BRIDGEWATER STATE UNIVERSITY Free Speech and Demonstration Policy

I. Preamble

Exposure to a wide array of ideas, viewpoints, opinions, and creative expression is an integral part of a university education, preparing students for life in a diverse global society. The rights of freedom of speech, expression, petition, religion, and public assembly are basic and essential

Bridgewater State University supports the right of individuals to exercise free speech, including but not limited to political, symbolic, or artistic speech, provided only that such expression does not materially disrupt normal university activities, create a clear and present danger of the commission of unlawful acts, or infringe upon the rights of others.

This policy establishes reasonable, non-discriminatory, content-neutral guidelines to protect the rights of speakers and non-speakers, to respect the rights of faculty and students in the

public forums, and to maintain a safe environment on campus.

II. Policy Statement

Bridgewater State University recognizes the right of individuals to exercise all forms of constitutionally protected expression and free speech without prior restraint or censorship. The university acknowledges that public discourse may include the discussion of controversial ideas, and the university will not limit public discourse based solely on its communicative content.

Because Bridgewater State University is a public institution and public universities are the rights of both the campus community and the general public to engage in free speech activities are quite broad. Free speech rights, however, are not absolute. Public universities are legally permitted to regulate the time, place, and manner of speech-related activities, so that these activities do not intrude upon or interfere with the academic programs or the administrative processes of the university, or violate the rights of others.

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III. General Provisions

The following provisions shall apply to all campus community members and visitors:

A. Speeches and Demonstrations

The right to use particular locations on the Bridgewater State University campus is largely a function of the character and location of the property where the speech occurs. There are three

As defined below, public forum areas are generally available for speeches and demonstrations between 9:00 a.m. and 5:00 p.m. Monday through Friday. Except as further provided below, the use of these areas for speaking, demonstrating, and other forms of expression must be approved at

Other areas of the campus and other times are occasionally used for speeches and demonstrations. Such activities in these limited forum areas must be approved by the chief of police or designee at least 48 hours in advance.

1. Definitions and Locations of Public, Limited Public, and Non-Public Forums

a. Public Forums

areas such as the Boyden Quadrangle and the Maxwell Library Mall.

These facilities shall be available to any person, but members of the university community and their organizations shall have preference in the use of the facilities. Prior restraint and most content-based restrictions are prohibited, but reasonable time, place, and manner regulations may be applied.

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free speech activity must occur is usually insufficient to protect expressional rights, especially where a different location may be symbolic to the protest, or is a place where people habitually gather, or which is significant in some other way. Therefore, the university will refrain from establishing exclusive free speech zones, and it will define public forum areas as broadly as possible.

b. Limited Public Forums

Limited, or designated public forums include parts of the campus that do not fall within the definition of traditional public forums, but which may become temporarily available for expressive activity as designated by the university. Unlike traditional public forums, a designated forum results from a purposeful action on the part of the university to open an area

to public discourse. Examples of designated forums include auditoriums, lobbies, parking lots, and athletic fields.

The university is not required to indefinitely designate a forum as open, but as long as it does, it is bound by the same standards that apply in a traditional public forum. Therefore, reasonable time, place, and manner restrictions are permissible, but content-based restrictions are generally proscribed.

c. Non-Public Forums

Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purposes and are not available for public expressive activity. Examples include, but are not limited to, interior spaces within academic buildings, administration buildings, libraries, computer labs, and residence halls (for privacy reasons and to avoid the creation of a captive audience). Additionally, public safety considerations may affect the availability of spaces that would otherwise be available.

2. Guidelines for Speeches and Demonstrations

The overriding consideration in deciding whether to allow the use of a particular place or facility for speech activity is whether that speech would interfere with the central educational mission of the university or the primary uses of its premises.

Therefore, classes or other scheduled activities shall not be materially disrupted. Public assembly, discussion or demonstration shall not disturb or interfere with any program, event, or activity approved prior to the public assembly, discussion or demonstration; shall not disturb or interfere with normal operations and activities of the university; and will not be scheduled during other major events already scheduled on campus.

Mere annoyance or inconvenience are not enough to constitute interference under these guidelines. The speech activity involved must be fundamentally incompatible with normal activity in order to be disallowed.

Certain other regulations are in effect, as follows:

No speech or demonstration may create a clear and present danger of the commission

utterance tend to incite an immediate breach of the peace.

No person may block or otherwise interfere with the free flow of pedestrian, vehicular,

or bicycle traffic. The right of way on streets and sidewalks must be maintained.

No person may block or otherwise interfere with reasonable ingress or egress into and out of campus buildings, or interfere with any use of property belonging to the university or to other persons.

The safety and well-being of the campus must be protected at all times. No person shall engage in physically assaultive conduct towards any other person or damage or destroy any article of personal property belonging to another person.

All persons shall comply with the directions of university officials lawfully acting in the performance of their duties. University officials shall not invoke this provision to stifle expression because of its content.

Amplified sound equipment is prohibited unless approved in advance by university officials. Under no circumstances will noise be allowed to exceed 55 decibels at a distance of 50 feet from the source of the amplification.

University organizations may sponsor a speaker or event, at the expense of the organization,

necessarily imply approval of the views presented.

B. Distribution of Written Material

With the approval of the chief of police or designee at least 24 hours in advance, noncommercial pamphlets, handbills, circulars, newspapers, magazines, and other written materials may be distributed on a person-to-person basis in open areas on campus that are at least 10 feet from the entrances or exits of university buildings. Outdoor recreation areas, such as playing fields, courts, and grounds adjacent to private residences, such as residence halls and staff housing, are not included in th

Certain other regulations are in effect, as follows:

No stand, table, or booth shall be used in distribution except in traditional public forum areas. Such use shall require the prior permission of the chief of police or designee.

permission.

The university maintains a position of neutrality as to the content of any written material distributed on campus under this policy.

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There must be no interference with educational or administrative activities inside or outside of buildings.

Bridgewater or the Massachusetts Bay Transportation Authority (MBTA). Event planners are advised to inquire into the ownership or control of these areas prior to their event. In case of doubt, the Bridgewater State University Police Department is available to darify those areas constituting university property, town property, or MBTA property.

E Campus Posting Guidelines

The posting of signs, flyers, and posters by students or others is permitted at designated locations throughout the campus, subject to the following guidelines:

Individual building or area managers may set reasonable posting policies governing the use of any bulletin boards, outdoor kiosks, or other posting areas within their areas of responsibility.

In any area that is not under the jurisdiction of a particular university department, including outdoor areas, the chief of police or designee will make a determination regarding the posting request in accordance with these guidelines.

its academic and related programs. Bulletin boards in classrooms fall under the jurisdiction of

academic and related programs.

Sgns, flyers, and posters should be posted for a period not exceeding three weeks. The sponsoring individual or organization of an event has the primary responsibility for removing promotional information within 48 hours after an event.

All signs, flyers, and posters to be posted on campus must not contain any obscene sexual content. Postings may not be misleading; promote the excessive use of alcohol or the illegal use of alcohol by underage persons; promote the use of illegal drugs; or promote engagement in other illegal activities.

All postings must clearly indicate the full name of the sponsoring individual or organization.

The posting of paper with tape on sidewalks or using any kind of paint or other permanent marking on sidewalks is not permitted.

No posting is allowed on windows, doors, walls, floors, trees, trash cans, lamp posts, building markers, bus shelters, or other surfaces that are not designated for such purposes.

Unless otherwise specified by the responsible department or area head, posters are not to

Posting is limited to one poster per bulletin board.

Lawn signs may be permitted in traditional or designated public forums for special events or occasions where appropriate, depending on the size of the sign and whether any physical damage to campus grounds will occur as a result of the use of the sign. Requests will be

considered by the chief of police or designee in consultation with the director of physical plant. The permissible content of the sign is governed by other portions of this policy.

Banners are allowed in some locations, but must be approved by an appropriate building or area manager or, in an area not under the supervision of a building or area manager, the chief of police or designee. In outdoor locations, special care must be taken not to damage or injure trees.

The university reserves the right to remove any sign, poster, flyer, or banner which does not comply with any provision of these guidelines.

Bulletin boards and similar amenities within a residence hall are available only for use by university officials and students who are residents of the residence hall. Posting in residence halls must be approved in advance by the director of residence life and housing, who will act on the request according to these guidelines and the provisions of any policy applicable to residence halls in general, or any specific residence hall in particular. Door-to-door distribution or posting of printed material is not allowed.

F. Enforcement of Policy

This policy will be enforced by officers the Bridgewater State University Police Department or other university staff members according to their particular areas of responsibility.

The BSU Police Department will strive to effectively manage crowds during demonstrations or civil disturbances to prevent loss of life, personal injury, or property damage and minimize disruption to persons who are uninvolved.

In rare circumstances involving highly volatile civil unrest with the potential for widespread violence, the chief of police or designee has the power to declare a local emergency or unlawful assembly; to revoke any permit or other permission to assemble or demonstrate; to disperse disorderly or threatening crowds; to eliminate the immediate risks giving rise to continued escalation and further violence; and to arrest, remove, or isolate law violators or other persons inciting violent behavior.

H. Appeal

Any person who believes that his or her rights as stated in this policy have been violated may file a complaint with the chief of police. In the event that a decision made personally by the chief of police is at issue, appeal may be made through the president of the university or designee, whose determination shall be final.

Rev. September 2017