



## **Policy and Procedures Concerning Demonstrations and Assemblies**

### **General Policy**

Montclair State University's policy and procedures concerning demonstrations and assemblies is based on a balance between two principles. The first principle is the right of members of the University community to freedom of assembly and speech and the benefits to be derived in a free society and in a free and open University from fostering discourse and permitting the exchange of ideas. No member of the University community shall be subject to any limitation or penalty for demonstrating or assembling with others for the expression of his/her viewpoint. The second principle is the right of all members of the University community to be able to engage without disruption in all University organized activities, including, but not limited to, educational, scholarly, research, business, cultural, informational, recreational, or public outreach activities.

Therefore, it is permitted:

1. to demonstrate and assemble to provide information or to express views;
2. to demonstrate and assemble to protest;
3. to display posters and to distribute literature;
4. to organize activities that present differing viewpoints;
5. to express views at all organized events and activities where the opportunity for such expression is offered by the organizers.

And, therefore, it is not permitted:

1. to prevent or disrupt any organized University activity, including, but not limited to, educational, scholarly, research, business, cultural, informational, recreational, or public outreach activities;
2. to prevent or interfere with the ability of members of the University community, guests or visitors to have access to activities or facilities which have been provided for their use;
3. to intimidate or harass members of the University community, thereby preventing their ability to exercise their rights, duties, and responsibilities within the University.

In order to assure a balanced and equitable protection of the rights of free expression and the rights of all members of the community to pursue their responsibilities and enjoyment of their benefits as members of the University community, the procedures set forth below shall apply.

### **Policy and Procedures for Planned Demonstrations or Assemblies**

1. Any individual, group or organization that wishes to demonstrate or assemble on the University's campus shall, at least two weeks in advance of the planned demonstration or assembly, obtain from, and file with, the Office of the Dean of Students a "Request for Demonstration, Assembly, Presentation or Forum," which sets forth a) the identity of the

individual, group or organization making the request b) the date(s) and time(s) of the event; c) the desired location for the event; d) the planned objective of the event; e) the materials that will be used to conduct the event, including information concerning any music or sound amplification; f) for groups or organizations, the number of people expected to participate in the event; and g) the estimated number of people the event organizers expect to attract to the event.

2. The Office of the Dean of Students may request a meeting to review the application and policy prior to approval.
3. The Office of the Dean of Students will attempt to notify the requesting party within 48 hours in writing whether the application is approved and any conditions that may apply to such an approval. A copy of the approval should be maintained at the location of the demonstration and be made available for review upon request from any University official.
4. Place and Time.
  - a. Demonstrations and assemblies are permitted outside of University buildings in public places that are paved and used as sidewalks, outdoor seating areas, internal roadways that are not used for general vehicular traffic, and other similar outdoor areas designated for a pedestrian or seated use. Preferred locations for outdoor demonstrations are the plaza in front of the Student Center and the Amphitheater.
  - b. Indoor demonstrations and assemblies are permitted in the Student Center ballrooms and Memorial Auditorium. With those two exceptions, demonstrations and assemblies are never permitted in buildings that house faculty or administrative offices, classrooms or other instructional or research facilities, athletic facilities, performance facilities, or residence halls.
  - c. The approval of any specific location will always be subject to accommodation of planned or on-going University activities and any relevant physical conditions and safety issues.
  - d. Demonstrations and assemblies may occur any day of the week from Sunday through Saturday but shall occur no earlier than 8:00 a.m. and shall terminate no later than 10:00 p.m.
5. Manner.
  - a. Demonstrations and assemblies may not: 1) prevent or disrupt other University activities or business; 2) prevent or interfere with the ability of other members of the University community, visitors or guests to pursue their activities or have access to University facilities; 3) engage in, or threaten, physical violence or destruction of University property; 4) jeopardize the safety and/or security of the University community.
  - b. Signs affixed to poles or sticks are not permitted. Signs that are not affixed to sticks or poles are permitted.

- c. Tents, tarps, and all other forms of camping equipment are prohibited.
- d. Alcoholic beverages and the use of controlled substances are prohibited.
- e. The individual, group or organization that requested approval for the demonstration or assembly is responsible for removing all trash at the conclusion of the demonstration or assembly and for restoring the area to the condition it was in at the beginning of the demonstration or assembly.
- f. Public restrooms are available for demonstrations and assemblies. Bathing within public restrooms is prohibited.
- g. Participants in demonstrations and assemblies must carry official and current student or employee I.D. cards or State-issued identification at all times and present it to University officials upon request.
- h. University Police may monitor the demonstration and, at their discretion, install barricades for the protection and safety of the demonstrators, those assembled, and/or the general University community.

### **Policy and Procedures for Spontaneous Demonstrations and Assemblies**

The University recognizes there may be occasions that do not permit the submission of an application two weeks in advance of a demonstration or assembly. Such spontaneous demonstrations or assemblies in response to emergent situations where advance planning is not possible are permitted, but they are limited in location to: a) the plaza in front of the Student Center or b) the Amphitheater. Any individual, group or organization calling for or organizing such a demonstration or assembly must report that information immediately to the Office of the Dean of Students, and comply with the time, place and manner provisions set forth above in this policy.

### **Applicability and Violations**

This policy will be applied consistently, recognizing that special circumstances may arise on occasion that require the granting of exceptions.

This policy applies to all members of the University community, including students and employees, and to all guests and visitors to the University. All persons involved in or attending a demonstration or assembly must adhere to this policy, as well as other applicable University policies, and Federal, New Jersey, and local laws. Any person in violation of this policy or applicable laws will be asked to cease and desist and, upon failure to do so, University police will take appropriate action. Any member of the University community who acts in violation of this policy will be subject to disciplinary action under applicable University policies, collective bargaining agreements, and the Student Code of Conduct. Any person in violation of Federal, New Jersey or local law will be subject to criminal prosecution.

Revised July 30, 2012

**MONTCLAIR STATE UNIVERSITY – OFFICE OF THE DEAN OF STUDENTS**  
**REQUEST FOR DEMONSTRATION/OPEN AIR ASSEMBLY, PRESENTATION OR FORUM**

Individual Making Request on behalf of the Individual/Group/Organization: \_\_\_\_\_

Telephone: (Mobile) \_\_\_\_\_ (Work) \_\_\_\_\_  
(Home) \_\_\_\_\_

E-Mail: \_\_\_\_\_

University Employee or Student ID Number: \_\_\_\_\_

Requesting Individual/Group/Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Proposed Date and Time of Event: \_\_\_\_\_

Requested Location: \_\_\_\_\_

Purpose of Event: \_\_\_\_\_

Materials Used During Event (including Amplification Devices): \_\_\_\_\_  
\_\_\_\_\_

Number of Organizers Expected to Participate in the Event: \_\_\_\_\_

Estimated Number of People Organizers Expect to Attract to the  
Event: \_\_\_\_\_

***For University Use Only***

Event Approved: \_\_\_\_\_ Location Approved: \_\_\_\_\_

Time Approved: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_

Approved by Dean of Students or Designee: \_\_\_\_\_

(Name/Signature/Date)

Rev. July 30, 2012

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