



INTERIM EXPRESSIVE ACTIVITY ON CAMPUS POLICY

No: SAAP 6-8

Date: September 2024
October 2018
February 1989 (original)

Authority: Wisconsin Administrative Code Ch. 17
Wisconsin Administrative Code Ch. 18
Regent Policy Document 4-21

Initiator: Vice Chancellor for Finance & Administrative Affairs

Responsible Party: Vice Chancellor for Finance & Administrative Affairs
Vice Chancellor for Student Affairs

I. Purpose

As a public university, UW-Milwaukee is committed to upholding the First Amendment of the United States Constitution and Article I of the Wisconsin Constitution, embracing freedom of expression as a fundamental aspect of our educational mission consistent with Regent Policy Document 4-21. UW-Milwaukee affirms its dedication to protecting the right of the community to engage in a wide range of expressive activities, such as speech, assembly, and demonstrations on campus.

At the same time, UW-Milwaukee recognizes its responsibility to maintain a safe and orderly environment conducive to teaching, scholarship, and other university-sponsored activities. To achieve this balance, UW-Milwaukee may implement reasonable restrictions on the time, place, and manner of expressive activities. These restrictions aim to ensure that while free expression is robustly protected, it does not disrupt UW-Milwaukee's core functions or compromise safety and property integrity.

This policy underscores UW-Milwaukee's commitment to fostering an open exchange of ideas while ensuring that expressive activities are conducted in a manner consistent with the U.S. and Wisconsin Constitutions. It sets forth guidelines designed to support a safe campus environment, protect university and private property, and promote the orderly functioning of our teaching and public service missions.

This policy will not be enforced in a manner that discriminates against any individual or group based on protected classifications, as outlined in the university's nondiscrimination policy. Furthermore, this policy is not intended to infringe upon any rights protected by the U.S. Constitution, the Wisconsin Constitution, or other applicable laws, nor to supersede or alter faculty academic freedom as outlined in Regent Policy Document 4-21.

Through these measures, UW-Milwaukee seeks to uphold its commitment to free expression while ensuring a functional and respectful campus environment for all.

II. Policy

A. Permitted Expressive Activity. University Community Members and Visitors may use Outdoor Public University Areas (defined in Section III below) for expressive activities, subject to the restrictions listed in this document. The University shall not consider the content or viewpoint of any expressive activity permitted by University policy when applying the below restrictions. Unless otherwise regulated by this or other applicable policies, University Community Members and Visitors may engage in spontaneous expressive activities unless otherwise restricted by law, University policy, or prior space reservations. If University Community Members and Visitors expect exclusive use of Outdoor Public University Areas for an event or activity, reservations must be made in accordance with the University's [Use of Facilities Policy](#) and [space reservation guidelines](#). All expressive activities must comply with applicable law (state and federal), including, but not limited to, Wis. Admin. Code Ch. [UWS 18](#), as well as University policy.

B. Restrictions on Expressive Activity

1. Lawful Activity. Any conduct, including expressive activity, must comply with applicable state and federal laws. This includes state and federal regulations and lawful directives and orders from the federal and state governments. Those seeking to engage in expressive activity on University Property, including Outdoor Public University Areas, are expected to educate themselves about the laws, regulations, directives, and orders that may impact the considered expressive activity.

Expressive activities that fall outside of the First Amendment's and Article I's protection are likewise not permitted under this policy.

2. Compliance with University Policy. All conduct on University Property, including expressive activities must comply with University policy, including but not limited to, this policy, the University's [Use of Facilities Policy](#) and space reservation guidelines, [UWS 18](#), [Student Non-Academic Misconduct Code UWS 17](#), and the [Discriminatory Conduct Policy](#), including but not limited to provisions prohibiting harassment.

3. Material and Substantial Disruption to University Activities, Events and Operations. Expressive Activity may not materially and substantially disrupt, impair, or interfere with University activities, events, or operations. This includes conduct prohibited UWS 18.11(4) and also includes, but is not limited to:

a. Disrupting the teaching of classes, study, or administration of the University;

- b. Impairing passage through building corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices.
- c. Interfering with University authorized or reserved use of University Property, including, but not limited to, Registered Student Organizations (RSOs) and University-invited speakers;
- d. Interfering or infringing on the rights and privileges of others on the University's Property, including in Outdoor University Public Areas; and
- e. Disrupting emergency services, including but not limited to, fire protection, law enforcement, or emergency or medical services.

For further information, please see [UWS 18](#) which governs use of University lands and further defines disruptive activities.

4. **Public Safety.** Expressive activity on University Property, including in Outdoor Public University Areas, must comply with Wis. Admin. Code § [UWS 18.10](#). Such activity must not physically injure any other person, damage or destroy property, physically interfere with another person's bodily autonomy, or include constitutionally unprotected true threats against others. Examples of impermissible activity include, but are not limited to:
 - a. Causing bodily harm to a person;
 - b. Inappropriate and unwelcome physical contact with another person, including, but not limited to, pushing, slapping, or spitting; and
 - c. Acting in a manner that shows reckless disregard for the physical health or physical safety of any other person.
5. **Obstructing Access to Buildings, University Events, or Impeding the Movement of Others.** Conduct on University Property and in Outdoor Public University Areas, including Expressive Activities, must not obstruct or seriously impair the passage of others through University facilities, including but not limited to, corridors, stairways, doorways, building entrances, fire exits, and reception areas. Such conduct must not otherwise restrict access to University Property and Outdoor Public University Areas. *See* Wis. Admin. Code § UWS 18.11(4)(a)[2.b](#). To mitigate the potential for disruption and facilitate orderly access to University operations, classes, events, programming, and other activities, the University expressly prohibits Expressive Activity within 25 feet of entrances to University owned or controlled buildings and facilities. Conduct, including expressive activity, that obstructs access to buildings, events, or impedes the movement of others is prohibited regardless of whether it occurs within 25 feet of the entrance to University owned or controlled buildings and facilities. The UW-Milwaukee Police Department (UWMPD) may increase the

mandatory distance for any expressive activity where necessary to allow access to University Property or to protect the safety of individuals or University Property.

6. **Camping.** Camping is expressly prohibited on all University Property, including Outdoor Public University Areas. See [Wis. Admin. Code s. 18.07\(4\)](#).
7. **Sound Amplification.** Conduct on University Property, including Outdoor Public University Areas, may not include the use sound amplification equipment (defined in Section III below), unless expressly applied for and authorized by the University. This prohibition extends to expressive activities. Under state law, except in extraordinary circumstances, authorization may be granted between the hours of 12PM-1:30PM and 5PM-7PM, every day. Applicants must show there is a need for the use of sound amplification equipment to communicate with its audience and that its use will not interfere with or disrupt University operations. This paragraph does not apply to the use of battery-powered handheld devices such as handheld Bluetooth speakers and bull horns. However, use of those devices must comply with all other provisions of this policy, including noise restrictions, below, all other applicable University policies, as well as state and federal law. The application process for the use of sound amplification equipment may be found at <https://uwm.edu/union/event-services/policies-and-procedures/space-usage-guidelines/>. For further information regarding the use of sound amplification equipment, please see Wis. Admin. Code. § [UWS 18.11\(5\)\(a\)](#).

During the University's final exam period, beginning on the defined Study Day and ending the day following the last day of exams, the use of sound amplification devices – including, but not limited to, handheld battery-operated devices such as Bluetooth speakers and bullhorns is expressly prohibited. For information regarding exactly when finals period is, the University's academic calendar can be found [here](#).

8. **Noise.** Conduct, including expressive activities, must not create, or assist in creating, a Noise Disturbance (defined in Section III below). Expressive Activity or other conduct that does not meet the definition of a Noise Disturbance could be prohibited by other provisions in this policy, such as Section 3's prohibition on disruption of university activities.
9. **Hand-held Signs and Written Materials for Distribution.**
 - a. Outdoor Public University Areas
 - i. University Community Members and Visitors may hold signs and distribute written or printed non-commercial materials, such as flyers, leaflets, and publications on a person-to-person basis, unless otherwise regulated by University policy, including but not limited to, individual building use policies;
 - ii. Signs must be handheld and may not be left unattended; and

iii. Unless otherwise authorized by University policy, no signs may be erected or supported by piercing the surface of University property with stakes, posts, poles, anchors, or other materials.

b. Indoor spaces

i. University Community Members and Visitors may hold signs and distribute written or printed non-commercial materials, such as flyers, leaflets, and publications on a person-to-person basis, unless otherwise restricted by University policies;

ii. Signs must be limited to no larger than 3 feet by 3 feet;

iii. Signs must be handheld and may not be supported by standards or sticks; and

iv. No materials may be distributed in classrooms.

c. Signs or materials for distribution that violate University policy, including this policy, or state or federal law, are prohibited.

d. An authorized official of the University may remove and destroy any signs or written materials left behind or unattended.

e. Distribution of written materials in residence halls is governed by applicable University Housing residence hall policies.

10. Postings. Postings in Outdoor Public University Areas are limited to general bulletin boards and kiosks.

a. Postings in Outdoor Public University Areas must not be affixed to telephone poles, light poles, garbage cans, sidewalks, stairs/steps, benches, fences, trees, or buildings.

b. Except where otherwise indicated, postings must not exceed 11 inches by 17 inches and only one copy of a posting may be posted in the same designated space at any one time.

c. An authorized University official may remove and destroy the following postings:

i. Unauthorized or outdated postings (e.g., materials publicizing a past event/activity or duplicate materials posted on the same bulletin board);

ii. Any postings at the end of each semester, at regular intervals as established by the University, or as part of regular maintenance and cleaning by University personnel acting within the scope of their University duties; and

iii. Postings that violate University policy, including this policy, or state or federal law.

- d. University Community Members and Visitors may not remove, cover, or tamper with postings posted by another person or organization.
- e. Posting in residence halls is governed by applicable University Housing residence hall policies.
- f. In campus buildings, the posting of fliers and posters is only allowed on bulletin boards. In most cases, departmental bulletin boards are maintained and regulated by individuals in the department's main office or sometimes the caretaker of the bulletin board is listed on the bulletin board itself. Postings in University buildings must comply with building specific posting policies.

11. Chalking. Chalking is permitted on University sidewalks and University streets subject to the following restrictions:

- a. Chalking may only be done with water soluble materials. No paint, oil-based chalk, indelible marks, or spray chalk may be used.
- b. Chalking is prohibited on University buildings, courtyard areas, vertical surfaces, planters, doors, trash receptacles, steps, fountains, benches, tables, signs, poles, columns, bus stops, light posts, trees, arches of bridge walkways, underneath overhangs or any covering, or any location where precipitation cannot wash away the chalk.
- c. Students, faculty, staff, and members of the public must not remove or tamper with chalking done by another person or organization.
- d. The University may remove chalking and other markings on University Property, including Outdoor Public University Areas that violate University policy, including but not limited to this policy, or state or federal law.
- e. Chalking, as permitted by this policy, is subject to regular maintenance and cleaning by authorized University personnel acting within the scope of their University duties.

C. Exceptions

This policy does not apply to authorized University operations including, but not limited to, construction and maintenance or to University personnel carrying out an authorized University service or activity while acting within the scope of their University duties and responsibilities.

III. Definitions

Expressive Activity: Any activity protected by the First Amendment of the United States Constitution and Article I of the Wisconsin Constitution, including but not limited to, speech, lawful assembly, protesting, distributing literature, and chalking. However, commercial activity (related to a commercial transaction or an advertisement to promote the sale of goods or services) is excluded and governed by Wis. Admin. Code UWS § 18.11(8). Expression and activities that fall outside of the First Amendment's and Article I's protection are likewise not permitted under this policy.

Noise Disturbance: Intentionally creating a volume of noise that unreasonably interferes with University-sponsored or University-authorized activities. [UWS 18.11\(4\)\(a\)3](#). Sound measured at or above 85 decibels in an indoor area 50 feet or more from the source of the noise is presumed to create a noise disturbance unless exempted or authorized by the University. As an example, if the sound of expressive activity as heard in a classroom or office at least 50 feet away is at the level of 85 dB or higher (e.g., equivalent of a lawnmower, kitchen blender or a motorcycle 25 feet away), the outdoor expressive activity is presumed to create a noise disturbance and must reduce the volume or risk being declared an unlawful assembly that must disband.

Outdoor Public University Areas: Unsecured and unrestricted outdoor spaces of University owned or controlled property under UWS 18.02(7) that are generally open and available to the public for use and enjoyment.

Postings: Physical display conveying a message to the reader that is intended to be or is affixed to bulletin boards, buildings, or other objects.

Sound Amplification Equipment: Any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker. *See* [UWS 18.11\(5\)\(c\)](#). Examples include, but are not limited to, public address systems, loudspeakers, and musical amplifiers. Excluded from this definition are battery powered and handheld amplification devices such as a personal Bluetooth speaker or bullhorn.

University: The University of Wisconsin-Milwaukee.

University Community Members: University employees (including faculty members and staff), students, Registered Student Organizations.

University Property: All buildings, lands, and other internal and external spaces owned or controlled by the University and the Board of Regents. University Property includes Outdoor Public University Areas.

Visitor: means any individual or group who is not a University Community Member.

IV. Contact Information

For questions or additional resources for conducting expressive activity lawfully, please contact:

UWM Police Department (414) 229-4627, <https://uwm.edu/police/>

Dean of Students Office (414) 229-4632, <https://uwm.edu/deanofstudents/>