[REVISED Recommended] Policy on Use of University Facilities and Grounds

PREAMBLE

Freedom of expression provides an indispensable underpinning for many of our great institutions. Nurturing that vital freedom is nowhere more important than on a university campus. Without freedom of expression, the fundamental goal of increasing knowledge cannot be reached. Moreover, the ability to engage in impromptu protest and dissent (meaning, expressive activities that are spontaneous and unscheduled) is a vital part of the right of free expression. The primary purpose of this document is to maximize freedom of expression within the context of our academic community while remaining devoted to our four guiding values of respect, responsibility, discovery, and excellence.

I. SCOPE

This Policy on Use of University Facilities and Grounds (“Policy”) applies to the scheduling and conduct of events and activities at the University of Missouri (“University”) other than academic activities such as regularly scheduled courses and seminars. This Policy applies to all buildings, facilities, grounds, and other spaces owned or controlled by the University (collectively referred to as “facilities and grounds”). Examples of events and activities that may be covered by this Policy include

• meetings and other group activities of student organizations;
• speeches, performances and other events by outside individuals or groups invited by recognized student organizations; and
• demonstrations, protests, rallies, vigils, assemblies, and other free speech exercises

when held in University buildings, facilities, grounds, or other spaces.

II. GENERAL PRINCIPLES

The University affirms the First Amendment guarantees of freedom of expression and the right to assemble peaceably as essential fundamental principles in our University community. This policy seeks to ensure that individual and group rights of expression, assembly, dissent, and protest are not infringed or abridged at the same time it seeks to support and preserve the means to maintain the safety of all members of the University community and visitors to the campus, to enable the University to fulfill its missions of teaching, education, and research, and to provide all members of the University’s academic enterprise with the broadest possible latitude to speak, write, listen, challenge, and learn. This Policy is intended and shall be administered to provide content-neutral, minimally necessary standards and procedures to achieve these goals.

The facilities and grounds of the University are primarily dedicated to academic, student life, and administrative functions, including the sovereign function of providing higher education. Except as provided by Missouri statutory law, University facilities and grounds are not places of unrestricted public access. All outdoor spaces are traditional public forums subject to reasonable time, place, and manner regulations. Many indoor spaces are available for use by students, student groups, or others for events and other
organized or expressive activities. Although some outdoor spaces must be scheduled in advance, most outdoor spaces are available for impromptu, expressive activities at any time.

Consistent with the provisions of this Policy and the *Commitment to Free Expression*, the University reaffirms its commitment to the values of diversity, inclusion, and community. The foundation for ethical and responsible behavior at the University is a commitment by each member of the University community to respect the rights and dignity of all persons, to recognize that discrimination and harassment undermine this foundation, to fulfill our obligations to others in a fair, respectful, and honest manner, and to make responsible choices about how these obligations are fulfilled.

### III. STANDARDS FOR USE OF UNIVERSITY FACILITIES AND GROUNDS AND FOR CONDUCTING ASSEMBLIES

Freedom of expression and the right to peaceably assemble, protest, and dissent are fundamental values of the University. The University will not interfere with events, meetings, rallies, demonstrations, vigils, protests, or assemblies in public areas of grounds and buildings unless participants engage in one or more of the following behaviors:

a. Disrupt, interfere with, or prevent (i) the orderly conduct of a University function or activity, including, but not limited to, classes, research, study, lectures, meetings, interviews, administrative business, or ceremonies or other public events, or (ii) access to any room or space in which such functions or activities are being held. For purposes of this Policy,
“disrupt,” “interfere with,” or “prevent” describe circumstances in which behaviors occur that actually or imminently will substantially disrupt or materially interfere with the ordinary and normal operations of the University.

b. Disrupt, interfere with, or prevent access to locations where educational, health, or financial records are stored or located. For purposes of this paragraph, “location” refers only to the particular space in which an educational, health, or financial record is stored or located.

c. Hold demonstrations, protests, rallies, vigils, or assemblies in

   i. any room or other space in circumstances where a private meeting is being held, or has been scheduled to be held, in such space;

   ii. private offices;

   iii. laboratories and associated facilities;

   iv. computer centers;

   v. museums, libraries, indoor areas designed for study and designated as quiet spaces, or facilities that normally contain valuable or sensitive materials, collections, or records protected by law or by an existing University policy (such as educational records, personnel records, or health records);

   vi. hospitals, health care clinics, and other health-care facilities; or
vii. communication systems facilities, utility facilities, or other facilities conducting services vital to the continued functioning of the University;

viii. residence halls and residential living spaces, except that this paragraph does not apply to residents engaging in such activities in the halls and spaces in which they live;

ix. any outdoor area listed in Appendix C.

d. Injure persons, damage or destroy property, or threaten to cause such injury or damage.

e. Use sound amplification devices in a manner that violates Collected Rules and Regulations (“CRR”) § 110.040 or University of Missouri Business Policy and Procedure Manual (“BPPM”) § 6.052. The CRR can be accessed through the index found at https://www.umsystem.edu/ums/rules/collected_rules/fullindex. The BPPM can be accessed through the index found at http://bppm.missouri.edu/.

f. Create safety hazards, or jeopardize the safety and security of participants or others.

g. Occupy without authorization a building when it is normally closed. A building is “normally closed” when it is inaccessible to the general public pursuant to its usual schedule.
h. Establishing or using a building or grounds as a living room or bedroom, as prohibited by CRR § 110.010 and further described in BPPM 6:050.

i. Construct structures, including objects requiring penetration in concrete or grass, on University grounds without prior written authorization from the Office of the Vice Chancellor for Operations. For purposes of this paragraph, “structure” means the framework of and the space enclosed by any building, booth, tent, canopy, vehicle, trailer, fence, wall, or similar object or enclosure. For information on how to obtain prior written authorization, see the Mizzou Event Planning Guide, https://eventplanning.missouri.edu/.

j. Violate an applicable federal or state law or local government ordinance.

k. Continue to engage in behaviors prohibited in this Section after a University official or a member of MUPD has declared that the conduct violates this Policy or other University regulations or policies or an applicable law or ordinance (“violations”) and has instructed the participants to modify or terminate their behavior. For purposes of this Policy, the term “University official” means an employee of the University performing administrative or professional responsibilities under the delegated authority of the University. In carrying out their duties and responsibilities under this Policy, University officials shall take appropriate steps to identify themselves and the capacity in
which they are acting before giving directions or instructions to
others.

i. Violations by students will be handled through the University’s
disciplinary system administered by the Office of Student
Conduct. Violations by staff will be handled through the
process set forth in the existing Human Resources Policy.
Violations by faculty will be handled through the process set
forth in the existing Faculty Bylaws of the University of
Missouri, CRR § 300.010(L).

ii. In the event of non-compliance with an instruction to modify or
terminate behavior that violates this Policy and that also may
violate state or federal law, the University official may enlist the
assistance of the University of Missouri Police Department
("MUPD"). When the assistance of MUPD is obtained, MUPD
has a responsibility (a) to declare unlawful behavior to be in
violation of law, (b) to request all persons engaging in the
behavior to cease and desist or be subject to arrest and/or
University disciplinary action, (c) to arrest any persons
observed to be in violation of law who do not cease and desist,
and (d) to enlist the assistance of outside law enforcement
agencies, if necessary.

iii. Prompt compliance with instructions of a University official or
of MUPD, shall be a mitigating factor in any disciplinary
proceedings based upon the immediate conduct to which the
instructions refer, unless the violators are found to have
caused or intended to cause injury to person or property or to
have demonstrated willfully in an impermissible location.

IV. PROCEDURES AND STANDARDS FOR SCHEDULING THE USE OF
FACILITIES AND GROUNDS

A. Director of University Events (DUE) and Coordinators

The University places responsibility for the scheduling and use of University
facilities and grounds in various offices on the campus depending on the nature of the
space involved. Primary responsibility rests with the Director of University Events
(DUE). Responsibility for some spaces is delegated to staff who have offices in those
facilities, and these staff are collectively referred to as “Coordinators.” Appendix A to
this Policy identifies various facilities, grounds, and categories of space on the campus
and lists the office in which the Coordinator for that space is located and the contact
information.

Groups and individuals desiring to schedule University facilities and grounds for
events, including expressive events and activities, shall submit requests through either
the DUE or the appropriate Coordinator. In order to help the DUE and Coordinators
respond to requests in a timely manner, it is recommended that such requests be
submitted as far in advance as practical.

B. Role and Responsibilities of DUE and Coordinators
The DUE and the Coordinators are responsible for receiving requests to schedule and reserve University facilities and grounds and to act on those requests, as set forth in more detail in Section IV-D.

The DUE will publish the policies and procedures through which members of the University community can reserve and use University facilities and grounds for public or private meetings and events, including references to Coordinator-specific policies and procedures.

The DUE and the Coordinators shall provide upon request information about which campus spaces are available for proposed activities or events, and shall assist students and others by providing information about rules and policies regarding the scheduling and use of particular facilities. The DUE and the Coordinators will maintain a schedule of all events and activities to which facilities and grounds on the campus are allocated.

The DUE and the Coordinators will make all inquiries necessary to evaluate and dispose of requests to schedule space. The DUE and the Coordinators will keep records of requests and their actions on such requests. If a decision on a request involves any of the activities or behavior identified in Section III, this fact will be noted on the record. These records will be made accessible to the public in the form of a report. This report will be published at least annually.

All records and information published under the requirements of this Policy shall be published on the University’s website.

C. Impromptu Expressive Events and Activities; Spaces in Which Prior Scheduling Is Required
The University is committed to protecting the rights of expression, assembly, protest, and dissent and to making its facilities and grounds available for these activities. Protecting impromptu and spontaneous assembly for the purpose of expression, protest, and dissent is essential to fulfilling this commitment. Thus, the lack of a reservation to use space is not a basis for terminating any expressive activity, including impromptu activities, unless the protest or assembly conflicts with a previously scheduled event in the same location, violates a standard in Section III, or is occurring in a location identified in Appendix B or Appendix C as one in which an impromptu expressive event may not be held.

When an impromptu or unscheduled expressive activities conflicts with an event which was previously scheduled for the same time and space, the impromptu expressive activity shall be allowed to continue in its existing location until it needs to be relocated to allow for the prior scheduled activity (or preparations for it). When relocation is necessary or desired by those engaging in the unscheduled activity upon request the DUE or Coordinator will assist in relocating it to an appropriate space where the activity can continue or in scheduling it for a different time.

Unless listed in Appendix C or identified as an “Appendix B, Section 1 Outdoor Space,” outdoor areas are available for impromptu expressive events and activities. In addition, a number of outdoor areas (see Appendix B) are available for scheduling of expressive events and activities on a first-come-first-served basis. (It is permissible to organize an expressive event or activity in advance and leave it unscheduled; however, to avoid having the event or activity preempted by a scheduled activity, organizers may wish to reserve space for the event or activity.)
University employees, students, and student organizations may engage in impromptu expressive events and activities as follows in all outdoor areas of the campus except:

1. outdoor areas listed in Appendix B, Sec. 1 (these are areas which may be reserved but in which impromptu events or activities may not occur);
2. outdoor areas listed in Appendix B, Sec. 2 when a prior reservation has been made for use of the space (these are areas which may be reserved, but impromptu events or activities may occur in these areas if no prior reservation for use of the space has been made); and
3. outdoor areas listed in Appendix C (areas which may not be reserved and in which impromptu events or activities may not occur).

Nothing in this Section IV should be interpreted or understood as limiting expressive speech and activities, whether planned or impromptu, at public University functions, activities, and events or in outdoor recreational areas in circumstances where the speech or activity (1) does not interfere with the event’s occurrence or prevent audience members from hearing or observing the event, or (2) does not interfere with the outdoor recreational area’s use for its intended purpose.

If an impromptu expressive event or activity involves one of the behaviors listed in Section III above, University officials may require the activity to be relocated or rescheduled or to cease.

E. Considering Scheduling Requests; Standards for Decisions Upon Requests.

1. Standards
When reserving space for events or activities, the Coordinator charged with responding to the request, in consultation with the Director of University Events as appropriate, will consider (a) whether the requested location is suitable for the event or activity, and (b) whether health and safety concerns require special precautions or arrangements.

In determining whether the requested location is suitable for the proposed event or activity, or whether special precautions or arrangements are required, the Coordinator, in consultation with the Director of University Events, will consider the following:

a. the anticipated size of the proposed event or activity;
b. noise likely to be generated by the proposed event or activity and impact, if any, on academic activities or other University activities in the vicinity;
c. impact of the proposed event or activity on traffic;
d. whether the accommodations provided in the requested location are suitable and adequate for the proposed event or activity;
e. whether the proposed event or activity complies with applicable laws, rules, regulations, and policies; and
f. whether the proposed event or activity poses any risk to the health or safety of participants, observers, or others in the vicinity of the event or activity

and may consider any other similar, content-neutral factor that is related to any standard in this section.
2. Prioritization of Requests

Subject to the priorities described in this paragraph, reservations for facilities and grounds are generally decided on a first-come, first-served basis. Activities of the University itself have precedence over all extracurricular events and all activities of all other users. Activities of recognized student organizations and groups have priority over those of all other users except the University. Occasions may arise when, in order to accommodate official University activities and functions, an official University activity takes precedence for use of an already scheduled space. In the event rescheduling is necessary, the DUE will work with the sponsors or organizers of the displaced activity to find suitable alternative locations and times, and otherwise to provide all assistance that is reasonable under the circumstances.

3. Reasons for Denial of a Request

The DUE or a Coordinator may deny a request to reserve space for an event or activity if:

a. the applicant has not completed a reservation request on a form required of all applicants;

b. the request to reserve space contains a material misrepresentation or materially false statement;

c. the request is not received sufficiently in advance of the proposed event or activity to permit necessary evaluation and to determine the appropriate location, except that no request shall be denied for this reason if the request is received at least ten business days prior to the proposed event;
A person whose request is denied by a Coordinator under this Policy may appeal the denial to the DUE. A person whose request is denied by the DUE may appeal the denial to the Office of the Vice Chancellor for Operations.

V. FEES AND CHARGES

Student organizations are responsible for fees and charges in connection with events and activities as set forth in further detail in the Student Organization Handbook, http://mbook.missouri.edu/student-organizations/, promulgated under the authority of CRR § 250.010.

Impromptu expressive events and activities will not be assessed fees or charges unless damage is intentionally or recklessly inflicted upon University property. In the
event the expressive event or activity is causing damage or destruction of property, or
imminently threatening to cause such damage or destruction, a University official or a
member of MUPD may ask that the event or activity be relocated to an alternative space
at the University, or if this is not possible be rescheduled, or if this is not possible cease
and desist.

Except for impromptu expressive events and activities as described above,
users of University facilities and grounds must restore them to their original
conditions. If such restoration is not completed to the satisfaction of the Office of
the Vice Chancellor for Operations, the user shall be held responsible for and liable
to the University for payment of any and all costs incurred by the University to
restore the facilities and grounds to their original condition, including any costs or
charges identified under BPPM § 6:050.

VI. MISCELLANEOUS POLICIES AND PROCEDURES


Each sponsoring organization that uses University facilities or grounds assumes
a responsibility to comply with all applicable laws, regulations, and policies. All events
and activities must comply with all applicable University policies and rules, including
those relating to alcohol, tents, filming and photography, smoking, weapons, and
parking. Failure to adhere to these requirements is a basis for revoking permission to
use facilities and space and may result in disciplinary action.

B. Outside Speakers and Groups.
1. Invitations and Sponsorships by Recognized Student Organizations

Recognized student organizations may invite or sponsor non-University speakers, performers, or groups to conduct activities or events on campus. The outside speaker, performer, or group may be given permission to use specific facilities through a written contract under terms and conditions that protect the University’s institutional interests. Such groups may not state or imply University sponsorship of the organization or its program without written authorization.

2. Non-Invited Outside Groups

The University will charge rental or usage fees, and additional contractual obligations will apply. The University reserves the right to deny the use of its facilities to any non-University organization or individual seeking to rent or use University facilities and grounds.

C. Applicability to Non-University Persons and Entities

This Policy addresses itself explicitly to forms of individual and collective expression in a University location by members of the University community. The extent to which the privileges and obligations of this Policy may be made applicable in particular circumstances to individuals or entities that are not members of the University community shall be determined by the Chancellor or the Chancellor’s designee. Participants in meetings, events, and demonstrations in a University location are required to comply with the instructions of a University official or a member of MUPD.
CONTACTING THE DIRECTOR OF UNIVERSITY EVENTS (DUE) TO RESERVE FACILITIES OR OUTDOOR SPACE; SOME SPACES ARE SCHEDULED THROUGH COORDINATORS; OTHER INFORMATION ABOUT SCHEDULING

To schedule or reserve facilities or outdoor space, a student, student group, or recognized student organization (or other University department) may contact the Director of University Events (DUE), located in 304 Jesse Hall, at 882-7255. Outdoor space is generally scheduled by DUE, but some interior and outdoor spaces are coordinated by other offices. DUE will refer the person or organization making the request to the appropriate Coordinator.

Alternatively, the requesting party may reach out directly to the Coordinator for the desired space. This Appendix A identifies various facilities and grounds, or categories of space, on the campus and lists the office in which the Coordinator for that space is located. Some additional information about scheduling space appears after this table.

<table>
<thead>
<tr>
<th>University Space</th>
<th>Coordinator</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>Classrooms</td>
<td>Office of the Registrar, 225 Jesse Hall, 882-6794 <a href="https://25live.collegenet.com/missouri/#home_my25live">https://25live.collegenet.com/missouri/#home_my25live</a></td>
<td>Rooms normally used as classrooms may be scheduled for temporary use for University functions or by recognized student organizations in good standing. Some classrooms and other academic space in some academic buildings are coordinated by other offices. The Registration Office will refer the request to such other offices or the Director of University Events when appropriate. Ad hoc student groups and non-university public groups may use classrooms under some circumstances, and those requests should go to the Registration Office.</td>
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<tr>
<td>MU Student Center and Memorial Union, and adjacent</td>
<td>Missouri Student Unions Reservations, 884-8793 <a href="http://ems.missouri.edu/VirtualEMS">http://ems.missouri.edu/VirtualEMS</a></td>
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<tr>
<th>Outdoor areas, including Kuhlman Court</th>
<th>MU Athletics Facility Operations &amp; Event Management, 882-6501</th>
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<tbody>
<tr>
<td>Mizzou Sports Park (All Intercollegiate Facilities)</td>
<td>Director of University Events (DUE), 304 Jesse Hall, 882-7255</td>
</tr>
<tr>
<td>Jesse Auditorium and Missouri Theater</td>
<td>University Club, Sales Office, 882-2765</td>
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<tr>
<td>D.W. Reynolds Alumni Center</td>
<td>MizzouRec Event Management, <a href="mailto:events@mizzourec.com">events@mizzourec.com</a>, 884-0764</td>
</tr>
<tr>
<td>Student Rec Complex, Stankowski Field, Hinkson and Epple Playfields and Outdoor Complex</td>
<td>Campus Dining Services Conference Coordinator, 900 Virginia Avenue, 882-4644</td>
</tr>
<tr>
<td>Campus Dining Services Private Dining Rooms (The MARK on 5th Street, Plaza 900, Rollins, Sabai)</td>
<td>Residential Academic Programs (RAP) Office, C122 Pershing Hall, 882-4815</td>
</tr>
<tr>
<td>Residence Halls and Outdoor Space Adjacent to a residence hall</td>
<td>Reservable space, restrictions, and policies are on the Res Life reservation website. Reservations for classrooms in residence halls for use M-F 8am-5pm are made through Registrar (see “Classrooms,” above). Requested use for other days or times</td>
</tr>
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</table>
is through the Res Life reservation website. Priority will be given to residence hall events.

<table>
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<tr>
<th>All Other Outside Areas (Not Specifically Listed Above)</th>
<th>Director of University Events (DUE), 304 Jesse Hall, 882-7255</th>
</tr>
</thead>
</table>

**City Streets and Sidewalks:** Requests to reserve outside space will sometimes propose to utilize city streets and city sidewalks within the boundaries of the University. Requests to use these spaces for activities and events often require a permit from the City of Columbia. DUE will refer those seeking to schedule events on city-controlled spaces to the appropriate City of Columbia offices.

**Policies and Procedures Available on the Web:** DUE will publish the policies and procedures through which members of the University community can reserve and use University facilities and grounds for public or private meetings and events. This information can be found at [web link here.]

**Availability of Schedules:** The DUE and each Coordinator will maintain a schedule of all events and activities for facilities or grounds within the DUE’s or the individual Coordinator’s authority. These schedules are accessible by DUE or the appropriate Coordinator.

**Other Questions:** For other questions about reserving and scheduling facilities and grounds at the University, or for questions about this Policy, contact the Director of University Events (DUE), 304 Jesse Hall, 882-7255.
Appendix B: Outdoor areas that may be reserved

Appendix B, Section 1 Outdoor Areas

Outdoor areas listed in this Appendix B, Section 1 may be reserved in advance, upon the approval of the appropriate Coordinator, for meetings, events, activities, and expressive events and activities, but are not available for impromptu (i.e., spontaneous or unscheduled) expressive events and activities.

- Stokowski Field
- The green space surrounding the Residence on the Quad
- Areas managed by the University of Missouri Athletic Department
- Hinkson Recreational Playing Fields
- Epple Field (fields south of Green Tennis Center)
- Parking lots during time periods when parking permits (including temporary permits such as hourly parking passes and coin-op meters) are not required.
- The green spaces adjacent to residence halls (these areas are dedicated for the sole use of Residential Life.)

Appendix B, Section 2 Outdoor Areas

Outdoor areas listed in the Appendix B, Section 2 are available for reservation by University or non-University organizations or departments for meetings, events, or activities, provided the reservation is made at least 24 hours in advance of the planned meeting, event, or activity. If these spaces are unreserved, they are available for impromptu expressive events and activities:

- Francis Quadrangle
- Carnahan Quadrangle
- Traditions Plaza
- McAlester Park (also known as Peace Park)
• Lowry Mall
• Kulhman Court
• Dairy Lawn
• Plaza south of Jesse Hall
• Walsworth Plaza
Appendix C: Outdoor Areas that may not be reserved

The areas listed in this Appendix C are not available for reservation by University or non-University organizations or departments for meetings, events, or activities at any time.

- The area containing and surrounding the University of Missouri Research Reactor (MURR); this area is bounded by Research Park Drive to the west, Agronomy Drive to the east, the USDA facility to the north, and the outermost edge of the grassy areas immediately to the south, but does not include the sidewalks in this area

- The area containing and surrounding the University of Missouri Power Plant; this area is bounded by Providence Road to the west, Fifth Street to the east, Stewart Road to the south, and Elm Street to the north, but does not include the sidewalks in this area

- The area containing and surrounding the Laboratory for Infectious Disease Research

- Within 20 feet of the entrance or exit to any building

- Parking garages, including the top level

- Parking lots during time periods when permits (including temporary permits such as hourly parking passes and coin-op meters) are required

- Planted gardens

- Green spaces, including lawns, adjacent to health care facilities, but not including sidewalks that traverse through these spaces

- The courtyard between Stanley Hall and Sears Lotti Greenhouses (near the children’s day care facility located in that area)

- Sanborn Field

Note: Outdoor areas of the University of Missouri campus not listed in Appendix B or Appendix C are always available for impromptu (meaning, spontaneous and unscheduled expressive events and activities.)
• Areas surrounding utilities, including electrical substations and drinking water wells

• Areas that are fenced and locked, including construction sites
Appendix D provides guidance to offices and officials responsible for implementing the Policy on Use of University Facilities and Grounds and for evaluating proposed or actual behaviors that occur in connection with events or activities within the scope of the Policy. The guidance does not constitute, in and of itself, rules or regulations of the University.

GUIDANCE MEMORANDUM FOR IMPLEMENTING
“POLICY ON USE OF UNIVERSITY FACILITIES AND GROUNDS”

The law governing freedom of expression is complex. The types of questions that arise under the First Amendment and related state constitutional and statutory provisions are virtually infinite. Thus, no single reference guide can hope to answer all questions that will arise in the future with respect to the rights to free speech, expression, and assembly and the limits that can permissibly be imposed by government on those rights. Yet there is value in describing some of the guideposts that provide reference points for answering questions that will arise under the Policy on Use of University Facilities and Grounds. As such, this Guidance Memorandum does not have the force of official policy but it does provide direction for those who desire a deeper understanding of the values and rationales of the Policy. It also provides guidance for those who are responsible for implementing the Policy and evaluating proposed or actual behaviors that occur in connection with events or activities within the scope of the Policy.

The guidance in this memorandum is set forth as a series of principles. These principles appear in no particular order or priority, but related ideas are grouped together as subpoints under the heading of a particular principle.

- The right to dissent and protest complements the right to speak, but circumstances do exist where these rights conflict. The University has a responsibility to ensure that speakers can be heard along with a corollary responsibility not to chill counter-speech, dissent, and protest in the interest of preventing serious disruption. The University will be mindful of steps it can
take to protect both speakers and those who wish to engage in speech, dissent, or protest opposed to such speakers:

- To prevent serious disruption where it is anticipated, an organization hosting an open meeting can work closely with University officials to devise the time, place, and arrangements for admitting the audience. University officials and others can meet in advance with protesting groups, making clear the University's obligations to free expression and indicating forms of dissent that do not interfere with speech.

- Where serious disruption is anticipated, the University will make effective arrangements to protect the speaker and the right of the audience to hear the speech.

- When disruption occurs, the University should seek to identify disrupters and to take appropriate action as set forth in University rules and regulations.

- When protected dissent and protest are substantially impeded or inappropriately prevented, the University will undertake to create and enforce effective arrangements to protect the right to dissent and protest. When efforts to impede or prevent dissent or protest themselves rise to a disruptive level, the University will seek to identify those who commit such acts and to take appropriate actions as set forth in University rules and regulations.

- **A speaker is entitled to communicate** the speaker's message to an audience during the time allotted for the message, and **the audience is entitled to hear** the message and see the speaker during that time. A dissenter or protester must not substantially interfere with a speaker's ability to communicate or with an audience's ability to see and hear the speaker.

  - In a closed meeting, dissent or protest by non-attendees is typically limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communications inside.

  - A closed meeting is generally understood to be a meeting at which the sponsoring organization limits the attendance to the membership in the organization or to invited or designated individuals or groups (including members of the press), and
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from which members of the University community and general public not related to the sponsoring organization or to the meeting are excluded. To the extent that a closed meeting is advertised to those who are not invited to attend, there should be clear disclosure that the meeting is closed.

- **When a meeting is open**, limitations on dissent or protest generally depend on whether the dissent or protest occurs inside or outside the meeting and on whether the dissent or protest occurs before, during, or after the meeting.

  - A meeting should be considered open even though the sponsoring organization limits the audience to members of the University community or to portions thereof (e.g., graduate students) unless the meeting has the characteristics of the closed meeting described above.

  - When an open meeting is intended, the sponsoring organization typically provides timely notice that the meeting is open and typically makes at least a majority of the available seats available to the University community, a portion thereof, or the general public.

- **Picketing** in an orderly way or distributing literature outside a meeting is generally acceptable unless it impedes access to the meeting. Distributing literature inside an open meeting is generally acceptable before the meeting is called to order and after the meeting is adjourned.

- **Displaying a sign, wearing significant or symbolic clothing, gesturing, standing, kneeling, or otherwise protesting noiselessly** is generally acceptable unless the protest interferes with the audience’s view or prevents the audience from paying attention to the speaker. Use of signs, prolonged standing, or other activity likely to block the view of anyone in the audience should be confined to the back of the room.

- **Responding vocally** to a speaker in a spontaneous and temporary manner is generally acceptable, especially if reaction against a speaker is similar in kind and degree to reaction in favor of the speaker. Asking critical questions of the speaker during an event formatted to include a question-and-answer session is acceptable. Chanting, persistent heckling, making other sustained
or repeated noise in a manner that makes it difficult or impossible to hear what the speaker is saying, or substantially interfering with the speaker's communication with the audience is not acceptable, either inside or outside the meeting.

- **Standards in policies that are anchored in language such as “disrupt,” “interfere,” “obstruct,” or “prevent” do not have mathematical precision but, like many standards in the law, are to be given the “common understanding” that inheres in the “particular context” in which the words are used.** Because particular cases will routinely present difficult and unavoidable enforcement judgments, it is important to remind those who are charged with implementing this Policy that their judgments must not be influenced by the viewpoint of those claiming disruption, etc., or of those alleging disruption, etc. The standards cannot be implemented in a manner that prohibits speech that is disturbing because of its content, merely annoying, outrageous to some listeners, or disruptive in some respect that falls short of impairing the ordinary and normal functions of the university. Rather, the time, place, and manner restrictions in this Policy on interfering or disruptive behaviors describe circumstances in which there are actual or imminent, and substantially disruptive or materially interfering behaviors that impede the ordinary and normal operations of the University.

Courts have stated in many free expression cases that words in regulations, ordinances, and statutes are to be given a “common understanding” and are to be interpreted in the “particular context” in which the words are used. Thus, for example, whether a protest or demonstration interferes with traffic depends on the relationship between the volume of traffic and the size of the passageway left open. Occasional heckling in a speaker’s pauses may not disrupt a speech, but persistent heckling that prevents listeners from hearing the speech does disrupt the speech. A vocal protest or demonstration involving sustained chanting and heckling by members of an audience is likely to constitute material and substantial interference at a concert or lecture, but identical conduct is unlikely to be disruptive if undertaken by attendees at a sporting event (e.g., a football game) where cheering and noise is the norm. Contextual analysis and relevance of common understanding was evident in a Supreme Court of the United States (“SCOTUS”) case in which a city noise ordinance was challenged. The ordinance provided that “[n]o person . . . shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof.” The Court rejected a protester’s claim that the ordinance was unconstitutionally vague, holding that the ordinance was “clear [in] what the [rule] as a whole prohibits” and gave
Determining the precise boundaries between permissible and impermissible expression and speech is often difficult, but imprecision of language is a problem commonly confronted in the law. In fact, SCOTUS has explicitly acknowledged that drawing boundaries in this area is difficult. In Snyder v. Phelps, 562 U.S. 443 (2011), Chief Justice Roberts, in referring to an issue involving public employee speech, stated: “We noted a short time ago, in considering whether public employee speech addressed a matter of public concern, that ‘the boundaries of the public concern test are not well defined.’ . . . Although that remains true today, we have articulated some guiding principles, principles that accord broad protection to speech to ensure that courts themselves do not become inadvertent censors.” 562 U.S. at 452.

With respect to standards like those used in this policy, SCOTUS has provided some guiding principles. Justice Marshall’s opinion for the Court in Grayned explains how both citizens and those charged with implementing such standards should read, interpret, and understand them:

Condemned to the use of words, we can never expect mathematical certainty from our language. The words of the Rockford ordinance are marked by “flexibility and reasonable breadth, rather than meticulous specificity” . . . but we think it is clear what the ordinance as a whole prohibits. . . . [W]e think it proper to conclude that the Supreme Court of Illinois would interpret the Rockford ordinance to prohibit only actual or imminent interference with the “peace or good order” of the school. Although the prohibited quantum of disturbance is not specified in the ordinance, it is apparent from the statute’s announced purpose that the measure is whether normal school activity has been or is about to be disrupted. . . . [This is] a statute written specifically for the school context, where the prohibited disturbances are easily measured by their impact on the normal activities of the school. Given this “particular context,” the ordinance gives “fair notice to those to whom (it) is directed. . . . We think that . . . the ordinance here clearly “delineates its reach in words of common understanding.” [408 U.S. at 110-12.]

In another part of the opinion, Justice Marshall contrasted the Rockford ordinance with a Cincinnati ordinance that declared “annoying” behavior on sidewalks unlawful. The lack of context in the Cincinnati case rendered the ordinance impermissibly vague. In the Rockford case, the ordinance’s prohibition on behaviors that “disturb or tend to disturb” a “school session or class,” unlike “annoying” behaviors on sidewalks, required a “demonstrated
interference with school activities." 408 U.S. at 114 (emphasis added). Justice Marshall elaborated as follows:

The nature of a place, "the pattern of its normal activities, dictate the kinds of regulations of time, place, and manner that are reasonable. Although a silent vigil may not unduly interfere with a public library, . . . making a speech in the reading room almost certainly would. That same speech should be perfectly appropriate in a park. The crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time. [408 U.S. at 116; emphasis added.]

In making this determination, a relevant guiding principle is that the standard is to be interpreted and applied narrowly to the end of maximizing speech and expression while preserving the ability of the university to fulfill its state-mandated responsibilities without substantial disruption of or material interference in its normal academic and business activities. Justice Marshall explained how this calculus works in his Grayned opinion. Referring to an earlier case involving secondary schools (Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)), he stated that "we nowhere suggested that students, teachers, or anyone else has an absolute constitutional right" of free expression in a school's buildings and on its grounds, and that "[e]xpressive activity could certainly be restricted, but only if the forbidden conduct 'materially disrupts classwork or involves substantial disorder or invasion of the rights of others.' . . . Rockford punishes only conduct which disrupts or is about to disrupt normal school activities. That decision is made, as it should be, on an individualized basis, given the particular fact situation." [408 U.S. at 117-19; emphasis added.]

- Using or making a genuine, "true threat" to use force or violence is never permitted. The Supreme Court of the United States ("SCOTUS") has ruled on a number of occasions that the First Amendment allows government to prohibit the making of a "true threat," which the Court has defined as a statement "where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals" (quoting Virginia v. Black, 538 U.S. 343, 359 (2003)). Thus, behaviors such as defacing a sign, assaulting or threatening to assault a speaker, or assaulting or threatening to assault a member of the audience are never appropriate. These kinds of behaviors are serious matters and may violate state or federal law, or both.

- Audiences, event organizers, and speakers have a responsibility to respect the right to dissent and protest. An individual who substantially
interferes with lawful dissent or protest is engaging in behavior as unacceptable as a dissenter or protester who violates the rights of a speaker or an audience.

- The **security of speakers, members of an audience, event organizers, and bystanders** is a legitimate and important concern of the University of Missouri. Senior University officials will determine, either on their own initiative or after hearing from campus organizations, groups, or individuals, whether the protection of free speech and expression at an open meeting requires measures to provide security.

  o Upon making this determination that security measures are required, University officials, acting in consultation with the University of Missouri Police Department and other law enforcement agencies as appropriate, may determine the nature and extent of security measures required and should ensure their implementation in a way that does not unfairly discriminate against nor intimidate any participant. The University will fund these measures.

  o When a meeting is closed, the sponsoring organization will ordinarily be responsible for planning, obtaining, and funding its own security. MUPD will be available to consult with the sponsoring organization. Any provision for the use of force as a security measure must be planned with participation of MUPD.

  o Possible security measures may include, but are not limited to, (a) bags and other containers being subject to search by MUPD or other security officers; (b) bags and other containers being required to be put in a checkroom before entrance into an event; (c) coats or outerwear being required to be put in a checkroom before entrance into an event; (d) videotaping, audiotaping, and/or photographing of the event with prior notice to the audience.

  o Only MUPD or another official law enforcement agency, or member of such agency, may use force as a security measure.

- **Posting of fliers and posters** on campus is generally limited to bulletin boards and kiosks. In campus buildings, the posting of fliers and posters is only allowed on bulletin boards or other spaces specifically designated for such purpose. See MU Business Policy and Procedure Manual (BPPM) 1:070
for more information; available at http://bppm.missouri.edu/chapter1/1_070.html. The University will not
discriminate or place content-based limitations on what may be posted in
areas where posting is allowed, except that the University has the authority to
restrict certain spaces and certain bulletin boards to posting of certain kinds of
material. Thus, for example, a bulletin board can be reserved by an
academic department for the posting of academic information and policies.

• **Chalking** on sidewalks or buildings is prohibited on the campus. See BPPM
  1:070 for more information; available at
  http://bppm.missouri.edu/chapter1/1_070.html. The University will not
discriminate in favor of or against particular messages or particular content
when enforcing this regulation.

• **Outdoor spaces** on the University campus are both functionally and legally
distinct from indoor spaces, and thus are subject to different regulations.
  
  o A **legal distinction between outdoor space and indoor space** is
    made by Missouri statutory law. See Mo. Rev. Stat. § 173.1550.1,
    which became effective on August 28, 2015. The statute is available at

    ▪ Under the Missouri statute, the “outdoor areas of campuses of
      public institutions of higher education in this state shall be
denominated traditional public forums. Public institutions of higher
education may maintain and enforce reasonable time, place,
and manner restrictions in service of a significant institutional
interest only when such restrictions employ clear, published,
content, and viewpoint-neutral criteria, and provide for ample
alternative means of expression. Any such restrictions shall
allow for members of the university community to spontaneously
and contemporaneously assemble.”

    ▪ Further, “[a]ny person who wishes to engage in noncommercial
expressive activity on campus shall be permitted to do so freely,
as long as the person’s conduct is not unlawful and does not
materially and substantially disrupt the functioning of the
institution subject to the requirements of subsection 2 of this
section.”
Because of this statute, all outdoor areas on the University campus are designated “traditional public forums.” This phrase is a term of art articulated by SCOTUS in past cases, and it is used to help explain how the First Amendment is applied when disputes about the contours of free speech arise in public areas. Under a series of SCOTUS decisions, government entities can place reasonable “time, place, and manner” restrictions on speech in public spaces. The University, being a public institution, is the equivalent of “the government” for purposes of these decisions. A large number of cases decided by SCOTUS collectively describe the circumstances under which the government may impose time, place, and manner restrictions consistently with the requirements of the U.S. Constitution.

SCOTUS has defined “traditional public forums” as streets, sidewalks, and parks. Thus, streets, sidewalks, and parks on the campus – whether owned by the City of Columbia (as some are) or the University – are treated the same for purposes of free speech activities.

SCOTUS has ruled that government may require certain types of events in traditional public forums to have permits before proceeding. Examples include: marches and parades that do not stay on sidewalks, and other events that block traffic or close streets; large assemblies or rallies requiring the use of sound amplification; and assemblies or rallies in certain designated parks or plazas.

- Government may require applications for permits to be filed a number of weeks in advance, but SCOTUS has held that the First Amendment prohibits an advance notice requirement being used to prevent protests in response to recent news events.

- The permit application process must be content neutral; the permit cannot be denied because an event is controversial or will express unpopular views.

- Denying a permit for reasons unrelated to traffic control, public health or safety considerations, or permissible content-neutral time, place or manner restrictions may violate the First Amendment.
If marchers or protesters stay on sidewalks and obey traffic and pedestrian signals, their activity is constitutionally protected even without a permit. Marchers or protesters may be required to allow enough space on the sidewalk for normal pedestrian traffic and may not intentionally obstruct or detain other pedestrians. Also, marchers or protesters may not occupy sidewalks in ways that block entrances to buildings.

The distribution of leaflets and other literature by protesters is permitted on public sidewalks, and no permit is necessary to do so. Protesters may approach pedestrians with these materials but may not physically or maliciously detain them.

Picketing on public sidewalks is permissible and does not require a permit. Picketing must occur in a non-disruptive fashion so that pedestrians can pass by and entrances to buildings are not blocked.

Photography is allowed in traditional public forums or other public spaces. In other words, when a person is in a public space, the person has a right to photograph anything that is in plain view. Members of the press have this same right to the same extent (neither more nor less) as any other person. Police officers may not confiscate or demand to view a person’s photographs or video, or digital records thereof, without a warrant, and they may not delete a person’s photographs or video under any circumstances. Police officers may legitimately order citizens (whether a member of the public or a member of the press) to cease activities that are actually interfering with legitimate law enforcement operations.

The government may require a fee as a condition of larger groups exercising their free speech rights, such as application fees, security deposits for clean-up, clean-up fees, or charges for overtime security costs. Government may not charge higher fees for events that are controversial or where it is foreseeable that an audience or crowd may react to the speech in a hostile way.

Counter-demonstrators also have a right to dissent and protest. This includes a right to be present at a demonstration and to voice displeasure with demonstrators. Counter-demonstrators should not be allowed to physically disrupt the event they are protesting. University officials and MUPD are permitted to take steps to keep two or more antagonistic groups
separated from each other, but such groups should be allowed to be within
the general vicinity of each other if this can be accomplished without
compromising the health or safety of participants or observers.

**Traditional public forums are public property**, and any member of the
public has the right to enter into and upon public property. **The press** has the
same right of access to public property as does the general public. In the
absence of the issuance by the government (in this context, the University) of
a permit that gives a person, organization, or group exclusive use of a defined
area that is otherwise a traditional public forum for a designated period of
time, a person, organization, or group cannot deny members of the public the
right to enter into a traditional public forum.

- Groups or organizations desiring to meet or assemble in University
  space or grounds for private discussions, events, or activities may
  reserve appropriate space under the Policy on Use of University and
  Grounds for a closed meeting.

- Generally speaking, space that constitutes a traditional public forum is
  not the preferred location for the scheduling of a closed meeting. There are, however, occasions when such scheduling may
  appropriately occur for events and activities that are limited to the
  attendance of the sponsoring organization or group. Examples include
  a wedding ceremony on Traditions Plaza or an alumni event on
  Carnahan Quadrangle.

- When private events and activities or closed meetings are scheduled in
  outdoor spaces, the rights of protest, dissent, and assembly on
  adjacent space in the traditional public forum continue in full force and
effect. Expressive activities may occur on such adjacent space
  provided it otherwise complies with applicable University rules,
  regulations, and policies, which shall be applied in a nondiscriminatory
  and content-neutral manner.

- As of 2016, SCOTUS has not addressed the issue of **individual
  privacy rights within a traditional public forum**, but it is reasonable
to expect that individuals do not lose all privacy rights while in
  traditional public forums, even though all acts and behaviors of
  individuals in plain view in public forums are subject to recording and
dissemination (provided the purpose of the recorder or disseminator is
Thus, individuals while in a public forum have a reasonable expectation, for example, that no one, including the government, will open their backpacks, purses, and briefcases carried into the public forum, occupy an area of personal physical space that would be objectively understood as offensive or inappropriate if it occurred in a private area (e.g., taking a physical stance within a few inches of a person’s face or body), or seek to peer into or photograph private areas under clothing or other apparel.

- SCOTUS has recognized that individuals have an expectation of privacy in “curtilage,” which is the immediate, enclosed area surrounding a house or dwelling. It is reasonable to assume that individuals while occupying space in a traditional public forum have privacy rights in space that is analogous to curtilage. Because a traditional public forum is by its nature public property freely accessible to the general public, it is reasonable to assume that SCOTUS, if it has occasion in the future to address the question of individual privacy rights in public forums, will define the boundaries of curtilage narrowly.

- Legal protest and dissent are different from civil disobedience. Civil disobedience is public, non-violent, and conscientious violation of law undertaken for the purpose of bringing about a change in law, government policies, or society. In the history of the United States, civil disobedience has helped bring about many highly important, desirable changes in law and society. Although deliberate acts that violate the laws, rules, and policies applicable to free expression may constitute civil disobedience, those who commit such civil disobedience should be willing to and must expect to suffer the disciplinary and remedial consequences of their actions as provided by law, rule, or policy.
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