



## St. Cloud State University Policy

**TYPE OF POLICY:** ALL UNIVERSITY

**Title:** Use of Outdoor Space

**Effective Date:** 5/9/11

**Last Update:** NA

**Responsible University Officer:**

Director of Buildings and Grounds Management

**Policy Owner:** Vice President for Administrative Affairs

**Policy Contact:** Atwood Memorial Center: Administration Office – 320-308-2905 Office of Administrative Affairs: 320-308-2286 Public Safety Department: 320-308-3333 University Safety Administrator: 320-308-2266

**Reason for Policy:** *(Brief statement of purpose)*

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### POLICY LANGUAGE

It is the policy of St. Cloud State University that the facilities of the university are to be used primarily for the purpose of fulfilling the university's mission of teaching, research and public service. In fulfilling its purpose as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech expression, petition, and peaceful assembly as set forth in the U.S. Constitution. St. Cloud State University maintains its right to place reasonable restrictions on time, place, and manner of expression and prohibits any acts that are disruptive to the normal operations of the university. Any participant in a disruptive activity may face criminal charges. Faculty, staff and students engaging in a disruptive activity may be subject to disciplinary action.

The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others. The university reserves the right to maintain a perimeter to promote physical safety.

### SCOPE:

This policy is effective on the campus of St. Cloud State University and on any other property or medium controlled by St. Cloud State University. Members of the St. Cloud State University community, including employees, students, guests and visitors are subject to this policy.

## **PUBLIC EXPRESSION AREAS**

St. Cloud State University recognizes the tradition of the "public square"; therefore, the university establishes the following outdoor areas for public expression:

- The mall between Atwood and the Performing Arts Center
- The mall area in front on the west side of Stewart Hall
- The mall on the west side of Administrative Services Building
- Plaza on the south side of the National Hockey Center
- Southwest plaza side of the Husky Stadium

Other outdoor areas may be available for public expression use after receiving approval in advance. Individuals or groups wishing to use any campus facilities other than the Public Expression areas must make arrangements through the office of the Vice President for Administrative Affairs.

Public Expression areas, as designated above, are open to the public and do not require an advance reservation for use between 8:00 a.m. and 5:00 p.m., however, notification of the intent to use the space is suggested in order to ensure that a location is available on a specific date and time. An application for Use of Outdoor Space is available on-line at:

<http://www.stcloudstate.edu/atwood/policies/documents/PublicExpApp-WORD.pdf>

The form will be offered to a speaker at the time of the event.

## **PROCEDURES:**

The purpose of this section is to provide a non-exclusive list of forms of public expression and to describe the time, place and manner restrictions that will guide university management of events, speakers and other public activities. There are other university policies and procedures that apply and references to additional sources of law or policy may be provided below:

1. **Access:** Interfering with, impeding and causing blockage of the flow of vehicular or pedestrian traffic or ingress and egress to or from any building is not permitted.
2. **Demonstration:** Gesturing, wearing symbolic clothing or otherwise protesting is permissible unless it is a disruptive to university operations or impedes access.
3. **Banners And Signs:** The carrying or display of posters, signs, placards or banners in a way that obstructs or interferes with others' views on University grounds or inhibits the normal movement of any vehicular traffic or pedestrian movement or presents safety hazards, on university property is prohibited unless permitted by statute.
4. **Temporary Structures/Displays/Exhibits:** All proposed structures may be constructed or placed for any activity upon authorization by the Director of Public Safety. This authorization would be in consultation with the Director of Buildings and Grounds.

5. **Use of Fire:** Any torches, flammable outdoor displays or open fires must be approved by the University Safety Administrator. Use of candles is permissible so long as candles are in fire-proof containers and any spilt wax is cleaned up by the sponsoring group after the event.
6. **Responsibility Toward Property:** Care must be taken to insure that the university and personal property is not damaged or destroyed or left littered. Those responsible for such damage will be liable for any clean-up or repair costs.
7. **Preference for Student and University Events:** The University may, from time to time, at its discretion, preserve University outdoor space exclusively for students or for university sponsored events.
8. **Preference for Scheduled or Reserved Purposes:** All activities in Public Expression areas must be conducted so as to avoid interference with the regularly scheduled or reserved functions of that space.
9. **Available Time for Events Without Advance Approval:** Events may occur only between the hours of 8 a.m. and 5:00 p.m.
10. **After Hours Events:** Events after 5:00 p.m., including overnight stays, are permitted on campus only by registered student groups, with prior approval and in accordance with applicable rules.
11. **Sound Levels:** Noise levels should not interfere with classes, meetings, campus events or operations and activities in progress or the privacy of residence hall students. Event noise heard within buildings may be determined disruptive and in violation of this policy. While the interpretation of the sound level may be subjective, the University and its representatives must err on the side of caution in order to reasonably protect the University's operations. City ordinances may also apply.
12. **Speech That Is Not Protected:** The First Amendment to the United States Constitution does not protect speech or expression that threatens the health, safety or welfare of persons in the University community. Any speech that has the effect or is designed to inflict harm or cause a breach of the peace; incite an individual or individuals to commit a crime; threats to do harm; or speech that causes a panic is not considered protected speech. While the interpretation of these factors may be subjective, the University and its representatives must err on the side of caution in order to reasonably protect the University community members and property.
13. **Legal Authority:** All individuals participating in events are expected to comply with state and federal law, municipal ordinances, St. Cloud State University policies and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or the police which could include being trespassed from campus for a period of time among other remedies.

#### **DEFINITIONS:**

**Assembly:** A group or gathering of individuals whether organized or spontaneous.

**Disruptive Activity:** Obstruction, disruption, or interference with classes, research, events, ceremonies, speakers, performances, meeting rooms, administrative functions, or other university activities is not permitted. Infringement on the rights of others is prohibited. If protected speech activities combine to become disruptive the university reserves the right to relocate one or both activities or to maintain a perimeter to promote physical safety.

**Employee/Faculty/Staff:** any person who is listed in the campus payroll system, regardless of the percentage of time associated with the person's employment, including a staff retiree who has been recalled for University employment and other individuals to whom the University is contractually obligated to provide access to University property equivalent to that allowed to University employees.

**Guests/Non-Affiliates/Emeriti:** means any person who is not a student or employee but who may be a visitor.

**Procedure:** refers to guidance to implement policy e.g. time place and manner limitations on speech; as well as to the specific and concrete steps to follow to comply with university policy, e.g. where to get approval forms and to whom they should be submitted.

**Sign:** A billboard or placard displayed for the purpose of promoting events or activities or to convey a message or information of any type.

**Student:** means an individual who is:

1. admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at any System college or university; or
2. between terms of a continuing course of study at the college or university, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the college or university, during the pendency of any adjudication of the student disciplinary action.

**Student Organization:** A student organization is registered by the Center for Student Organizations and Leadership Development.

**System:** the Minnesota State Colleges and Universities (MnSCU) or (System).

**University:** Refers to St. Cloud State University.

**University Affiliated Organizations:** Includes all official University committees, special committees, groups, and task forces supported directly by the University and the St. Cloud State University Alumni Association and St. Cloud State University Foundation.

**University Department:** Budgetary units of St. Cloud State University and affiliated organizations.

**University Grounds/Facilities:** Any University owned, leased, or maintained property including but not limited to, all buildings and structures.

**Visitor-** means any person who is on University Grounds/Facilities, but does not include (1) an employee of the System acting in the course and scope of their employment; or (2) a student, when that student is on System property.

**RELATED DOCUMENTS:**

1. Form for Users of Outdoor Space  
<http://www.stcloudstate.edu/atwood/policies/documents/PublicExpApp-WORD.pdf>
2. Statutes on Picketing (see Minn. Stat. 2010, Chapters 179A.13)
3. Distribution of Printed Material
4. Posting of Materials
5. Banners and Signs (In Development)
6. Chalking Policy (In Development)
7. Flag Policy
8. Affirmative Action Plan
9. Policy on Solicitation (In Development)
10. Trespass Policy (In Development)

**The policy approval process may require any or all of the following items:**

- Procedures
- Forms/Instructions
- Additional Contacts
- Definitions
- Responsibilities
- Appendices
- FAQ
- Related Information

- History