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Expressive Activity Policy

UA-10



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Effective Date:

08-01-2024

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07-29-2024

Responsible University Office:

VP and General Counsel

Responsible University Administrator:

Board of Trustees

Policy Contact:

Vice President and General Counsel

vpgc@iu.edu

Policy Feedback:

If you have comments or questions about this policy, let us know with the [policy feedback form](https://policies.iu.edu/policies/ua-14-first-amendment-indiana-university/index.html#community) [.<../..../contact/index.html>](https://policies.iu.edu/policies/ua-14-first-amendment-indiana-university/index.html#community).

Scope

This Policy applies to all guests and visitors to Indiana University and to the following Indiana University Community Members [.<https://policies.iu.edu/policies/ua-14-first-amendment-indiana-university/index.html#community>](https://policies.iu.edu/policies/ua-14-first-amendment-indiana-university/index.html#community) (“IU Community Members”):

- A. Any employee of the University, including administrators, academic appointees, staff, part-time, and student employees;
- B. All students and student organizations;
- C. All University units;
- D. University contractors;
- E. Any individual using Indiana University resources or facilities or receiving funds administered by Indiana University; and
- F. Volunteers and other representatives when speaking or acting on behalf of Indiana University.

This Policy applies to all Indiana University property.

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Policy Statement

This Policy embodies the University's institutional values and reflects its commitment to free speech on campus. In accordance with its responsibilities under the First Amendment of the U.S. Constitution and Indiana law, the University affords and is committed to protecting the rights of students, academic appointees, staff, and guests and visitors to free speech and expressive activity, such as assembling and speaking in public areas of campus, as well as writing, publishing, and inviting speakers on any subject.

As a public institution, the University does not limit speakers or visitors to the University on the basis of their points of view or beliefs, nor will the University prohibit the expression of objections to speakers or their points of view. An invitation by an internal sponsor or a reservation of space by an external sponsor does not constitute the University's or the internal sponsor's endorsement of any or all the speaker's views or opinions.

The University recognizes the historical importance of Dunn Meadow on the Bloomington campus and the decision in 1969 by the Board of Trustees to designate it as the Indiana University Assembly Ground. Dunn Meadow remains as an area in which Indiana University Community Members may engage in freedom of expression and peaceful demonstrations in accordance with applicable laws and University policies and procedures.

The University's responsibilities with respect to the First Amendment of the U.S. Constitution are outlined in University Policy UA-14 <../ua-14-first-amendment-indiana-university/index.html> . The University additionally implements the following time, place, and manner regulations consistent with UA-14 and Indiana Code 21-39-8.

To allow for freedom of expression and peaceful demonstration on campus while also respecting the University's operations, the following regulations for Expressive Activity are in place:

1. **University operations:** Expressive Activity may not materially and substantially disrupt official activities, business, or operations of the University.
2. **Structures:** The temporary installation of structures and/or mass physical objects at any time must be approved, and if approved must adhere to the guidelines provided by the University. The request for temporary structures and/or mass physical objects must be requested 10 calendar days in advance of proposed installation ([IUI <https://thespot.iupui.edu/>](https://thespot.iupui.edu/), [IUB <https://beinvolved.indiana.edu/>](https://beinvolved.indiana.edu/)). The following University offices are responsible for approval of temporary structures and/or mass physical objects proposed to be installed by members of the identified groups:
 - Students and Student Organizations: Campus Chief Student Affairs Officer;
 - Faculty: Executive Vice Chancellor of Academic Affairs; or Campus Chief Academic Officer, and University Events; and
 - Staff, Guests and Visitors: [University Events <https://one.iu.edu/task/iu/events-conference-request>](https://one.iu.edu/task/iu/events-conference-request).

Any installation of structures and/or mass physical objects without the required approvals will be treated as materially and substantially disrupting official activities or the operations of the University. The University in its discretion may maintain policies otherwise governing the customary use of property and structures for University-sponsored events. Unapproved structures are subject to immediate removal by the University without notice. Should anyone attempt to prevent the removal of an unapproved structure, Indiana University's Associate Vice President/Superintendent for Public Safety will make the determination with respect to the engagement of any additional resources necessary to remove an unapproved structure.

3. **Signs and Symbols:** Signs and symbols may not be affixed to or inserted into the ground or hung from the exterior of any University structure or property, including, but not limited to, buildings and flagpoles, without the prior permission of [University Capital Planning and Facilities <https://www.iu.edu/brand/tools-resources/building-signage-request.html>](https://www.iu.edu/brand/tools-resources/building-signage-request.html). Light projections may not be displayed on any University building or structure without the advance written approval of University Capital Planning and Facilities. Unapproved affixed or hanging signs and symbols are subject to immediate removal by the University without notice.
4. **Damaging and Defacing University Property:** Use of non-water soluble, semi-permanent, and permanent substances including, but not limited to stickers, sprayable chalk, markers, spray paint or other forms of paint, fixative, or oil-based products, shall not be used to mark any University property. These items are prohibited on surfaces of University property including but not limited to walls, sidewalks, lampposts, signs, public art, and sculptures. University Capital Planning and

Facilities may determine if markings are compliant with these requirements and remove noncompliant markings. Water soluble chalk is allowed only on sidewalks. Individuals who damage University property may face disciplinary and/or legal consequences, including restitution to restore property to its original condition.

5. **Camping:** Camping includes the use of any item to create a shelter. Camping, including cooking and the use of portable electric heaters, heating devices, generators, and other similar appliances and devices, and all portable toilets is not permitted on University property at any time unless approved in conjunction with an approved University event.
6. **Ingress and egress:** Expressive Activity may not block ingress or egress to any building, facility, driveway, parking lot, or parking ramp, and must take place a minimum of twenty-five feet, or whatever space is necessary to preserve public health, safety, and welfare as determined by Public Safety personnel, from the entrance to any University building. Expressive Activity shall not impede or interfere with vehicular or pedestrian traffic.
7. **Amplified Sound:** Outdoor amplified sound is permitted so long as it does not materially and substantially disrupt the academic, living, or working environment of the University or its neighbors. Refer also to the policy on Event Management (UA-19), below.
8. **Time Restrictions:** Expressive Activity must take place between the hours of 6:00 a.m. and 11:00 p.m.
9. Expressive Activity must comply with all federal, state, local, and municipal laws, ordinances, rules, and regulations, as well as University policies.

In the event of a conflict between the terms of this Policy and any other policy or procedure, the terms of this enterprise-wide Policy shall control and supersede any such conflict, ambiguity, or inconsistency.

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Reason for Policy

This Policy provides the time, place, and manner guidelines for Expressive Activity on University property. It ensures the University's educational mission is actualized while preserving the rights guaranteed to Indiana University Community Members under the U.S. Constitution and IC 21-39-8.

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Procedures

- A. Internal or external sponsors of an event that includes an invitation to a political candidate or candidates to speak at an event on University property, including classroom visits and debates, must contact the Office of the Vice President for University Relations to ensure that the event is conducted in a manner consistent with Indiana University's status as a public institution and

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University policy. See GR-01, Contact with State Officials, Federal Officials, and Political Campaigns, and Other Political Activities <../gr-01-contact-government-officials/index.html> .

- B. Events that may implicate the rights guaranteed under the First Amendment for speakers to speak, audiences to hear, and protesters to protest often require advance logistical planning and coordination with authorized university officials <https://policies.iu.edu/policies/ua-14-first-amendment-indiana-university/index.html#authorized> to provide for a safe and successful event. Internal and external sponsors of events must consult UA-19, Event Management <../ua-19-event-management/index.html> to determine whether their event requires such logistical support and if so, also comply with UA-19.
- C. Many events will require compliance with both GR-01, Contact with State Officials, Federal Officials, and Political Campaigns, and Other Political Activities <../gr-01-contact-government-officials/index.html> and UA-19, Event Management <../ua-19-event-management/index.html> .

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Definitions

Indiana University Community Members: Any employee of the University, including administrators, academic appointees, staff, part-time, and student employees; all students and student organizations; all University units; contractors; any individual using Indiana University resources or facilities or receiving funds administered by Indiana University; and volunteers and other representatives when speaking or acting on behalf of Indiana University.

Expressive Activity: The Indiana Code defines protected forms of Expressive Activity. Pursuant to IC 21-39-8-5, the following activities are protected:

- (1) Participating in speech or conduct protected by the First Amendment to the Constitution of the United States.
- (2) Communicating by any lawful verbal, written, audio visual, or electronic means.
- (3) Participating in peaceful assembly.
- (4) Protesting.
- (5) Making speeches, including speeches of guest speakers.
- (6) Distributing literature.
- (7) Carrying signs.
- (8) Circulating petitions.

Materially and Substantially Disrupt: The Indiana Code provides the following definition:

IC 21-39-8-4 "Materially and substantially disrupt"

Sec. 4. (a) As used in this chapter, "materially and substantially disrupt" means the act of knowingly or intentionally doing one (1) or more of the following:

- (1) Significantly hindering the protected expressive activity of another individual or group.
- (2) Preventing the communication of a message of another individual or group.
- (3) Preventing the transaction of the business of a lawful meeting, gathering, or procession by:
 - (A) engaging in fighting, violence, or other unlawful behavior; or
 - (B) physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity

(b) The term does not include the following:

- (1) Conduct that is protected under the First Amendment to the Constitution of the United States or Article 1, Section 9 of the Constitution of the State of Indiana. Except when an outdoor area of the campus has been reserved in advance of another event, protected conduct under this subdivision includes lawfully protesting in an outdoor area of campus that is generally accessible to the public
- (2) A minor, brief, or fleeting nonviolent disruption of an event that is isolated and short in duration.

Time, Place, and Manner Regulation: Pursuant to IC 21-39-8-9, the University may enforce reasonable time, place, and manner restrictions that meet the following requirements: (1) The restrictions are narrowly tailored in service of a significant University interest; (2) The restrictions employ criteria that are clear, published, and content and viewpoint neutral; (3) The restrictions provide ample alternative means of expression; and (4) The restrictions allow Indiana University Community Members to spontaneously and contemporaneously assemble and distribute literature.

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Sanctions

Conduct reasonably believed to be in violation of the Expressive Activity Policy may result in immediate action by the University including but not limited to citation, trespass, and/or interim suspension from campus.

Upon completion of the applicable University disciplinary process, should a faculty member, student or staff member be found in violation of the Expressive Activity Policy, depending on the severity of the violation they will face disciplinary action up to and including suspension or expulsion from the University (for students), suspension or termination of University employment; and responsibility for any costs incurred due to damages caused by the violation.

Suspected violations of law will be referred to law enforcement and may result in criminal penalties.

