, is not permitted in On-Campus Non-Public Areas except in accordance with University policy and procedures.
2. This policy designates the following locations as the "Designated Demonstration Areas" for Expressive Activity by Non-Recognized Organizations and/or Non-University Affiliates:
 1. The Public Safety Field located in front of Towson University Public Safety Building located at 290 W. Towsontown Blvd., Towson, MD 21204, and

2. The Towsontown Garage Field located to the east of University Avenue between University Avenue and Towsontown Parking Garage. An aerial map showing the specific locations of the Designated Demonstration Areas is included at the end of this policy.
3. No protected Expressive Activity will be prohibited on the basis of the content of the Expressive Activity. Content neutrality and programmatic space availability will be the driving force behind planning an Expressive Activity.
4. This policy does not create any rights beyond those provided under the United States Constitution and the Maryland Declaration of Rights as interpreted by Federal and Maryland courts.
5. The First Amendment rights of faculty and staff to engage in Expressive Activity may not be the same as the rights of Students to do so.

B. Guidelines for Expressive Activity in On-Campus Community Accessible Areas

1. On-Campus Community Accessible Areas will be available for Expressive Activity by University Affiliates on a first come basis. The preferred location for Expressive Activity by University Affiliates is Freedom Square which includes Speaker's Circle. If this space is already reserved, an alternative date and time for the activity will be arranged.
2. Students, recognized student groups, departmentally recognized organizations, and/or faculty or staff planning an Expressive Activity must contact the following offices at least 3 business days in advance of any planned Expressive Activity: the Office of Campus Life (Students and Student groups); the Office of the Provost (faculty); and the Office of the Vice President for Operations (staff). The purpose of the advance contact is to determine the availability of space and to discuss this time, place and manner 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 the number of participants reasonably expected to attend.
 - a. **Individual and small group exception.** Expressive Activities involving ten (10) or fewer University Affiliates may occur in On-Campus Community Accessible Areas without providing advance contact to the offices identified in Section V.B.2., provided these activities do not otherwise violate this Policy, including, but not limited to, not interfering with any functions for which space has been reserved in advance. Accordingly, the University encourages all persons planning Expressive Activity, regardless of size, to contact the offices identified in Section V.B.2 to discuss these policy guidelines and how they might apply to the planned event.
 - b. **Spontaneous demonstration exception.** Occasionally, events occur that lead to immediate public outcry, and this policy is not designed to limit students' rights to protest such events. Spontaneous demonstrations or protests may be held by University Affiliates in On-Campus Community Areas without advanced notice provided these activities do not otherwise violate this Policy. It is a violation of this policy to circumvent this policy by claiming a planned event is spontaneous. In deciding whether a demonstration is spontaneous or planned, the University may consider any relevant evidence, including (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used

amplification equipment, (c) whether security was alerted, or media contacted, substantially in advance of the demonstration, or (d) whether other circumstances demonstrate advance planning by one or more individuals or organizations.

- 3.** Groups or individuals wishing to use sound amplification must notify the Office of Campus Life prior to use. No amplified sound over 95 decibels, at the source, is permitted. In accordance, a sound monitor will be assigned to the event.
- 4.** Signs, banners, flags and similar items that are carried should be constructed entirely of soft material such as cardboard or cloth, and should not be attached to rigid sticks or poles. The University reserves the right to limit use of items constructed of rigid sticks, poles or other potentially dangerous materials.
- 5.** Student organizations and University departments may sponsor events that include invited Non-University Affiliates, but may not reserve space on behalf of an individual, group, business or organization. Non-University Affiliates participating in sponsored events are required to comply with this Policy, and University Affiliates may be held accountable for the invited Non-University Affiliates' compliance with this Policy.
- 6.** Non-University Affiliates wishing to reserve University Facilities for events must contact Events & Conference Services and follow the appropriate facility reservation procedures. Each reservable facility will have an approved pricing structure and must be approved in advance. Approval of request will be subject to the terms and conditions of the use of space agreement and based on space availability.
- 7.** Non-University Affiliates seeking to engage in outdoor Expressive Activity may request to use one of the two Designated Demonstration Areas subject to the following:
 - 1.** Any such request may be made with Events & Conference Services at least 5 business days, but no less than 1 business day, in advance of the date of the anticipated activity. Non-University Affiliates should also contact the University's Office of Public Safety in advance of any scheduled activity.
 - 2.** Events & Conference Services will respond within a reasonable amount of time to a reservation request and will review the requests on a first-come, first-serve basis after giving priority to University Affiliates.
 - 3.** Approval of reservation requests will be based on the availability of the Designated Demonstration Area(s) and stated expected use of the area without regard to the content or viewpoint of the Expressive Activity.
 - 4.** A copy of the approved use request must be made available for inspection upon request by University officials.
- 8.** Requests for use of areas on campus during Scheduled Academic Hours may be denied for the following reasons: violation of the Conditions of Use as set forth in section V.C., a prior request having been granted for the same time and location, or failure to comply with the provisions of this policy. If a request is denied, the applicant will be informed of the reason in writing no later than the first business day following the request. If a request is denied because of a failure to comply with this policy, the applicant will (where feasible) have the opportunity to propose measures to correct the failure to comply with the policy. If a request is denied because space is not available, reasonable accommodations will be offered. Requests will be evaluated in a content-neutral manner.

9. If a request is denied, the applicant may, within five (5) business days after the denial, appeal the decision to the appropriate Vice President. The appropriate Vice President or designee will respond no later than the first business day following the appeal. The Vice President's decision is final.

C. Conditions of Use

1. Expressive Activity must comply with applicable Federal, state and local laws, including, but not limited to, this policy, other applicable University System of Maryland and University policies, regulations established by the State Fire Marshall, traffic laws, and ordinances regarding sound amplification systems. In addition, such activities may 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. block entrances to or otherwise interfere with the free flow of vehicular and/or pedestrian traffic into and out of University Facilities or parking lots or into or out of the campus itself;
 - c. include construction of any permanent or semi-permanent structures, without prior approval;
 - d. include camping or lodging, except in authorized facilities;
 - e. include any discriminatory, harassing or threatening conduct toward any person, obscene or lewd conduct, disturbance of the peace or unlawful assembly;
 - f. include theft, misuse, or destruction of University property or equipment;
 - g. include sound amplification greater than 95dBA (within five feet of amplification source) or sound amplification from handheld units greater than 90dBA;
 - h. include commercial solicitation (e.g., advertisements, solicitations or testimonials for goods or services offered for sale; distribution of commercial leaflets, fliers, handbills and/or circulars).
2. Speakers including individuals engaged in Expressive Activity protesting shall not be subject to harassment, nor shall counter-protesting infringe on others' right to hear the speaker. At the same time, members of the University Community shall have the right to peacefully protest any such activity.
3. Activities that violate this policy may be subject to modification and cancellation.
4. The University reserves the right to provide security when appropriate to uphold the rights and/or to protect the safety of speakers and members of the University Community.
5. In accordance with Maryland Code Ann., Educ. Section § 26-102, as amended, individuals on University property may be required to provide identification and evidence of qualification to a University official upon request. Evidence of qualification means evidence that the individual is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the University.
6. Non-University Affiliates engaged in Expressive Activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within the Designated Demonstration Areas. University Community members participating in Expressive Activity shall be allowed to distribute such materials in On-Campus Community Accessible Areas. Any such materials which are discarded or

dropped in or around the activity area(s) by those distributing the materials, other than in an appropriate receptacle, must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated activity area(s). Leaving materials unattended on a surface to be picked up is considered littering, not distribution. If Facilities Management is called to clean the area after an event, the group will be charged for the cost of their services if it is determined that the materials were left by the distributing party.

Related Policies:

[TU Policy 06-01.00, Policy Prohibiting Discrimination](https://www.towson.edu/about/administration/policies/06-01-00-policy-prohibiting-discrimination.html)

(<https://www.towson.edu/about/administration/policies/06-01-00-policy-prohibiting-discrimination.html>)

[TU Policy 05-01.30, Chalking Policy](https://www.towson.edu/about/administration/policies/05-01-30-chalking-policy.html)

(<https://www.towson.edu/about/administration/policies/05-01-30-chalking-policy.html>)

[TU Policy 06-01.10, Policy on Threats and Violence](https://www.towson.edu/about/administration/policies/06-01-10-policy-threats-violence.html)

(<https://www.towson.edu/about/administration/policies/06-01-10-policy-threats-violence.html>)

Approval Date: 09/30/2010

Effective Date: 10/28/2010

Amended Date: 12/2/2011

08/24/2016

10/05/2016

04/22/2019

10/30/2019

05/27/2020

06/15/2022

Signed By: President's Council

[Aerial map of Designated Demonstration Area for demonstrations by the general public and Non-Recognized Organizations \(PDF\)](https://www.towson.edu/about/administration/policies/documents/procedures/aerial-map-of-designated-demonstration-area-for-demonstrations-by-the-general-public-and-non-recognized-organizations.pdf)

(<https://www.towson.edu/about/administration/policies/documents/procedures/aerial-map-of-designated-demonstration-area-for-demonstrations-by-the-general-public-and-non-recognized-organizations.pdf>)

HOW TO REQUEST THE POLICY PDF

This online version of the policy may include updated links and names of departments.

To request a PDF of the original, signed version of this policy, email the Office of the General Counsel, generalcounsel@towson.edu.

8000 York Road
Towson, MD 21252

☎ 410-704-2000

Contact Us


Directions & Parking

Work at TU

Accessibility

Privacy

Clery Report

 Sign up for text alerts

 Translate

Copyright

© 2023

A University System of Maryland Member Institution