Posting and Distributing Written Materials on Campus

Policy number	18-02
Responsible office	Bernhard Center Administrative Office
Classification	Board of Trustees-delegated Policy
Category	Student Affairs and Residence Life

STATEMENT OF POLICY

This Policy pertains to publishing and distributing non-political written materials on campus, such as posters and fliers.

SUMMARY OF CONTENTS/MAJOR CHANGES

This policy has been updated and incorporates relevant portions of the 1988 Publicity Policy, the 1989 Political Activities Policy, the 1988 Racial and Ethnic Harmony Policy, the Common Area Academic and Non-Academic Space Event Policy, and facility-specific guidelines to create a single, uniform policy that addresses the posting and distribution of non-political written materials on campus.

1. Purpose of Policy

To ensure equal opportunity for posting and distributing non-commercial materials and promoting an informed campus community, while also protecting the limited locations for posting and the aesthetics of the University, the University places reasonable, content-neutral time, place, and manner requirements on when individuals or groups may post or distribute information on campus. The University asks that all staff, students, faculty, or non-affiliated

personnel who wish to post or distribute hard copy information on campus follow the Policy set forth herein.

2. Stakeholders Most Impacted by the Policy

This policy will impact those individuals or groups who want to post or distribute information on campus.

3. Key Definitions

3.1. Content-neutral: Decisions regarding approving postings will be made without regard to the substantive information being communicated in the posting, so long as it does not constitute a "real threat" or is "obscene."

3.2. Core Political Speech: Conduct or words that are directly intended to rally public support for a particular issue, position, or candidate relating to political change.

3.3. Executive Official/Senior Administrative Officer: the Provost, vice presidents, the Secretary of the Board, and other officials as determined by the President

3.4. Registered Student Organization (RSO): Officially recognized and registered organizations made up of student groups around common interests.

3.5. Time, Place, and Manner Restrictions: Restrictions the University places on posting and distributing information based upon physical or financial impact to the University. Such restrictions shall be content neutral.

3.6. WMU-sponsored information: Information that University components, while acting in their official capacities, have requested be distributed on campus. For example, information regarding Bronco Bash or the Benefits Expo in the Bernhard Center.

4. Full Policy Details

4.1. Generally:

4.1.1. Notices may only be placed on University-provided exterior, round, concrete kiosks and bulletin boards. Unless specifically assigned to individual offices and departments, interior boards and all exterior kiosks are available for the convenience of university students, faculty, and staff. Postings placed on the exterior, round concrete kiosks do not require prior review or approval.

4.1.2. Due to limited space, only one flyer or poster per event/subject may be placed in any authorized location.

4.1.3. The University, at its discretion, reserves the right to limit conditions of time, place and manner under which posting will be allowed.

4.1.4. The University recommends that all content conform to legal requirements and generally accepted standards of good taste.

4.2. **Posting and review criteria**

4.2.1. Because of limited space, individuals must register all materials they wish to post in interior locations other than Residence Halls or Campus Apartments with the Bernhard Center Administrative Office. Registered material may only be placed in authorized posting areas. Users must register materials for posting in Residence Halls or Campus Apartments with the Department of Housing and Residence Life. Such materials still must conform to the requirements set forth in this Policy.

4.2.2. If the material posted on interior posting areas (or other non-authorized areas) is not stamped for posting, it may be removed.

4.2.3. Materials posted over validly placed flyers or posters may be removed.

4.2.4. The University will not consider the content of any material for posting or distribution when reviewing it for use on campus.

4.2.5. The person or organization submitting materials for review will be responsible for any actions or situations that arise from posting or distributing the material. By posting materials, such persons or organizations agree to indemnify and hold harmless Western Michigan University from any and all liability that may arise as a result of any posting. This indemnity and harmlessness pertains to all damages, costs, attorney fees and discovery costs that might result from any related legal action.

4.2.6. All materials must be removed no later than seven days after a related event has ended. If there is no related event, all materials must be removed within fourteen days of posting.

4.3. **Rules relating to specific communication types**

4.3.1. Electronic Distribution: See https://wmich.edu/policies/mass-email.

4.3.2. Social Media Posting: See https://wmich.edu/policies/social-media.

4.3.3. Placing materials on vehicle windshields: Materials may not be placed on vehicle windshields because of the campus maintenance costs associated with cleaning up discarded windshield materials.

4.3.4. Distributing written materials: Advance review is not required for distributing written materials. Individuals distributing materials must not touch, strike or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby, nor shall they force passersby to accept distributed materials. See section 4.6 for more information about material distribution.

4.3.5. Chalking:

4.3.5.1. Chalking is permitted only on sidewalks of WMU grounds that are exposed to weather and not covered by a roof or overhang.

4.3.5.2. Only water soluble, environmentally friendly, non-toxic stick chalk may be used to mark sidewalks. The use of markers, paints, oil-based products, spray chalk, or other types of markers or liquids is prohibited.

4.3.5.3. If the chalking is associated with a specific individual or organization, the individual or organization's name must appear within each chalk message. Failure to identify may result in the message being removed without notice.

4.3.5.4. Chalking must be at least 20 feet from entrances and exits of all buildings to protect interior carpet.

4.3.5.5. Chalking is prohibited on all other surfaces.

4.4. Registered Student Organizations (RSOs)

4.4.1. All RSO materials must comply with this Policy.

4.4.2. Programs or projects sponsored by funds from the Western Student Association Allocations Commission require the appropriate stamp and acknowledgment of funding.

4.5. Non-WMU-affiliated groups

Because of costs associated with maintaining University aesthetics, non-WMU-affiliated groups must also follow this Policy. These groups should contact the Bernhard Center Administrative Office, which will communicate with the Office of Marketing and Strategic Communication as needed, prior to such posting.

4.6. Limitations

4.6.1. In order to maintain the natural beauty of the campus and to preserve the quality of the buildings, trees and shrubs, there shall be no posting of notices on any trees, walls, windows, doors, wires, fire hydrants, parking meters, trash cans, public signs, sculptures, exteriors of buildings, or other similar locations. Any posting in these areas will be removed.

4.6.2. Do not distribute materials inside any athletic stadium, the fieldhouse, or any University parking lots.

4.6.3. Do not distribute materials in academic facilities, including classrooms.

4.6.4. Do not distribute materials in residence halls unless approved by the Department of Housing and Residence Life.

4.6.5. Materials may not be used, displayed, or distributed in a manner that interferes with or disrupts WMU's educational mission or with free and unimpeded flow of vehicular or pedestrian traffic.

4.6.6. No flyer or poster may be used or displayed in a way that damages or defaces WMU property or the property of any other person.

4.6.7. Do not make, distribute, or display on WMU owned or operated property any statements directed to inciting or producing imminent violations of local, state or federal law or ordinance under circumstances such that the statements are likely to actually and imminently incite or produce violations of law or ordinance.

4.6.8. There shall be no marking, destroying, removing, or posting-over materials posted by other members of the community.

4.6.9. Individuals and organizations may not represent that their activities, including flyers and posters, are endorsed, sponsored or sanctioned by WMU without the express written consent of the Vice President of Marketing and Strategic Communication or their designee.

4.7. **Obscene Materials**

See WMU Obscene Materials Policy

4.8. **Appeals**

4.8.1. A person or group that disagrees with the Bernhard Center Administrative Office's decision to deny permission to post on inside locations may appeal the decision to the Vice President for Student Affairs or their designee by providing written notice on or before the third business day when WMU is in session after the date the person or group is notified of the they wish to appeal.

4.8.2. The notice of appeal must contain the person or group's name and address, a brief description of the decision being appealed, the person or group's reason for appealing, and the date the person or group received notification of the decision they wish to appeal.

4.8.3. When timely notice of appeal is received, the appealing party shall have an opportunity to meet with the Vice President for Student Affairs, or their designee, prior to receiving a decision on the appeal. The appealing party shall be notified of the date and time of the meeting at least one University business day in advance.

4.8.4. In considering the appeal, the Vice President of Student Affairs or their designee, in consultation with the Office of the General Counsel, will review whether the posting or distribution was prohibited or removed because of the University's reasonable, content neutral, non-speculative concern about WMU Community safety or property damage. The University will consider appeals promptly and issue a decision within two University business days from meeting with the appealing party.

4.9. **Communication plan**

This Policy will be communicated to the University at-large through posting on the University's Policies webpage and through standard departmental channels.

4.10. **Exceptions**

4.10.1. Individuals who have been invited by a professor to speak in an academic setting may distribute materials under those circumstances.

4.10.2. Executive Officials and Senior Administration Officials may make exceptions to posting and distribution limitations based on legitimate, content-neutral, educational interests.

5. Accountability

5.1. Failure to conform to this Policy could result in materials being removed without notice or recourse. Repeated violations could result in loss of posting privileges

5.2. The individual or organization who posts or distributes materials will be financially responsible for any property damage or extra labor costs required to clean up the materials.

5.3. Failure to follow this Policy and any associated procedures may subject WMU employees to disciplinary action, up to and including dismissal from employment by the University, consistent with applicable procedures and Collective Bargaining Agreements.

5.4. Failure to follow this Policy and any associated procedures may subject WMU students to disciplinary action, up to and including dismissal from the University.

5.5. Failure to follow this Policy and any associated procedures may subject WMU RSOs to disciplinary action, up to and including removal of RSO status.

6. Related Procedures and Guidelines

6.1. Office of Student Engagement Posting Guidelines, available at http://www.wmich.edu/sites/default/files/attachments/u1411/2017/RSO%20%20Handbook%202017-2018.pdf

6.2. Bernhard Center Posting Guidelines, available at https://wmich.edu/studentcenter/policies/flyer

6.3. Housing and Residence Life Posting Guidelines, available at https://wmich.edu/housing/postingpolicy

6.4. Academic Buildings – Contact the Building Coordinator for the requested building available at https://www.fm.wmich.edu/ap/bldg/bldgcoord.php

6.5. Student Recreation Center Posting Guidelines, available at https://wmich.edu/rec/about/policies#posting.

7. Additional Information

7.1. The University's Policy on Political Activities addresses posting and distributing materials containing core political speech.

7.2. As part of its duties to maintain the cleanliness of campus, WMU Landscape Services removes all posted materials periodically and at the end of each semester.

8. FAQs

8.1. What is the benefit of having my materials approved by the University prior to posting?
Answer: You can be sure that your materials conform to this Policy and related facility-specific guidelines. You will also generate good will with the offices involved should a dispute or issue arise.

8.2. By placing these rules on posting, isn't the University violating my freedom of speech?
Answer: No. The University may place time, manner, and space restrictions on speech so long as those restrictions are content-neutral. Because this Policy addresses non-political speech, the University's restrictions must be rationally related to the purposes it gives for the restrictions. The University's purpose for placing these restrictions is to preserve the beauty of campus, to allow equal access to authorized posting places, and to limit labor costs involved with cleaning up materials placed in non-authorized places or distributed in a non-authorized manner.

8.3. Whom do I contact about posting or distributing materials on campus?
Bernhard Center Administrative Office
1903 W. Michigan Ave.
223 Bernhard Center
Kalamazoo, MI 49008-5356
269) 387-4881

8.4. What happens if I do not follow this Policy or the related facility guidelines?
Answer: See Section 5 of this Policy.

REFERENCES

- U.S. Const., Amend. 1
- MI Const. Art. I, § 5
- MCL § 752.361, et seq.

RELATED POLICIES

- Social Media Policy
- Public Events Policy
- Political Activities Policy

HISTORY

Effective date of current version	May 1, 2021
Revision history	Tuesday, June 1, 1976 - 9:16pm Publicity Policy approved by Dean of Students. Friday, October 1, 1982 - 9:17pm Publicity Policy was revised in October 1982 and July 1988. This Policy and Procedure on Posting and Distributing Written Materials on Campus will rescind and replace the Publicity Policy. It adopts portions of the Obscene Materials Policy. Remove from list of BOT policies and redesignate as a Board-delegated Policy. Monday, October 1, 2018 - 11:01am Date of last revision
Proposed date of next review	May 1, 2023

AUTHORIZATION

Certified by	**Paul Terzino** Director, Bernhard Center
At the direction of	**Diane K. Anderson** Vice President of Student Affairs

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WMU Notice of Non-Discrimination
Land Acknowledgment Statement

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