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## **Freedom of Expression: Time, Place and Manner Policy Pittsburg State University**

March 5, 2025

### **I. Introduction (Statement of Values)**

Pittsburg State University has adopted the Kansas Board of Regents Statement on Free Expression, which was introduced to reaffirm a long-held commitment to full and open inquiry and discourse, and the robust exchange of ideas and perspectives by all university community members.

#### **Kansas Board of Regents Statement on Free Expression**

The Kansas Board of Regents adopts this Statement on Free Expression to reaffirm the System's long-held commitment to full and open inquiry and discourse, and the robust exchange of ideas and perspectives by students enrolled in our State Universities and present on our State University campuses. The principles of freedom of speech and freedom of expression in the United States and Kansas Constitutions, in addition to being legal rights, are essential to achieving the three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide other valuable public services for the benefit of our local communities, the State of Kansas, the nation, and the world. The purpose of this Statement is to express our continuing dedication to these principles and to maintain our campuses as environments where the open exchange of knowledge and expression of ideas furthers our mission. This Statement generally concerns student expression in non-academic situations; it does not attempt to address the rights of non-students or students' academic work within the classroom setting.

A fundamental purpose of an institution of higher education is to provide an environment where divergent ideas, opinions, and philosophies can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, students are generally free to express their ideas and opinions, even if others may disagree with them or find those ideas and opinions to be disagreeable or even offensive. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to think critically and respectfully argue through civil discourse. The development of these important skills leads to personal and scholarly growth and is an essential component of the academic and research missions of each of our institutions.

It is equally important that we, as governmental entities, not stifle the lawful dissemination of students' ideas, even if we or members of our communities find those ideas abhorrent. Students wishing to express ideas with which others may disagree must generally be free to do so without fear of being disciplined by the University. This does not mean that such ideas are necessarily endorsed or tolerated, nor should they go

unchallenged by members of the University community openly and vigorously contesting their merit, but the Board and the Universities are prohibited from pursuing disciplinary or punitive actions that unlawfully inhibit or penalize protected expression. And though we value civil behavior and believe all members of our campus communities have a responsibility to promote and maintain a climate of civility and mutual respect, the Board, and by extension the Universities they govern, cannot use a desire for civility and respect as the basis to silence expression. The Board and the Universities should empower, enable and encourage students to speak and listen and to do so respectfully, rather than interfere with or silence their protected expression of ideas.

We also recognize, however, that some speech is not protected, such as true threats, incitement to imminent violence, “fighting words,” and unlawful, targeted harassment. The Board and its Universities can restrict speech that is not protected by the First Amendment, though it is important to note that these exceptions are narrowly interpreted. Additionally, reasonable restrictions on when, where, and how expression is disseminated are allowable and appropriate. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each University for there to be reasonable limitations on the time, place, and manner in which First Amendment rights are exercised. By law, these time, place, and manner limitations must be narrowly drawn and content-neutral and must serve to ensure that our students have the opportunity to express their ideas and opinions.

The Kansas Board of Regents is committed to protecting and encouraging students’ exercise of their First Amendment free speech rights in accordance with this Statement.

## **II. Purpose**

As a public institution in the State of Kansas, PSU has an obligation to maintain an environment in which the operations of the University can be conducted without disruption, in accordance with the highest standards of institutional integrity, academic freedom, freedom of expression, and recognition of the rights, privileges and responsibilities of University community members and members of the public. The purpose of this Policy is to facilitate academic freedom, freedom of expression, and PSU’s educational mission while protecting the right to learn and work in a safe environment.

This Policy establishes rules and regulations and governs the use of all University Property and applies to all persons and groups accessing or using University Property, including all Students, Employees, recognized PSU auxiliary organizations and their employees, and members of the public. This Policy applies to all forms of expressive activity conducted on University Property and sets forth time, place, and manner regulations to ensure that persons and groups engaging in lawful expressive activities are protected and do not disrupt University operations or infringe on the rights of others. All persons and groups accessing or using University Property must abide by all applicable PSU policies and the law.

PSU recognizes that some actions will disrupt the orderly operations of the University and/or raise significant security or safety concerns. While the University may not restrict the content or

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viewpoints of what is expressed on University Property, including assemblies, marches, protests and demonstrations, the University may impose content and viewpoint neutral restrictions on the time, place and manner of these activities.

This Policy will be enforced to ensure the safety and wellbeing of the University community while protecting lawful free expression activities. All criteria for assessing events, activities, incidents, and violations under this Policy shall be applied in a Content and Viewpoint Neutral manner.

This Policy is not intended to interfere with the statutory rights provided by the Public Education Employer-Employee Relations Act (PEERA) or the terms of an applicable collective bargaining agreement and does not prohibit PSU employee unions from communicating with their members regarding union-related activities or engaging in protected or concerted activities otherwise allowed under PEERA or an applicable collective bargaining agreement.

### **III. Scope**

This Policy is the controlling document regarding PSU's time, place, and manner policy and regulations, and supersedes all previous time, place and manner policies and regulations.

This Policy applies to all persons and groups who access and use University Property, including members of the public.

All use and activities must be conducted in conformance with all applicable federal, state, and local laws, as well as all University policies, procedures, and regulations.

All use and activities must not disrupt University operations and events, or academic classes and activities.

Conduct and/or statements that constitute unlawful discrimination, harassment, retaliation, or stalking are not protected by academic freedom or freedom of expression and may be actionable under PSU's Nondiscrimination Policy, as well as applicable civil or criminal laws. The University must provide a nondiscriminatory educational and working environment.

During certain University events (e.g., commencement, open house, orientation, convocation, and homecoming), priority will be given to those event-related activities over other activities that are not related to prioritized University events.

Access to and use of certain University Property must be scheduled and/or registered in advance. LIST WHERE TO FIND INFO ON SCHEDULING HERE. Certain uses of University Property may be subject to fees, require liability insurance, and/or an indemnity agreement which must be provided by those who seek to engage in such uses. The University reserves the right to charge reasonable fees (e.g., security, rent, custodial, insurance) for activities and events on a Content and Viewpoint Neutral basis.

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All users assume responsibility for all damage they cause to University Property. Failure to pay for damage to University Property may jeopardize future access to and/or use of University Property and can result in civil or criminal action, as well as discipline for Students and Employees, and sanctions for members of the public.

The University's President and Chief of Police or designee will determine the type of security or mutual aid necessary for all activities and events based on the public safety needs of any event or incident on or around University Property. Each event or incident will be considered on a case-by-case basis to determine appropriate staffing and other security and safety measures.

#### **IV. Public, Limited, and Non-Public Areas**

For purposes of the time, place, and manner regulations set forth in this Policy the following terms shall apply:

##### **A. Public Areas**

A Public Area is University Property that is available for assemblies, marches, demonstrations, and protests. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations except when Public Areas are reserved for specific uses and not available for general public use or spontaneous activities, as determined by the University.

##### **B. Limited Areas**

A Limited Area is University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and/or reservations with the University, and are available on a limited basis, subject to campus regulations that are narrowly tailored to address the University's legitimate business interests. Examples include, but are not limited to:

##### **C. Non-Public Areas**

Except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of buildings and facilities are Non-Public Areas. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis.

#### **V. Assemblies, Marches, Demonstrations and Protests**

Individuals and groups may assemble, march, demonstrate, and protest on University Property in Public Areas at all times except outside the posted operating hours for the University, when reserved by other users, or as otherwise prohibited by this Policy, to engage in speech and

expression, including the solicitation of signatures on petitions, provided such activities do not disrupt the functions, operations, and events of the University or interfere with the rights of others, including, but not limited to, compelling persons to be an involuntary audience or jeopardizing the safety of persons or property. Those engaged in the exercise of free speech and assembly rights shall not:

- Disrupt class instruction or other scheduled academic, educational, or cultural/arts programs, speakers or performers on University Property, or the use of the library, other approved University Property uses and reservations, or other University resources or operations.
- Obstruct pedestrian or vehicular traffic, or otherwise endanger persons or property
- Conduct their activity in or on University parking lots, parking structures, driveways, crosswalks, exits, fire lanes, streets, roadways, and/or obstruct walkways, doorways, passageways, or otherwise deny a person access to normally unrestricted University Property, or in any manner that blocks paths of vehicular or pedestrian travel.
- Employ sound amplification (including but not limited to bullhorns or electronic speakers) that disrupts University activities, academic instruction, or interferes with the exercise of free speech by others or create noise in violation of local noise ordinances.
- Engage in removal, relocation, theft, damage, or destruction of any University Property.
- Harass or intimidate any person, or impede or restrict the free movement of any person.
- Create or cause unsafe conditions or congestion around doorways, entrances or exits, stairways, elevator lobbies and escalators.
- Fail to comply with reasonable directives of a University official acting in the performance of their duties. A "directive of a University official" includes an order to disperse because of an unlawful assembly, riot or unsafe condition. Failure to obey such an order may result in a determination that participants are engaging in an unlawful assembly, riot or unsafe condition and will result in the University exercising its authority to invoke emergency incident response tactics. These tactics could include the use of law enforcement resources, and could result in arrests, Employee and Student discipline, and appropriate sanctions against those participating in the unlawful assembly or riot.
- Picket, rally, protest, parade, patrol, or otherwise demonstrate in the interior, indoor, or private portions of any University housing facility, including the residence of any University Employee on University Property when it is serving as a private residence and no public events are taking place.

## **VI. Scheduled Events and Demonstrations**

Scheduled events and demonstrations may be held in Public Areas and in certain Limited Areas of the University. University Students, Employees, Recognized Student Organizations, and recognized PSU auxiliaries have priority over members of the public in scheduling events and demonstrations.

## **VII. Spontaneous Activities, Unscheduled Events and Demonstrations**

Spontaneous Activities, unscheduled events and demonstrations may be held in Public Areas and certain Limited Areas, without scheduling or reservations, so long as they do not disrupt

scheduled events, violate University policies or applicable federal, state, or local laws, and do not disrupt University operations. It is the intent of this Policy to ensure that all activities, events, and demonstrations occur with no risk or threat to the safety and security of persons or University Property.

It is a violation of this Policy to circumvent these time, place, and manner regulations by falsely claiming that an event or demonstration is spontaneous. In deciding whether an event or demonstration is spontaneous or planned, the University may consider factors that include but are not limited to (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used amplified sound equipment, (c) whether media was contacted, substantially in advance of the demonstration, or (d) whether other factors or circumstances, including social media communications or advertising, demonstrate advance planning by one or more individuals and/or organizations.

In the event of multiple groups or individuals attempting to use Public Areas at the same time and place, priority shall be given in the following order: (1) previously scheduled (in compliance with this policy) events and demonstrations; (2) events and demonstrations conducted by recognized University organizations, Students, Recognized Student Organizations, current Employees, PSU Employee unions, and PSU auxiliaries; and (3) on a first-come, first-served basis.

## **VIII. Prohibited Activities and Uses on University Property**

### **A. No Disruption or Interference with the Speech of Others (Heckler's Veto Prohibited)**

Individuals or groups may not suppress the speech of another individual by shouting down or otherwise drowning out or preventing the individual from being heard, otherwise known as a "heckler's veto." Individuals may protest speakers on Campus with whom they disagree, but they may not do anything that prevents the speaker from expressing their views or prevents members in the audience from hearing or seeing the speaker. This prohibition also applies to the removal or erasure of written or printed expressive activities that are otherwise in compliance with this Policy.

### **B. No Camping, Overnight Demonstrations, Overnight Loitering, Furniture, or Large Household Items**

To ensure the health and safety of the entire University community, and to protect University Property, encampments of any kind, overnight demonstrations (e.g., outside the operating hours of each University), and overnight loitering are not permitted in or on any University Property, whether indoors or outdoors. No one may camp, occupy camping facilities (including recreational vehicles or any other similar vehicles), use camping paraphernalia, or store personal property on University Property for these purposes. No one may bring a tent or other housing structure on University Property or occupy any tent or housing structure. No one may set up a campsite on University Property. Other than as allowed in University residential housing or as permitted for Employees in their University workspaces, no one may bring, leave, or maintain

furniture or other large household items on University Property, or bring or maintain large personal belongings or copious amounts of personal belongings without University authorization. For purposes of this section, "large household items," "large personal belongings," and "copious amounts of personal belongings," means anything that cannot be carried on the person. "Storage of personal possessions" means leaving items unattended that are not in the owner's immediate personal custody and control. Such unauthorized activities, including overnight activities utilizing vehicles, will be considered trespassing and a violation of this Policy. This prohibition does not apply to overnight activities authorized by the University for official University business and academic activities, or University business operations.

**C. No Temporary or Permanent Structures, Walls, Barriers, Barricades, Furniture, or Other Objects**

Except as authorized by the University, no one shall build, construct, erect, place, set up, move, deliver or maintain any temporary or permanent structure, installation, or object on University Property. This includes, but is not limited to, tents, platforms, booths, benches, buildings, building materials (such as bricks, pallets, etc.), walls, barriers, barricades, fencing, , sculptures, bicycle racks, furniture or any other physical obstruction on University Property. Any unauthorized items are subject to immediate removal.

**D. No Unauthorized Vehicles**

Unauthorized commercial vehicles, moving vans or trucks, carts, carriages, trailers, wagons, buses, or other vehicles of conveyance designed for or used to transport persons or property and/or used in violation of this Policy are prohibited.

**E. University Operating Hours**

No one shall enter or otherwise remain on University Property between the hours of 11:00 p.m. and 7:00 a.m., or at such other times as published or posted by University housing and residential programs, and other similarly specialized University programs. This prohibition shall not apply to persons with valid written authorization from a University official, persons on legitimate University business, or persons attending a specific University sponsored event. Those persons with legitimate University business reasons, possessing a valid written authorization, or attending a University sponsored event, shall be allowed to remain and access the facilities as allowed in their authorization or through the duration of the specific event, after which time they shall leave University Property without any appreciable delay. This prohibition shall not apply to persons transiting on a roadway or path designated as open to the public.

**F. Refusal to Disclose Identification When Violating University Policy or Applicable Laws**

Wearing masks or face coverings is permissible for all persons who are complying with University policies and applicable laws. No person, while on University Property, may conceal their identity or refuse to provide their identification for the purpose of evading or escaping discovery, recognition, or identification in the commission of violation of applicable University

policy or local, state, or federal laws, including acts of unlawful intimidation or harassment of any person or group. Under these circumstances, an authorized University official operating in an official capacity may request identification. The failure to provide identification under these circumstances to an authorized University official operating in an official capacity is itself a violation of this Policy and may also be a criminal violation if the person is engaged in criminal conduct. It may also result in immediate removal from University Property, and appropriate discipline for Students and Employees. Intimidation in this context means true threats, incitement to violence, and actual violence. Harassment in this context is as defined in PSU's Nondiscrimination Policy.

#### **G. Concealed Carry and Weapons**

All persons and groups who access and use University Property must comply with PSU's Concealed Carry and Weapons policy.

#### **H. No Fires or Fireworks**

No one shall start, use or maintain campfires, portable stoves, fire pits, open fires, torches, fireworks, or any other fire or fire apparatus on University Property except as expressly authorized by the University, and subject to requirements regarding location, time, and fire safety precautions as the University, the State Fire Marshal, or local fire authority may impose.

#### **I. No Explosive Materials**

No one shall bring any explosive material or flammable material or any hazardous or flammable materials onto University Property, regardless of whether or not the material is burning, except such materials that are transported in approved containers and necessary for the conduct of the operations of the University, including fuel necessary for the operation of a University vehicle or any University equipment of a vehicle.

#### **J. No Ambushing or Lying in Wait**

It is prohibited on University Property to engage in, participate in, or assist participants in any game or activity which involves the ambushing, lying-in-wait for, or following another person by means of stealth.

#### **K. No Shooting of Arrows, Missiles, or Projectiles**

It is prohibited on University Property to shoot any arrow, projectile, or similar missile, and/or to permit any arrow, projectile, or similar missile to be shot on or around University Property, except as part of a University course of study or official University sponsored activity.

#### **L. No Chemical Sprays, Gas Masks, Body Armor, Shields, or Laser Pointers**

No mace, pepper spray, chemical sprays or liquids, shields, body armor, gas masks, or laser pointers, except as used for legitimate academic and teaching purposes, and by law enforcement



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as permitted by applicable University Police Department policy. This prohibition does not apply to personal possession of mace or pepper spray devices used for the lawful purpose of personal protection (self-defense) in an emergency.

#### **M. No Human Urination or Defecation**

Human urination or defecation in any place other than a designated restroom or other facility designed for the sanitary disposal of human waste is prohibited.

#### **N. No Unauthorized Climbing, Scaling, or Rappelling**

Unauthorized climbing, scaling, or rappelling any tree, building, structure, facility, light poles, signage, fences, or walls on University Property is prohibited.

### **IX. Activities and Uses on University Property Requiring Written Permission**

The following activities and uses are prohibited unless prior written permission from the appropriate University official is obtained.

- Posters, signs, banners, and chalking (see Poster and Chalk Guidelines).
- No unmanned aircraft system (UAS) (also known as a drone) may be flown from, on or around University Property without the express written approval of the University.
- Use of University Property for commercial purposes is prohibited unless prior written permission has been obtained from the University.
- University flagpoles are reserved for official University use only. Flags flown on outdoor, permanently installed flagpoles located on University Property serve as a means of expression of the University's official sentiments as determined by the University President. They are not a forum for free expression or expressive conduct by members of the University community or the public.
- Additional activities and uses not included above may be addressed in the Kansas Board of Regents Policy Manual, State of Kansas statutes and regulations, and City of Pittsburg ordinances.

#### **X. Members of the Public on University Property**

This Policy applies to the conduct of members of the public (persons who are not Students, Employees, or PSU recognized auxiliary organizations and their employees), including when that conduct is a threat to the safety of persons or property or constitutes disruption or interference with functions, activities, or operations of the University. All members of the public engaging in any demonstration, protest, assembly, gathering, march, rally, or any other expressive activity in or upon University Property are subject to this Policy. This Policy will not be utilized to impinge on the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy of members of the public.

Members of the public shall not remain on University Property if directed to leave University Property by the University to maintain order on University Property, upon the reasonable determination of the University that the member of the public is committing an act that is likely to interfere with the peaceful conduct of the University's functions or operations or has entered University Property with the purpose of committing any such act. Members of the public on University Property shall not:

- Knowingly and willfully interfere with the peaceful conduct of the activities of the Campus or facility by intimidating, harassing, or obstructing any University Employee, Student, or any other person.
- Delay or linger without lawful purpose for being on University Property and for the purpose of committing a crime or violation of University policy.
- Use University Property not open to the public, including but not limited to, residence halls, offices, showers, storage lockers, study lounges, or recreational facilities, without authorization from the University.

## **XI. University Response to Activities that Violate this Policy, Threaten Safety, or Disrupt University Activities**

### **A. Supportive Measures and Resources**

Free speech rights include protecting a person's free speech rights even when their speech may cause discomfort for some individuals. As long as speech does not constitute an actual threat, an immediate incitement to violence, unlawful discrimination or harassment (as defined in PSU's Nondiscrimination Policy), or other unlawful activity, the University will protect the First Amendment rights of the speaker. Students and Employees who believe they have been subjected to harassing speech that is so severe or pervasive that it limits or denies their ability to participate in or benefit from the University's programs or activities, should report their concerns to the Director of Institutional Equity, the University's official charged with enforcing PSU's Nondiscrimination Policy. The University will assess the matter pursuant to the procedures set forth in the PSU's Nondiscrimination Policy and will provide reasonable supportive resources to the affected Students and Employees.

Even if the activity is deemed protected speech and does not violate PSU's Nondiscrimination Policy, or applicable laws, the Director of Institutional Equity, as well as other applicable University officials, will work with Students and Employees to provide reasonable supportive services and resources. In those circumstances, although there may be no sanction or action taken against the individuals engaged in the protected speech activity, reasonable supportive and other measures will be provided.

Whether harassing conduct creates an unlawful hostile environment must be determined from the totality of the circumstances. Relevant factors for consideration may include, but are not limited to, the context, nature, scope, frequency, duration, and location of the harassment based on race, color, or national origin, as well as the identity, number, age, and relationships of the persons involved. The less pervasive the harassing conduct, the more severe it must be to establish an unlawful hostile environment. For example, in most cases, a single isolated incident would not

be sufficient to establish a policy or legal violation. However, in some cases, a hostile environment requiring appropriate responsive action may result from a single severe incident.

## **B. Violations, Enforcement, Sanctions, and Discipline**

The University aims to foster open and rigorous debate, to protect academic freedom and free speech, and to promote discourse, even on the most challenging, sensitive, and controversial issues. While fostering the free exchange of ideas, the University must also pursue and protect its core functions – to teach, engage in research and scholarship, promote the arts and athletics, convene the community, and perform its everyday operations. This includes ensuring that University community members are protected from physical injury and unlawful behaviors, and that University Property is protected from property damage.

Violations of this Policy, and/or applicable federal, state, or local laws, will lead to intervention by the University and, if safety to persons or property is at stake, or if criminal activity is occurring or has occurred, law enforcement. Each member of the University community is expected to know and follow this Policy. Disrupting University operations is not permitted, including but not limited to, conduct that unreasonably interferes with the activities of other persons; causes injury to persons or property or threatens to cause such injury; holding meetings, events, or demonstrations under circumstances where health and safety is endangered; or knowingly interfering with unimpeded movement on University Property or with University operations.

In the event of violation, those found in violation will be directed to comply with applicable University regulations by appropriate University authorities. When enforcing this Policy, an officer or Employee authorized to maintain order on University Property will make a reasonable attempt to warn and advise those violating this Policy or the law to cease the prohibited conduct or activity before citing and/or arresting them, except where the violating conduct appears to create a threat or imminent threat to the health and safety of persons, or to University Property, and immediate law enforcement action is necessary.

If a violation persists or is repeated, or if the activity or assembly poses an imminent danger to public safety or University Property, those involved in the activity may be required to disperse immediately. Violations of this Policy may result in arrest, Code of Conduct disciplinary measures for Students, discipline for Employees, and subsequent legal action by the University. If a violation occurs at a scheduled and permitted event, permission for the event may be summarily withdrawn.

### **1. Withdrawal of Consent and Removal from University Property**

For Students and Employees: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a Student or Employee has willfully disrupted the orderly operation of the University, the Designated University Official may notify that Student or Employee that consent to remain on University Property has been withdrawn and a no trespass notice may be issued. Failure to comply may result in criminal charges as set forth in K.S.A. 21-5808.

For members of the public: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a member of the public has willfully disrupted the orderly operation of the University, the Designated University Official may notify the person that consent to remain on University Property has been withdrawn and a no trespass notice may be issued. Failure to comply may result in criminal charges as set forth in K.S.A. 21-5808.

## **2. Student Discipline**

Students charged with violating this Policy may be subject to discipline pursuant to PSU's Code of Student Rights and Responsibilities (Student Conduct Code). Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate sanctions. The procedure for all student conduct violations is set forth in PSU's Code of Student Rights and Responsibilities. Sanctions may include restitution, educational and remedial sanctions, denial of access to Campus or persons, disciplinary probation, suspension, and expulsion, and can include multiple sanctions. The President may also impose an interim suspension where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

Alleged violations of the Student Conduct Code may include, but not be limited to, the following:

- Unauthorized entry into, presence in, use of, or misuse of University property.
- Willful, material, and substantial disruption or obstruction of a University-related activity, or any on-Campus activity.
- Participating in an activity that substantially and materially disrupts the normal operations of the University or infringes on the rights of members of the University community.
- Willful, material, and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to Campus property or an off-Campus University related activity.
- Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
- Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- Unauthorized destruction, or damage to University property or other property in the University community.
- Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the Campus president) on Campus or at a University related activity.
- Violation of any published University policy, rule, regulation, or presidential order.
- Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.

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- Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or wellbeing of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

Students charged with violating the Student Conduct Code will be referred to the University's Student Conduct Administrator who will follow PSU's Student Conduct Process.

Recognized Student Organizations comprise a vital part of the Student experience and can contribute to Student success and engagement. Participation in these organizations affords Students the opportunity to develop organizational and leadership skills, foster capacities for effective teamwork, and promote civil engagement and community services, while connecting with peers, faculty, and staff. A University's recognition of a Student organization in accordance with PSU policy or administration of funds generated by the Student organization does not express or signify that the University approves or endorses the organization's goals, activities, or points of view, or that the University supervises or otherwise controls the organization and its activities. Nevertheless, and provided that a Student organization meets and maintains University requirements for recognition, Universities provide these organizations certain benefits and privileges (e.g., use of designated on-Campus facilities free of charge, funding opportunities, support for on-Campus program planning, and information regarding basic event management). The University establishes and publishes its own procedures for formal chartering and recognition of Student organizations in compliance with PSU's campus activities policies.

Students may also be individually disciplined under the Code of Student's Rights and Responsibilities for misconduct engaged in as part of a Recognized Student Organization.

### **3. Employee Discipline**

Employees charged with violating this Policy may be subject to discipline, up to and including termination, in accordance with the applicable collective bargaining agreement and University policies for represented Employees, or the applicable University policies and standards for non-represented Employees, and if applicable, Kansas Board of Regents policies.

### **4. Members of the Public**

Members of the public who violate this Policy or applicable laws will be held accountable to the full extent of the University's authority under existing laws, regulations, and University policies, including, but not limited to removal from University Property pursuant to applicable laws.

### **C. Withholding or Withdrawal of Approval**

The University may withhold or withdraw approval for any events or activities on University Property under this Policy if they are deemed inconsistent with:

- Federal, state, or local laws.
- Existing University policies.

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- Preservation of public safety.
- Maintenance and protection of University Property.
- Free flow of pedestrian and vehicular traffic.

#### **D. PSU Emergency Management and Law Enforcement**

The President is delegated the responsibility for the development, implementation, and maintenance of an emergency management program and for ensuring compliance with PSU's Emergency Management Policy . All activities and events on University Property are subject to these policies. All PSU law enforcement activities are governed by PSU law enforcement policies. Each situation is unique and may warrant involvement of law enforcement and/or activation of the Emergency Operations Center, as determined by Employees designated by the President for these purposes.

### **XII. Designated University Official with Oversight, Implementation and Enforcement Responsibility**

#### **A. Designated University Official**

The President, will designate an administrative Employee to serve as the Designated University Official with responsibility for oversight, implementation and enforcement of this Policy, including oversight of a training program for responsible Employees assigned to the response team, as well as communications and information for the broader University community (Students and Employees). The Designated University Official shall be a direct report to the University President, for purposes of oversight, implementation, and enforcement of this Policy.

This Designated University Official shall create and oversee an implementation process whereby a response team of responsible Employees is in place and able to mobilize on short notice. When members of the team are unavailable, they will designate a replacement Employee and let the Designated University Official with oversight responsibility know, and all responsible Employees will be trained and familiar with this Policy and applicable university rules and processes for responding to violations of this Policy. The Designated University Official will have an action plan in place that explains the various levels of responsible Employees to be mobilized in response to activities governed by this Policy.

Oversight will also include reviewing after action information from incidents where this Policy was violated to improve processes, review the provision of support services to Students and Employees who may have been harmed by violations of this Policy, as well as reviewing disciplinary actions and sanctions brought against those who violate this Policy.

### **XIII. Definitions**

"Campus" shall mean PSU property. "Campus" and "University" are used interchangeably throughout this Policy.

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"Content and Viewpoint Neutral" means assessment and application to all expressive activities without regard to substance or message, and that the University cannot favor one speaker's message over another's.

"Designated University Official" means the Campus official delegated authority by the University President, as for implementation and oversight over this Policy.

"Disrupt" means any action or behavior that interferes with or obstructs the orderly conduct of activities or events on University property. This may include actions that hinder the ability of individuals to express themselves, engage in discourse, or participate in University functions, ultimately compromising the environment of free expression and academic engagement.

"Employee" means a person legally holding a position in the PSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, and intermittent positions.

"Limited Area" means University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and reservations with the University, and are available on a limited basis, subject to Campus regulations that are narrowly tailored to address the University's legitimate business interests.

"Member of the public" means any person who is not any of the following: a Student, Employee, officer, trustee, auxiliary employee, official University volunteer, or member of a household authorized to reside on University Property.

"Non-Public Area" means, except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of all buildings and facilities. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis.

"Public Area" means University Property that is available for assembly, marches, demonstrations, protests, and debate. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations.

"Recognized Student Organizations" are Student organizations addressed and defined in PSU's Student Activities Policy, and does not include Student groups or clubs not officially chartered and recognized pursuant to PSU's Student Activities Policy.

"Student" means any person actively pursuing a course of study. For the purpose of these and other regulations, a student is further defined as one who is currently enrolled at the University or has completed the immediately preceding term and is eligible to enroll for the next term.

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"University Property" means all land, buildings, facilities, or other grounds or structures, and any item, equipment, or property in possession of or owned, used, leased, maintained, or controlled by the University, by a recognized PSU auxiliary, or designated by the University as subject to this Policy, including property leased or licensed to University auxiliaries or others (including satellite campuses or other secondary locations). University Property also includes University and recognized PSU auxiliary services, resources, names, branding, trademarks, logos, computers, computing devices, websites, and network systems owned, maintained, or controlled by the University, funded by University funds, or recognized PSU auxiliary funds, or designated by the PSU as subject to this Policy.

#### **XIV. Related Documents and Policies**

PSU Code of Student's Rights and Responsibilities

Kansas Board of Regents Policy Manual:

- Political Activity
- Use of Campus Grounds and Facilities
- Interference with the Conduct of the Institution
- Use of Social Media by Faculty and Staff

Academic Freedom and Tenure, PSU Unclassified Handbook

PSU Title IX Policy

PSU Anti-Discrimination Policies:

- Affirmative Action Policy
- Equal Opportunity Statement
- Notice of Non-Discrimination
- Consensual Relationship Policy
- Racial Harassment Policy
- Retaliation Policy
- Sexual Harassment Policy

PSU Poster and Chalk Guidelines