

3
4 **[REVISED Recommended] Policy on Use of University Facilities and**
5 **Grounds**

6
7 **PREAMBLE**

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

16
17 **I. SCOPE**

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

- 24
- meetings and other group activities of student organizations;

- 25 • speeches, performances and other events by outside individuals or groups
 - 26 invited by recognized student organizations; and
 - 27 • demonstrations, protests, rallies, vigils, assemblies, and other free speech
 - 28 exercises
- 29 when held in University buildings, facilities, grounds, or other spaces.

30

31 **II. GENERAL PRINCIPLES**

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

42 The facilities and grounds of the University are primarily dedicated to academic,
43 student life, and administrative functions, including the sovereign function of providing
44 higher education. Except as provided by Missouri statutory law, University facilities and
45 grounds are not places of unrestricted public access. All outdoor spaces are traditional
46 public forums subject to reasonable time, place, and manner regulations. Many indoor
47 spaces are available for use by students, student groups, or others for events and other

48 organized or expressive activities. Although some outdoor spaces must be scheduled in
49 advance, most outdoor spaces are available for impromptu, expressive activities at any
50 time.

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

58

59 **III. STANDARDS FOR USE OF UNIVERSITY FACILITIES AND GROUNDS AND**
60 **FOR CONDUCTING ASSEMBLIES**

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

- 66 a. Disrupt, interfere with, or prevent (i) the orderly conduct of a University
67 function or activity, including, but not limited to, classes, research, study,
68 lectures, meetings, interviews, administrative business, or ceremonies or
69 other public events, or (ii) access to any room or space in which such
70 functions or activities are being held. For purposes of this Policy,

71 “disrupt,” “interfere with,” or “prevent” describe circumstances in which
72 behaviors occur that actually or imminently will substantially disrupt or
73 materially interfere with the ordinary and normal operations of the
74 University.

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

79 c. Hold demonstrations, protests, rallies, vigils, or assemblies in
80 i. any room or other space in circumstances where a private
81 meeting is being held, or has been scheduled to be held, in
82 such space;
83 ii. private offices;
84 iii. laboratories and associated facilities;
85 iv. computer centers;
86 v. museums, libraries, indoor areas designed for study and
87 designated as quiet spaces, or facilities that normally contain
88 valuable or sensitive materials, collections, or records
89 protected by law or by an existing University policy (such as
90 educational records, personnel records, or health records);
91 vi. hospitals, health care clinics, and other health-care facilities; or

- 92 vii. communication systems facilities, utility facilities, or other
93 facilities conducting services vital to the continued functioning
94 of the University;
- 95 viii. residence halls and residential living spaces, except that this
96 paragraph does not apply to residents engaging in such
97 activities in the halls and spaces in which they live;
- 98 ix. any outdoor area listed in Appendix C.
- 99 d. Injure persons, damage or destroy property, or threaten to cause
100 such injury or damage.
- 101 e. Use sound amplification devices in a manner that violates Collected
102 Rules and Regulations (“CRR”) § 110.040 or University of Missouri
103 Business Policy and Procedure Manual (“BPPM”) § 6.052. The
104 CRR can be accessed through the index found at
105 https://www.umsystem.edu/ums/rules/collected_rules/fullindex. The
106 BPPM can be accessed through the index found at
107 <http://bppm.missouri.edu/>.
- 108 f. Create safety hazards, or jeopardize the safety and security of
109 participants or others.
- 110 g. Occupy without authorization a building when it is normally closed. A
111 building is “normally closed” when it is inaccessible to the general
112 public pursuant to its usual schedule.

- 113 h. Establishing or using a building or grounds as a living room or
114 bedroom, as prohibited by CRR § 110.010 and further described in
115 BPPM 6:050.
- 116 i. Construct structures, including objects requiring penetration in
117 concrete or grass, on University grounds without prior written
118 authorization from the Office of the Vice Chancellor for Operations.
119 For purposes of this paragraph, “structure” means the framework of
120 and the space enclosed by any building, booth, tent, canopy, vehicle,
121 trailer, fence, wall, or similar object or enclosure. For information on
122 how to obtain prior written authorization, see the Mizzou Event
123 Planning Guide, <https://eventplanning.missouri.edu/>.
- 124 j. Violate an applicable federal or state law or local government
125 ordinance.
- 126 k. Continue to engage in behaviors prohibited in this Section after a
127 University official or a member of MUPD has declared that the
128 conduct violates this Policy or other University regulations or policies
129 or an applicable law or ordinance (“violations”) and has instructed the
130 participants to modify or terminate their behavior. For purposes of
131 this Policy, the term “University official” means an employee of the
132 University performing administrative or professional responsibilities
133 under the delegated authority of the University. In carrying out their
134 duties and responsibilities under this Policy, University officials shall
135 take appropriate steps to identify themselves and the capacity in

136 which they are acting before giving directions or instructions to
137 others.

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

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

157 iii. Prompt compliance with instructions of a University official or
158 of MUPD, shall be a mitigating factor in any disciplinary

159 proceedings based upon the immediate conduct to which the
160 instructions refer, unless the violators are found to have
161 caused or intended to cause injury to person or property or to
162 have demonstrated willfully in an impermissible location.

163

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

166 **A. Director of University Events (DUE) and Coordinators**

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

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

180 **B. Role and Responsibilities of DUE and Coordinators**

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

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

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

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

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

202 **C. Impromptu Expressive Events and Activities; Spaces in Which Prior**
203 **Scheduling Is Required**

204 The University is committed to protecting the rights of expression, assembly,
205 protest, and dissent and to making its facilities and grounds available for these
206 activities. Protecting impromptu and spontaneous assembly for the purpose of
207 expression, protest, and dissent is essential to fulfilling this commitment. Thus, the lack
208 of a reservation to use space is not a basis for terminating any expressive activity,
209 including impromptu activities, unless the protest or assembly conflicts with a previously
210 scheduled event in the same location, violates a standard in Section III, or is occurring
211 in a location identified in Appendix B or Appendix C as one in which an impromptu
212 expressive event may not be held.

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

220 Unless listed in Appendix C or identified as an “Appendix B, Section 1 Outdoor
221 Space,” outdoor areas are available for impromptu expressive events and activities. In
222 addition, a number of outdoor areas (see Appendix B) are available for scheduling of
223 expressive events and activities on a first-come-first-served basis. (It is permissible to
224 organize an expressive event or activity in advance and leave it unscheduled; however,
225 to avoid having the event or activity preempted by a scheduled activity, organizers may
226 wish to reserve space for the event or activity.)

227 University employees, students, and student organizations may engage in
228 impromptu expressive events and activities as follows in all outdoor areas of the
229 campus *except*:

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

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

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

247 **E. Considering Scheduling Requests; Standards for Decisions Upon**
248 **Requests.**

249 **1. Standards**

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

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

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

271 and may consider any other similar, content-neutral factor that is related to any standard
272 in this section.

273 **2. Prioritization of Requests**

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

284 **3. Reasons for Denial of a Request**

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

- 287 a. the applicant has not completed a reservation request on a form
288 required of all applicants;
- 289 b. the request to reserve space contains a material misrepresentation or
290 materially false statement;
- 291 c. the request is not received sufficiently in advance of the proposed
292 event or activity to permit necessary evaluation and to determine the
293 appropriate location, except that no request shall be denied for this
294 reason if the request is received at least ten business days prior to the
295 proposed event;

- 296 d. the use or activity intended by the request is prohibited by law or
297 proposes behaviors or conduct proscribed in Section III;
- 298 e. the applicant has damaged University facilities or grounds in the past
299 in violation of University rules, regulations, or policies, and has not paid
300 for repairs;
- 301 f. the use or activity would present an unreasonable health or safety
302 danger; or
- 303 g. the request to use University facilities or grounds conflicts with a
304 preexisting reservation. When the basis for denial is prior receipt of a
305 competing application for the same time and place, the DUE, or the
306 Coordinator in conjunction with the DUE, will identify and suggest
307 alternative times or places.

308 A person whose request is denied by a Coordinator under this Policy may appeal
309 the denial to the DUE. A person whose request is denied by the DUE may appeal the
310 denial to the Office of the Vice Chancellor for Operations.

311

312 **V. FEES AND CHARGES**

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

317 Impromptu expressive events and activities will not be assessed fees or charges
318 unless damage is intentionally or recklessly inflicted upon University property. In the

319 event the expressive event or activity is causing damage or destruction of property, or
320 imminently threatening to cause such damage or destruction, a University official or a
321 member of MUPD may ask that the event or activity be relocated to an alternative space
322 at the University, or if this is not possible be rescheduled, or if this is not possible cease
323 and desist.

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

331

332 **VI. MISCELLANEOUS POLICIES AND PROCEDURES**

333 **A. Responsibility to Comply with Laws, Regulations, and Policies.**

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

340 **B. Outside Speakers and Groups.**

341 **1. Invitations and Sponsorships by Recognized Student**
342 **Organizations**

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

349 **2. Non-Invited Outside Groups**

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

354 **C. Applicability to Non-University Persons and Entities**

355 This Policy addresses itself explicitly to forms of individual and collective
356 expression in a University location by members of the University community. The extent
357 to which the privileges and obligations of this Policy may be made applicable in
358 particular circumstances to individuals or entities that are not members of the University
359 community shall be determined by the Chancellor or the Chancellor's designee.
360 Participants in meetings, events, and demonstrations in a University location are
361 required to comply with the instructions of a University official or a member of MUPD.

362

363 **Appendix A**

364 **CONTACTING THE DIRECTOR OF UNIVERSITY EVENTS (DUE) TO RESERVE**
 365 **FACILITIES OR OUTDOOR SPACE; SOME SPACES ARE SCHEDULED THROUGH**
 366 **COORDINATORS; OTHER INFORMATION ABOUT SCHEDULING**
 367

368 To schedule or reserve facilities or outdoor space, a student, student group, or
 369 recognized student organization (or other University department) may contact the
 370 Director of University Events (DUE), located in 304 Jesse Hall, at 882-7255. Outdoor
 371 space is generally scheduled by DUE, but some interior and outdoor spaces are
 372 coordinated by other offices. DUE will refer the person or organization making the
 373 request to the appropriate Coordinator.
 374

375 Alternatively, the requesting party may reach out directly to the Coordinator for
 376 the desired space. This Appendix A identifies various facilities and grounds, or
 377 categories of space, on the campus and lists the office in which the Coordinator for that
 378 space is located. Some additional information about scheduling space appears after
 379 this table.
 380

<u>University Space</u>	<u>Coordinator</u>	<u>Additional Information</u>
Classrooms	Office of the Registrar, 225 Jesse Hall, 882-6794 https://25live.collegenet.com/missouri/#home_my25live[0]	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.
MU Student Center and Memorial Union, and adjacent	Missouri Student Unions Reservations, 884-8793 http://ems.missouri.edu/VirtualEMS/	

outdoor areas, including Kuhlman Court		
Mizzou Sports Park (All Intercollegiate Facilities)	MU Athletics Facility Operations & Event Management, 882-6501	
Jesse Auditorium and Missouri Theater	Director of University Events (DUE), 304 Jesse Hall, 882-7255	
D.W. Reynolds Alumni Center	University Club, Sales Office, 882-2765	
Student Rec Complex, Stankowski Field, Hinkson and Epple Playfields and Outdoor Complex	MizzouRec Event Management, events@mizzourec.com , 884-0764	
Campus Dining Services Private Dining Rooms (The MARK on 5 th Street, Plaza 900, Rollins, Sabai)	Campus Dining Services Conference Coordinator, 900 Virginia Avenue, 882-4644	
Residence Halls and Outdoor Space Adjacent to a residence hall	Residential Academic Programs (RAP) Office, C122 Pershing Hall, 882-4815 https://reslife.missouri.edu/space-reservations	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

		is through the Res Life reservation website. Priority will be given to residence hall events.
All Other Outside Areas (Not Specifically Listed Above)	Director of University Events (DUE), 304 Jesse Hall, 882-7255	

381

382

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

388

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

393

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

398

399 Other Questions: For other questions about reserving and scheduling facilities
 400 and grounds at the University, or for questions about this Policy, contact the Director of
 401 University Events (DUE), 304 Jesse Hall, 882-7255.

402

Note: Outdoor areas of the University of Missouri campus not listed in Appendix B Appendix C are always available for impromptu (meaning, spontaneous and unscheduled) expressive events and activities.

403 **Appendix B: Outdoor areas that may be reserved**



404

405 Appendix B, Section 1 Outdoor Areas

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

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

419

420 Appendix B, Section 2 Outdoor Areas

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

- 426 • Francis Quadrangle
- 427 • Carnahan Quadrangle
- 428 • Traditions Plaza
- 429 • McAlester Park (also known as Peace Park)

- 430 • Lowry Mall
- 431 • Kulhman Court
- 432 • Dairy Lawn
- 433 • Plaza south of Jesse Hall
- 434 • Walsworth Plaza

- 435

*ote: Outdoor areas of the University of Missouri campus not listed in Appendix B
Appendix C are always available for impromptu (meaning, spontaneous and
unscheduled expressive events and activities.*

436 **Appendix C: Outdoor Areas that may not be reserved**

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438

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

442

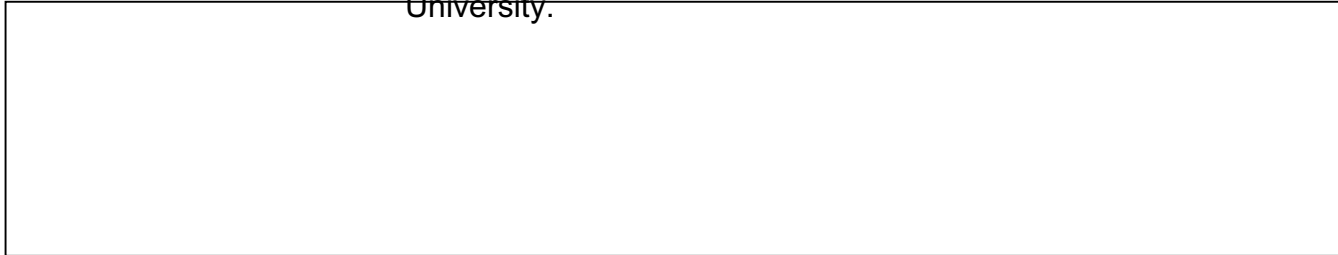
- 443 • The area containing and surrounding the University of Missouri Research
444 Reactor (MURR); this area is bounded by Research Park Drive to the west,
445 Agronomy Drive to the east, the USDA facility to the north, and the outermost
446 edge of the grassy areas immediately to the south, but does not include the
447 sidewalks in this area
- 448 • The area containing and surrounding the University of Missouri Power Plant; this
449 area is bounded by Providence Road to the west, Fifth Street to the east, Stewart
450 Road to the south, and Elm Street to the north, but does not include the
451 sidewalks in this area
- 452 • The area containing and surrounding the Laboratory for Infectious Disease
453 Research
- 454 • Within 20 feet of the entrance or exit to any building
- 455 • Parking garages, including the top level
- 456 • Parking lots during time periods when permits (including temporary permits such
457 as hourly parking passes and coin-op meters) are required
- 458 • Planted gardens
- 459 • Green spaces, including lawns, adjacent to health care facilities, but not including
460 sidewalks that traverse through these spaces
- 461 • The courtyard between Stanley Hall and Sears Lotti Greenhouses (near the
462 children’s day care facility located in that area)
- 463 • Sanborn Field

464 • Areas surrounding utilities, including electrical substations and drinking water
465 wells

466 • Areas that are fenced and locked, including construction sites

467

This **Appendix D** provides guidance to offices and officials responsible for implementing the Policy on 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.



469

470

471

GUIDANCE MEMORANDUM FOR IMPLEMENTING

472

“POLICY ON USE OF UNIVERSITY FACILITIES AND GROUNDS”

473

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

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

- 490 • **The right to dissent and protest** complements the right to speak, but
491 circumstances do exist where these rights conflict. The University has a
492 responsibility to ensure that speakers can be heard along with a corollary
493 responsibility not to chill counter-speech, dissent, and protest in the interest of
494 preventing serious disruption. The University will be mindful of steps it can

495 take to protect both speakers and those who wish to engage in speech,
496 dissent, or protest opposed to such speakers:

- 497
- 498 ○ To prevent serious disruption where it is anticipated, an organization
499 hosting an open meeting can work closely with University officials to
500 devise the time, place, and arrangements for admitting the audience.
501 University officials and others can meet in advance with protesting
502 groups, making clear the University's obligations to free expression
503 and indicating forms of dissent that do not interfere with speech.
504
- 505 ○ Where serious disruption is anticipated, the University will make
506 effective arrangements to protect the speaker and the right of the
507 audience to hear the speech.
508
- 509 ○ When disruption occurs, the University should seek to identify
510 disrupters and to take appropriate action as set forth in University rules
511 and regulations.
512
- 513 ○ When protected dissent and protest are substantially impeded or
514 inappropriately prevented, the University will undertake to create and
515 enforce effective arrangements to protect the right to dissent and
516 protest. When efforts to impede or prevent dissent or protest
517 themselves rise to a disruptive level, the University will seek to identify
518 those who commit such acts and to take appropriate actions as set
519 forth in University rules and regulations.
520
- 521 • **A speaker is entitled to communicate** the speaker's message to an
522 audience during the time allotted for the message, and **the audience is**
523 **entitled to hear** the message and see the speaker during that time. A
524 dissenter or protester must not substantially interfere with a speaker's ability
525 to communicate or with an audience's ability to see and hear the speaker.
526
- 527 ○ **In a closed meeting**, dissent or protest by non-attendees is typically
528 limited to activity outside the meeting that does not impede access to
529 the meeting or substantially interfere with the communications inside.
530
- 531 ▪ A closed meeting is generally understood to be a meeting at
532 which the sponsoring organization limits the attendance to the
533 membership in the organization or to invited or designated
534 individuals or groups (including members of the press), and

535 from which members of the University community and general
536 public not related to the sponsoring organization or to the
537 meeting are excluded. To the extent that a closed meeting is
538 advertised to those who are not invited to attend, there should
539 be clear disclosure that the meeting is closed.

540
541 ○ **When a meeting is open**, limitations on dissent or protest generally
542 depend on whether the dissent or protest occurs inside or outside the
543 meeting and on whether the dissent or protest occurs before, during, or
544 after the meeting.

545
546 ■ A meeting should be considered open even though the
547 sponsoring organization limits the audience to members of the
548 University community or to portions thereof (e.g., graduate
549 students) unless the meeting has the characteristics of the
550 closed meeting described above.

551
552 ■ When an open meeting is intended, the sponsoring organization
553 typically provides timely notice that the meeting is open and
554 typically makes at least a majority of the available seats
555 available to the University community, a portion thereof, or the
556 general public.

557
558 • **Picketing** in an orderly way or **distributing literature** outside a meeting is
559 generally acceptable unless it impedes access to the meeting. Distributing
560 literature inside an open meeting is generally acceptable before the meeting
561 is called to order and after the meeting is adjourned.

562
563 • **Displaying a sign, wearing significant or symbolic clothing, gesturing,**
564 **standing, kneeling, or otherwise protesting noiselessly** is generally
565 acceptable unless the protest interferes with the audience's view or prevents
566 the audience from paying attention to the speaker. Use of signs, prolonged
567 standing, or other activity likely to block the view of anyone in the audience
568 should be confined to the back of the room.

569
570 • **Responding vocally** to a speaker in a spontaneous and temporary manner
571 is generally acceptable, especially if reaction against a speaker is similar in
572 kind and degree to reaction in favor of the speaker. Asking critical questions
573 of the speaker during an event formatted to include a question-and-answer
574 session is acceptable. Chanting, persistent heckling, making other sustained

575 or repeated noise in a manner that makes it difficult or impossible to hear
576 what the speaker is saying, or substantially interfering with the speaker’s
577 communication with the audience is not acceptable, either inside or outside
578 the meeting.
579

- 580 • **Standards in policies that are anchored in language such as “disrupt,”**
581 **“interfere,” “obstruct,” or “prevent” do not have mathematical precision**
582 **but, like many standards in the law, are to be given the “common**
583 **understanding” that inheres in the “particular context” in which the**
584 **words are used.** Because particular cases will routinely present difficult and
585 unavoidable enforcement judgments, it is important to remind those who are
586 charged with implementing this Policy that their judgments must not be
587 influenced by the viewpoint of those claiming disruption, etc., or of those
588 alleging disruption, etc. The standards cannot be implemented in a manner
589 that prohibits speech that is disturbing because of its content, merely
590 annoying, outrageous to some listeners, or disruptive in some respect that
591 falls short of impairing the ordinary and normal functions of the university.
592 Rather, the time, place, and manner restrictions in this Policy on interfering or
593 disruptive behaviors describe circumstances in which there are actual or
594 imminent, and substantially disruptive or materially interfering behaviors that
595 impede the ordinary and normal operations of the University.
596

597 Courts have stated in many free expression cases that words in regulations,
598 ordinances, and statutes are to be given a “common understanding” and are
599 to be interpreted in the “particular context” in which the words are used. Thus,
600 for example, whether a protest or demonstration interferes with traffic
601 depends on the relationship between the volume of traffic and the size of the
602 passageway left open. Occasional heckling in a speaker’s pauses may not
603 disrupt a speech, but persistent heckling that prevents listeners from hearing
604 the speech does disrupt the speech. A vocal protest or demonstration
605 involving sustained chanting and heckling by members of an audience is
606 likely to constitute material and substantial interference at a concert or
607 lecture, but identical conduct is unlikely to be disruptive if undertaken by
608 attendees at a sporting event (e.g., a football game) where cheering and
609 noise is the norm. Contextual analysis and relevance of common
610 understanding was evident in a Supreme Court of the United States
611 (“SCOTUS”) case in which a city noise ordinance was challenged. The
612 ordinance provided that “[n]o person . . . shall willfully make or assist in the
613 making of any noise or diversion *which disturbs or tends to disturb* the peace
614 or good order of such school session or class thereof.” The Court rejected a
615 protester’s claim that the ordinance was unconstitutionally vague, holding that
616 the ordinance was “clear [in] what the [rule] as a whole prohibits” and gave

617 “fair notice to those to whom (it) is directed.” *Grayned v. City of Rockford*, 408
618 U.S. 104, 110-12 (1972) (italics added).

619
620 Determining the precise boundaries between permissible and impermissible
621 expression and speech is often difficult, but imprecision of language is a
622 problem commonly confronted in the law. In fact, SCOTUS has explicitly
623 acknowledged that drawing boundaries in this area is difficult. In *Snyder v.*
624 *Phelps*, 562 U.S. 443 (2011), Chief Justice Roberts, in referring to an issue
625 involving public employee speech, stated: “We noted a short time ago, in
626 considering whether public employee speech addressed a matter of public
627 concern, that ‘the boundaries of the public concern test are not well defined.’ .
628 . . . Although that remains true today, we have articulated some guiding
629 principles, principles that accord broad protection to speech to ensure that
630 courts themselves do not become inadvertent censors.” 562 U.S. at 452.

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

635 Condemned to the use of words, we can never expect mathematical
636 certainty from our language. The words of the Rockford ordinance are
637 marked by “flexibility and reasonable breadth, rather than meticulous
638 specificity” . . . but we think it is clear what the ordinance as a whole
639 prohibits. . . . [W]e think it proper to conclude that the Supreme Court
640 of Illinois would interpret the Rockford ordinance to prohibit only actual
641 or imminent interference with the “peace or good order” of the school.

642 Although the prohibited quantum of disturbance is not specified in the
643 ordinance, it is apparent from the statute’s announced purpose that the
644 measure is whether normal school activity has been or is about to be
645 disrupted. . . . [This is] a statute written specifically for the school
646 context, where the prohibited disturbances are easily measured by
647 their impact on the normal activities of the school. Given this “particular
648 context,” the ordinance gives “fair notice to those to whom (it) is
649 directed. . . . We think that . . . the ordinance here clearly “delineates
650 its reach in words of common understanding.” [408 U.S. at 110-12.]

651 In another part of the opinion, Justice Marshall contrasted the Rockford
652 ordinance with a Cincinnati ordinance that declared “annoying” behavior on
653 sidewalks unlawful. The lack of context in the Cincinnati case rendered the
654 ordinance impermissibly vague. In the Rockford case, the ordinance’s
655 prohibition on behaviors that “disturb or tend to disturb” a “school session or
656 class,” unlike “annoying” behaviors on sidewalks, required a “*demonstrated*

657 *interference with school activities.*” 408 U.S. at 114 (emphasis added). Justice
658 Marshall elaborated as follows:

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

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

- 683 • **Using or making a genuine, “true threat” to use force or violence is**
684 **never permitted.** The Supreme Court of the United States (“SCOTUS”) has
685 ruled on a number of occasions that the First Amendment allows government
686 to prohibit the making of a “true threat,” which the Court has defined as a
687 statement “where the speaker means to communicate a serious expression of
688 an intent to commit an act of unlawful violence to a particular individual or
689 group of individuals” (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)).
690 Thus, behaviors such as defacing a sign, assaulting or threatening to assault
691 a speaker, or assaulting or threatening to assault a member of the audience
692 are never appropriate. These kinds of behaviors are serious matters and may
693 violate state or federal law, or both.
694
- 695 • **Audiences, event organizers, and speakers have a responsibility to**
696 **respect the right to dissent and protest.** An individual who substantially

697 interferes with lawful dissent or protest is engaging in behavior as
698 unacceptable as a dissenter or protester who violates the rights of a speaker
699 or an audience.

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- 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.
 - 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.
 - 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.
 - 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.
 - 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

737 for more information; available at
738 http://bppm.missouri.edu/chapter1/1_070.html. The University will not
739 discriminate or place content-based limitations on what may be posted in
740 areas where posting is allowed, except that the University has the authority to
741 restrict certain spaces and certain bulletin boards to posting of certain kinds of
742 material. Thus, for example, a bulletin board can be reserved by an
743 academic department for the posting of academic information and policies.
744

- 745 • **Chalking** on sidewalks or buildings is prohibited on the campus. See BPPM
746 1:070 for more information; available at
747 http://bppm.missouri.edu/chapter1/1_070.html. The University will not
748 discriminate in favor of or against particular messages or particular content
749 when enforcing this regulation.
750
- 751 • **Outdoor spaces** on the University campus are both functionally and legally
752 distinct from indoor spaces, and thus are subject to different regulations.
753
 - 754 ○ **A legal distinction between outdoor space and indoor space** is
755 made by Missouri statutory law. See Mo. Rev. Stat. § 173.1550.1,
756 which became effective on August 28, 2015. The statute is available at
757 <http://www.moga.mo.gov/mostatutes/stathtml/17300015501.html>.
758
 - 759 ▪ Under the Missouri statute, the “outdoor areas of campuses of
760 public institutions of higher education in this state shall be
761 deemed traditional public forums. Public institutions of higher
762 education may maintain and enforce reasonable time, place,
763 and manner restrictions in service of a significant institutional
764 interest only when such restrictions employ clear, published,
765 content, and viewpoint-neutral criteria, and provide for ample
766 alternative means of expression. Any such restrictions shall
767 allow for members of the university community to spontaneously
768 and contemporaneously assemble.”
 - 769
 - 770 ▪ Further, “[a]ny person who wishes to engage in noncommercial
771 expressive activity on campus shall be permitted to do so freely,
772 as long as the person’s conduct is not unlawful and does not
773 materially and substantially disrupt the functioning of the
774 institution subject to the requirements of subsection 2 of this
775 section.”
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- 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.

- 817 ○ If **marchers or protesters** stay on sidewalks and obey traffic and
818 pedestrian signals, their activity is constitutionally protected even
819 without a permit. Marchers or protesters may be required to allow
820 enough space on the sidewalk for normal pedestrian traffic and may
821 not intentionally obstruct or detain other pedestrians. Also, marchers or
822 protesters may not occupy sidewalks in ways that block entrances to
823 buildings.
- 824
- 825 ○ The **distribution of leaflets** and other literature by protesters is
826 permitted on public sidewalks, and no permit is necessary to do so.
827 Protesters may approach pedestrians with these materials but may not
828 physically or maliciously detain them.
- 829
- 830 ○ **Picketing on public sidewalks** is permissible and does not require a
831 permit. Picketing must occur in a non-disruptive fashion so that
832 pedestrians can pass by and entrances to buildings are not blocked.
- 833
- 834 • **Photography** is allowed in traditional public forums or other public spaces. In
835 other words, when a person is in a public space, the person has a right to
836 photograph anything that is in plain view. Members of the press have this
837 same right to the same extent (neither more nor less) as any other person.
838 Police officers may not confiscate or demand to view a person's photographs
839 or video, or digital records thereof, without a warrant, and they may not delete
840 a person's photographs or video under any circumstances. Police officers
841 may legitimately order citizens (whether a member of the public or a member
842 of the press) to cease activities that are actually interfering with legitimate law
843 enforcement operations.
- 844
- 845 • The government may require a **fee** as a condition of larger groups exercising
846 their free speech rights, such as application fees, security deposits for clean-
847 up, clean-up fees, or charges for overtime security costs. Government may
848 not charge higher fees for events that are controversial or where it is
849 foreseeable that an audience or crowd may react to the speech in a hostile
850 way.
- 851
- 852 • **Counter-demonstrators** also have a right to dissent and protest. This
853 includes a right to be present at a demonstration and to voice displeasure
854 with demonstrators. Counter-demonstrators should not be allowed to
855 physically disrupt the event they are protesting. University officials and MUPD
856 are permitted to take steps to keep two or more antagonistic groups

857 separated from each other, but such groups should be allowed to be within
858 the general vicinity of each other if this can be accomplished without
859 compromising the health or safety of participants or observers.

860

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

869

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

874

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

882

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

890

891 ○ As of 2016, SCOTUS has not addressed the issue of **individual**
892 **privacy rights within a traditional public forum**, but it is reasonable
893 to expect that individuals do not lose all privacy rights while in
894 traditional public forums, even though all acts and behaviors of
895 individuals in plain view in public forums are subject to recording and
896 dissemination (provided the purpose of the recorder or disseminator is

897 noncommercial). Thus, individuals while in a public forum have a
898 reasonable expectation, for example, that no one, including the
899 government, will open their backpacks, purses, and briefcases carried
900 into the public forum, occupy an area of personal physical space that
901 would be objectively understood as offensive or inappropriate if it
902 occurred in a private area (e.g., taking a physical stance within a few
903 inches of a person's face or body), or seek to peer into or photograph
904 private areas under clothing or other apparel.

905
906 ○ SCOTUS has recognized that individuals have an expectation of
907 privacy in "curtilage," which is the immediate, enclosed area
908 surrounding a house or dwelling. It is reasonable to assume that
909 individuals while occupying space in a traditional public forum have
910 privacy rights in space that is analogous to curtilage. Because a
911 traditional public forum is by its nature public property freely accessible
912 to the general public, it is reasonable to assume that SCOTUS, if it has
913 occasion in the future to address the question of individual privacy
914 rights in public forums, will define the boundaries of curtilage narrowly.

915
916 • Legal protest and dissent are different from **civil disobedience**. Civil
917 disobedience is public, non-violent, and conscientious violation of law
918 undertaken for the purpose of bringing about a change in law, government
919 policies, or society. In the history of the United States, civil disobedience has
920 helped bring about many highly important, desirable changes in law and
921 society. Although deliberate acts that violate the laws, rules, and policies
922 applicable to free expression may constitute civil disobedience, those who
923 commit such civil disobedience should be willing to and must expect to suffer
924 the disciplinary and remedial consequences of their actions as provided by
925 law, rule, or policy.

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- 927
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