



University of Maine at Presque Isle Freedom of Speech and Assembly Policy

Policy Statement

The University of Maine at Presque Isle encourages and seeks to protect the free and peaceful discussion and advocacy of issues and ideas on University property. As a proponent of free speech, the University recognizes the importance of recognizing all viewpoints and is committed to providing opportunities for mutually respectful discourse and dialogue. The responsibility of the University to operate and maintain an effective and efficient institution of higher education, however, requires the regulation of time, place and manner of assembly, speech, and other expressive activities. In keeping with this responsibility, students, faculty and staff are free to exercise the rights to assemble and engage in expressive activity in a constitutionally protected manner, subject to the responsibilities of the University, obligations to its mission, to preserve the rights, health and safety of others, coordinate multiple uses of limited space, and assure preservation of University property, each in accord with all applicable constitutional rights and protections.

Application of Policy

This policy applies to all University students, faculty, employees, organizations, sponsored guests and all other individuals, groups or organizations using or seeking to use the property of the University. This policy does not apply to official academic and administrative activities and functions of the University.

Definitions

The following definitions apply for purposes of this policy:

1. Amplified Sound means sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official University functions.
2. Campus Grounds means all outside areas owned, leased or controlled by the University that are common and openly accessible, such as park like areas, sidewalks and malls.
3. Designated Areas means property owned, leased or controlled by the University that may be reserved for expressive activity.
4. Employee means a person currently employed by the University on a full-time, part-time or hourly basis.
5. Expressive Activity means verbal or symbolic expression of an idea, thought or opinion and may include speeches, assembly, marches, parades, rallies, picketing, distribution of literature, graphic or pictorial displays and other similar activities intended to communicate an idea or opinion. Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is defamatory or obscene. It does not include commercial speech not constitutionally protected.
6. Facilities – all buildings and structures that are owned, leased or under the control of the University.
7. Limited Use Areas means those non-public areas specifically designated by the University for Expressive Activity, within the limits set by the University.

8. Literature means any printed material that is produced for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include the *Utimes* or official University material.
9. Official University Function means all activities, events and programs sponsored by an academic or administrative unit of the University.
10. Outdoor Structure or Exhibit means anything built, constructed or displayed temporarily on campus grounds as part of an expressive activity, including tents.
11. Public Areas – those areas generally open to the public that do not serve a specific University educational, administrative, research, health, residential, dining, athletic or recreational and fitness purpose.
12. Non-Public Areas – those areas not open to public activities, including, but not limited to, classroom, administrative and laboratory buildings, libraries, residence halls, cafeterias, health centers, athletics and recreational and fitness facilities and administrative faculty, staff and student rooms and offices.
13. Sponsored Activity means any expressive activity that is presented by a sponsored guest under this policy.
14. Sponsored Guest means any person or organization invited to engage in expressive activity on campus grounds by a sponsoring organization in accordance with this policy.
15. Student means any person who is currently enrolled and attending the University of Maine at Presque Isle.
16. Sponsoring Organization means student organizations or clubs that are registered by the Student Activities Office, or a group comprised of University students or employees who officially represent the University at activities sanctioned or sponsored by the University.
17. Unaffiliated Groups or Individuals means those who are not University employees, students, student organizations or sponsored guests.
18. University Business Hours means Sunday through Saturday 8:00 a.m. to 6:00 p.m.
19. University Property includes all campus grounds, facilities, owned, leased or controlled by the University.

1. Use of University Property

University property is intended to be used first for instructional and research programs, residential living, administrative and University affiliated activities and secondarily for programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments, including registered student organizations and student groups.

2. Use of Campus Grounds

Students, employees and sponsoring organizations may engage in expressive activity on campus grounds during University business hours without the need for prior reservation, registration or permit except as set out in this and other applicable University policies. Expressive activity may not block access to Facilities, create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct or obscenity as those terms are defined by federal or state law and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker.

Students, employees and sponsoring organizations that wish to organize parades, marches or rallies in areas that cross thoroughfares or would stop or slow traffic must obtain a permit, as set forth below.

3. Use of University Facilities

University facilities are reserved solely for activities designated by the University. Given their limited purposes, restricted activities and functions they do not serve as public areas and are not intended as a public areas open to expressive conduct unless designated by the University.

- a. Signs and Banners, attached to a pole or similar device – are not allowed in confined areas such as meeting and conference rooms, the gym, stairwells, hallways, waiting areas, elevators and the balcony of the Gentile Hall. Signs or banners are not allowed to be affixed to walls, doors or windows, except the

walls of private residence hall rooms or personal offices subject to all other applicable University policies.

Signs and banners may be affixed to poles for outside use only

- b. Parading, marching and demonstrating within a facility is prohibited in order to assure the health and safety of persons, property and to promote the educational mission of the University. Entrances and exits to the building, work and conference rooms may not be blocked or obstructed.
- c. Amplified sound is not permitted.
- d. Entrances, walkways and roadways may not be obstructed or otherwise blocked.
- e. Literature and other information is limited to the bulletin boards designated for expressive activity.

4. Limited Use Areas

Certain areas within a University facility may be open in the sole discretion of the University for limited expressive activity subject to the restrictions necessary to preserve the nature and purpose of the facility, provide for health and safety, the protection from damage to the premises, prevent obstruction of access or egress, and provide for unobstructed flow of persons using the area. Limited Use areas are for the use of students, faculty, employees, University organizations and any sponsored guests by reservation only and shall be authorized on a content neutral basis. These areas are:

See the coordinator of the facility for applicable regulations.

5. Limited Time Usage

In order to provide opportunities for all requesting individuals or groups to utilize UMPI's Free Speech area, individuals and groups may request the use of space no more than two (2) times in a calendar month (i.e. September, October, etc.) and no more than three consecutive days (i.e. September 29, 30 and October 1).

The Free Speech area will be available from 9:30 a.m. to 3:30 p.m. on approved days.

6. Requirements for the Use of Campus Grounds

Campus grounds generally are open to students, employees, University groups and sponsoring organizations for expressive activity during university business hours. Under certain circumstances restrictions may be placed on the usage of a designated area, such as time, place and manner, coordination of multiple uses of limited space, to preserve the rights and health and safety of others and to assure the preservation of personal and University property, and in those circumstances, a permit will be required to engage in the expressive activity. Permits are obtained from the Coordinator of Safety and Security. Only the individuals, University groups or sponsoring organizations that reserve a Designated Area may use the area for expressive activity during the reserved period. A permit is required for use of amplified sound and/or to create an outdoor structure. Sponsoring organizations are required to reserve a designated area for expressive activity by a sponsored guest. A request to reserve space must be made no fewer than three days in advance of the activity. A request to reserve space for use by a sponsored guest must be made no less than three days in advance of the sponsored activity.

In order to allow reasonable access by all students, employees and sponsoring organizations to campus grounds these locations may be reserved for no more than three consecutive days and no more than twice in a calendar month. Exceptions to this three consecutive days rule may be made on a case-by-case, content-neutral basis with approval by the Coordinator of Safety and Security. (See reason for denial of permit below).

The Coordinator of Security and Safety will act on requests for a permit to register for a parade, march or rally no later than two business days after a properly submitted request is received in the Office of Safety and Security. If the Coordinator of Safety and Security denies a request, possible alternatives may be recommended. When the basis for denial is receipt of an earlier request for the same location and time, the Coordinator of

Safety and Security will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation. Appeals of a denial are made to the Dean of Students.

A. Use of Amplified Sound in Outdoor Areas

Advanced notification is required before amplified sound may be used on campus grounds. Students, employees, sponsoring organizations and sponsored guests may use amplified sound on campus grounds only at locations and times determined by the Coordinator of Security and Safety.

Amplification in Designated Areas cannot exceed 92 decibels on the "A" scale at 50 feet from the source of amplification. Amplification will not be approved for any period during the seven calendar days preceding finals week and the week of finals for each fall and spring semester.

B. Parades, Marches or Rallies

Students, employees and sponsoring organizations that wish to organize parades, marches or rallies in areas that cross streets or thoroughfares or that would stop or slow traffic must obtain a permit with the Coordinator of Security and Safety at least three days in advance of the activity in order to ensure that the proposed route does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.

C. Reason for Denial of a Permit

Requests to reserve a Designated Area, to use amplified sound, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied only for the following reasons:

- a. An earlier request to reserve the same location and time has been made;
- b. The Designated Area or adjacent area has been reserved for an official University function or the Designated Area is no longer suitable for use due to a conflict with a nearby official University function;
- c. The reservation or registration form is incomplete;
- d. The proposed route of a march, parade or rally will cross space that has been reserved in accordance with this policy or the proposed route will substantially interrupt the safe and orderly movement of traffic or create a safety hazard;
- e. The request was submitted by an individual or organization that is not permitted to reserve space on campus under this policy;
- f. The organization has a prior bill for damages that occurred at a previously sponsored event; or
- g. The speaker/organization has violated the terms of this policy in the past.

D. Relocation of Expressive Activities

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas by the Coordinator of Security and Safety when immediate action is necessary, under the following circumstances:

- a. The noise generated by the activity disrupts an official University function or substantially interferes with resident housing life and activities (e.g. the activity is too close to an academic, administrative or residential building);
- b. The location does not safely accommodate the number of participants;
- c. The number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official university activities;
- d. The activity creates a health or safety hazard, such as interfering with fire, police or emergency services.

Appeals due to relocation of expressive activities may be made to the Dean of Students.

E. Responsibility for Extraordinary Costs and Damages

As constitutionally permissible the individual(s) and/or sponsoring group will be responsible for any extraordinary costs incurred by the University due to the expressive activity. These costs may include, but will not be limited to the need of extra security, cleaning costs, damages, etc. Failure to pay these charges will result in the disapproval of future permits.

7. Responsibilities of Individuals, Sponsoring Organizations and Sponsored Guests

Sponsoring organizations are responsible for ensuring that sponsored guests read and understand all obligations set out in this and all other applicable University policies. Members of the University community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of this policy and other University policies, including the Code of Student Conduct and personnel policies, as applicable.

Sponsored guests who do not comply with this or other applicable University policies automatically forfeit their permit and must immediately vacate University property.

8. Unaffiliated Groups and Individuals

Individuals and groups that are not affiliated with the University may distribute literature on campus grounds without a permit and may reserve and use certain Designated Areas of University property for any lawful purpose on a space available basis through the reservation and/or permitting process for that area. All restrictions placed upon students, faculty, employees, university groups or sponsoring organizations apply to unaffiliated groups or individuals. Priority is given to University affiliated groups.

9. Security Presence

When available, security staff will be on the scene to watch for compliance. If security staff is not available, individuals witnessing violations of this policy should report their observations to the Office of Safety and Security in the Emerson Hall Annex or the Dean of Students Office in 236 Preble Hall.

10. Campus Notification

The Coordinator of Safety and Security will notify the campus prior to the use of the Free Speech Area. This notification will come in the form of an email to the Student List and to the Everyone List. Notification should be provided at least two business days prior to the event and should contain the following information:

- a. The name of the lead person for the event;
- b. The affiliation of the individual or group;
- c. The location where the individual/group will be; and
- d. The date and time the individual/group will be on campus.

An example may look like this:

(First Name) (Last Name) from the Organization of XXX will be utilizing the free speech area in the Flag Plaza on Thursday, November 2 between the hours of 10:00 a.m. and 3:00 p.m. (S)he plans on bringing 3 other individuals.

11. Filing a Complaint

Individuals wishing to file a complaint regarding a violation of this policy should contact one of the following offices:

Coordinator of Safety and Security, Emerson Hall Annex, 207-768-9580
Dean of Students, 236 Preble Hall, 207-768-9601

Individuals may also file a written report by going to www.umpi.edu/security/ and clicking the “Incident Report Form” tab.

12. Policy Administration

The Coordinator of Safety and Security is responsible for administration of this policy, including:

- a. Identifying locations and establishing times for use as Designated Areas and identifying locations and establishing times for use of amplified sounds;
- b. Managing requests for reservation of campus grounds under this policy, with coordination of Conferences and Special Programs when appropriate;
- c. Relocating expressive activities as allowed under this policy;
- d. Developing procedures for reserving areas for expressive activity and use of amplified sound and for registering for parades, marches and rallies;
- e. Creating forms for use in reserving Designated Areas, using amplified sound, and registering for parades, marches and rallies;
- f. Publishing the locations, times, procedures and forms required under this policy at the beginning of each academic year;
- g. Determining costs based on the need for safety and security personnel; and
- h. Coordinating with the Director of Facilities, the development of any bills for damages caused by the event.

Possible Resources for Additional Information on Free Speech Issues

Legal Information Institute – Cornell Law - https://www.law.cornell.edu/wex/first_amendment


Symbolic Expression and the Original Meaning of the First Amendment - <http://georgetownlawjournal.org/files/pdf/97-4/Volokh.PDF>

Probing Question: Are there limits to freedom of speech? - <http://news.psu.edu/story/341896/2015/01/27/research/probing-question-are-there-limits-freedom-speech>

Freedom of Speech: Finding the Limits Lesson Plan - <http://www.annenbergclassroom.org/Files/Documents/LessonPlans/FreeSpeechLessonPlan.pdf>

Students in Action - http://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html

Approved by Interim President Raymond Rice on July 19, 2016



Raymond Rice – Interim President



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Form must be completed and returned to the UMPI Security Office no fewer than three business days in advance of the activity

OFF CAMPUS USER INFORMATION

Name of Requestor: _____

E-mail: _____ Phone: _____

Name of Organization: _____

Website: _____

Estimated number of other individuals who will be in your party: _____

UMPI Affiliated Org/Dept: _____ UMPI Contact: _____

Date(s) Requested: _____

Setup Start Time: _____ Start Time: _____ End Time: _____

Location Requested: _____

Purpose of Protest, Demonstration or Free Speech Event:

YES NO Will you or your group be distributing any materials? (If yes, please attach a copy of the materials for institution records)

YES NO Does your group anticipate the need for safety and/or security precautions? (If yes, please elaborate on the group or individual concerns) _____

By signing, I agree that I have read and will abide by the UMPI Free Speech Policy

Printed Name: _____ Signature: _____ Date: _____

For office use only: Approved by: _____

Coordinator of Safety and Security: _____ Date: _____

Dean of Student: _____ Date: _____

Permit Number: _____