



PUBLIC SPEAKING, DISTRIBUTION OF LITERATURE,  
COMMERCIAL SOLICITATION AND DEMONSTRATIONS IN PUBLIC AREAS

Salem State University is committed to the provision of quality higher education. Whenever appropriate, and in order to maximize use of existing resources, the University will make its facilities available for use by University-affiliated persons or groups, and under agreements with outside parties who contribute to the welfare of the community or who require facilities unique to the University for purposes which are substantially related or complementary to the mission of the University. The University reserves the right to refuse the use of its facilities and grounds to any group or individual when it determines such use would be in conflict with or not enhance the mission of the University.

In making its facilities and grounds available for use, the University recognizes the rights of members of the University community and its visitors to freedom of assembly and speech, and strongly believes in fostering discourse and the free exchange of ideas at the University. Subject to the provisions of this Policy, members of the University community and its visitors may exercise such rights in appropriate public areas without seeking sponsorship or permission of the University. As a matter of law and University policy, however, these rights must be exercised on University property in a manner consistent with the mission and operation of the University and the rights of other members of the University community.

I. General Policies

A. The University's Educational Mission

Activities conducted in University facilities or on University grounds must have a primary purpose which is educational or informational and be carried out so as to benefit the campus in the fulfillment of its mission with sensitivity to the total community.

B. Non-Discrimination

The University, all students, staff and employees, all visitors, and all outside users of the University's facilities pursuant to an agreement must not discriminate and must comply with applicable laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital status, veteran or other legally-protected status.

C. Restriction of Use

University facilities, grounds, and equipment will not be used by or contracted to groups or individuals for purposes that are illegal, determined by the University to be potentially harmful to person or property, or that are not substantially related or complementary to the mission of the University.

#### D. Conduct of Groups/Individuals

All groups, organizations, and individuals using University facilities, grounds, and equipment as internal users or outside parties under contract must adhere to all applicable University policies, procedures, and requirements relating to use of its facilities. All federal, state, and local statutes, ordinances, and regulations must be observed. All groups and individuals must insure that the rights of personal privacy and freedom of speech are not violated.

#### II. Freedom of Speech and Distribution of Literature in Public Areas

##### A. Rules and Guidelines

The University shall place no restrictions on the fundamental rights of free speech and assembly except those that are necessary to preserve the orderly functioning of the University as an institution of higher learning. Students, staff, faculty, and visitors shall be permitted to distribute literature for non-commercial purposes, in the public areas on campus, provided that:

1. Public areas on campus shall be defined as those areas generally open to the public that do not serve a specific educational, administrative, research, health, residential, dining, athletic, or recreational purpose. Public areas are locations that by tradition or policy are available for public assembly and speech.

The University specifically recognizes the following public forum spaces:  
Alumni Plaza, Campus Center Lobby, Commons Dining Hall First Floor Lobby, Meier Hall First Floor Lobby, Central Campus Classroom Building Lobby, Marsh Dining Commons Lobby, and the Harrington Building Lobby.

2. Such public areas shall include, but not necessarily be limited to, lobbies of student/campus centers, parking lots, and other outdoor public areas of the campus constituting traditional public fora.
3. Areas on campus not open to the activities described above shall include, but not be limited to, classroom, laboratories and other instructional facilities, libraries, cafeterias, residence halls, and faculty, administrative and student offices.
4. Public areas may not be used between midnight to 6:00 a.m. All public areas must be cleaned up and restored to their previous states by midnight. Any materials left on the site after that time will be cleared by Facilities and the user may be charged for the costs of the cleanup.
5. Scheduled events sponsored by University organizations, departments or personnel will have priority over public area uses for access to all University facilities.
6. Activities described above shall not be permitted if human safety is threatened, if vehicular or pedestrian traffic is seriously disrupted, if University property is damaged, if it results in excessive littering, or there is any material interference with any educational or research activity.

## B. Procedures for Public Address

Visitors to the campus, students, staff, or faculty wishing to use a public area to publicly address the University community at other than a University-sponsored event must first contact the Campus Center to insure that the time, place and manner of the address does not interfere with normal University functioning.

1. Within no less than 48 hours prior to the time requested to make a public address, persons wishing to use a public area space should inform Campus Center of the date, time, number of people involved, and the contact person for the event.
2. On a case-by-case basis, the University may waive the 48-hour notice requirement for spontaneous public addresses that are directly occasioned by news, events or affairs coming into public knowledge less than 48 hours prior to such address. Such spontaneous public addresses may be allowed upon the Alumni Plaza without the speaker or organizer first having to obtain a permit.
3. As a general rule, no individual or group will be permitted to engage in public address on campus more than two times per month and/or four visits per semester.
4. Persons wishing to use sound amplification in a public area must have such a request approved by the Campus Center Office. Sound amplification equipment used without the written approval of the Campus Center Office may be disconnected, removed, or confiscated by Campus Police if it interferes in the educational activities or business of the University or with the rights of others.

Where appropriate, the University shall endeavor to maintain open lines of communication with speakers and/or demonstrators and to provide opportunities for discussion of matters in dispute so long as the individuals behave in a manner consistent with University policy and the rights of others.

As a general rule, the University will not negotiate with individuals who occupy any University area or facility in violation of this policy or any other University policy, or with associated demonstrators, while any such occupation continues.

## III. Commercial Activities and Solicitation on University Property

### A. General Policy

The conducting of any commercial activity or solicitation, which shall be defined as proposing or conducting a commercial transaction for the profit of any person or business, is not permitted on the University's campus, with the following conditions and exceptions:

1. The sale of records, tapes, programs, and other items immediately before, during, or after concerts and other performances sponsored by the University or conducted under a valid license agreement shall be permitted provided that all such items are directly related to the person or group performing.

2. Vendors will be allowed to rent tables for commercial purposes in public areas (as defined in this Policy ) selected by the campus, provided that:
  - a. a designated rental fee is paid to the campus;
  - b. the items sold or offered for sale are not in conflict with existing services already provided and are approved by the designated campus authority;
  - c. sales generally begin after 8:30 a.m. and end by 5:00 p.m. unless otherwise provided for in the license agreement; and
  - d. space generally is not reserved for more than a three-day period and not more than two times a month, unless otherwise provided for in the license agreement.
3. Commercial solicitation is permitted in only the Campus Center Lobby, Alumni Plaza, Commons Dining Hall First Floor, Meier Hall First Floor Lobby, Central Campus Classroom Building Lobby, Marsh Dining Commons Lobby, and the Harrington Building Lobby.
4. Door-to-door in residence halls by any individuals, including students, is expressly prohibited.
5. A license/permit shall be required by all commercial solicitors and, upon approval, will be issued by the designated authority on the campus, in accordance with the following guidelines:
  - a. All requests for commercial activity or solicitation must be made in writing to the Campus Center Office on the appropriate form. This form must be completed by the requester and submitted to the Campus Center Office no less than 72 hours prior to the time requested to begin soliciting.
  - b. Requests for space are filled on a first-come, first-served basis.
  - c. Permission to solicit will be issued for a specific period of time and location, and will be subject to such limitations as the Director of the Campus Center or designee may prescribe.
  - d. Fees, if applicable, will be determined by the Director of the Campus Center or designee. All fees must be paid prior to the date of solicitation. Checks are to be made payable to Salem State University and delivered to the Campus Center Office.
  - e. Authorization may not be granted in particular instances if it appears that any circumstances exist which may impede University activities or place an unacceptable burden on the University's Campus Police Department and/or other administrative staff.

- f. No vendor or solicitor will be permitted to engage in commercial activity on campus more than two times per month and/or four visits per semester, without permission by the Director of the Campus Center or designee.
  6. Materials may not be hung, draped, or displayed on walls or windows without permission from the Campus Center Office. All items must be used safely, so as not to cause any damage to University property. Organizations using campus facilities are responsible for any damages occurring during their use. All equipment must conform to local fire laws and ordinances.
  7. The University is not responsible for any accident incurred during the use of the space requested. All solicitors using campus facilities do so at their own risk.
- B. Authorization to engage in commercial activity or solicitation does not constitute an endorsement or guarantee of any opinion, product or service by Salem State University.
- C. Nothing in this policy shall prohibit the sale of goods and/or services to the University community by the University.
- D. Harassment of members of the University community by those soliciting will be cause for immediate revocation of permission to commercially solicit on campus, at the discretion of the Director of the Campus Center or designee.
- E. Individuals or organizations who do not comply with these commercial activity and solicitation policies and procedures may be subject to cancellation of soliciting privileges by the University.

#### IV. Guidelines for Responses to Demonstrations on University Property

Some members of the University community and some visitors to the campus on occasion have exceeded the bounds of appropriate expression during the course of such public area uses, by interfering in the educational activities and business of the University and with the rights of others. It is therefore desirable to re-affirm the importance of appropriate time, place and manner restrictions on demonstrations. Accordingly, and in order to provide further consistency in the application of University policies to on-campus protests, the University adopts the following guidelines for responding to demonstrations on University property:

- A. The University shall routinely and consistently apply the provisions of its code of conduct and other relevant policies and procedures to on-campus demonstrations.
- B. The University shall take steps through appropriate procedures to hold speakers and demonstrators accountable for actions that violate University policies and regulations. Such improper actions include, but are not limited to:
  1. material disruption of or interference with instructional activities, other University business and campus events;

2. actual or threats of physical violence, or other forms of harassment, or destruction of University and/or other public or private property;
  3. interference with free entry to or exit from University facilities and free movement of individuals;
  4. interference with the rights of other members of the University community to freedom of speech and assembly, and/or other rights; and
  5. damage to University property, which shall cause the participants to be responsible for reimbursing the University for the cost of the cleaning, repair or replacement of such property.
- C. Demonstrations are limited to appropriate public areas as described within this Policy. To the extent that a public area exists within a University building, any demonstration within that area shall take place only during the building's normal operating hours.

V. Other University Polices; Application; Enforcement

The provisions of this Policy are intended to support, not supplant, existing University policies and regulations.

They apply to all members of the University community, including students, faculty and staff, as well as to guests and visitors.

This Policy should be implemented as consistently as possible, recognizing that special circumstances may, on rare occasions, require limited and judicious deviation from its provisions.