



UMBC INTERIM POLICY ON TIME, PLACE, AND MANNER FOR EXPRESSIVE ACTIVITIES

UMBC Policy #VI-0.00.01

I. POLICY STATEMENT

In accordance with the [USM Freedom of Speech and Expression Value Statement and Guidelines](#), the University of Maryland, Baltimore County (“University”) welcomes and respects diverse perspectives which includes the thoughtful exchange of ideas and information. The principles of free speech and academic freedom are central to the University’s mission and core value of inclusive excellence. As such, the University supports the rights of students, faculty, staff, and student organizations to engage in the expression of ideas, demonstrate, and leaflet, provided such activities are lawful and consistent with University policies.

II. PURPOSE FOR POLICY

The University is committed to support free speech and assembly and will do so in a content-neutral manner. Reasonable and content-neutral rules for the time, place and manner of expression and assembly are a legitimate way to ensure the orderly conduct of the University community.

To that end, this Policy establishes parameters regarding the time, place, and manner in which Expressive Activities may occur to assure that Expressive Activities do not unreasonably disrupt University Operations, violate the protected speech activity of others, prevent others from participating in any University program or activity, endanger the physical safety of others, or risk destruction of University property.

III. APPLICABILITY AND IMPACT STATEMENT

This policy applies to Expressive Activities of University Affiliates and Non-University Affiliates in On-Campus Community Accessible Areas and Designated Demonstration Areas. Expressive Activity, as defined by this Policy, is not permitted in On-Campus Non-Public Areas except in accordance with University policy and procedures.

No Expressive Activity will be prohibited on the basis of the content of the Expressive Activity. Content neutrality and programmatic space availability will be the driving force behind planning an Expressive Activity.

This Policy does not create any rights beyond those provided under the United States Constitution and the Maryland Declaration of Rights as interpreted by Federal and Maryland courts.

The free speech rights of faculty and staff to engage in Expressive Activity may not be the same as the rights of students to do so as faculty and staff are subject to additional employee policies and procedures.

Expressive Activities occurring under this Policy is not considered speech made by, on behalf of, or endorsed by the University.

IV. DEFINITIONS

- A. **Designated Expressive Activity Areas:** the area designated for Expressive Activity by Non-University Affiliates. These areas include: 1) The Plaza between the RAC and the Administration Building; and 2) The University Center Plaza.
- B. **Expressive Activity:** protected speech and assembly including but not limited to, public speaking, demonstrations, marches, picketing, leafleting, and protesting.
- C. **Non-University Affiliate:** a person or party who is not a University Affiliate to include Non-Registered Organizations.
- D. **On-Campus Non-Public Areas:** on campus spaces and areas necessary to conduct University Operations, including but not limited to all University-owned, leased or otherwise controlled property including, but not limited to, offices, lobbies, classrooms, laboratories, student residences and the corridors and hallways leading thereto.
- E. **On-Campus Community Accessible Areas:** any University facilities, other than on-campus non-public areas, which must be reserved pursuant to the University's Policy on Facility Use
- F. **Preferred Locations for Expressive Activity:** the area designated for Expressive Activity by University Affiliates. These areas include: 1) The Plaza between the RAC and the Administration Building; and 2) The University Center Plaza.
- G. **Public Speaking:** orally and audibly expressing a message, idea, opinion, concept, principle, or belief directed to a general audience and in a manner other than through a private conversation.
- H. **Registered Organization:** a group or organization that functions at the University and is a registered Student Organization in accordance with the policies and procedures of Campus Life within the Division of Student Affairs and/or is recognized by, sponsored by, or affiliated with any University academic or administrative unit.
- I. **Students:** all persons matriculating at UMBC, both full-time and part-time, pursuing undergraduate, graduate, non-degree, or professional studies who are

currently enrolled or registered. The determination of whether a person is a student is at the sole determination and discretion of the University.

- J. **University Affiliate:** all persons who are either a UMBC student, faculty, or staff to include all UMBC divisions, colleges, departments, operating units, and Registered Organizations.
- K. **University Community:** consists of all UMBC students, faculty, and staff to include all UMBC divisions, colleges, departments, operating units, and Registered Organizations.
- L. **University Facilities:** land, buildings and property owned, leased, operated, or otherwise controlled by the University.
- M. **University Operations:** all operations necessary to carry out the University's educational, research, health, safety and administrative functions.

V. UNIVERSITY POLICY

A. Expressive Activity by University Affiliates

1. The preferred locations for Expressive Activity by University Affiliates are:
 - a. The Plaza between the RAC and the Administration Building
 - b. The University Center Plaza
2. On-Campus Community Accessible Areas will also be available for Expressive Activity by University Affiliates with an approved reservation.
3. On-Campus Community Accessible Areas must be reserved on a first come basis in accordance with the procedures outlined in the UMBC Policy on Facilities Use. Scheduled events and activities have priority and anyone occupying a reserved space may be asked to relocate or to end the activity.
4. University Affiliates planning any Expressive Activity must contact Student Affairs at studentaffairs@umbc.edu in advance of any planned Expressive Activity. The purpose of the advance contact is to determine any space and resource needs and to discuss this Time, Place, and Manner policy.
 - a. **Individual and small group exceptions.** Expressive Activities involving 15 (fifteen) or fewer University Affiliates may occur in the preferred locations for Expressive Activity by University Affiliates without providing advance contact to Student Affairs, provided these activities do not otherwise violate this Policy, including, but not limited to, not interfering with any functions for which space has been reserved in advance. Accordingly, the University encourages all persons planning Expressive Activity, regardless of size, to contact Student Affairs to discuss this policy and how it might apply to the planned event.
 - b. **Spontaneous demonstration.** Occasionally, events occur that lead to immediate public outcry, and this Policy is not designed to limit a person's rights to protest such events.
 - a. University Affiliates may hold spontaneous demonstrations or protests only in preferred locations for Expressive Activity for University Affiliates without advanced notice provided these activities do not disrupt University operations or otherwise violate this Policy.

- b. It is a violation to circumvent this policy by claiming a planned event is spontaneous. In deciding whether a demonstration is spontaneous or planned, the University may consider any relevant evidence, including (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used amplification equipment, (c) whether security was alerted, or media contacted, substantially in advance of the demonstration, or (d) whether other circumstances demonstrate advance planning by one or more individuals or organizations.
 - c. The University retains authority to determine, in its sole discretion, whether to allow such unscheduled spontaneous events, or to require the individual(s) to reserve space in accordance with University policies and procedures.
 - 5. The University Affiliate interested in using On-Campus Community Accessible Areas for Expressive Activity must follow all guidelines for space reservations including providing details about the date, time and duration of the proposed activity and number of participants reasonably expected to attend within the capacity limits of the space.
 - 6. Requests for use of areas on campus may be denied in accordance with the facility reservation procedures and may occur for the following reasons: violation of the Conditions of Use as set forth in this Policy, a prior request having been granted for the same time and location, failure to comply with the provisions of this Policy or the Policy on Facilities Use, or concerns related to the safety or security of the University Community.
- B. Expressive Activity by Non-University Affiliates**
- 1. The following outside locations have been designated as "Designated Expressive Activity Areas" for Expressive Activity by Non-University Affiliates:
 - a. The Plaza between the RAC and the Administration Building
 - b. The University Center Plaza
 - 2. Non-University Affiliates must comply with all requirements within this Policy and the Policy on Facilities Use.
 - 3. Non-University Affiliates participating in sponsored events are required to comply with this Policy, and University Affiliates may be held accountable for the invited Non-University Affiliates' compliance with this Policy.
- C. Conditions of Use of Facilities for Expressive Activities**
- 1. Expressive Activity must comply with applicable Federal, state, and local laws, including, but not limited to, this Policy, other applicable University System of Maryland and University policies, regulations established by the State Fire Marshal, traffic laws, and ordinances regarding sound amplification systems. In addition, such activities may not:
 - a. disrupt University operations, or obstruct or disrupt other authorized or approved programs or activities on the University's campus;

- b. block entrances to or otherwise interfere with the free flow of vehicular and/or pedestrian traffic or block the ingress or egress into, out of, or within University Facilities or the campus itself;
 - c. include construction or erection of any temporary, permanent, or semi-permanent structures (e.g., encampments, tents, huts and other forms of temporary accommodations), whether for overnight use or not, without prior approval by Events and Conference Services;
 - d. include camping or lodging, except in authorized facilities;
 - e. include any overnight use of University grounds and facilities, without prior approval;
 - f. include any discriminatory, harassing, or threatening conduct toward any person, obscene or lewd conduct, disturbance of the peace or unlawful assembly; or
 - g. include theft, misuse, or destruction of University property or equipment.
2. Signs, Banners, Flags, and Similar Items
- a. Signs, banners, flags, and similar items that are carried should be constructed entirely of soft material such as cardboard or cloth and should not be attached to rigid sticks or poles. The University reserves the right to limit use of items constructed of rigid sticks, poles, or other potentially dangerous materials.
 - b. The University reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.
3. Amplified Sound
- a. To avoid potential conflicts with other scheduled activities and events, use of amplified sound on outdoor property requires advance approval by Events and Conference Services.
 - b. Amplified sound will not be permitted where it disrupts University operations.
 - c. The University may assign a sound monitor to the event to ensure compliance.
4. Chalking
- a. Chalking will be permitted only at the following locations with prior approval by Events and Conference Services:
 - i. The Terrace outside of the Commons
 - b. Chalking will be subject to regular maintenance and cleaning by University staff.
 - c. The University reserves the right to remove chalking that remains to prepare the space for a subsequent event or activity scheduled to occur in the same location.
 - d. Messages may be written only on flat horizontal surfaces of sidewalks.

- e. No messages may be written on vertical surfaces, including but not limited to walls, buildings, pillars, posts, benches, fencing, doors, trash receptacles, or kiosks.
 - f. Messages must be written in chalk that is water-soluble. Approved chalk includes commercially sold “sidewalk chalk” but does not include spray chalk or artist pastels.
 - g. Anyone who chalking in violation of these rules may be subject to disciplinary action and may be held responsible for costs incurred by the University for removal.
5. The University reserves the right to provide security when appropriate to uphold the rights and/or to protect the safety of speakers and members of the University Community.
 6. In accordance with Maryland Code Ann., Educ. Section § 26-102, as amended, individuals on University property may be required to provide identification and evidence of qualification to a University official upon request. Evidence of qualification means evidence that the individual is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the University.
 7. Posting and Distribution of Materials
 - a. University Affiliates and Non-University Affiliates participating in Expressive Activity shall be allowed to post materials only in accordance with UMBC Policy on the Posting of Notices and Event Roadway Signage.
 - b. University Affiliates engaged in Expressive Activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within the preferred locations for expressive activity without an approved reservation.
 - c. Non-University Affiliates engaged in Expressive Activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within the Designated Expressive Activity Areas.
 - d. Any such materials which are discarded or dropped in or around the activity area(s) by those distributing the materials, other than in an appropriate receptacle, must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated activity area(s). Leaving materials unattended on a surface to be picked up is considered littering, not distribution. If Facilities Management is called to clean the area after an event, the person or group may be charged for the cost of their services if it is determined that the distributing party left the materials.
 8. Commercial sales and solicitation (e.g., advertisements, sales, solicitations or testimonials for goods or services offered for sale; distribution of commercial leaflets, fliers, handbills, and/or circulars) must comply with the UMBC Policy on Sales and Solicitation.

9. Individuals shall comply with the directions of any University official acting in the performance of their duty.

D. Duties Toward Speakers or Campus Guests

1. No person may disrupt an invited or permitted speaker or campus guest or hinder the ability of other attendees to see, hear, or engage with a speaker or campus guest.
2. Speakers including individuals engaged in Expressive Activity protesting shall not be subject to harassment, nor shall counter-protesting infringe on others' right to hear the speaker. At the same time, members of the University Community shall have the right to peacefully protest any such activity.
3. Any incident of disruption of public speaking or other protected speech may constitute a violation of this Policy.

E. Compliance and Enforcement

1. Expressive Activities that violate this Policy may be subject to modification and cancellation. To the extent practicable under the circumstances, a person in violation of this Policy will be instructed to bring their activities into compliance with this Policy, will be asked to end their activities, and/or will be asked to leave University facilities.
2. Students or Registered Student Organizations accused of violating this Policy will be subject to processes under the Code of Student Conduct and/or the Code of Student Organization Conduct.
3. Faculty and staff found to have violated this Policy may be subject to disciplinary action under applicable University policy and procedures any applicable collective bargaining agreement.
4. Potential violations of this Policy by Non-University Affiliates will be referred to the University Police and may be subject to removal from campus, criminal prosecution, and/or arrest.
5. Entry onto or occupation of University property or any University facility in violation of this Policy is prohibited.
6. Expressive Activities that include any discrimination, harassment, hate, or bias in violation of the [UMBC Policy on Discrimination and Equal Opportunity](#) and/or [Policy on Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct](#) should be immediately reported to the Office of Equity and Civil Rights at ECR@umbc.edu; 410-455-1717; or via the [online reporting form](#).

VI. CONTACTS

Direct any general questions about this University Policy first to your department's administrative office. If you have specific questions, call the following offices:

Subject	Contact	Telephone	Email
Policy Clarification	Office of the Provost	410-455-2333	provost@umbc.edu
Policy Clarification	Vice President for Student Affairs	410-455-2393	studentaffairs@umbc.edu

Use of Facilities	Event and Conference Services	410-455-3462	schedule@umbc.edu
Discrimination, Harassment, Hate or Bias	Office of Equity and Civil Rights	410-455-1717	ecr@umbc.edu

VII. DOCUMENTATION: None

IX. RESTRICTIONS AND EXCLUSIONS

This Policy does not apply to the use of University facilities: (1) for official University-sponsored events or activities; (2) by its employees acting within the course and scope of their employment; (3) by vendors and other unaffiliated persons that have a contractual relationship with the University, in the course of the performance of the contract; or (4) that is the subject of a separate lease or management agreement which establishes the terms and conditions of use.

This Policy is limited to Expressive Activities that occur on the UMBC main campus and does not apply to Expressive Activities that occur on the campus of the Universities at Shady Grove.

X. RELATED ADMINISTRATIVE POLICIES AND PROCEDURES

- [USM Freedom of Speech and Expression Value Statement and Guidelines](#)
- [UMBC Policy on Discrimination and Equal Opportunity](#)
- [UMBC Policy on Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct](#)
- [UMBC Policy on Posting Notices and Event Roadway and Footpath Signage](#)
- [UMBC Policy on Facilities Use](#)
- [UMBC Policy on Sales and Solicitation](#)

Administrator Use Only

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