

ADMINISTRATIVE POLICIES

AD51 Use of Outdoor Areas for Expressive Activities

Policy Status: Active

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Policy Steward: Senior Vice President and Chief of Staff

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PURPOSE

A university is inherently a marketplace of ideas, and Penn State encourages and protects the rights of members of the University community to express divergent viewpoints and opinions on matters of concern. At the same time, the University encourages persons engaging in expressive activity to demonstrate civility, concern for the safety of persons and property, and respect for University activities and for those who may disagree with their message. All persons engaging in expressive activity on University property must comply with University policies. The purpose of this policy is to provide for expressive activity to be conducted on the grounds of the University in a manner consistent with these principles.

This policy is applicable to University students, faculty, staff and others who wish to engage in speaking, literature distribution, poster or sign displays, petitioning and similar non commercial activities (generally referred to as expressive activity) at outdoor locations on University property. Use of University buildings and indoor facilities is addressed in other University policies. University grounds and buildings are reserved for use by students, faculty and staff, except as otherwise permitted by policies of the University. Questions concerning this policy should be directed to the Event Management Office, 125D HUB-Robeson Center.

LOCATIONS FOR EXPRESSIVE ACTIVITY

The Pennsylvania State University is committed to the free exchange of ideas and the principles of academic freedom, in accordance with the First Amendment of the U.S. Constitution. However, the right to speak is not a right to speak at any time, at any place, and in any manner that a person wishes. Courts have long recognized that public colleges and universities have the right to set reasonable time, place, and manner restrictions on the use of their campus facilities to maintain campus safety and prevent material and substantial disruption of the functioning of the universities or infringement on the rights of others. Simply put, this means that The Pennsylvania State University can delineate the “when, where and how” of free-speech activities, if it is applied in a content neutral way (in other words, it must apply to all speech, no matter how favored or disfavored) and it leaves ample opportunity for speech in alternative areas or forums.

The University’s time, place, and manner restrictions take into account, among other considerations: environmental, health, and safety concerns; wear and tear on facilities or outdoor spaces; the direct and indirect costs to the institution; appropriateness of the event to the specific facility/outdoor space and the specific building/outdoor use policies; and the overall impact of the event on the campus community, surrounding neighborhoods, and the general public. Examples of such restrictions include:

- Regularly scheduled University activities take precedence over spontaneous activities.
- University facilities and grounds may not be used in ways which obstruct or disrupt University operations, the freedom of movement, or any other lawful activities. No activity may obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people and vehicles.
- Expressive activity may not create unreasonable safety risks nor an imminent threat, health, or safety hazard.

Based upon careful study, the following areas of the University Park Campus have been designated as outdoor areas suitable for expressive activity:

- Old Main front patio
- Allen Street Gate Plaza
- Willard Building patio area between Willard and Obelisk
- Palmer Art Museum Plaza
- Northwest corner of Shortlidge Rd. and College Avenue
- Fisher Plaza
- IST Plaza
- Pattee Library Mall entrance plaza
- HUB-Robeson - Rear sidewalk pad (not the Patio)
- HUB-Robeson - Lawn
- Osmond Fountain Area (after 5pm)
- Area under the Willaman Gateway to the Life Sciences

At other University locations, the office of the Chancellor, Dean, or other administrator in charge should be consulted to identify areas suitable for expressive activity.

RESERVATION OF LOCATION

Registered student organizations, or a group of ten or more University students, faculty or staff, may reserve any one of the identified locations for the use of the group, subject to the following:

- All locations (except for Osmond Fountain) may be reserved between the hours of 8:00a.m. and 5:00p.m.
- There are selected areas that can be reserved for hours other than 8:00a.m. - 5:00p.m.. These are HUB Lawn, Old Main Patio and Fisher Plaza. These will be decided on a case-by-case basis. Events at these locations that incur costs from the University can only be reserved by registered student organizations or University Departments.
- A group may reserve only one location for each day.
- The same group may not reserve the same location for more than one day in each calendar week.
- Reservation must be requested at least 48 hours in advance of the proposed activity, or by the Friday preceding a Sunday or Monday.
- Reservations will be accepted in the order of request, unless considerations of format, size and equitable distribution of locations requires allocation of locations.
- Reservation is voluntary but encouraged to avoid conflicts and insure availability.
- The group that has reserved the space has priority over non-reserved groups.

Smaller groups and individuals are requested to voluntarily use the designated areas, but may use any outdoor area open to the public that can safely be used so long as noise levels do not conflict with the conduct of University business and crowds do not impede egress and ingress to University facilities.

With a proper reservation, a group will have exclusive use of the reserved location and may not transfer the reservation to or allow use of the location by any other group. If a location has not been reserved, it will be available for use by a group, consistent with the other requirements of this policy. Registered student organizations and University groups will have absolute priority in the event of conflicting requests.

Registered student organizations, or a group of ten or more University students, faculty or staff, may reserve a location through The Event Management Office, 125D HUB-Robeson Center. Groups wishing to reserve a space other than those designated must submit a written request for an exception to this policy with the appropriate reservation office noted above.

At non-University Park locations: registered student organizations, or groups of ten or more University students, faculty or staff should contact the Office of Student Affairs to reserve a location.

NON-UNIVERSITY GROUPS

Non-University groups requesting the use of University facilities may pick up the appropriate forms in the Event Management Office, 125 HUB-Robeson Center. After applications are reviewed by appropriate personnel, including those designated with management or assignment responsibility for specific areas, actions relative to the approval are issued through the Office of Strategic Communications, Department of Community Relations. Reservation is voluntary but encouraged to avoid conflicts and insure availability.

At non-University Park locations: Non-University groups requesting the use of University facilities should contact the Office of University Relations at the applicable location to request use of / receive approval for the use of a facility.

REQUIREMENTS OF USE

In addition to other University policies and rules that generally apply to students, faculty staff and visitors, the following requirements specifically apply to expressive activities at outdoor locations by individuals and groups:

1. Use of sound amplification equipment is generally prohibited between 8a.m. and 5p.m. If sound amplification is required for expressive activity, indoor facilities where sound amplification is available may be reserved for use in accordance with University policy. (Amplification is permitted at the Old Main location between the hours of Noon - 1 p.m.)
2. Pedestrian or vehicular traffic must not be impeded in any fashion.
3. Disturbance of or interference with classrooms, offices, study facilities, libraries, or other University facilities and activities is prohibited.
4. Creation of safety hazards is prohibited.
5. Damage or destruction of property is prohibited. Should damages, destruction or clean up charges/cost occur the organization, department or individual who reserved the space will be responsible for any and all charges.
6. Flashing or rotating lights and illuminated signs may not be used.
7. Signs, placards, posters, banners, photographs and the like shall not be affixed in any manner to University grounds and property, including but not limited to buildings, poles, gates, fences, trees or other vegetation. All such materials must be removed at the conclusion of each day's use of the designated area. Any signage cannot obstruct the flow of traffic.
8. Papers, pamphlets, and similar material must be distributed in person by sponsoring organization
9. Placing or erecting structures of any size or material is prohibited. These structures will be removed and the sponsoring organization, department, individual will be responsible for any and all charges.
10. Tables must be staffed by the sponsoring organization and or group and may be used only in those areas designated for expressive activity. The use of tables must be stipulated at the time of reservation. The name of the sponsoring organization or group must be displayed at the table.

RESIDENCE HALL AREAS

Grounds adjoining University residence halls are reserved for use exclusively by occupants of the residence halls. Requirements for use of these areas are issued by the Directors of Residence Life and Housing Services at the University Park Campus, and the Directors of Student Affairs and Housing and Food Services at other campuses with residential facilities.

OTHER UNIVERSITY CAMPUSES AND PROPERTY

Areas suitable for expressive activities have been identified at other University locations. The requirements of this policy will be applicable to all University locations.

FURTHER INFORMATION

For questions, additional detail, or to request changes to this policy, please contact the Office of Strategic Communications or Penn State Student Affairs.

CROSS REFERENCES

Other Policies in this manual should also be referenced, especially the following:

[AD01 \(/policies/ad01\)](/policies/ad01) - Auditoriums, Policies and Procedures for Use of University,

[AD02 \(/policies/ad02\)](/policies/ad02) - Non-University Groups Using University Facilities,

[AD26 \(/policies/ad26\)](/policies/ad26) - Sale of Food and Beverages at University Locations,

[AD27 \(/policies/ad27\)](/policies/ad27) - Commercial Sales Activities at University Locations,

[AD29 \(/policies/ad29\)](/policies/ad29) - Statement of Intolerance,

[AD57 \(/policies/ad57\)](/policies/ad57) - General Regulations on Use of University Property

Most recent changes:

- September 18, 2023 - Addition of time, place and manner language under section "Locations for Expressive Activity."

Revision History (and effective dates):

- April 22, 2019 - Editorial changes to the PURPOSE section to add that "all persons engaging in expressive activity on University property must comply with University policies."
- December 19, 2018 - Added Student Affairs as an additional contact under the Further Information section.
- August 21, 2014 - Editorial changes. In the NON-UNIVERSITY GROUPS section, reference to the Office of University Relations have been changed to the Office of Strategic Communications. Addition of policy steward information, in the event that there are questions or requests for changes to the policy.
- May 11, 2011 - Reference added for the Department of Community Relations in the NON-UNIVERSITY GROUPS section.
- August 08, 2008 - Change made in "Locations For Expressive Activity" (Allen Street Gate Plaza), and in the "Requirements of Use" section, #7, expanding restrictions to include banners, gates and fences. Added verbiage in the "Reservation of Location" and "Non-University Groups" sections to provide guidance for requesting the use of University facilities at non-University Park locations.
- June 28, 2006 - Editorial change made in "Locations For Expressive Activity," removing sentence that referred to other areas on University property.

- July 13, 2005 - The "Area under the Willaman Gateway to the Life Sciences" was added, per July 11, 2005 approval by the President's Council, to the "Locations For Expressive Activity." Additionally, the office of the Chancellor was added to the list of University administrators specified in the section for individuals/offices who should be consulted with when identifying sites suitable for expressive activity at other University locations.
- August 30, 2004:
 - The Event Management Office in the Robeson Center is now responsible for questions concerning this policy.
 - The IST Plaza, HUB-Robeson rear sidewalk pad, HUB-Rebeson lawn, and Osmond fountain area (after 5pm) have been added as locations for expressive activity.
 - The HUB Lawn, Old Main Patio and Fisher Plaza can be reserved for hours other than 8:00a.m. - 5:00p.m.
 - Under RESERVATIONS OF LOCATIONS, there are new regulations for smaller groups and individuals.
 - Groups that reserve space have priority over non-reserved groups.
 - The section NON-UNIVERSITY GROUPS was added.
 - The REQUIREMENTS OF USE section underwent substantial changes.
 - Sound amplification equipment is permitted at Old Main location between the hours of noon - 1 p.m.
- July 30, 1999 - Added: reference to Hetzel Union Bldg; provision for smaller groups and individuals; provision for groups wishing to reserve space other than those designated; and provision for use of tables.
- April 26, 1999 - New Policy.

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