

## **FREEDOM OF EXPRESSION PROTOCOLS**

### **NORTHERN ILLINOIS UNIVERSITY**

#### **PURPOSE**

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The purpose of these protocols is to implement the Northern Illinois University Freedom of Expression Policy which serves to promote and facilitate the exercise of First Amendment rights as established by the United States and Illinois Constitutions. These protocols focus on students and members of the public including but not limited to guests, vendors and visitors. Through these protocols the University may make any and all necessary arrangements (such as arranging march routes, providing security, avoiding multiple events at the same time and location) to assist persons choosing to exercise their constitutional rights and ensure that such activities do not interfere with the University's mission and operations, or the rights of others.

The University strives to ensure the rights of individuals to express themselves and to assemble lawfully for that purpose. The University only intervenes in expressive activities if they fall under unprotected speech by law (like fighting words, true threats, illegal harassment, etc.) or if they don't follow reasonable time, place, and manner rules. The University won't restrict speakers based on their viewpoint. However, the University may express its own views on public issues and will do so when it is in the University's best interest.

#### **PREPARATION FOR EXPRESSIVE ACTIVITY**

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##### **A. Reserving Campus Locations for Expression**

We encourage individuals and groups who plan to use NIU as a site for expressive activity to register their expressive activity in a timely manner. The Division of Student Affairs will assist in making the event successful and safe.

1. All publicly accessible areas of campus, ("Exterior Space(s)") may be used for expressive activity. Exterior Spaces used are subject to the following:
  - a. In order to provide necessary resources to support the exercise of one's constitutional rights, members of the University community and the public are encouraged to register their events. Registration should be received within five (5) calendar days of the planned event.
  - b. The Board of Trustees Room, Altgeld Hall 315, is the only approved indoor location for expressive activity. In order to ensure the safety and well-being of all members, posted room occupancy limits shall be adhered to at all times. Interference or obstruction of building entrances, exits or pedestrian traffic is strictly prohibited.
  - c. Registration requests should include the following information:
    - i. The campus location preferred and a secondary preferential location if the preferred location is not available.
    - ii. The date and time of the activity.

- iii. Estimated number of attendees and if attendees are campus members (students, faculty, or staff) and/or non-affiliated.
    - iv. Whether a stand, booth or table will be used for the purposes of distribution of written materials.
2. Reservation requests will be processed on a first-come, first-served basis, but in the event that multiple requests conflict, the following order of precedence will occur:
  - a. Official University-sponsored events and activities.
  - b. Recognized student organizations, events and activities.
  - c. Student events and activities.
  - d. All other University community events and activities.
  - e. Non-University affiliated events.
3. The Assistant Vice President for Student Affairs and Dean of Students or designee will issue a reservation confirmation for the requested location within two (2) business days from receipt of request, or sooner if possible. The request for reservation may be denied only for the reasons set forth in these procedures, and the reason for the denial shall be provided to the requester.
4. In the event the requester needs to cancel the event, requesters are asked to notify the University of cancellation at least 24 hours before the event.
5. For events occurring on city sidewalks and streets adjacent to or running through the University, requesters are required to make appropriate arrangements to acquire city permits and to comply with relevant city ordinances and applicable state and federal law.

**B. Spontaneous Campus Expression**

1. To accommodate the need for immediate and spontaneous expression and to better facilitate the free exchange of ideas, spontaneous expressive activity shall take place in the identified Exterior Spaces.
2. Exterior Spaces are available for this purpose between 8:00 am and 12:00 am. In order to minimize reservation conflicts and best accommodate all interested users, the University encourages all parties to register activity at <https://www.niu.edu/studentinvolvement/forms-and-policies/foe/registration-form.shtml> for scheduling.
3. Spontaneous campus expressive activities shall not interfere and/or disrupt previously registered events as specified above.

**C. Time, Place and Manner Restrictions**

1. Members of the University community engaging in expressive activity on campus must also abide by the following requirements. Expressive activities must not:
  - a. Attract a crowd larger than the requested location or location of spontaneous expressive activity can safely accommodate.

- b. Disrupt University activities inside or outside of buildings (including classes).
- c. Disrupt previously scheduled campus events.
- d. Obstruct entrances or exits to buildings.
- e. Obstruct vehicular or pedestrian traffic.
- f. Represent a threat to public safety, or individual health and well-being according to the determination of University Police and/or the Assistant Vice President for Student Affairs and Dean of Students or designee.
- g. Affix items to any permanent structure (fences, poles, building and building signs, trees, etc.).
- h. Destroy, damage or deface the property of the University.
- i. Light any material on fire. Hand held candles may be utilized with special permission from the Assistant Vice President for Student Affairs and Dean of Students or designee; other open flame devices are strictly prohibited

### **ADDITIONAL PROVISIONS**

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The following provisions apply to both planned expressive activities and spontaneous expressive activities covered under these protocols.

1. As used in these protocols, “expressive activity” or “expression” shall be defined to include communicative conduct or activity, other than commercial speech/activity, protected by the First Amendment, such as public speeches, demonstrations, marches, protests and picketing and the distribution of literature. Commercial speech is governed under the University’s Solicitation Policy. The use of space for expressive activity shall not include use by outside commercial vendors. In no case may an admission fee be charged, products be sold, contributions be solicited or funds be otherwise raised on university property, except when permission is granted in accordance with these protocols.
2. As used in these protocols, “University community” shall be defined as (1) any persons enrolled at or employed by the University including University students, faculty, staff, administrators and employees; (2) recognized University affiliated entities including University departments and registered University student organizations; and (3) guests or outside groups that come onto campus.
3. Expressive activity covered under these protocols must be in compliance with all applicable state and federal laws and University policies, rules and regulations.
4. Expressive activity that results in damage or destruction of property owned or operated by the University or property belonging to students, faculty, staff or guests of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.
5. All signs and other expressive materials must be removed from the area at the conclusion of the expressive activity. A person or organization may seek an extension from the Assistant Vice President for Student Affairs and Dean of Students or designee. Approval of extensions will be based on viewpoint neutral factors including but not limited to

whether there are competing requests for expressive activities, existing or forecasted weather conditions, other events taking place in the space, whether it would impede University operations and whether an extension will likely result in harm to person or property. Any items left behind or unattended (including memorials) without permission will be removed at the conclusion of the event.

6. The University reserves the right to remove litter, garbage or any other items that may pose a detriment to the health and safety of the University community.
7. The University may not impose restrictions on individuals or organizations engaged in expressive activities due to the viewpoint of their expression or the possible reaction to that expression. The University has the right to act upon legally unprotected speech in a manner of protecting the campus community. The University shall take all necessary steps to ensure public safety while allowing the expressive activity to continue. The University has the right to consider and act upon security concerns or if an imminent threat exists.

## **OTHER RESOURCES**

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The University provides services for those individuals who believe their constitutional rights have been violated or have been the subject of discrimination, harassment, true threats or discrimination based upon race, sex, age, religion, physical ability or any other unlawful basis. Incidents should be reported by filing an [incident report](#).

The Office of the Ombudsperson provides students, faculty and staff with guidance to help solve a variety of university-related issues or conflicts. The Office of the Ombudsperson offers confidential, neutral, informal and independent guidance. While the Office of the Ombudsperson cannot provide legal advice or advocate on your behalf, they can advise you of your rights within the university.

Students' Legal Assistance may offer general advice and guidance on First Amendment law.

Any questions regarding these protocols should be directed to the Division of Student Affairs.