

**PROCEDURES FOR FACILITATING POLICY CONCERNING
FREEDOM OF EXPRESSION
NORTHERN ILLINOIS UNIVERSITY**

The purpose of these procedures is to implement the Northern Illinois University Policy Concerning Freedom of Expression which serves to promote and facilitate the exercise of First Amendment rights as established by the United States and Illinois Constitutions. These procedures focus on students and members of the public including but not limited to guests, vendors and visitors. Through these procedures, 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 with the rights of others.

Nothing in these procedures permits the university to regulate the content of expressive activity protected by the First Amendment, except when that expressive activity constitutes unprotected speech as defined by law (i.e., fighting words, true threats, etc.). The university maintains a position of neutrality as to the viewpoint of expression and any written materials distributed on campus under these procedures.

A. Reserving Campus Locations for Expression

1. All publicly accessible areas of campus, ("exterior space(s)") may be used for expression by members of the university community. Exterior spaces may be used by members of the university community 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. Registration for an exterior space (see Appendix A for designated locations), as well as the Board of Trustees Room, should be received by the associate vice president for student affairs and dean of students within five calendar days of a planned event. The Dean of Students Office shall have the discretion to waive the notification requirement of five calendar days with a show of good cause.
 - b. The Board of Trustees Room has been designated as an "interior location" for purposes of these procedures. 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 within university buildings is strictly prohibited.

- c. Request for reservations should include the following information:
 - i. The campus location requested and a secondary preferential location.
 - ii. The date and time of the activity.
 - iii. When sound amplification will be used, requesters are required to comply with any existing university policies/guidelines regarding amplified sound. The DeKalb municipal code will be used as a guideline for sound levels at all outdoor events except in special cases where prior approval has been granted through the Dean of Students Office. In the event of noise complaints, University Police will monitor noise levels through a calibrated decibel meter to ensure compliance.
 - iv. Whether a stand, booth or table will be used for the purposes of distribution of written materials.
 - v. The estimated number of attendees.
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 shall govern:
 - 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 speakers or events reserving one of the approved exterior spaces as outlined in Appendix A.
3. The associate vice president for student affairs and dean of students or their designee must issue a reservation confirmation for the requested location within two business days from receipt of request, or sooner if possible. If the Dean of Students Office fails to reply to a request it will

be assumed that the request has been approved. The request for reservation may be denied only for the reasons set forth in Section C of 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. Cancellation for Monday events should be made no later than Friday at 1 p.m.
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 demonstration and to better facilitate the free exchange of ideas, the university has designated exterior spaces (see Appendix A) for speeches, demonstrations and other forms of expression.
2. Exterior spaces are available for this purpose between 8-1 a.m. In order to minimize reservation conflicts and best accommodate all interested users, the university encourages all parties to contact the Dean of Students Office at go.niu.edu/foe-form for scheduling.

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. Significantly disrupt university activities inside or outside of buildings (including classes).
 - c. Significantly 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 associate vice president for student affairs and dean of students or their 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 or others without the university or others' express permission.
- i. Light any material on fire provided that hand held candles may be utilized with special permission from the associate vice president for student affairs and dean of students or their designee; other open flame devices are strictly prohibited.

D. Additional Provisions

The following provisions apply to both reservation requests and spontaneous expressive activities covered under these procedures.

1. As used in these procedures, “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 expression 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 procedures.
2. As used in these procedures, “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 and expression covered under these procedures must be in compliance with all applicable state and federal laws and university policies, rules and regulations.

4. 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. Persons or organizations responsible for an activity covered under these procedures must remove all signs and other expression from the area within 48-hours after the end of the event. A person or organization may seek an extension of the 48-hours by requesting an extension from the associate vice president for student affairs and dean of students or their designee. The Division of Student Affairs shall approve or deny extensions based on viewpoint neutral factors including but not limited to whether there are competing requests for expressive activities, existing or forecast weather conditions, whether it would impede university operations and whether an extension will likely result in harm to person or property. If this is not accomplished, persons or organizations responsible for the event will be held financially responsible. Any items left behind or unattended (including memorials) may 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. When assessing a reservation request or when informed of spontaneous expressive activities on campus, university personnel shall not consider the content of the expression except when the expressive activity constitutes unprotected speech as defined by law (i.e., fighting words, true threats, etc.), the viewpoint of the expression or the possible reaction to that expression, except to the extent such factors are relevant to assessing appropriate security measures. University personnel may not impose restrictions on individuals or organizations engaged in expressive activities due to viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to any expression, university personnel shall take all necessary steps to ensure public safety while allowing the expressive activity to continue. University Police and Public Safety have the primary responsibility to determine if an imminent threat exists.

E. Other Resources

The university provides services through the Office of Academic Diversity, Equity and Inclusion 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.

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 procedures should be directed to the Division of Student Affairs.