



UNIVERSITY OF WISCONSIN-LA CROSSE

INTERIM EXPRESSIVE ACTIVITY ON CAMPUS

Effective October 1, 2024

1. Introduction

- 1.1 The mission of the University of Wisconsin-La Crosse is to provide “a challenging, dynamic, and diverse learning environment in which the entire university community is fully engaged in supporting student success.” In pursuit of this mission, UWL encourages and protects diverse perspectives, the free flow of ideas, and open discussion among students, faculty, staff, and other members of the campus community. Constructive engagement with differing perspectives in a climate of free inquiry is essential to the pursuit of knowledge. UWL is committed to providing all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn.
- 1.2 Encountering new, different, or opposing perspectives can be challenging and, at times, uncomfortable; this is a necessary feature of the UWL educational experience. Thus, all members of the campus community are encouraged to engage with diverse viewpoints in a manner that affirms our community and furthers our mission, to be thoughtful when participating in the exchange of ideas, and to hold themselves accountable for the impact of their expression on others.

2. Purpose

- 2.1 As a public university, the University of Wisconsin-La Crosse 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-La Crosse 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.
- 2.2 At the same time, UW-La Crosse recognizes its responsibility to maintain a safe and orderly environment conducive to teaching, scholarship, and other university-sponsored activities. To achieve this balance, UW-La Crosse 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-La Crosse's core functions or compromise safety and property integrity.

- 2.3 This policy underscores UW-La Crosse'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.
- 2.4 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](#).
- 2.5 Through these measures, UW-La Crosse seeks to uphold its commitment to free expression while ensuring a functional and respectful campus environment for all.

3. Scope

- 3.1 This policy applies to all University Community Members and Visitors.

4. Definitions

- 4.1 **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.
- 4.2 **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 expressive activity is presumed to create a noise disturbance and must reduce the volume or risk being declared an unlawful assembly that must disband.

- 4.3 **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.
- 4.4 **Postings:** Physical display conveying a message to the reader that is intended to be or is affixed to bulletin boards, buildings, or other objects.
- 4.5 **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.
- 4.6 **University:** The University of Wisconsin-La Crosse.
- 4.7 **University Community Members:** University employees (including faculty members and staff), students, Registered Student Organizations.
- 4.8 **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.
- 4.9 **Visitor:** Any individual or group who is not a University Community Member.

5. Policy Statement

- 5.1 **Permitted Expressive Activity.** University Community Members and Visitors may use Outdoor Public University Areas 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 [Space Reservation Policies](#). 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.
- 5.2 **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 [Space Reservation Policies](#), [UWS Chapter 18 Conduct on University Lands](#), [UWS Chapter 17 Student Non-Academic Misconduct](#), and [UWL's Discrimination, Harassment, and Retaliation 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, 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 University of Wisconsin-La Crosse Police Department (UWL PD) 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 of sound amplification equipment, 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, 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 here: [Request to use Sound-Amplifying Equipment](#). 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 24-hours before the first day of final exams (often referred to as "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: [Academic Calendar](#)

- 8) **Noise.** Conduct, including expressive activities, must not create, or assist in creating, a Noise Disturbance. Please note, conduct, including Expressive Activity may disrupt University operations, activities, and events in violation of Section 3 above, even if it does not amount to a Noise Disturbance.
- 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 (i.e. supported by sticks); 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 printing 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.
 - i. An authorized official of the University may remove and destroy any signs or written materials left behind or unattended.
 - ii. 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. 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. Any University student organization, student, faculty, staff, or department may use chalk to advertise upcoming University sponsored events.
- d. Chalked messages must indicate which University Department or Student Organization created the chalking if it is not reasonably apparent in the message, otherwise it may be removed.
- e. Chalked announcements may not be placed more than two (2) days prior to the campus activity, event, or meeting.

- f. Chalking that violates any federal or state law, or published by UWL policies and regulations is prohibited.
- g. Chalking may not be used to promote organizations or events that are not affiliated with the University.
- h. Chalking may not be used for commercial purposes, including advertising or other promotion. Chalking for Student Association elections is permitted.
- i. Students, faculty, staff, and members of the public must not remove or tamper with chalking done by another person or organization.
- j. The University may remove any chalking after 48 hours. However, the University may remove, without notice, any chalking that does not comply with this policy.
- k. 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.
- l. The University is under no obligation to protect chalking messages from alteration and destruction. Exceptions to this policy for academic purposes may be submitted to the Dean of Students for approval in advance of any marking.
- m. All faculty, staff, students, student organizations, and departments must submit a formal request for approval to chalk on University lands. Requests must be made no less than 24 hours prior to chalking.

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.

Related Policy Documents and Applicable Laws

[Universities of Wisconsin Regent Policy Document 4-21](#)

[UWS Chapter 18](#)

UWL Chalking Policy

[UWL Space Reservation Policy](#)

[Campus Publicity Guidelines](#)

[UWL Bulletin Board Location and Types](#)

Review Process

This document should be reviewed annually by University Police, Dean of Students, and representatives of Shared Governance Groups.

Document Approval Process

This document was approved by Chancellor Beeby on September 24, 2024.

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Shared Governance

This document was shared with Student Association on September 27, 2024.

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Document History

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