Council of Trustees Policy COT-002

Non-Sponsored Demonstrations, Presentations, and Non-Commercial Literature Distribution

A. Purpose

The Kutztown University campus is for the primary use by its students, faculty and staff in their efforts to advance the educational mission of the university. Kutztown University recognizes its role as a public university to encourage the exchange of ideas and/or viewpoints. As such, Kutztown University is open to the presentation and free exchange of ideas by those who may, not necessarily, be affiliated with the University. The University has a significant interest to protect the educational experience of the students in the furthering of its educational mission by ensuring students' safety, security and fostering diversity.

To that end, this policy sets forth certain practices that enable the exchange of ideas while protecting the orderly nature of the campus.

B. Scope

This policy applies to all non-sponsored entities who intend to utilize the campus to exercise their constitutionally protected rights to free expression through presentation, demonstration or the distribution of non-commercial literature.

C. Definitions

1. Distribution of non-commercial materials refers to such activities of a personal transaction nature that makes available paper or other material items which do not include the sale of goods or services or solicitation for funds.

2. Public Demonstration refers to an assembly of individuals for the purpose of expressing their views.

3. Presentation refers to any public display of information to express a viewpoint. This also applies to orally expressed viewpoints by use of amplification devices.

4. Public Forum – University property, outside of buildings, that are generally open to the public to the extent that they do not disrupt the normal operations of the University nor infringe on the rights of other members of the University community. The areas on

campus specifically designed as such are: the open space in front of Rohrbach Library and Lytle/TAF Field.

5. Non-Public Forum – the interior of any campus owned or leased facility, enclosed athletic facilities, areas within twenty-five (25) feet of the exit to any facility.

6. Routine Operational Hours refers to standard workday hours and those evening times when public events occur.

D. Policy and Procedure

1. Non-sponsored entities shall provide 24 hour advanced notice of their intent to utilize the Kutztown University campus for the purpose of non-commercial literature distribution, public demonstration or presentation.

2. Notice shall be provided to the Chief of Police Services or his/her designee. The request for the permit may be made via telephone or in writing.

3. A permit shall be issued by the Chief of Police Services or his/her designee to the non-sponsored entity for an activity that is to occur during routine operational hours contingent upon space availability.

4. No permit shall be issued during any scheduled final examination period.

5. The permitted activity shall not:

a. Obstruct vehicular, pedestrian, bicycle or other traffic;
b. Obstruct entrances or exits to the buildings or driveways;
c. Interfere with educational activities inside or outside of the building;
d. Engage in any disorderly conduct as defined by applicable state and local statutes and/or ordinances;
e. Interfere with or preclude a scheduled speaker from being heard;
f. Interfere with scheduled University operations, ceremonies or events;
g. Damage property, including but not limited to lawns, shrubs or trees;
h. Disturb the peace as defined by applicable state and local laws, statutes and/or ordinances; or
i. Engage in any conduct deemed to be unlawful by any applicable state and/or local law, statute and/or ordinances.

Non-sponsored groups are considered visitors to the campus. Should their activities interfere with the operation of the University, jeopardizes the public safety, and/or fail to abide by the standards set forth above, the permit may be revoked and campus public safety officials may take action as they deem appropriate. Failure to abide by the directive of campus public safety officials may result in arrest.

E. Approved by

Council of Trustees, June 7, 2007

F. Last Review

August, 2010
August, 2012