

**Lock Haven University of Pennsylvania**  
**Policy on Time, Place, and Manner Guidelines for the Exercise of Expressive Activities**

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**I. Introduction**

The primary function of Lock Haven University of Pennsylvania (the “University”) is to serve as an inclusive comprehensive public university that prepares students for personal and professional success in an increasingly complex global environment. To fulfill its educational mission, the University must respect and uphold the full panoply of, sometimes conflicting, rights of students, staff, and faculty granted by the First Amendment of the United States Constitution (the “First Amendment”) and Article I, Section 7 of the Constitution of Pennsylvania.

In light of the foregoing, the University supports the rights of students, staff, and faculty to individually and collectively engage in Expressive Activity. Such rights are equally extended to other University Community Members including individuals, Registered Student Organizations, University Departments, and Invited Guests.

This policy establishes guidelines to assure that Expressive Activities do not unreasonably interfere with University Operations, undermine the protected speech of others, or present a threat of imminent harm to others or University Property. This policy defines different areas of campus as Designated Public Forums or Designated University Forums and explains how speech protections apply to different Speakers in those areas. Importantly, through this policy, the University regulates the time, place, and manner of Expressive Activities in a content-neutral manner as a legitimate way to fulfill its educational mission.

**II. Definitions**

**A.** “Commercial Speech” means advertisements, solicitations, or testimonials for goods or services, including distribution of commercial leaflets, fliers, handbills, or similar messaging.

**B.** “Designated Public Forum” means any area of campus that has been specifically dedicated to the Expressive Activities of both University Community Members and the General Public. Such areas are specifically defined in Appendix A.

**C.** “Designated University Forum” means any area of campus that has been either specifically dedicated or long held out as open to the speech of University Community Members. Such areas are specifically defined in Appendix A.

**D.** “Disruptive Conduct” means conduct that unnecessarily disturbs others, or is disruptive to the normal practices, processes, or functions of the University, institution, business, or local municipalities; conduct that is retaliatory; conduct directed at a person that serves no legitimate purpose and seriously alarms or intimidates that person; or conduct that constitutes unlawful discrimination based on another person’s race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, veteran status, disability, or any other legally protected class.

**E.** “Employee” means an individual who is employed by the University. This definition does not include independent contractors.

**F.** “Expressive Activity” includes constitutionally Protected Speech and assembly, including but not limited to oral presentations, demonstrations, marches, picketing, leafleting, Expressive Conduct, protesting, and similar non-Commercial Speech.

**G.** “Expressive Conduct” includes constitutionally protected symbolic speech which communicates a particular message without the use of verbal communication.

**H.** “General Public” means any person, group, club, organization, or entity that does not fall within the definition of “University Community Member” or “Invited Guest.”

**I.** “Invited Guest” means a person, group, club, or other organization invited by a University Community Member to participate in Expressive Activity as defined in this policy on University Property.

**J.** “Harassment” means targeted speech that is intended to harass, annoy, or alarm another by communications that are threatening, lewd, or obscene and is not constitutionally protected.

**K.** “Material and Substantial” or “Materially and Substantially” refers to actions or activities that have an actual impact as opposed to a predicted one. It includes actions that materially infringe on the rights of others to engage in, or listen to, Expressive Activity.

**L.** “Misuse of Property” means unauthorized access to, entry into, or use of University Property, including fixtures or other forms of personal property.

**M.** “Non-Public-on-Campus Area” means any area of campus that is not specifically identified in Appendix A is considered non-public and reserved for other activities consistent with the mission of the University or University Operations.

**N.** “Protected Speech” means all speech other than certain limited exceptions such as obscenity, incitement of imminent violence, and defamation.

- O.** “Registered Student Organization” or “RSO” means any associated organization or group of students that meets all criteria for recognition and annual registration as outlined in the Student Organization Handbook, including all responsibilities, duties, and rules of being a recognized student club or organization at the University. Student organizations must be directly and solely initiated, operated, controlled, and led by students currently enrolled at the University with a common set of developed goals.
- P.** “Responsible University Official (or Office)” means the position or office responsible for oversight and enforcement of this policy.
- Q.** “Speaker” means any person engaging in Expressive Activity including both University Community Members and the General Public.
- R.** “Spontaneous Expressive Activity” includes Expressive Activity by a Speaker in a Designated University Forum or Designated Public Forum where notice is not provided.
- S.** “Student” means anyone who is registered and currently enrolled in one or more for-credit courses offered by the University, including internships and clinical placements located on or off campus.
- T.** “University Community Member” means a University Unit or member thereof, Employee, or Student.
- U.** “University Department” means any academic office or department, student affairs office, or similar university entity.
- V.** “University Operations” means all operations necessary to carry out the University’s academic, health, safety, and administrative functions.
- W.** “University Property” includes any building, land, or space, including, but not limited to, grassy areas, entrances and exits to campus, parking lots, sidewalks, paths, stairways, or platforms that are owned, leased, or otherwise controlled by the University.
- X.** “University Unit” means Council of Trustees, all university divisions, departments, offices, Registered Student Organizations, athletic teams, and any other organization that is wholly sanctioned, supervised, and governed by the University or a division or department of the University.

### **III. Responsible University Office**

- A.** The Lock Haven University Department of Public Safety (LHUPD) is responsible for administering and enforcing this policy at Lock Haven and Clearfield campuses.

## **IV. Procedures**

### **A. Scope**

**1.** This policy applies to Expressive Activities of University Community Members and the General Public on University Property. Expressive Activity, as defined by this policy, is not permitted in Non-Public-on-Campus Areas except in accordance with University policies and procedures.

**2.** The following areas are Designated Public Forums and are available for the Expressive Activities of all Speakers—which includes the General Public:

- a)** Rogers Gymnasium front sidewalk area
- b)** Price Performance Center front sidewalk area
- c)** Poorman Commons Amphitheater
- d)** Clearfield Campus - Greenspace behind Student parking lot

*\*\*\*No uses of the spaces identified in this policy shall obstruct egress and/or ingress of people in and out of the building\*\*\**

**3.** The following areas are Designated University Forums and are reserved for the Expressive Activities of University Community Members:

- a)** Rogers Gymnasium front sidewalk area
- b)** Price Performance Center front sidewalk area
- c)** Poorman Commons Amphitheater
- d)** Clearfield Campus - Greenspace behind Student parking lot

*\*\*\*No uses of the spaces identified in this policy shall obstruct egress and/or ingress of people in and out of the building\*\*\**

**4.** No Expressive Activity as defined in this policy will be prohibited on the basis of content. Any University decisions concerning the prioritization of competing requests for space will be made based on a content-neutral determination of the availability of a space at the time it is requested.

**5.** This policy does not create any rights beyond those provided by the First Amendment and Article I of the Constitution of Pennsylvania.

### **B. Guidelines**

#### **1. Designated Public Forums**

- a)** Designated Public Forums are available to both the General Public and University Community Members for Expressive Activity on a first-come basis. Designated Public Forums are identified in Appendix A.

(1) To reserve a space at LHU or LHU Clearfield campus, contact LHUPD. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants. If the requested space is already reserved, the University will arrange for an alternative date, time, or location.

(2) Requestors should make a written request to LHUPD no less than five business days prior to the anticipated Expressive Activity.

## 2. Designated University Forums

a) Designated University Forums are available to University Community Members for Expressive Activity on a first-come basis. Designated University Forums are identified in Appendix A.

(1) To reserve a space at LHU or LHU Clearfield campus, contact LHUPD. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants. If the requested space is already reserved, the University will arrange for an alternative date, time, or location.

(2) Requestors should make a written request to LHUPD no less than five business days prior to the anticipated Expressive Activity.

## 3. Amplification

a) Speakers who wish to use sound amplification must contact LHUPD prior to use. In all cases, sound amplification may not exceed a decibel reading of 70dBA when measured from a distance of 30 feet or more from the Designated Public Forum or Designated University Forum. A sound monitor will be assigned to the event.

## 4. Signs

a) Items that are carried, such as signs, banners, or flags, should be made of soft material, such as cloth or cardboard, and not attached to rigid materials, e.g., metal or wooden poles. The University reserves the right to limit the use of items made of potentially dangerous materials or material that can be used as a weapon.

**5. Invited Guests**

**a)** Spaces for Invited Guests to engage in Expressive Activity must be reserved by the Registered Student Organization or University Department in a manner consistent with this policy. The reserving RSO or University Department will be accountable for any policy violations by the Invited Guests.

**6. Request Denial**

**a)** Requests may be denied for the following reasons:

**(1)** Violation of the conditions of use in Section IV.C.;

**(2)** Unavailability because of a preexisting reservation;

**(a)** If the denial is due to a preexisting reservation or similar conflict, then the University will reasonably accommodate the Speaker's request with an alternative date, time, or location.

**(3)** Scheduled maintenance or repair of the property;

**(4)** Violation of this policy.

**(a)** If the denial is for failure to abide by this policy, then the University will provide the requestor a reasonable opportunity to correct the violation.

**b)** The University will provide notice of denial within two business days of receipt of the request.

**7. Denial Appeals**

**a)** If a request is denied, then the requestor may appeal the decision to the University's Vice President of Administration and Finance or their designee within one business day of receipt of the denial. The Vice President of Administration and Finance or their designee will respond within two business days after the appeal. The decision of the Vice President of Administration and Finance or their designee on appeal shall be final.

**C. Conditions of Use**

**1.** All Expressive Activities must comply with applicable federal, state, and local laws, including all laws, regulations, and ordinances—e.g. traffic, fire prevention and safety, sound, etc. Additionally, all Speakers engaging in Expressive Activities must abide by all applicable policies of the University and the Pennsylvania State System of Higher Education.

**2. Specific Prohibitions**

**a)** The following are prohibited:

**(1)** Disrupting University Operations;

**(2)** Obstructing entrances or exits of University building or parking lots or otherwise interfering with the free flow of vehicular and/or pedestrian traffic within the University's campus or into or out of campus;

**(3)** Construction of permanent or temporary structures without prior approval;

**(4)** Camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);

**(5)** Conduct that constitutes harassment, disturbance of the peace, or unlawful assembly;

**(6)** Theft, damage, misuse, or destruction of University Property;

**(7)** The use of fire, fire pits, or fireworks of any kind;

**(8)** Misuse of Property as defined in this policy; or

**(9)** Sound amplification exceeding a decibel reading of 70dBA when measured from a distance of 30 feet or more from the Designated Public Forum or Designated University Forum

- 3. Dissenters, Counter-Speakers, and Protesters**
  - a)** Dissenters, counter-speakers, and protesters have the same speech rights as those who are conducting or attending a planned meeting or Expressive Activity. This provision should not be construed to establish a “hecklers’ veto.” If University Community Members, Invited Guests, or members of the General Public Materially and Substantially disrupt the Expressive Activities of others, then they are subject to the sanctions referenced in this policy.
  
- 4. Enforcement**
  - a) University Community Members**
    - (1) Sanctions**
      - (a)** Any violation of this policy may result in the modification or cancellation of an event. Violation of this policy by a University Community Member constitutes misconduct subject to disciplinary action, up to and including discharge or termination, in accordance with any applicable collective bargaining agreement provisions or State System or university policies. Alleged violations by students may be referred by the university for review in accordance with the code of conduct.
  - b) Invited Guests and General Public**
    - (1) Sanctions**
      - (a)** Any violation of this policy may result in the modification or cancellation of an event. Additionally, violators may be removed from campus and/or precluded from engaging in Expressive Activities on University Property in the future.
  
- 5. Security**
  - a)** The University reserves the right to provide security in an effort to protect both Speakers and University Community Members.
  
- 6. Distribution of Literature**
  - a)** Speakers may distribute petitions, leaflets, newsletters, and other non-commercial printed materials.

**7. Restoration of Property**

- a)** Speakers, or the inviting Registered Student Organization or University Department, are responsible for any non-routine clean-up following an event, including litter from printed materials, excessive signage, approved structures, etc.

**V. Related Policies**

- A.** LHU 38 – Flyers, Posting and Chalking Guidelines
- B.** LHU 49 – Nondiscrimination Policy
- C.** LHU 50 – NON-Solicitation Policy
- D.** LHU 51 – Sexual Harassment Policy
- E.** LHU 52 – Smoking and Tobacco Policy
- F.** LHU 67 – Alcohol Policy
- G.** LHU 68 – Alcohol Beverage Policy
- H.** LHU 71 – Drug Free Workplace Policy
- I.** LHU 74 – Pet Policy
- J.** LHU 84 – Sexual Misconduct Policy

**Appendix A**

<b>Designated Public Forums</b>			
<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
Rogers Gymnasium	The exterior front steps of Rogers Gymnasium's main entrance	Sidewalk area leading into the building towards the start of the bottom steps leading to the sidewalk by the parking lot	N/A
Price Performance Center and Auditorium	The exterior front steps of Price Performance Center's main entrance	Sidewalk area in front of the main entrance leading into Price Performance Center leading down to the top step of the walkway steps in front of Price Performance Center	N/A
Poorman Commons Amphitheater	Amphitheater located the Poorman commons	Bordered to the north by Price performance center bottom steps, east Alumni pavilion, south by Poorman commons walkway	N/A
Clearfield Campus	Greenspace behind student parking lot	Bordered to the west by Founder's hall, south by student parking lot, north by Clearfield campus academic building	N/A
<b>Designated University Forums</b>			
<b>Name of Space or Building</b>	<b>Location and Description</b>	<b>Boundaries of the Forum</b>	<b>Special Restrictions</b>
Rogers Gymnasium	The exterior front steps of Rogers Gymnasium's main entrance	Sidewalk area leading into the building towards the start of the bottom steps leading to the sidewalk by the parking lot	N/A
Price Performance Center and Auditorium	The exterior front steps of Price Performance Center's main entrance	Sidewalk area in front of the main entrance leading into Price Performance Center leading down to the top step of the walkway steps in front of Price Performance Center	N/A
Poorman Commons Amphitheater	Amphitheater located the Poorman commons	Bordered to the north by Price performance center bottom steps, east Alumni pavilion, south by Poorman commons walkway	N/A
Clearfield Campus	Greenspace behind student parking lot	Bordered to the west by Founder's hall, south by student parking lot, north by Clearfield campus academic building	N/A