

# Expressive Activity Policy

**Policy Title:** University of Illinois Springfield Expressive Activity Policy

**Policy Owner:** UIS Chancellor

**Responsible Official:** UIS Chancellor

**Approved by:** UIS Chancellor by recommendation of the Cabinet

**Date Approved:** 8/23/24

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**Related Policies:**

General Use of and Access to University of Illinois Springfield Property

Handling Disruption of Academic or Operational Functions - University of Illinois Springfield

## I. Purpose

University Community Members have the freedom to engage in Expressive Activities on University of Illinois Springfield (UIS) Property subject to restrictions that are consistent with established First Amendment principles and principles of academic freedom. This policy affirms the university's commitment to the open exchange of ideas and values through Expressive Activities without intimidation or harassment and establishes parameters to help provide a safe environment, protect property and promote the proper functioning of the university's teaching, research, economic development, and public service missions and business operations.

The university shall not enforce this policy in a manner that discriminates against any person or group on the basis of any protected classification. A full list of protected classifications can be found in the UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct.

## II. Scope

This policy applies to all University Community Members including faculty, staff, students, registered student organizations, affiliates, and visitors.

## III. Authority

Office of the Chancellor

#### IV. Policy

1. **Expressive Activities Permitted.** University Community Members may use outdoor, publicly accessible areas of UIS Property for Expressive Activities, subject to the restrictions in this policy. Unless otherwise regulated by this or other applicable policies, University Community Members do not need to reserve outdoor publicly accessible areas of University Property to engage in spontaneous Expressive Activities permitted by this policy. If University Community Members expect or request exclusive use of University Property for an event or activity, or if otherwise required by university policy or procedure, reservations must be made in accordance with the university's Procedure for Reservation of University of Illinois Springfield (UIS) Property.

Use of University Property does not imply or signify the university's endorsement, sponsorship, approval or disapproval of the views expressed in any Expressive Activity.

2. **Restrictions on Expressive Activities.** Conduct on UIS Property, including but not limited to Expressive Activities, must comply with the following restrictions. The university shall not consider the content or viewpoint of Expressive Activities permitted by university policy when applying these restrictions.
  - a. **Lawful Activities.** Conduct, including Expressive Activities, must comply with applicable federal, state and local laws, including but not limited to 720 ILCS 5/21.2-2 (Interference with a public institution of education) and 720 ILCS 5/26-1 (Disorderly conduct), and lawful directives and orders from federal and state governments, law enforcement agencies and public health authorities.
  - b. **Compliance with University Policy.** Conduct, including Expressive Activities, must comply with applicable university policy, including but not limited to this policy, General Use of and Access to University of Illinois Springfield (UIS) Property, Procedure for Reservation of University of Illinois Springfield (UIS) Property, the Student Code of Conduct, the Acceptable Use of Information Technology Resources, and the UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct.
  - c. **Public Safety.** Conduct, including Expressive Activities, must not physically injure persons, damage or destroy property, or threaten to cause such injury or

damage. Conduct must not create safety hazards or harm or threaten the physical health or physical safety of any person. Conduct that harms or threatens the physical health or physical safety of any person includes, but is not limited to:

- i. causing bodily harm to a person;
- ii. inappropriate and unwelcome physical contact with another person, including but not limited to pushing, slapping or spitting;
- iii. reckless disregard for the physical health or physical safety of any person; or
- iv. any verbal threat or physically threatening behavior that would cause a reasonable person to fear for their physical health or physical safety.

d. **Substantial and Material Disruption of University Activities.** Conduct, including Expressive Activities, must not substantially and/or materially disrupt, impair or interfere with the following:

- i. The teaching, study, research or administration of the university;
- ii. The authorized use of University Property, including meetings of university students, faculty, staff, administrators or guests;
- iii. The rights and privileges of other University Community Members; or
- iv. Fire protection, law enforcement, or emergency or medical services.

Disruptive conduct may include, but is not limited to the following:

- i. Obstructing, impairing or interfering with university-sponsored or authorized activities or University Property in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or UIS Property;
- ii. Creating a volume of noise that impairs or interferes with university-sponsored or authorized activities or UIS Property in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or University Property; and
- iii. Using or threatening use of force against any University Community Member.

- e. **Obstruct Access to Buildings or Impede Movement.** Conduct, including Expressive Activities, must not obstruct or block entrances or exits to buildings, or vehicular or pedestrian traffic. Conduct, including Expressive Activities, must not restrict the free movement of persons on UIS Property.
- f. **Conflicts with Reservations.** Conduct, including Expressive Activities, must not conflict or interfere with a reservation approved pursuant to the Procedure for Reservation of University of Illinois Springfield (UIS) Property.
- g. **Noise.** Conduct, including Expressive Activities, must not create, or assist in creating, a Noise Disturbance.
- h. **Amplified Sound.** Amplified sound is not permitted except as follows:
  - i. Subject to all applicable limitations in Paragraph 2 of this policy, a handheld, battery-operated bullhorn may be used in connection with Expressive Activities permitted in Paragraph 1 of this policy, except no bullhorns are permitted during final exam periods as set forth in the university's academic calendar. When permitted and subject to all applicable restrictions in this policy, the bullhorn must be more than 50 feet from and directed away from the nearest classroom building, residence hall, library or the Student Union during hours of operation;
  - ii. As approved as part of a reservation request under the Procedure for Reservation of University of Illinois Springfield (UIS) Property for an event or activity occurring after 5 p.m. or on weekends excluding final exam periods as set forth in the university's academic calendar; or
  - iii. As approved by the Special Event Committee for an event or activity sponsored by a university unit or recognized student organization after considering the anticipated noise level and potential impact on academic activities or other university activities in the vicinity.
  - iv. Noise and amplified sound related to authorized university operations (*e.g.*, approved university sporting, entertainment or music events, authorized construction and maintenance, or authorized university classes) is not governed by this policy.
- i. **Property Damage.** Conduct, including Expressive Activities, that results in or is substantially likely to result in damage or destruction of University Property or

property belonging to other University Community Members is prohibited. Persons or organizations causing such damage may be held financially responsible, in addition to possible consequences under other applicable policies and law.

- 3. Posting Materials.** University Community Members may post notices, flyers, posters, signs or other written or printed materials of a similar nature regarding any non-commercial topic on general campus bulletin boards.
- a. Posting, affixing or physically attaching materials to University Property other than a designated area authorized by university policy, including but not limited to statues, doors, light posts, utility poles, walls, trees and trash cans, is prohibited.
  - b. Use of classroom bulletin boards is restricted to instructional information, as defined by the instructors who use that classroom. Classroom bulletin boards may not be used by other groups or individuals for other purposes.
  - c. Use of unit bulletin boards that are assigned to specific university units is restricted to the assigned unit and may not be used by other groups or individuals for other purposes.
  - d. In university buildings or facilities that have separate posting policies for use of designated bulletin boards or posting areas, materials must be posted in accordance with this policy and the standards provided by the facility managing the posting area.
  - e. Unless otherwise indicated in a facility policy for designated spaces within the facility, materials must not exceed 11 inches by 17 inches, and only one copy of a material may be posted in the same designated space at any one time.
  - f. Materials may not be affixed in a manner that causes damage to University Property, such as using damaging adhesives.
  - g. Materials cannot be obscene, libelous or directed to inciting or producing imminent lawless action and likely to incite or produce such action.
  - h. The University Community Member who posted material for an event or activity is responsible for ensuring that the material is removed within 48 hours after the event or activity.
  - i. An authorized official of the university may remove and destroy the following posted materials:

1. Unauthorized or outdated posted materials (*e.g.*, materials publicizing a past event or activity; duplicate materials posted on the same bulletin board);
  2. Any posted materials at the end of each semester, at regular intervals as established by the university, or as part of regular maintenance and cleaning by university personnel acting within the scope of their university duties; and
  3. Posted materials that violate university policy, including this policy, or state or federal law.
- j. University Community Members must not remove, cover or tamper with materials posted by another person or organization.
- k. Posting of materials in residence halls is governed by applicable University Residence Life policies.

**4. General Information Bulletin Boards.** There are two types of bulletin boards on the UIS campus: campus general information bulletin boards and department/program/unit-specific bulletin boards. The guidelines below pertain only to campus general information bulletin boards, which include outdoor directories. Guidelines for department/program/unit bulletin boards are determined by the entity responsible for them; materials should not be posted on them without prior approval.

- a. Posters, defined as any handbills, flyers, signs, notices or other hand- or machine-printed materials, may not exceed 78 inches (17" by 22") in perimeter.
- b. Walls and doors (that don't belong to individual office occupants), windows, ceilings, floors, elevators, phone booths, trash receptacles, trees, light standards, permanent signs, other interior or exterior building surfaces, and similar locations are not appropriate places for posters. Posters found in such places will be removed by physical plant staff.
- c. The campus reserves the right to remove any materials from campus general information bulletin boards that are clearly obscene or otherwise in violation of state or federal law or city ordinances.
- d. Each campus general information bulletin board will contain a small sign at the top stating that the campus reserves the right to clean off the boards periodically.

- e. Physical plant staff will remove materials from the boards at the end of each semester; items announcing dated events will be removed after the date of the event.
- f. A list of campus general information bulletin board locations is available from the Office of Media Strategy.

**5. Handheld Signs and Distribution of Written Materials.** University Community Members may hold handheld signs and distribute written or printed materials, such as flyers, leaflets and publications, regarding a non-commercial topic, on a person-to-person basis in outdoor publicly accessible areas of UIS Property, unless otherwise designated by the university.

- a. Those individuals and groups engaged in the distribution of written materials must not litter and are encouraged to pick up any distributed materials dropped on the ground by others around the area of distribution.
- b. An authorized official of the university may remove any written materials left behind or unattended, and the university assumes no responsibility for the safety and care of such materials.
- c. Distribution of materials that violates university policy, including this policy, or state or federal law, is prohibited.
- d. Signs and materials cannot be obscene, libelous or directed to inciting or producing imminent lawless action and likely to incite or produce such action.
- e. Distribution of written materials in residence halls is governed by applicable University Residence Life policies.
- f. All signs must be handheld, no larger than 3 feet by 3 feet, and may not be left unattended. Nothing may be attached to the sign for holding.

**6. Chalking.** University Community Members may use water-soluble chalk, easily removed by rain, for Expressive Activities regarding any non-commercial topic on university sidewalks. Other chalk, paint or similar material is prohibited.

- a. Chalking is prohibited:
  - i. On UIS Property other than university sidewalks. For example, chalking is not permitted on vertical surfaces, buildings, walls, planters, doors, trash receptacles,

- steps, fountains, benches, tables, signs, poles, columns, bus stops, light posts and trees;
- ii. Underneath any covering where chalk would not be washed away by rainfall; and
  - iii. Within 20 feet of any doorway.
- b. Each chalking must be less than 5 feet x 5 feet and at least 20 feet from another chalking by the same University Community Member or affiliated organization.
  - c. Chalking and other markings on University Property that violate university policy, including but not limited to this policy, or state or federal law are subject to removal by an authorized official of the university.
  - d. University Community Members and Visitors must not remove or tamper with chalking done by another person or organization.
  - e. Chalking as permitted by this policy is subject to regular maintenance and cleaning by university personnel acting within the scope of their university duties.

## **V. Definitions**

Amplified sound means sound increased in volume through the use of equipment, such as a public address system, loudspeaker, bullhorn, musical amplifier or any device or machine that is capable of amplifying sound.

Expressive Activities means speech, assembly, demonstrations and any other expression protected under the First Amendment to the U.S. Constitution or Article I of the Constitution of the State of Illinois, with the exception of commercial activity. Expression and activities that fall outside First Amendment protection, such as obscenity, defamation and true threats, are not protected under this policy.

Noise Disturbance means an unreasonably loud, disturbing or unnecessary sound that causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof. Sound measured at or above 85 decibels in an adjacent indoor area 50 feet or more from the source of the noise is presumed to create a noise disturbance unless exempted or authorized by the university.



Non-commercial topic means any university event, student group activity, job opportunity, current event, news, political cause, opinion and other topics that are not primarily related to a commercial transaction or an advertisement to promote the sale of goods or services.

Outdoor, publicly accessible areas means unsecured and unrestricted outdoor spaces of UIS Property that are generally open and available to the public for use and enjoyment, unless such areas have been otherwise designated by the university as restricted or reserved.

University refers to the University of Illinois Springfield

University Community Members means any faculty, staff, students, registered student organizations, affiliates or visitors.

University policy includes University *Statutes*, General Rules, actions of the Board of Trustees, university policies, codes, rules, regulations, authorized orders or instructions by university officials acting within the scope of their university duties, and rules and policies established by a Venue Manager, Designated Official or facility.

University of Illinois Springfield (UIS) Property means all buildings, grounds and other internal and external spaces owned, controlled or leased by the university.

Venue Manager or Designated Official means the individual who has been appointed by the Chancellor or the Chancellor's designee to manage events and activities and to make decisions about use of specific UIS Property.

## **VI. Processes/Procedures/Guidelines**

1. A person engaged in Expressive Activities in compliance with this policy is not subject to discipline by the university. A violation of this policy or applicable law may result in discipline in accordance with applicable university policies and procedures or other consequences, such as potential civil or criminal action in accordance with applicable civil and criminal laws.
2. A Venue Manager or Designated Official and authorized university officials acting within the scope of their university duties may determine what actions are necessary

to respond to alleged violations of this policy, including but not limited to taking immediate action to prevent ongoing or further policy violations. To the extent practicable, a person in violation of this policy will be instructed to bring their activities into compliance with university policy. A person in violation of this policy also may be directed to depart UIS Property or any part thereof.

3. Refer to the Campus Threat Assessment Team Process for the campus community's responsibilities to report and respond to potential indicators and threats of violent behavior, as well as the processes and resources available, and the Campus Violence Prevention Plan for information related to the university's commitment to safety.
4. Refer to the UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct for the policy and associated procedures to address complaints of discrimination or harassment based on the protected categories as set forth in that policy. Reports of discrimination or harassment, or questions regarding this policy, may be directed to the Access and Equity Office.
5. A UIS Community Member who believes a university official has infringed on their freedom to engage in Expressive Activities permitted by this policy may complete a complaint form. Complaints will be addressed by the appropriate university body.

## VII. Exceptions

This policy does not apply to authorized university operations (e.g., construction and maintenance) or to university personnel carrying out an authorized university service or activity while acting within the scope of their university duties and responsibilities.

Date approval recommended by Chancellors Cabinet: 08/23/2024

Date approved by Chancellor: 08/23/2024

Chancellor Signature: 