

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

## Introduction

Western Washington University is committed to academic freedom and freedom of speech, petition, and assembly. These rights are protected by law and are fundamental to the democratic process, learning, scholarly inquiry, and creative activity.

This guide serves as a resource for people engaging in expressive activities at Western and for those who have questions about such activities. It is based on relevant state and federal law and Western's policies that govern expressive activities. These policies include Washington Administrative Code chapters 516-24, 516-35, and 516-36, which ensure the protection of rights for both the Western community and members of the public on campus.

State administrative regulations about freedom of expression and assembly at Western are at [WAC 516-35](#). Western puts reasonable limits on expressive activities to ensure that such activities do not interfere with university operations or other people's legal rights. These are called "time, place and manner" restrictions. Time, place, and manner restrictions on speech are consistently applied regardless of the content or viewpoints expressed in the speech.

"The university believes that freedom of expression and assembly are indispensable qualities of university life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The university is committed to respecting and promoting the rights afforded by the constitutions of the United States and the state of Washington, including the right to free speech, petition, and to peaceably assemble." ([WAC 516-35-005](#))

## Rules about expressive activity support health, safety, and continuity of university operations

As detailed below, Western's rules and procedures indicate locations for expressive activities and prohibit activities that interfere with university operations, for example, due to the existence of pre-planned events, volume, blocking or limiting paths across campus, or threatening people's physical safety or health. In all instances, university policies and laws that prohibit discrimination, hazing, doxing, and other unlawful actions, apply.

## Areas for expressive activity

Some places on campus are appropriate locations for expressive activity. These are called "limited public forum areas." Limited public forums are "spaces for freedom of expression and peaceable assembly as protected by the Constitution of the United States and the Washington state Constitution, subject to reasonable time, place, and manner restrictions." ([WAC 516-35-001\(3\)](#)). These areas include, for example:

- Red Square
- Communications Lawn
- PAC Plaza
- Flag Plaza

While limited public forum areas are generally spaces for expressive activity, Western may change the location of an expressive activity if the location where it is happening is reserved or already in use for a different purpose, to address health or safety concerns, or to avoid interruptions to university

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

operations. Western may also directly address aspects of an assembly occurring in a limited public forum area that are risks to health or safety and that disrupt university operations. Anyone engaging in expressive activity must follow instructions from university officials and emergency personnel, including law enforcement. See WAC 516-21-080, 516-35-020, 516-35-030 (referencing 516-24-001).

## Areas where expressive activity is not allowed

Per [WAC 516-35-001\(3\)](#), limited public forums do not include the following areas. Free speech or expression activities are not permitted in these locations:

- “Classrooms or academic buildings utilized for scheduled educational programming with the exception that nothing herein shall be read to interfere between or with the academic freedom of the instructor and enrolled students to engage in educational programs;
- Reservable or scheduled property subject to the provisions of WAC Chapter 516-36;
- Private administrative or academic offices;
- Lavatory or maintenance facilities;
- Roadways or sidewalks necessary to permit the free flow of pedestrian, vehicular, emergency responder, or maintenance traffic; or
- Any other university property, on a case-by-case basis, where the reasonable application of time, place, and manner restrictions render the location inappropriate for expressive activities.”

## Basic rules

Remember, unless expressive activities violate university policies or law, they are protected and allowed. This is the case even when the speech or protest includes words or actions that some find objectionable or very offensive. Examples of likely permissible expressive activity include:

- Speaking, chanting, and singing.
- Chalking on the ground in Red Square or in other spaces in compliance with [STN-U8650.01B](#).
- Holding a sign in front of one’s person (as compared with holding a sign in front of someone else without their consent).
- Engaging with a speaker, as to ask questions or try initiating conversation if the speaker chooses to be engaged, invites questions, etc.
- Wearing clothing that communicates a message.

Actions that interfere with Western’s operations or disrupt others’ rights to engage in expressive activity are not allowed. The following are some key limits on uses of university property, including for expressive activities. For more information, students should contact the [Office of Student Life](#), staff should contact [Human Resources](#), and faculty should contact the [Provost’s Office](#).

- Activities may not continue for longer than five calendar days from start to finish. (WAC 516-35-030(4)(a))
- Activities are limited to 7:00 a.m. to 10:00 p.m. on any day due to the residential nature of campus. ([WAC 516-35-030 \(4\)\(b\)](#))
- Activities may not obstruct or interfere with classroom activities or other educational or

## GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

employment pursuits, or with recognized university activities such as ceremonies, meetings, office functions, or residence hall activities. ([WAC 516-24-130](#); [516-36-030](#)) Examples of such disruptive behavior include:

- Making noise that interferes with classes, students' ability to study, employees' ability to work, or other regular operations of the university, or noise that interferes with an event or speaker (e.g. yelling only when a speaker is speaking; using airhorns or music to drown out a speaker).
- Blocking another person's vision/line of sight (e.g. by holding a sign in such a way as to interfere with line of sight).
- Setting off alarms, turning off lights in a room, or otherwise adjusting the environment without permission of event organizers or university officials.
- Using laser pointers or projections on people, the ground, buildings, or other surfaces without prior approval obtained when reserving exterior space.
- Displacing others' use of a space, interfering with a reservation for use of space (including exterior spaces such as Red Square), or occupying spaces that are not limited public forums without permission.
- Amplified sound (including bullhorns and speakers) is not allowed during regular hours of university business – from 8 a.m. to 5 p.m. Monday – Friday – when most classes are held and most employees are working and are not allowed between 10 p.m. and 7 a.m. any day due to the residential nature of campus. Advance permission by the university president, or the president's designee, is required to use audio amplifying equipment or generate sound that disturbs the normal conduct of university operations. ([WAC 516-36-030](#))
- Activities may not obstruct or interfere with pedestrian, bicycle, or vehicle traffic. Activities may not block access to or egress from a building, room, walkway, road, etc. ([WAC 516-24-130](#); [516-36-030](#))
- Activities may not threaten, by statement or implication, the health or safety of others. ([WAC 516-24-130](#))
- Western's prohibition on firearms, weapons, armor or armaments, applies. ([WAC 516-24-130](#))
- Property may not be used for commercial purposes except as specifically allowed. ([WAC 516-36-030](#))
- Setting up a tent or other shelter, staying overnight on university property (including in a vehicle, trailer, tent, or other shelter), is not allowed unless within the exceptions at ([WAC 516-36-030\(11\)](#)).
- Any group or individual using Western property for freedom of expression and assembly must return the property to its original condition after the use. The individual or group is responsible for the costs of cleanup and the costs to repair damages to the limited public forum area and other university property that arises from use. ([WAC 516-35-030\(6\)](#))
- Freedom of expression and assembly activities must be conducted in compliance with applicable university policies and rules, local ordinances, and state and federal laws. ([WAC 516-35-030\(9\)](#)) University policies that apply include, but are not limited to, the [Student Conduct Code](#) (for students), [policies prohibiting discrimination and illegal harassment](#) (all), [WAC 516-24-130](#), [WAC 516-36-030](#), WAC 292: [Ethics in Public Service](#) (all employees), and those listed at the end of this guide.

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

- Tactical face coverings and the use of disguises to conceal one's identity are prohibited. Masking for public health reasons is allowable (WAC 516-52-020)

Students engaged in expressive activities are required to heed warnings and directives from university officials and other public officials acting in the performance of their duties, or event organizers (WAC 516-21-080). When requested by university officials or other public officials acting in the performance of their duties in situations where assistance or intervention is needed, employees may be asked to identify themselves.

## Chalking

University groups or individuals may use chalk in designated areas of the campus and under these specific conditions as a means of expressing their views and exchanging information. The bricked grounds of Red Square (not building walkways and stairways) are open chalking spaces and do not require a reservation. Chalking with non-toxic, water-soluble chalk is only permitted on the ground and is prohibited on other areas including walls, columns, artwork, benches, tables, landscaping, or any part of a facility or structure. Open chalking may be cleaned prior to an already scheduled event, as part of required maintenance, or as necessary if/when rain does not fully wash it away. The entire chalking standards, including how to make a chalking reservation can be found [here](#) [STN – U8650.01B]

## Reserving university space for expressive activities

Resources are available for individuals and groups planning events or desiring to reserve university space. [Information about space reservations, including for outside spaces, is here](#). Anyone wishing to use university space should familiarize themselves with the [reservation and scheduling policy](#) and information below.

Students and student organizations are strongly encouraged to contact their advisors – for example, the Club Activities Office, the Centers for Student Access, Community, and Intercultural Engagement, or a faculty or staff club advisor – well in advance of an event. Advisors can help event organizers understand available resources and students' responsibilities, develop event goals and parameters that promote these goals and everyone's safety, and plan for any potential safety issues or event disruptions. Planning with club advisors several weeks in advance is recommended, especially if safety measures may need to be coordinated.

Even when a university or non-university individual or organization has provided notice of their intended use of university space and/or reserved space, the president or their designee may modify or reject, in whole or part, a planned use of space. ([WAC 516-35-020](#); [WAC 516-35-030](#)) Considerations when deciding whether to accept, modify, or reject a planned use of space include those outlined in [WAC 516-35-020\(2\)](#) and pertain to health, safety, and continuity of regular university operations. These factors are likewise used when evaluating potentially conflicting uses of the same space. When a request for use of university space is rejected, reasons for the rejection must be provided in writing. ([WAC 516-35-020](#))

## Required and requested notice for uses of space

Any non-university group or individual who desires to use a limited public forum area for expressive activity must submit notice of the planned use to Western's Police Department at least five business days prior to use. Use may be permitted with less notice so long as the use does not interfere with any other function or university operations. ([WAC 516-35-010\(1\)](#)).

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

Given the importance of impromptu and spontaneous peaceable assembly for the purposes of expression, protest, and dissent, [university groups, individuals, and affiliates](#) are not required to provide notice before engaging in these expressive activities. ([WAC 516-35-040](#)) University affiliates and university groups or individuals who engage in spontaneous expressive activity must still follow all applicable policies and laws.

While notice is not required for university individuals, affiliates, and groups, Western requests and strongly encourages providing notice to Western's Police Department ([WAC 516-35-010\(2\)](#)) or to a student organization's staff advisors, the Club Activities Office, the Centers for Student Access, Community, and Intercultural Engagement, or the academic department with which a student organization is affiliated. When organizers provide notice of their plans, Western staff can help organizers understand their resources and responsibilities, answer questions, and plan for any potential safety issues or event disruptions. Notice also helps in determining what space is available for the expressive activity. ([WAC 516-35-040](#))

If university affiliates, or university groups or individuals, intend to set up free-standing objects or place a sound amplification or audio-visual device on university property, notice must be given as directed in [WAC 516-35-030\(3\) and \(4\)](#). Required contents of this notice are in [WAC-516-010](#).

## What to do if you believe an expressive activity contains concerning or disruptive behavior

Freedom of expression events are part of the fabric of American society, especially on college campuses. It is likely that people attending school or working at Western will encounter expressive activities. Sometimes, people in the university community have a concern about an expressive activity event. The suggestions below can help.

### Addressing disruptive behavior

- Contact the individual(s) engaged in the behavior and request that they stop or leave. Be specific about what behavior is disrupting your class or other work. Identify yourself, share the reason for your concern, and request a specific action or behavioral change.
- Contact the event organizer to report the behavior.
- If the disruption continues, contact the event organizer or any identifiable university official in the area.
- If the disruption continues and may be criminal, contact University Police.
- People can document disruptive behavior with picture, videos, and witnesses to make a report (see below).

### Report unsafe, criminal, or discriminatory behavior:

- Concerns about imminent threats to physical safety should always be reported promptly to 911.
- Possible criminal behavior can be reported to University Police by calling 911 (emergency) or (360) 650-3555 (non-emergency).
- Behavior that discriminates against or harasses people based on a protected aspect of identity (e.g. race or ethnicity, national origin, religion, sexual orientation, gender identity, sex, disability) can be reported to the [Office of Civil Rights & Title IX Compliance](#).
- Disruptive student behavior can be reported to the Office of Student Life. To report concerning

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

behavior regarding faculty or staff, [contact the Internal Audit hotline](#).

- Disruptive behavior by a student club or organization can be reported directly to the [Club Activities Office](#).
- Reports may include photos or videos and should include a brief narrative with specifics regarding location, date, and time of the concerning behavior, and the reporter's name.

## Applicable university policies

University policies relevant to expressive activities include the following:

[WAC 516-21, Student Conduct Code](#)

[WAC 516-24, General Conduct](#)

[WAC 516-35, Use of University Property – Freedom of Expression and Assembly](#)

[WAC 516-36, Use of University Property-Scheduling and General Use](#)

[WAC 516-52, Health and safety \(including \[Weapons and armaments prohibited\]\(#\)\)](#)

[POL-U1600.02, Prohibiting Discrimination Based on a Protected Class \(Interim\)](#)

[POL-U1600.04, Prohibiting Discrimination Based on Sex \(Interim\)](#)

[POL-U5400.13, Using University Resources for Political Activity](#)

[POL-U7100.04, Preventing and Responding to Incidents of Hazing](#)

[POL-U8500.01, Space Allocation – Exterior Space](#)

[POL-U8650.01, Posting on Main Campus](#)

## Relevant state laws

Relevant state laws include:

[Constitution of the State of Washington, Article 1, sections 4 and 5](#)

**RCW Chapter [4.24.792](#): Unauthorized publication of personal identifying information**

**RCW Chapter [9A.48](#): Arson, Reckless Burning, and Malicious Mischief**

- [RCW 9A.48.070](#) Malicious mischief in the first degree.
- [RCW 9A.48.080](#) Malicious mischief in the second degree.
- [RCW 9A.48.090](#) Malicious mischief in the third degree.

**RCW Chapter [9A.52](#): Burglary and Trespass**

- [RCW 9A.52.070](#) Criminal trespass in the first degree.
- [RCW 9A.52.080](#) Criminal trespass in the second degree.

# GUIDE TO EXPRESSIVE ACTIVITIES ON WESTERN WASHINGTON UNIVERSITY'S BELLINGHAM CAMPUS

## RCW Chapter 9A.76: Obstructing Governmental Operation

- [RCW 9A.76.020](#) Obstructing a law enforcement officer.

## RCW Chapter 9A.84: Public Disturbance

- [RCW 9A.84.010](#) Criminal mischief.
- [RCW 9A.84.020](#) Failure to disperse.
- [RCW 9A.84.030](#) Disorderly conduct.
- [RCW 9A.84.040](#) False reporting.

## RCW Chapter 28B.10: Colleges and Universities Generally

- [RCW 28B.10.570](#) Interfering by force or violence with any administrator, faculty member or student unlawful – Penalty.
- [RCW 28B.10.571](#) Intimidating any administrator, faculty member or student by threat of force or violence unlawful – Penalty.

RCW Chapter 42.52: [Ethics in Public Service Act](#) (applies to all University employees, including student employees)

## WAC 292: [Ethics in Public Service](#)

- [WAC 292-110-010](#) Use of State Resources
- [WAC 292-110-020](#) Working Hours
- [WAC 292-110-050](#) Advisory Opinions

## Acknowledgments

Western Washington University is grateful to the [University of Wisconsin, Madison](#) and the [University of California, Irvine](#), whose materials on the subject were especially helpful in composing this guide.