

University Policies

SEARCH POLICIES

Free Speech Policy

ROWAN UNIVERSITY POLICY

Title: *Free Speech and Peaceful Assembly Policy*

Subject: *Public Safety*

Policy No: *DPS: 2015:01*

Applies: *University-Wide*

Issuing Authority: *President*

Responsible Officer: *Assistant Vice President, Public Safety*

Adopted: *04/23/2015*

Amended:

Last Revision: *04/23/2015*

I. PURPOSE

This policy sets forth policies and procedures that are established in order to facilitate effective expression of free speech and peaceful assembly.

II. ACCOUNTABILITY

Under the direction of the President, the Assistant Vice President of Public Safety and the Office of Emergency Management, shall implement this policy and ensure compliance.

III. APPLICABILITY

This policy applies to all Rowan University faculty, staff, students, and visitors to all Rowan University campuses.

IV. POLICY

1. GENERAL INFORMATION

- a. Rowan University is committed to providing an educational climate that is conducive to the personal and professional development of each individual. The University recognizes the right of all individuals to engage in peaceful and orderly assembly and/or demonstrations which do not disrupt the functions of the University or interfere with the rights of others. The University will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the United States Constitution and the Constitution of the State of New Jersey. The University maintains its right to implement reasonable time, place, and manner restrictions concerning acts of expression.

The Supreme Court of the United States has adopted a forum analysis framework to assess whether, and to what extent, a government entity such as Rowan University must permit expressive activity on its property.

b. The Court has established three categories of forums:

- i. quintessential public forums;
- ii. designated public forums;
- iii. nonpublic forums; this forum analysis is highly fact dependent and the examples which follow are intended to serve as illustrative and not definitive.
 1. Quintessential public forums, including public streets, sidewalks, parks, and similar common areas are generally available for expressive activity, planned or spontaneous, for an individual or small groups (generally where a crowd of 10 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval.
 2. Designated public forums are created by the University when it deliberately opens property to the public. These forums may be so designated for only limited use for only limited class of speakers.
 3. Non public forums are areas that are not traditional public forums or designated public forums. These forums will be restricted to use for their intended purpose. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer laboratories and facilities, and locations where University events, ceremonies, commencement activities and other similar events and activities are held.

2. ADVANCE RESERVATION REQUIREMENTS

- a. In an effort to ensure safety and to promote an environment conducive to study, advance reservation for expressive activity is required for assembly and/or demonstrations that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 10 people. Advance reservation is required for assembly and/or demonstrations at a University ceremony, event and/or activity held on University property or at any place in use for an authorized University purpose.
- b. Any individual or group, either required by this Section to make an advance reservation, or desiring to make an advance reservation, shall complete and submit, to the Office of the Assistant Vice President for Public Safety and Emergency Management (Bole Annex) the reservation request form attached hereto at least 72 hours in advance of the assembly and/or demonstration.
- c. The decision to confirm or deny a reservation request will be based on proper and timely completion and submission of the reservation. The request form must be in compliance with the applicable sound and sign requirements and availability of space. If the assembly and/or demonstration is proposed to be held in either a quintessential or designated public forum, then under no circumstance will the decision to grant or deny a reservation request be based on the content or viewpoint of the expressive activity unless there exists a compelling interest of the University to do so. If a reservation request is denied, the rationale for that decision shall be provided in writing. The denial of a reservation request can be appealed to the President of the University or his/her designee. In addition, because locations within buildings are frequently booked well in advance, those wishing to engage in assembly and/or demonstration activities in a particular room or building should reserve that space through the established procedures for the particular facility. Contact the Office of the Assistant Vice President for Campus Recreation & Student Activities for assistance in determining the appropriate individual or office to contact to reserve the building space.
- d. Participants in the assembly and/or demonstration are expected to assist in cleaning up any litter that might result from leafleting or other activity.
- e. Individuals or groups wishing to use University-owned sound amplification equipment may request to rent equipment by contacting the Student University Programmers ("SU"). If equipment is available at the time of the assembly and/or demonstration, the Office of the Assistant Vice President for Campus Recreation & Student Activities shall designate a location where sound amplification may reasonably be used.
- f. The University recognizes that spontaneous assembly and/or demonstrations may occur. In such situations, the University expects the persons involved to act responsibly and peacefully and reserves the right for an appropriate University official, such as the Assistant Vice President for Campus Recreation & Student Activities or any Public Safety Officer or security personnel, to ask persons to relocate the assembly and/or demonstration if it proves disruptive at the particular locations.

3. DISRUPTIVE ACTIVITY

- a. As the above principles illustrate, and subject to compliance with this Policy, the University recognizes the right of all individuals on University property or at any place in use for an authorized University purpose to engage in peaceful and orderly assembly and/or demonstration, which does not disrupt functions of the University or interfere with the rights of others.
- b. The University will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation or to interfere with the rights of others. Persons engaging in disruptive action or speech and/or disorderly conduct shall be subject to disciplinary action, including, but not limited to, removal from the premises and/or charges of violations of the law and in case of students, expulsion and/or separation. Disruptive actions, speeches or demonstrations on University property or at any place in use for an authorized University purpose are strictly prohibited.
- c. Listed below are examples of activities that will be considered disruptive and will result in discipline and/or removal, arrest, and/or prosecution.
 - i. Interference with scheduled University ceremonies, events and/or activities held on University property or at any place in use for an authorized University purpose is prohibited. During a University ceremony, event and/or activity, assembling and/or demonstrating noiselessly, such as by wearing clothing, gesturing, standing or distributing literature, is acceptable, provided it does not impede access to the University ceremony, event and/or activity, disrupt the University ceremony, event and/or activity or interfere with the attendees' ability to see or hear the University ceremony, event and/or activity.
 - ii. Any use of signs, prolonged standing, or other activity likely to block the view of any of the attendees is prohibited, unless it is confined to the last row of the crowd, if the University ceremony, event and/or activity is held outdoors, or to the back of the room, if the University ceremony, event and/or activity is held indoors.
 - iii. Chanting or making other sustained or repeated noise or displaying or utilizing objects such as kites, balloons, banners or similar objects in a manner which interferes with the communication of any speaker at a University ceremony, event and/or activity, or the attendees' ability to see or hear the speaker, ceremony, event and/or activity, is prohibited.
 - iv. Activities with a noise level that disrupts or poses a tenable threat of disrupting the proper operation of the University are prohibited.
 - v. Obstruction, disruption or interference with classes, research, administrative functions or other University activities is prohibited.
 - vi. Actions that endanger the safety of any individual, the University community, or the academic process are prohibited.
 - vii. Failure to comply with directives of authorized University Officials in the performance of their duties, including failure to identify oneself when properly requested to do so, is prohibited.
 - viii. Unauthorized entry, use, or occupancy of University facilities, or refusal to vacate a University facility or property when directed to do so by an authorized official is prohibited.
 - ix. The use of sound amplification equipment within a building without prior authorization is prohibited.
 - x. Damage to or destruction of University property or of property on University premises belonging to others is prohibited.
 - xi. Unauthorized setting of fires on University property, or unauthorized use of or interference with fire equipment, is prohibited.
 - xii. Actions which threaten or incite immediate property damage, assault, or injury to self or other persons are prohibited.
 - xiii. Verbally provoking immediate physical assault, personal injury or property damage through the use of harassment, intimidation, bullying, threats, or fighting words is prohibited.
 - xiv. Violation of published University regulations, policies or rules, or violation of any New Jersey state law or federal law is prohibited.
 - xv. Obstruction of vehicular and/or pedestrian traffic and/or obstruction of access to, and exit from, any university ceremony, office, classroom, laboratory or building is prohibited.
 - xvi. Infringement on the rights of others is prohibited.

V. Attachments

1. Attachment 1- Reservation Request Form

Attachment 1

ROWAN UNIVERSITY – RESERVATION REQUEST FORM

Name of person or organization sponsoring the event: _____

Name and contact information for representative who will be present during event:

Location, date, time of day and duration requested for event: _____

General purpose of event: _____

List of planned activities (i.e. speech, rally, march, use of signs, distribution of literature, etc.): _____

Special equipment requested: _____

Anticipated attendance (number of persons in attendance): _____

Requestor Signature: _____

Print Name: _____

APPROVED _____ DISAPPROVED: _____

If disapproved, set forth the basis for disapproval:



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