



UNIVERSITY OF MARYLAND EASTERN  
SHORE

Policy Title:

## FREEDOM OF EXPRESSION POLICY

POLICY No. 10.0

Authority: University President

Category: Campus-wide

Applies to: ALL UNITS

Originally Issued:

Updated:

Revised: \_\_\_\_\_

Withdrawal:

Related Policies:

Policy Location:

[www.umes.edu/university\\_policies](http://www.umes.edu/university_policies)

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### AUTHORITY FOR POLICY:

The University System of Maryland, through the Chancellor and the Board of Regents has delegated authority to university presidents to establish policies and procedures for the efficient and orderly administration of the university.

### REASON FOR POLICY:

The Freedom of Expression Policy is applicable to UMES students, faculty, staff, and others who wish to engage in extracurricular public speaking, literature distribution, poster displays, and sign displays, any other type of graphic exhibitions, expressive performances, petitioning, or similar noncommercial activities at locations on University property. This policy does not apply to official University activities. Non-permitted commercial activities (as defined in this Freedom of Expression Policy) are not allowed. University grounds and buildings are reserved for use by the UMES students, faculty, and staff, except as otherwise permitted by policies of the University. Expressive activities permitted under this policy do not imply official endorsement by the University. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Literature distribution must comply with the rules stated in this Freedom of Expression Policy.

### DEFINITIONS:

**Expressive Activity**

As used in this policy, “expressive activity” or “expression” shall be defined to include communicative conduct or activity, other than commercial speech/activity, protected by the First Amendment, such as public speeches, demonstrations, marches, protests and picketing, and the distribution of literature. Commercial speech is governed under the University’s Solicitation Policy.

**University Community**

As used in this policy, “University community” shall be defined as (1) any persons enrolled at or employed by the University including University students, faculty, staff, administrators, employees and volunteers, and (2) recognized University affiliated entities including University departments and registered University student organizations.

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To be added

**RELATED POLICIES (IF ANY):**

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Insert specific USM Policy

**POLICY:**

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Overview

The University of Maryland Eastern Shore is committed to free and open inquiry in all matters; guaranteeing all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the

University fully respects and supports the freedom of all members of the University community “to discuss” any problem that presents itself.

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcomed, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression, for example, that violates the law that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

Please understand that no rights are more highly regarded at the University Maryland Eastern Shore than the First Amendment guarantees of freedom of speech, freedom of expression, and the right to assemble peaceably. Such opportunities must be provided on an equal basis and adhere to the basic principle of the University's being neutral to the content and viewpoint of any expression. In order to achieve this objective, while at the same time ensuring that the University fulfills its educational mission, the University may regulate the time, place, and manner of expression as outlined in this policy. Through such regulation, the University can assure equal opportunity for all persons, preserve order within the University community, protect and preserve University property, and provide a secure environment to individuals exercising freedom of expression.

The purpose of this policy is not to designate University streets and common areas as an open, public forum or to accommodate demonstrations or protests by those who are not part of the University community (non-students and other campus guests). Rather, the purpose of this policy is to promote and facilitate student

expression and to respect students' constitutional rights while allowing the University to make any necessary arrangements (such as arranging march routes, providing security, avoiding multiple events at the same time and location) and ensuring that such activities do not interfere with the University's mission and operations or with the rights of others.

Nothing in this policy permits the University to regulate the content of expressive activity protected by the First Amendment. The University maintains a position of neutrality as to the content of expression and any written materials distributed on campus under this policy.

## **I. University Affiliated Speakers**

### **A. Reserving Campus Locations for Expression**

1. Only publicly accessible areas of campus may be used for expression by members of the University community. Except as provided in Section I.B. below, publicly accessible areas of campus may be used by members of the University community subject to the following conditions:

a. Except to the extent provided in Sec. I.B. below, any member of the University community that engages in expressive activity at a campus location must submit a request for reservation of that location. A request for reservation must be submitted to the Director of Campus Life at least seven (7) business days prior to the planned activity;

b. Request for reservations must include the following information:

i. The campus location requested;

ii. The date and time of the activity;

iii. A brief description of the activity;

iv. Whether sound amplification will be used. Requestors must abide by any existing University policies/guidelines regarding amplified sound;

v. Whether a stand, booth or table will be used for the purposes of distribution of written materials;

vi. The estimated number of attendees; and

vii. An acknowledgement and agreement to comply with the time, place and manner requirements specified in Section I.C., below.

2. Reservation requests will be processed on a first-come, first-served basis, but in the event that multiple requests conflict, the following order of precedence shall govern:

- a. Official University sponsored events and activities;
- b. Recognized student organizations, events, and activities;
- c. Student events and activities; and
- d. All other University community events and activities; and
- e. Non-University affiliated speakers reserving one of the Free Expression Areas as outlined in Sec. II below.

3. The Director of Campus Life must issue a reservation confirmation for the requested location within five (5) business days, or sooner if possible, of its submission. The request for reservation may be denied only for the reasons set forth in Section I.C. below, and the reason for the denial shall be provided to the member of the University community who submitted the request. A denied request may be appealed to the Vice President for Student Affairs.

## **B. Spontaneous Campus Expression**

1. Free Expression Areas: To accommodate the need for immediate and spontaneous demonstration and to better facilitate the free exchange of ideas, the University has also designated "Free Expression Areas" for speeches and demonstrations in high visibility areas. These areas are the Student Services Center Courtyard, Hawks Landing Commons area and the commons areas in front of the residence halls which are available for this purpose between 8:00 a.m. and 9:00 p.m., Monday through Friday. Although it is not necessary for students and other University affiliated speakers to request a reservation for use of the Free Expression Area for the purposes of expression, the University encourages all parties to contact the Director of Campus Life for scheduling to minimize reservation conflicts and best accommodate all interested users. Groups of ten (10) or more persons wishing to gather in the Free Expression Areas at times other than the hours noted above are required to provide notice by calling the Director of Campus Life and Campus Police Chief to plan accordingly.

2. Members of the University Community may also engage in spontaneous expressive activity without a reservation in publicly accessible areas of campus other than the designated Free Expression Areas only if the spontaneous expressive activity:

a. is prompted by news or affairs coming into public knowledge less than forty-eight hours prior to such event;

b. is not planned more than 24 hours in advance, making it impractical to make a reservation in accordance with Section I.A., above;

c. takes place in open, generally accessible outdoor areas of campus;

d. adheres to the time, place, and manner restrictions set forth in Section C, below; and

e. involves less than ten (10) persons; provided, however, that if the spontaneous expressive activity involves ten (10) or more persons, the expressive activity may continue only if immediate notice is provided to the Director of Campus Life during normal business hours. If the spontaneous expressive activity occurs after normal business hours or on weekends, immediate notice must be provided by calling the Chief of the Campus Police.

### **C. Time, Place and Manner Restrictions**

Members of the University community engaging in expressive activity on campus must also abide by the following requirements. Expressive activities must not:

1. Attract a crowd larger than the requested location or location of spontaneous expressive activity can safely contain;

2. Significantly disrupt University activities inside or outside of buildings (including classes);

3. Significantly disrupt previously scheduled campus events;

4. Obstruct entrances or exits to buildings;

5. Obstruct vehicular or pedestrian traffic;

6. Represent a threat to public safety, according to the discretion of University Police;

7. Include camping or the use of temporary shelters (e.g., tents) as such activities are prohibited on University property;

8. Affix items to any permanent structure (fences, trees, etc.); or

9. Light any material on fire provided that hand held candles may be utilized with special permission of the Director of Campus Life; other open flame devices and bonfires are strictly prohibited.

**D. Additional Provisions. The following provisions apply to both reservation requests and spontaneous expressive activities.**

1. Distribution of Written Material. Non-commercial pamphlets, handbills, circulars, newspapers, magazines and other written materials may be distributed on a person-to-person basis in open areas outside of buildings and other closed structures on the campus. The Campus Solicitation Policy covers the distribution of commercial materials and publications;

2. As used in this policy, “expressive activity” or “expression” shall be defined to include communicative conduct or activity, other than commercial speech/activity, protected by the First Amendment, such as public speeches, demonstrations, marches, protests and picketing, and the distribution of literature. Commercial speech is governed under the University’s Solicitation Policy.

3. As used in this policy, “University community” shall be defined as (1) any persons enrolled at or employed by the University including University students, faculty, staff, administrators, and employees, and (2) recognized University affiliated entities including University departments and registered University student organizations.

4. Expressive activity and expression covered under this policy must be in compliance with all applicable state and federal laws and University policies, rules, and regulations.

5. Activity that results in damage or destruction of property owned or operated by the University or property belonging to students, faculty, staff, or guests of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.

6. Persons or organizations responsible for an activity covered under this policy must remove all signs and litter from the area at the end of the event. If this is not accomplished, persons or organizations responsible for the event will be held financially responsible. Any items left behind or unattended (including memorials) may be removed at the conclusion of the event.

7. When assessing a reservation request or when informed of spontaneous expressive activities on campus, University personnel must not consider the content

or viewpoint of the expression or the possible reaction to that expression, except to the extent such factors are relevant to assessing appropriate security measures. University personnel may not impose restrictions on individuals or organizations engaged in expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to this expression, University personnel (including University Police) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue. University Police maintain ultimate discretion to end any activity if it is deemed to be a threat to campus safety.

## **II. Non University Affiliated Speakers**

**A. Free Expression Areas. Individuals or groups who are not affiliated with the University nor the invited guest(s) of a member of the University community are permitted access to the three Free Expression Areas outlined in Sec. I.B.1 above between the hours of 8:00 am and 9:00 pm, subject to the following requirements.**

1. Non University affiliated speakers must submit a reservation request as outlined in Sec. I.A. above.
2. Non University affiliated speakers must comply with all requirements set forth in Sections I.C. and I.D. above.

**B. Outside Areas of the University Campus. Individuals or groups who are not affiliated with the University nor the invited guest(s) of a member of the University community are not permitted access to the campus grounds, except the Free Expression Areas as outlined in Sec. II.A. above, for purposes of speech and demonstration.**

**Questions about this policy may be directed to:**

Director of Campus Life  
Office of Campus Life  
Student Service Center  
University of Maryland Eastern Shore  
Princess Anne, MD 21853  
(410) 651-7240

**Freedom of Expression Expressive Activity Description Form**

The following information is required for individuals or groups who wish to engage in expressive activities in a designated outdoor expressive activity area of the University's campus which requires advance reservations.

Date of Application: \_\_\_\_\_ Proposed Date of Activity: \_\_\_\_\_

Activity Start Time: \_\_\_\_\_ Activity Finish Time: \_\_\_\_\_

Proposed Location: \_\_\_\_\_

Name of Activity: \_\_\_\_\_

Anticipated Attendance: \_\_\_\_\_ Reservation Request Attached: \_\_\_\_\_

Target Audience (check all that apply): \_\_\_ UMES Students \_\_\_ UMES Students & Invited

Guests \_\_\_ Students from Other Universities \_\_\_ General Public Other \_\_\_  
(describe): \_\_\_\_\_

Advertising Methods (check all that apply): \_\_\_ Flyers on Campus \_\_\_ Flyers in Community  
\_\_\_ Community Newspaper Ads \_\_\_ Radio Ads \_\_\_ TV Ads Other (describe):  
\_\_\_\_\_

Activity Description (i.e. speech, rally, open microphone, display, exhibit, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

Amplified Sound: \_\_\_ Yes \_\_\_ No

Activity Sponsor (UMES): \_\_\_\_\_

Activity Co-sponsor (non-UMES): \_\_\_\_\_

Applicant/Contact Person Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Applicant/Contact Person Signature: \_\_\_\_\_

\* I have read the policy statement as well as the University of Maryland Eastern Shore Freedom of Expression Policy, and I agree to comply with the policy statement and the University of Maryland Eastern Shore Freedom of Expression Policy.

Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

