

TIME, PLACE AND MANNER POLICY FRAMEWORK

I. Introduction

The primary function of Clarion University (the “University”) is to provide transformative, lifelong learning opportunities through innovative, nationally recognized programs delivered in inclusive, student-centered environments. 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, Invited Guests, and community members.

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 areas of campus as Designated University Forums or Designated Public Forums and explains how speech protections apply to Speakers in those areas. Importantly, through this policy, the University regulates the time, place, and manner of speech 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 [B].
- (d) “Disruptive Conduct” means substantial disruption of University operations including obstruction of teaching, research, administration, other activities, and/or non-University related activities which occur on or off campus.

- (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 [C] 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) “Recognized Student Organization” or “RSO” meaning as defined through the recognition processes via Student Senate’s “New RSO Policy”.
- (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. This definition does not include high school students taking dual enrollment courses at the University through any grant-funded or other program or contractual agreement with a local school district.
- (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, Recognized 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 [Officials]

- a. Vice President for Enrollment Management, Vice President for Advancement, Vice President Academic Affairs, Vice President of Finance and Administration, Director of Residence Life, Director of the Center For Wellness, Dean of the College of Arts and Sciences, Dean of the College of Business Administration and Information Sciences, Dean of the college of Education, Health and Human Services for the Clarion Campus and the Dean of Career and Work Force Development and the Learning Skills Specialist for the Venango Campus.

IV. Procedures

(a) Scope

- (i) 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. This policy does not regulate public sidewalks not owned or controlled by the University.
- (ii) The following areas are Designated University Forums and are available for the Expressive Activities of University Community Members:
 - (1) The Primary venue(s) to be used for expressions of free speech are the Gemmell Performance Area and outside venue between the Carlson Library and Becht Hall. It should be noted that all groups are encouraged to register outside space as it is first come first serve through Conference and Events Services.
 - (2) Other common or public areas of campus (all other lawn spaces and outside areas) with advance approval by Conference and Events Services. This process will consider space availability, conflicting events that may already be scheduled, and other factors that may conflict with the proposed event or orderly operation of the University.
 - (3) Students additionally have the ability to use the Gemmell Student Center for purposes of free speech.
- (iii) The following areas are Designated Public Forums and are available for the Expressive Activities of all Speakers—which includes the General Public:
 - (1) The Primary venue(s) to be used for expressions of free speech are the Gemmell Performance Area and outside venue between the Carlson Library and Becht Hall. It should be noted that all groups are encouraged to register outside space as it is first come first serve through Conference and Events Services.
 - (2) Other common or public areas of campus (all other lawn spaces and outside areas) with advance approval by Conference and Events Services. This process will consider space availability, conflicting events that may already be scheduled, and other factors that may conflict with the proposed event or orderly operation of the University.
- (iv) 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.
- (v) This policy does not create any rights beyond those provided by the First Amendment and Article I of the Constitution of Pennsylvania.

(b) Guidelines

(i) Designated University Forums

(1) Designated University Forums are available to University Community Members for Expressive Activity on a first-come basis. The preferred locations are identified in Appendix [A].

(A) To reserve one of these spaces contact Conferences and Events Services. 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.

(B) Requestors should make a written request to Conferences and Events Services three business days prior to the anticipated Expressive Activity.

(ii) Designated Public Forums

(1) Designated Public Forums are available to both University Community Members and the General Public for Expressive Activity on a first-come basis. The preferred locations are identified in Appendix [A].

(A) To reserve one of these spaces the Speakers should contact Conferences and Events Services. Requests should include the time, date, and duration of the proposed event along with the reasonably expected number of attendees or participants.

(B) Requestors should make a written request to Conferences and Events Services three business days prior to the anticipated Expressive Activity.

(iii) Exceptions to the General Rules and Procedures

(1) Small Group Exception

(A) The University encourages University Community Members to use the aforementioned procedure for reserving a space on campus regardless of size. However, Expressive Activities involving ten or fewer University Community Members or Invited Guests, collectively, may occur in both Designated University Forums or Designated Public Forums without advance notice, provided that such activities do not result in violations of this policy or other laws or campus policies, including, but not limited to, interference with functions that occupy a given space with prior approval.

(2) Spontaneous Expression

(A) University Community

- I. Without prior notice, University Community Members and Invited Guests may assemble and engage in Spontaneous Expressive Activity in Designated Public Forums. Except for the notice provision, all other aspects of this policy apply to spontaneous expression.
- II. Exceptions to Restrictions in This Policy: Events that are spontaneous in nature shall not make use of any sound amplification devices, nor occur between the hours of 10p.m. and 8a.m.
- III. To the extent feasible, the University encourages University Community Members to provide advance notice to Conferences and Events Services, so they may provide guidance in scheduling and planning to ensure a safe and successful event. Conferences and Events Services can also assist the Speaker(s) in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

(B) General Public

- I. Without prior notice, the General Public may assemble and engage in Spontaneous Expressive Activity in Designated Public Forums. Except for the notice provision, all other aspects of this policy apply to spontaneous expression
- II. Exceptions to Restrictions in This Policy: Events that are spontaneous in nature shall not make use of any sound amplification devices, nor occur between the hours of 11:00p.m. and 8:00 a.m.
- III. To the extent feasible, the University encourages University Community Members to provide advance notice to Conferences and Events Services, so they may provide guidance in scheduling and planning to ensure a safe and successful event. Conferences and Events Services can also assist the Speaker in identifying alternative locations if the desired location is already reserved in a manner consistent with this policy.

(iv) Signs

- (1) 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.
- (2) Signs should also not display any lewd, lascivious, or depictions that possession of such depictions would be criminal in nature. The University is an open environment where the possibility exists that persons under the age of 18 may be present. Sign construction should be mindful that exposing persons under the age of 18 to certain depictions or obscenities may be a criminal offense.

(v) Invited Guests

- (1) Spaces for Invited Guests to engage in Expressive Activity must be reserved by the Recognized 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 Guest.

(vi) Request for Use of a Designated University Forum or Designated Public Forum Denial

- (1) Requests may be denied for the following reasons:

(A) Violation of the conditions of use in Section [C].

(B) Unavailability because of a preexisting reservation.

- I. 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.

(C) Scheduled construction, maintenance, or repair of the property.

(D) Violation of this policy.

- I. 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.

- (2) The University will provide notice of denial within two business days.

(vii) Denial Appeals

(1) If a request is denied, then the requestor may appeal the decision to The Office of the Assistant Vice President for Student Affairs for student or RSO appeals, Human Resources office for employee appeals, and Conference and Events Services for appeals from outside groups] within three days. Office/Responsible University Official, or their designee will respond within three business days after the appeal. The appeal decision shall be final.

(c) Conditions of Use

(i) 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.

(ii) Specific Prohibitions

(1) The following are prohibited:

- (A) Disrupting University Operations.
- (B) 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.
- (C) Construction of permanent or temporary structures without prior approval.
- (D) Without prior approval, camping, lodging, or sleeping as an Expressive Activity (except in authorized facilities or locations);
- (E) Conduct that constitutes harassment, disturbance of the peace, or unlawful assembly.
- (F) Any theft, damage, misuse, or destruction of University Property.
- (G) Misuse of Property as defined in this policy; or
- (H) Sound amplification resulting in a disruption to University Operations which may include but are not limited to classes, labs, and the like and/or violate any Clarion Borough noise ordinance.

(iii) Dissenters, Counter-Speakers, and Protesters

(1) 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.

(iv) Enforcement

(1) University Community Members

(A) Sanctions

I. 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) Process and Procedural Safeguards

I. Student Policies may be found at <https://www.clarion.edu/student-life/student-affairs/conduct-policies-and-judicial-services/student-code-of-conduct/index.html>

II. Employee procedures may be found at

(2) Invited Guests and General Public

(A) Sanctions

I. 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.

(v) Security

- (1) The University reserves the right but is not required to provide security in an effort to protect both Speakers and University Community Members.
- (vi) Distribution of Literature
 - (1) Speakers may distribute petitions, leaflets, newsletters, and other non-commercial printed materials.
- (vii) Restoration of Property
 - (1) 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) Facilities Use Policy: [facilities-use-policy.pdf \(clarion.edu\)](#)
- (b) Student Code of Conduct & Community Standards Document: [Student Code of Conduct \(clarion.edu\)](#)
- (c) [Conference & Events Services Policies: Policies and Procedures \(clarion.edu\)](#)
- (d) [Housing Handbook: University Housing Handbook 2020-2021-2.pdf \(clarion.edu\)](#)

APPENDIX [A]

DESIGNATED UNIVERSITY FORUMS			
Name of Space or Building	Location and Description	Boundaries of the Forum	Special Restrictions¹
Gemmell Performance Area	The outside brick platform near the primary entry to the Gemmell Student Center with adjacent lawn space	[The area is bordered by Page Street, the Student Recreation Center, and hill next to Ralston and Campus View Suites.	[no sound amplification is permitted for spontaneous events.
Outside venue between the Carlson Library and Becht Hall	This area includes The Bell Tower space and lawn space by Carlson Library	The are is bordered by Carlson Library, Becht Hall, Egbert Hall, and Wood Street.	no sound amplification is permitted for spontaneous events.
Additional outside lawn space	Areas including but not limited to lawns by the campus water tower, Still Hall, and area of The Apple	NA	Use of space other than designated above may be requested through Conference & Events Services 3 or more days in advance of an event and will be reviewed.
Gemmell Student Complex	The Gemmell Student Complex may be utilized as a Designated University Forum for use by students in open areas. The Gemmell Student Complex is not considered a Public Forum.	NA	Use of space may not infringe on normal operations including use of space which was requested for use. Use of interior room areas requires us of the 25 Live Room Reservation process to secure space.

¹ E.g. Certain areas of campus that are open to speech may be in close proximity to academic buildings where sound amplification would unnecessarily interrupt academic activities. Thus, in some areas, speech may be limited as to time (not during academic hours) or manner (without amplification).

DESIGNATED PUBLIC FORUMS			
Name of Space or Building	Location and Description	Boundaries of the Forum	Special Restrictions²
Gemmell Performance Area	The outside brick platform near the primary entry to the Gemmell Student Center with adjacent lawn space	The area is bordered by Page Street, the Student Recreation Center, and hill next to Ralston and Campus View Suites.	no sound amplification is permitted for spontaneous events.
Outside venue between the Carlson Library and Becht Hall	This area includes The Bell Tower space and lawn space by Carlson Library	The area is bordered by Carlson Library, Becht Hall, Egbert Hall, and Wood Street.	no sound amplification is permitted for spontaneous events.
Additional outside lawn space	Areas including but not limited to lawns by the campus water tower, Still Hall, and area of The Apple	NA	Use of space other than designated above may be requested through Conference & Events Services 3 or more days in advance of an event and will be reviewed.
Gemmell Performance Area	The outside brick platform near the primary entry to the Gemmell Student Center with adjacent lawn space	The area is bordered by Page Street, the Student Recreation Center, and hill next to Ralston and Campus View Suites.	no sound amplification is permitted for spontaneous events.
Outside venue between the Carlson Library and Becht Hall	This area includes The Bell Tower space and lawn space by Carlson Library	The area is bordered by Carlson Library, Becht Hall, Egbert Hall, and Wood Street.	no sound amplification is permitted for spontaneous events.
Additional outside lawn space	Areas including but not limited to lawns by the campus water tower, Still Hall, and area of The Apple	NA	Use of space other than designated above may be requested through Conference &

² E.g. Certain areas of campus that are open to speech may be in close proximity to academic buildings where sound amplification would unnecessarily interrupt academic activities. Thus, in some areas, speech may be limited as to time (not during academic hours) or manner (without amplification).

			Events Services 3 or more days in advance of an event and will be reviewed.
Gemmell Performance Area	The outside brick platform near the primary entry to the Gemmell Student Center with adjacent lawn space	[The area is bordered by Page Street, the Student Recreation Center, and hill next to Ralston and Campus View Suites.	[no sound amplification is permitted for spontaneous events.
Outside venue between the Carlson Library and Becht Hall	This area includes The Bell Tower space and lawn space by Carlson Library	The are is bordered by Carlson Library, Becht Hall, Egbert Hall, and Wood Street.	no sound amplification is permitted for spontaneous events.
Additional outside lawn space	Areas including but not limited to lawns by the campus water tower, Still Hall, and area of The Apple	NA	Use of space other than designated above may be requested through Conference & Events Services 3 or more days in advance of an event and will be reviewed.