

LINCOLN UNIVERSITY

Policy:	Free Speech, Demonstration, and Protest Policy and Statement
Policy Number:	HRM-136
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Revisions:	
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Status:	Approved by the President and LU Board of Trustees

A. POLICY STATEMENT

Lincoln University is committed to promoting a culture of diversity and innovation. In accordance with this, the University promotes a culture of welcoming differences, ideas, and encouraging open-minded exploration, and freedom of expression. This policy has been developed to facilitate free speech, demonstrations, and protests on campus.

B. DEFINITIONS

- 1. Amplified Sound:** Sound increased in volume through the use of public address systems, loudspeakers, bullhorns, or any form of musical amplifier.
- 2. Campus:** All of the University's physical campuses and in person, online, and study abroad programs and instruction.
- 3. Faculty:** For purposes of this policy, any person, whether or not the person is compensated by the University, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching, including tenured and non-tenured professors; adjunct professors; visiting professors; lecturer, graduate students, instructors; and those in comparable positions.
- 4. Staff:** All non-teaching employees who support the institution's operations. This includes:
 - a. Administrative staff:** Handle admissions, student services, finances, and HR.
 - b. Support staff:** Provide IT support, maintenance, security, and custodial services.
 - c. Management staff:** Oversee administrative functions, such as deans and department heads.
- 5. Free Speech:** Speech, expression, or assemblies protected by the First Amendment to the United States Constitution or Section 7 of Article I of the Pennsylvania Constitution. This includes, but is not limited to, verbal or written, forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, and distribution of printed materials, carrying signs, displays, or circulating petitions.
- 6. Student:** Any person who is enrolled on a full-time or part-time basis at the University.
- 7. Student Group:** An officially recognized group at the University or a group seeking official recognition, comprised to admitted students that receive, or are seeking to receive benefits through the University.
- 8. University Employees:** Faculty, staff, graduate associates, and student employees who are acting or serving in their role as employee.

C. POLICY/PROCEDURES

- 1. LU Designated Public Forums ("The Lion's Den"):** The University has established high visibility areas on campus in order to facilitate robust debate and the free exchange of ideas. These Designated Public Forums may be used by any person, including non-students and other campus guest without special reservations to hold meetings, events or demonstrations.
 - a. The Lion's Den 1: The Top of the U**
 - b. The Lion's Den 2: The Wellness Patio**
 - c. The Lion's Den 3: The Patio Area Behind the Plots**
 - d. The Lion's Den 4: The Cafeteria Student Entrance Area**

e. The Lion's Den 5: The Atrium Area of Student Union Building

2. University Students, Faculty and Staff:

- a. Areas defined in Section C1 of this Policy may be used without permission from the University by students, faculty, or staff so long as they have not been previously reserved or scheduled for a particular function, no sound amplifications is used, no structure is erected, and the participants do not violate other University policies. Any speaker may be denied or asked to leave if the speech constitutes imminent and serious danger to the University's orderly operation by the speakers incitement of such actions by:
 - i. Willful damage or destruction or seizure of the institution's buildings or other property.
 - ii. The forcible disruption or impairment or interference with the University's regularly scheduled classes or other educational functions.
 - iii. The physical harm, coercion, intimidation or other invasion of lawful rights of the University's officials, faculty members, students, or other campus disorder of a violent nature.
- b. Individual students, faculty, or staff have the right of free expression anywhere on campus so long as the expressive activities or related conduct does not violate any other applicable University policies.
- c. If a student organization desires demonstrate in an area of campus outside of the **Designated Public Forums** or if the student organization anticipates an event that may draw a large crowd or impede pedestrian or vehicular traffic or will involve a parade, march or other similar activity, the University requires the student organization complete an event form through the Dean of Students. The University requires the student organization to complete and submit the event form and give notice at least five (5) days in advance of the activity. The Dean of Students will work with the organization to meet the request of find a suitable time and location that balances the rights of the student organization within the rights of other and the University's education mission. The purpose of this provision is not to designate University streets and common areas a public forum or to accommodate demonstrations or protests by those who are not a part of the University community (non-students and other campus guests). Instead, the purpose of this provision is to promote and facilitate student expression while allowing the University to make any necessary arrangements including but not limited to, arranging a parade route, providing security, etc. to ensure such activities do not interfere with the University's mission and operations or with the rights of others. If an individual student wishes to conduct an organized demonstration or to demonstrate in areas other than the **Designated Public Forums**, the student must seek the sponsorship of a registered student organization and follow the procedures outlined in this provision.
- d. **Posters and Signs:** All posters and signage must follow the student code of conduct. Further, all posters and signage must be posted inside utilizing one of the indoor Designated the Lion's Den 4 as designated in Section C1 of this Policy, which is the current indoor designated public forum for posters and signage subject to the student code of conduct. Signs placed on the walls, glass, doors, glass doors and any interiors of campus buildings should be designed and installed in a manner that preserves the architectural integrity and does not cause any damage or interference.
- e. **Signs and Symbols:** Signs and symbols may not be affixed to or asserted into the ground or hung from the exterior of any University structure or property, including but not limited to buildings and flagpoles, without the necessary prior permission. Unapproved affixed or hanging signs and symbols are subject to immediate removal by the University without notice.

3. **Non-University Affiliated**

- a. Non University individuals or groups may reserve one of the designated Public Forums spaces through the Dean of Students within five (5) days in advance.
- b. Non-University affiliated individuals or groups must comply with all of the requirements outlined in this policy.

4. **Restriction of Expression**

- a. LU may restrict expressive activity not protected by the First Amendment of the United States Constitution or Pennsylvania Constitution, including any of the following:
 - i. Violations of state or federal law
 - ii. Discriminatory Harassment
 - iii. Sexual Harassment
 - iv. True threats
 - v. An unjustifiable invasion of privacy or confidentiality
 - vi. An action that materially and substantially disrupts the function of the institution
 - vii. A violation of a reasonable time, place and manner restriction on expressive activities.
 - viii. Content restrictions and speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules and expectations
- b. Nothing in this policy shall be construed to prevent the institution from regulating speech or activity as allowed by law (state, federal or pursuant to the United States Constitution).

5. **Enforcement, Sanctions, and Disciplinary Action**

- a. Nothing in this Policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.
- b. Nothing in this Policy shall be interpreted as restricting or impairing the University's obligations under federal law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1962, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, Age Discrimination in Employment Act, and the Age Discrimination Act of 1975 as addressed through its non-discrimination and Title IX policies.
- c. Retaliation against an individual for reporting, in good faith, complaints of violations of this Policy or for an individual's good faith participation in an investigation thereof is prohibited. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the complaint.
- d. Failure to comply with this and related policies is subject to disciplinary action in accordance with the applicable disciplinary procedures. (e.g. relevant to staff, faculty, students, student organizations, etc).

Lincoln University reserves the right to amend or revoke its policies at any time. The policies found on this Web site are not conditions of employment and do not create a contract between the University and its employees.

