

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNIVERSITY OF MARYLAND  
STUDENTS FOR JUSTICE IN  
PALESTINE,

*Plaintiff,*

v.

BOARD OF REGENTS OF THE  
UNIVERSITY SYSTEM OF  
MARYLAND, *ET AL.*,

*Defendants.*

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No. 8:24-cv-02683-PJM

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**MEMORANDUM IN OPPOSITION TO PLAINTIFF’S  
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION**

Respectfully submitted,

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Defendants the Board of Regents of the University System of Maryland (the “BOR”), the University of Maryland College Park (the “University”), and Dr. Darryll Pines, President of the University, submit this Memorandum in Opposition to the Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction. For the reasons set forth below, the motion should be denied.

**INTRODUCTION**

The University maintains certain designated campus facilities and outdoor areas for the use of recognized student organizations and others to hold events, some of which are expressive in nature. For the past year, plaintiff, the University of Maryland Students for

Justice in Palestine (“SJP”), has registered to use these spaces more than 70 times, and the University has approved and facilitated every SJP event, despite heavy public criticism.

In late August, the University received credible threats of violence connected to a planned SJP event on October 7, 2024. Considering these threats in light of the totality of the circumstances on and off campus, and mindful of recent negative examples of similarly situated institutions that have been subjected to violence and disruption, the University implemented a narrowly-tailored restriction on the timing of student organization sponsored events. This restriction serves compelling University interests, including protecting public safety and the orderly functioning of the University’s educational and scholarly activities. The restriction does not impermissibly restrict SJP’s right to freedom of speech. SJP cannot satisfy any of the four factors of the test for preliminary relief, and its motion should be denied.

### **STATEMENT OF FACTS**

#### **The University Makes Its Physical Facilities and Outdoor Spaces Open to Expressive Activities Without Regard to Viewpoint.<sup>1</sup>**

In keeping with its mission as the State’s flagship higher education institution, the University seeks to promote a “supportive, respectful, and inclusive environment that

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<sup>1</sup> Plaintiff alleges that USM “decided to cancel all expressive activities students had planned for October 7th on every one of its campuses.” ECF 8 at 6. However, review of that allegation’s supporting exhibit F reveals that USM’s statement was in the form of a request or proposal. ECF 8 at Exh. F. Each president of a USM institution is that institution’s chief executive officer, invested with the authority to manage and be accountable for the “discipline and successful conduct of the institution.” Md. Code Ann., Educ. § 12-109 (d). Accordingly, it is not USM but the University, under the leadership of President Pines, that established the limitation on SJP’s proposed event which is at issue in the present action. Likewise, any actions taken by other USM institutions under the

honors freedom of expression and complies with the First Amendment.” Ex. A, Affidavit of Patricia A. Perillo (“Perillo Aff.”) at Attachment 1, University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces at Section I. Policy. The University “supports the rights of individual students, faculty, staff, and student organizations to engage in the expression of ideas, demonstrate, and leaflet, provided such activities are lawful and consistent with University policies.” Ex. A., Perillo Aff. at Att. 1, Appendix A, Guidelines for Expressive Activity. Accordingly, the University permits certain designated physical facilities and outdoor spaces to be used for expressive activities sponsored by members of the University community. Ex. A., Perillo Aff. at Att. 1, section IV A., C. Even in these designated spaces, the University applies rules designed to ensure the functioning of the campus and to promote the University’s mission and goals, including educating students and protecting public safety. *See generally* Ex. A., Perillo Aff. at Att. 1.

In these designated or limited public forums, the University does not treat similarly situated groups differently and applies its rules on a viewpoint-neutral basis. Student organizations planning to host an event using campus facilities or outdoor spaces identify and reserve available space through an event management portal managed by the Stamp Student Organization Resource Center (the “SORC”). Ex. A., Perillo Aff. at ¶¶ 5 – 8. Once SORC staff are notified of a new reservation, a member of the Event and Guest Services (“EGS”) team contacts the event planners to better understand the details of the planned

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leadership of their respective presidents are not relevant to the present action. This opposition therefore concerns itself with the actions of the University, by and through its senior leadership.

event. The event planners submit an event approval form containing additional information about the event. Ex. A., Perillo Aff. at ¶ 8.

The approval form is routed by EGS staff to University units for their feedback, including but not limited to the University of Maryland Police Department (“UMPD”), the Fire Marshal, Risk Management, groundskeeping, and the student organization’s advisor for feedback on resources the event may require. Ex. A., Perillo Aff. at ¶ 8. EGS staff work with the event planners to make sure that appropriate resources are available. Ex. A., Perillo Aff. at ¶ 8. EGS staff receive training that stresses that the University provides space for expressive events on a content- and viewpoint-neutral basis. Ex. A., Perillo Aff. at ¶ 8. In policy and in practice, SORC and EGS staff do not evaluate proposed events based on what viewpoints may be expressed at the event. Ex. A., Perillo Aff. at ¶ 8.

In addition to the review and facilitation of reservations by SORC staff, the UMPD convenes a University Event Management Team (“EMT”) to review upcoming events. Exhibit B., Affidavit of David Mitchell (“Mitchell Aff.”) ¶ 7, Ex. A., Perillo Aff. at ¶ 9. The EMT includes venue managers, major programming organizers (for example, Athletics, Recreation and Wellness), and operational divisions like the Department of Transportation Services and Facilities Management. Ex. B., Mitchell Aff. at ¶ 7, Ex. A., Perillo Aff. at ¶ 9. The group meets regularly to review upcoming events and identify any potential challenges or need for additional resources. Ex. B., Mitchell Aff. at ¶ 7, Ex. A., Perillo Aff. at ¶ 9. As with the SORC review, the EMT does not evaluate or consider the viewpoints likely to be expressed at upcoming events. Ex. B., Mitchell Aff. at ¶ 7, Ex. A., Perillo Aff. at ¶ 9.

Pursuant to University policy, the University reserves the right to reschedule a program “to prevent substantial disruption of the advancement of the University’s teaching, research, and service mission, prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and individuals using University property.” Ex. B., Mitchell Aff. at Attachment 2, Policy at VII. A. The University, therefore, dedicates significant time and resources to facilitating all manner of student expressive events while maintaining its ability to protect the safety of the University community and prevent substantial disruption to the University’s educational mission.

**The University Has Consistently Facilitated Events Sponsored by SJP Despite Unprecedented Levels of Public Complaint Urging the University to Restrict SJP’s Speech.**

In keeping with these University policies and practices, the University has consistently facilitated events hosted by groups espousing any and all viewpoints, including those hosted by SJP. The UMPD and Student Affairs staff have fostered strong working relationships with student organizations engaged in expressive conduct. Ex. B., Mitchell Aff. at ¶ 10, Ex. A., Perillo Aff. at ¶ 12. As a result of this work, the University has not suffered the violence, conflict, or widespread disruptions to campus life that other colleges and universities have experienced in the past year. Ex. B., Mitchell Aff. at ¶ 10, Ex. A., Perillo Aff. at ¶ 12. Instead, the University has ensured the safety and security of the community while facilitating peaceful protests and demonstrations and protecting the



free speech rights and safety of all community members, including SJP. Ex. B., Mitchell Aff. at ¶ 10, Ex. A., Perillo Aff. at ¶ 12.

Since October 7, 2023, the SJP has held more than 70 events on campus, including meetings, protests, sit-ins, and demonstrations, all without significant disruption or conflict despite the heightened emotions and tensions on campus during this time. Ex. B., Mitchell Aff. at ¶ 10, Ex. A., Perillo Aff. at ¶ 12. During the same period, the University received a constant stream of communications via phone and email that have been strongly critical of the University for allowing University students and student organizations to express political opinions like those espoused by SJP. Ex. A. Perillo Aff. at ¶ 14. Some of these communications have even demanded that the University shut down SJP, despite the lack of any legitimate basis for doing so. Ex. A. Perillo Aff. at ¶ 14. Notwithstanding this constant criticism, the University has steadfastly adhered to its policy and practice of permitting expressive events, including those hosted by SJP, without regard to the organization's viewpoint. Ex. A. Perillo Aff. at ¶ 14. In short, despite unprecedented and often heated public complaint and criticism, the University granted and facilitated every request for campus space by SJP until September 1, 2024, when the University concluded that it needed to cancel all University student organization sponsored expressive events on October 7, 2024 due to serious and concrete safety concerns.

**At the End of August 2024, University Leadership Determined that the University Could Not Reasonably Assure the Safety of In-Person Student Organization Sponsored Expressive Campus Events Held on October 7, 2024.**

The University has faced significant security challenges since the beginning of the armed conflict in Israel and Gaza on October 7, 2023. Ex. B. Mitchell Aff. at ¶ 8. The ongoing conflict has heightened emotions and tensions on campus and led to numerous protests and demonstrations. Ex. B. Mitchell Aff. at ¶ 8. While the University has safely navigated these challenges so far, the safety and security challenges posed by expressive events proposed by University student groups for October 7, 2024 are of a different nature and degree than for any other event held over the past year. Ex. B., Mitchell Aff. at ¶ 14, Ex. A., Perillo Aff. at ¶ 15. For example, an email sent to President Pines' public email address expressed hope that President Pines' children and grandchildren would one day be slaughtered. Ex. B., Mitchell Aff. at ¶ 13. Another individual wrote to President Pines, who is Black, that "my Klan Rally with sheets and a noose was also approved," and that "[w]e will be hanging several look alike [*sic*] to key university staff." Ex. B., Mitchell Aff. at ¶ 13. On August 30, the University's Deputy General Counsel received a call from an individual who stated that she was "locked and loaded" and intended to bring a gun to campus for self-defense. Ex. B. Mitchell Aff. at ¶ 13.

It was in the context of these unprecedented threats that President Pines convened a meeting of University leadership, including UMPD Chief David Mitchell and Vice President for Student Affairs Patricia A. Perillo, Ph.D. Ex. B., Mitchell Aff. at ¶ 18, Ex. A., Perillo Aff. at ¶ 18. President Pines asked Chief Mitchell to assess the safety and security risks posed by the University hosting student-sponsored events on October 7,

2024. Ex. B., Mitchell Aff. at ¶ 18. Chief Mitchell explained that, in his view, allowing expressive events to go forward on October 7 would present a material and significant risk of danger to the campus community, unlike anything the University had seen over the past 11 months. Ex. B., Mitchell Aff. at ¶ 18. Chief Mitchell recommended to President Pines that all expressive University student organization events proposed for October 7 be rescheduled to other dates, in coordination with the leaders of these student organizations. Ex. B., Mitchell Aff. at ¶ 18.

The distressing and violent threats were not the only factors in UMPD Chief David Mitchell's safety and security analysis. Chief Mitchell was able to draw upon his experience of 53 years in law enforcement and over 14 years as Chief of UMPD. Ex. B., Mitchell Aff. at ¶¶ 2, 4. He considered input from UMPD's Information Analysis Unit, which is dedicated to monitoring open source information communicated through message boards, news sites, and social media postings to assess broader security issues and potential threats to the University community. Ex. B., Mitchell Aff. at ¶ 15. He also considered the violence and widespread disruptions occurring at other, similarly situated colleges and universities over the past year, such as those at Columbia University, New York University, and the University of California Los Angeles. Ex. B., Mitchell Aff. at ¶ 16. These incidents, in his view, reflect recent comparable circumstances leading to violence and disruption on campuses and serve as a reliable indication of what could likely occur if student organization expressive events were to go forward on October 7, 2024.<sup>2</sup> Ex. B.,

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<sup>2</sup> The Court may take judicial notice of the violence and disruption that swept numerous university campuses in the past year. *See, e.g.* Alan Blinder, *What We Know*

Mitchell Aff. at ¶ 16. Dr. Pines heeded Chief Mitchell’s advice and, consistent with University policy, decided that no student expressive event would be permitted on that day, and rescinded permission for student organizations to hold expressive events on that date. ECF 8 at Ex. E. The events that had previously received permission, which was then rescinded, were the SJP event as well as three events organized by the Jewish Student Union (“JSU”).

Thereafter, in coordination with Student Affairs, SJP reserved space on campus for expressive events on October 8, 2024. Ex. A., Perillo Aff. at ¶ 20. The JSU has reserved space on campus for expressive events on October 6, 2024. Ex. A., Perillo Aff. at ¶ 20.

**Dr. Pines’ September 1, 2024 Communication to the Campus Community Was Intended to Announce the Protective Measure While Not Inciting Panic or Undue Distress.**

As Dr. Pines developed his September 1, 2024 communication to the campus community, he consulted members of his leadership team, including Dr. Patricia Perillo,

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*About the Protests and Arrests at Columbia University*, N.Y. TIMES, (Apr 22, 2024), <https://www.nytimes.com/2024/04/22/us/columbia-university-protests.html> (hundreds of Columbia University students arrested by police in riot gear in repeated sweeps over a span of several weeks); Kiara Alfonseca, *A Look at the Violent Clashes at UCLA as College Protests, Counterprotests Intensify*, ABC NEWS (May 1, 2024), <https://abcnews.go.com/US/violent-clashes-ucla-college-protests-counterprotests-intensify/story?id=109828027> (large, violent clashes between protesters and counter-protesters at UCLA); Christina Fan, Jennifer Bisram, CBS NEWS, *120 Arrested at NYU Protests* (April 24, 2024), <https://www.cbsnews.com/newyork/news/nyu-pro-palestinian-protest-campus-security/> (over 120 arrested at protests at NYU). Since September 1, 2024, tensions are running even higher with the expansion of the conflict into Lebanon. See Nadine El-Bawab, *Israel Prepares for Potential Ground Invasion of Lebanon, Continues Airstrikes on Hezbollah*, ABC NEWS (September 25, 2024), <https://abcnews.go.com/International/israel-prepares-potential-ground-invasion-lebanon-continues-airstrikes/story?id=114076028>.

Vice President for Student Affairs. Ex. A., Perillo Aff. at ¶ 22. Dr. Perillo leads the Division of Student Affairs, which works to ensure the success, health, and well-being of students through its 16 departments. Ex. A., Perillo Aff. at ¶ 2. In that role, she was acutely aware that some community members have felt generally less safe during the past year of political turmoil. Ex. A., Perillo Aff. at ¶ 22. Thus, she supported the inclusion of the phrase, “there is no immediate or active threat” in President Pines’ message to reassure the University community that there was no immediate, active threat of violence to the community anticipated to occur on September 1, 2024 or in the days immediately thereafter. Ex. A., Perillo Aff. at ¶ 22. University leadership believed, however, that there was a credible threat of violence on October 7, 2024, over a month in the future. Ex. A., Perillo Aff. at ¶ 22. In their view, that threat was effectively and narrowly addressed by the decision to deny University student organizations permission to sponsor expressive events on that date, while permitting them to go forward on other dates. Ex. A., Perillo Aff. at ¶ 22.

### **LEGAL STANDARD**

Under Federal Rule of Civil Procedure 65(a), a court may issue a preliminary injunction upon the requisite showing at a hearing. A preliminary injunction is “an extraordinary remedy never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). It is “granted only sparingly and in limited circumstances.” *St. Michael’s Media, Inc. v. Mayor and City Council of Baltimore*, 566 F. Supp.3d 327, 351 (D. Md. 2021) (internal quotations omitted). A plaintiff must make a clear showing of

entitlement to such relief. *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011).

To obtain preliminary injunctive relief, the moving party must establish four factors: (1) that [it] is “likely to succeed on the merits;” (2) that [it] is “likely to suffer irreparable harm” absent injunctive relief; (3) “that the balance of equities tips in [its] favor;” and (4) that injunctive relief is in the “public interest.” *Winter*, 555 U.S. at 20; *see also WV Ass’n of Club Owners & Fraternal Servs., Inc. v. Musgrave*, 553 F.3d 292, 298 (4th Cir. 2009). Injunctive relief “should be no more burdensome to the defendant than necessary,” *Madsen v. Women’s Health Ctr., Inc.*, 512 U.S. 753 (1994), and a court should “pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24. A preliminary injunction “cannot issue absent a ‘clear showing’ that all four requirements are satisfied.” *St. Michael’s Media*, 566 F. Supp.3d at 351 (quoting *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 979 F.3d 219, 226 (4th Cir. 2020)).

The standards for granting a motion for a temporary restraining order and a preliminary injunction are the same. *Virginia v. Kelly*, 29 F.3d 145, 147 (4th Cir. 1994).

### **ARGUMENT**

SJP has failed to establish all four elements that are required to warrant the extraordinary measure of injunctive relief. It has not established the likelihood of success on the merits, that it will suffer irreparable harm without an injunction, that the balance of equities tips in its favor, or that public interest favors injunctive relief. *See Winter*, 555 U.S. at 20; *see also Doe v. Wake Forest Univ.*, No. 1:23-CV-00114, 2023 WL 2239475, at

\*1–2 (M.D.N.C. Feb. 27, 2023) (citing *Winter*, 555 U.S. at 20, 24) (holding that all four *Winter* factors must be established to warrant injunctive relief). As such, SJP’s motion should be denied.

**I. SJP HAS FAILED TO ESTABLISH ITS LIKELIHOOD OF SUCCESS ON THE MERITS.**

The University has consistently withstood public pressure to infringe upon SJP’s First Amendment rights. At the end of August 2024, it recognized a new, substantially different degree of safety risk associated with student expressive events scheduled for October 7. The University’s highest-ranking safety and security officer advised the President that, in his expert professional judgment, the safety of the University community would be at risk of violent conduct by individuals outside the University community if student organization sponsored expressive events went forward on October 7, 2024. The decision to work with student organizations to reschedule their expressive events was not a violation of their First Amendment rights because the time restriction was narrowly tailored to address a compelling governmental interest. Accordingly, SJP cannot establish a likelihood of success on the merits.

**A. The University’s Decision to Withdraw Permission from Student Organizations for One Day Was Narrowly Tailored to Address the Compelling Governmental Interest of Protecting the Health and Safety of the University Community.**

In First Amendment cases, there are three types of forums: traditional public forums, non-public forums, and limited public forums. *ACLU v. Mote*, 423 F.3d 438, 443 (4th Cir. 2005). A limited public forum “is one that is not traditionally public, but the government has purposefully opened to the public, or some segment of the public, for

expressive activity.” *Id.* at 443. The University’s campus is a limited public forum. *Id.* at 444. Accordingly, because SJP is “within the class to which [the University campus] is made generally available,” restrictions on SJP’s speech are subject to strict scrutiny. *Id.* Under a strict scrutiny analysis, the challenged restrictions must be “necessary to serve a compelling state interest and . . . narrowly drawn to achieve that end.” *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983).

Here, the compelling state interests are dictated by the higher education setting of the proposed speech. The Supreme Court has “recognized that First Amendment rights must be analyzed in ‘light of the special characteristics of the school environment.’” *Widmar v. Vincent*, 454 U.S. 263, 268 n.5 (1981) (quoting *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 506 (1969)). “A university differs in significant respects from public forums such as streets or parks or even municipal theaters. A university’s mission is education, and decisions of this Court have never denied a university’s authority to impose reasonable regulations compatible with that mission upon the use of its campus and facilities.” *Id.*

The University has developed detailed policies and administrative systems to provide student organizations access to suitable, designated areas of campus for their expressive activities. *See* Ex. A., Parillo Aff. at ¶¶ 5 – 9. This access is not unbounded: the University has established additional guidance and policies that govern student events. *See* ECF 23, Defendants’ Response to Inquiry Requesting Certain Documents. Among these policies, the University reserves the right to reschedule a program “to prevent substantial disruption of the advancement of the University’s teaching, research, and



service mission, prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and individuals using University property.” Ex. B., Mitchell Aff. at Attachment 2, Policy at VII. A.

The present facts stand in acute contrast to those in *St. Michael’s Media, Inc., v. Mayor and City Council of Baltimore*, 566 F. Supp.3d 327 (D. Md. 2021). In that case, the City of Baltimore banned a prayer rally and conference at a City-owned concert venue, the Pier VI concert pavilion. Both *St. Michael’s Media* and the present case concern access to a limited public forum, but that is where the similarity ends. The *St. Michael’s Media* court concluded that in denying the plaintiff the opportunity to conduct the prayer rally and conference, the City engaged in impermissible viewpoint-based restriction of speech when it exercised unfettered discretion on an ad hoc basis, invoking or relying upon the ‘heckler’s veto.’ *Id.* at 370.

By contrast, the University’s conduct was not unfettered, but guided on the one hand by its policy on security at outdoor events, and on the other by the expert analysis and assessment of Chief Mitchell regarding threats to campus safety. Far from conceding to a heckler’s veto, the University consistently defended SJP’s First Amendment rights in the face of unprecedented criticism, and only moved to impose a limited time restriction on all student-sponsored expressive campus events – regardless of viewpoint expressed – when the University’s Police Chief, a career law enforcement officer with long experience in

campus safety at the University, concluded that student sponsored expressive events on this one day would create a unique risk to the safety of the University community.

In the present case, and unlike the City of Baltimore in *St. Michael's Media*, the University's safety concerns did not arise from the behavior, rhetoric, or viewpoint of the speaker. To the contrary, the University did not anticipate that SJP would engage in violent or disruptive conduct on October 7. *See* Ex. B., Mitchell Aff. at ¶ 18. Rather, Chief Mitchell's assessment was based on, among other things, his review of explicit communications from individuals expressing violent intentions surrounding the proposed October 7, 2024 event. Ex. B., Mitchell Aff. at ¶¶ 11 – 18. He considered these communications in light of his department's open-source information gathering and the recent experience of other higher education institutions in similar circumstances, such as at Columbia University, New York University, and the University of California Los Angeles, which experienced violent clashes, large scale arrests, and disruption of educational activities. Ex. B., Mitchell Aff. at ¶¶ 11 – 18.

In *St. Michael's Media*, the City identified the viewpoint of the proposed speakers, as demonstrated by their past inflammatory statements, as a basis for the City's concerns about safety. *St. Michael's Media*, 566 F. Supp.3d at 368. Here, the University has consistently facilitated SJP's speech and did not consider that organization, nor its viewpoint, to be a source of risk. Ex. B., Mitchell Aff. at ¶¶ 10, 15. The University's goal has not been to silence SJP, but to protect its members and all community members from a credible risk of violence.

Indeed, campus leadership was so concerned about the possibility of violence on October 7, 2024 that they discussed whether it would be necessary to cancel all in-person classes and activities and move classes online for the day. Ex. A., Perillo Aff. at ¶ 19. Ultimately, the University concluded that the narrowest restriction that could be imposed to ensure the safety of the campus community was to temporarily halt student organization sponsored expressive activities on campus for that one day, and to offer the affected student organizations the opportunity to reschedule events for different dates. Ex. B., Mitchell Aff. at ¶ 18, Ex. A., Perillo Aff. at ¶ 18. Again, this is in stark contrast to *St. Michael's Media*, in which the City of Baltimore completely banned a group from holding any event at a City-owned concert venue. *See St. Michaels Media* at 334. In short, the University, governed by policy and expertise, imposed a limitation on the time of expressive activity that is as narrowly drawn as possible to achieve its compelling interest of maintaining campus safety.

The University has an additional compelling interest that was not present in the *St. Michael's Media* case: an interest in continued University operations without substantial disruption. “As long as school officials reasonably forecast a substantial disruption, they may act to prevent that disruption without violating a student’s constitutional rights, and we will not second guess their reasonable decisions.” *Hardwick v. Heyward*, 711 F.3d 426, 440 (4th Cir. 2013). Where the purpose of Pier VI is to serve as a venue periodically hosting musical, comedy, and other entertainment events, the University is charged with maintaining continuous operation in support of an educational and scholarly community of

over 60,000 members, *see* Ex. B., Mitchell Aff. at ¶ 4, for the benefit of that community and the State as a whole. As a consequence,

[u]niversity officials are charged with the responsibility of conducting a well-ordered institution, and in carrying out their responsibility they have not only the right but the duty to adopt and enforce such policies and regulations as may seem to them in their fair, reasoned best judgment to be required by the factual situation with which they are faced.

*Evans v. State Bd. of Agric.*, 325 F. Supp. 1353, 1360 (D. Colo. 1971). Here, the University leadership adopted a narrowly tailored restriction only after receiving Chief Mitchell's analysis and recommendation, to serve the compelling governmental interest in avoiding a violent disruption to the functioning of the University. In sum, the University's actions survive strict scrutiny and SJP will be unable to succeed on the merits.

## **II. PLAINTIFF WILL NOT SUFFER IRREPARABLE HARM IN THE ABSENCE OF AN INJUNCTION.**

In addition, SJP cannot establish that it will suffer irreparable harm if the injunction is denied. "The failure to show irreparable harm is, by itself, a sufficient ground upon which to deny a preliminary injunction." *Gelco Corp. v. Coniston Partners*, 811 F.2d 414, 418 (8th Cir. 1987). SJP argues that it will suffer irreparable harm without an injunction because irreparable harm is presumed if the constitutional injury is proven. *See* ECF 8 at 6-7; *Newsom v. Albemarle Cty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003).

For the reasons set forth in Section I. above, SJP has not shown a constitutional injury because it has not shown it is likely to succeed on the merits. SJP has additionally failed to articulate any other harm it would suffer as a result of the University's decision, absent a constitutional injury. In fact, the organization's ability to stage the same event,

engaging in the same speech and expression, on the day after it was originally proposed demonstrates that SJP will suffer no practical harm from the event's delay. Accordingly, because SJP cannot demonstrate a constitutional infringement, it has not demonstrated that it will suffer "irreparable harm" if the injunction is denied.

### **III. THE BALANCE OF THE EQUITIES FAVORS THE UNIVERSITY.**

Even if SJP could establish the likelihood of success on the merits, the injunction should still be denied because the balance of equities weighs against an injunction. The University has significant and compelling interests here, which weigh heavily against granting an injunction.

Consideration of SJP's right to free expression is "shaped by the educational context in which it arises," *Christian Legal Soc. Chapter of the Univ. of Cal., Hastings Coll. of the L. v. Martinez*, 561 U.S. 661, 685 (2010). Thus, the Court must be mindful of the compelling interests that are applicable to this context. First Amendment claims must "be analyzed in light of the special characteristics of the school environment." *Id.* at 686-87. First and foremost, "[a] university's mission is education, and decisions of this Court have never denied a university's authority to impose reasonable regulations compatible with that mission upon the use of its campus and facilities." *Widmar v. Vincent*, 454 U.S. 263, 268 n.5 (1981).

More broadly, and "in furtherance of the University's educational mission," the University also has a significant interest in "protecting the educational experience of the students...." *Bowman v. White*, 444 F.3d 967, 980 (8th Cir. 2006) (holding that "[t]his interest is significant because an educated electorate is essential to the vitality of our

democracy and a lack of proper education diminishes the value of our free speech rights”). Similarly, the University has a compelling interest in “ensuring public safety” of its campus community, which, “[l]ike education, is a fundamental human need without which the desire to speak one’s mind becomes moot.” *Id.* Plainly, the educational mission of the University and the educational experience of its students would be deeply harmed by an outbreak of the type of violence and disruption that has ravaged university campuses in the past year.

To the extent Plaintiff argues that its competing interest is in not having its First Amendment rights infringed upon, this argument fails to tip the balance in its favor because, as demonstrated above, it is not likely to succeed on such a claim. “When a party seeks a preliminary injunction on the basis of the potential violation of the First Amendment, the likelihood of success on the merits often will be the determinative factor.” *Liberty Coins, LLC v. Goodman*, 748 F.3d 682, 690 (6th Cir. 2014). This is because the “[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). However, because SJP has not had its First Amendment freedoms impermissibly infringed, the balance tips strongly against granting an injunction.

Accordingly, SJP has failed to demonstrate that its interest in conducting its event on October 7, 2024, rather than October 8, 2024, outweighs the University’s strong and compelling interests in protecting the public’s safety and maintaining the orderly functioning of the University’s educational and scholarly activities. Therefore, SJP’s request for an injunction should be denied.

**IV. GRANTING AN INJUNCTION IS AGAINST THE PUBLIC INTEREST.**

In addition to SJP’s failure to demonstrate all the other elements warranting issuance of an injunction, it has also failed to demonstrate that an injunction is in the public interest. “In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24. There is a strong public interest against an injunction in this case. Specifically, because the University is a public institution, the University’s compelling interests set forth above are also compelling interests for the public at large. The “State’s interest in protecting the ‘safety and convenience’ of persons using a public forum is a valid governmental objective.” *Heffron v Int’l Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640, 650 (1981) (citing cases). Although the public has an interest in ensuring that students’ First Amendment rights are protected, as demonstrated above there has been no deprivation of plaintiff’s First Amendment rights. As such, the public interest weighs against granting an injunction.

**CONCLUSION**

For all the reasons set forth above, the motion for a preliminary injunction should be denied.

Respectfully submitted,

ANTHONY G. BROWN  
Attorney General of Maryland

/s/ Jennifer A. DeRose

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September 26, 2024

Attorneys for Defendants



**CERTIFICATE OF SERVICE**

I certify that, on this 26th day of September, 2024 the foregoing memorandum in opposition to plaintiff's motion for a temporary restraining order and preliminary injunction was served by CM/ECF on all registered CMF users:

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/s/ Jennifer A. DeRose

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Jennifer A. DeRose

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNIVERSITY OF MARYLAND  
STUDENTS FOR JUSTICE IN  
PALESTINE,

*Plaintiff,*

v.

BOARD OF REGENTS, et al.

*Defendants.*

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Case No. 8:24-cv-02683-PJM

\* \* \* \* \*

**AFFIDAVIT OF PATRICIA A. PERILLO, Ph.D.**

I, Patricia A. Perillo, being over 18 years of age and competent to testify to the matters set forth herein, state as follows:

1. I am the Vice President for Student Affairs at the University of Maryland, College Park (the "University"). I have been employed in this capacity at the University since January, 2020.

2. In my professional role, I lead the University's Division of Student Affairs. This University division works to ensure the success, health, and well-being of students through its sixteen departments. My portfolio includes student residence and dining halls, health and counseling centers, accessibility and disability services, career center, cultural and recreational centers and activities and more.

3. I hold a Bachelor of Arts degree and a Master of Education degree from the University of Delaware, and a Ph. D. in Public and Community Health from the University.

Earlier in 2024, the National Association of Student Personnel Administrators awarded me its highest honor, the Pillar of the Profession award.

4. Prior to serving as Vice President for Student Affairs at the University, I held the same position at the Virginia Polytechnic Institute and State University (“Virginia Tech”), from August 2012 through December 2019. I have worked in university administration, with a focus on student affairs, for thirty-five years.

5. One University department I oversee is the Stamp Student Union. There is a unit within the Stamp called the Student Organization Resource Center (the “SORC”). The SORC is responsible for receiving, reviewing, and tracking requests by student organizations to register their groups, thus allowing them to be eligible to use campus facilities and outdoor spaces pursuant to the University’s Policy VI-4.10(A), University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces. A copy of that policy can be found at Attachment 1 to this affidavit and may additionally be found at <https://policies.umd.edu/general-administration/university-of-maryland-policy-and-procedures-for-the-use-of-facilities-and-outdoor-spaces>.

6. Consistent with such policy, registered student organizations may reserve space on campus for a range of activities, including expressive activities protected by the First Amendment. Policy VI-4.10(A) at Appendix A, “Guidelines for Expressive Activity.”

7. Registered student organizations may reserve space for expressive activities at four designated campus locations and may propose expressive activities at other locations on campus with the approval of the Vice President for Student Affairs. One of

the four designated locations for expressive activities is McKeldin Mall, a nine-acre area in the heart of campus, which may be reserved in sections or in its entirety.

8. Registered student organizations planning to host an event using campus facilities or outdoor spaces are required to identify and reserve available space through an event management portal managed by the Event and Guest Services (EGS) unit in the STAMP. Once EGS staff are notified of a new reservation request, a member of the EGS event management team contacts the event planners to better understand the details of the planned event. The event planners submit a SORC TerpLink event approval form containing additional information about the event. The approval form is routed by SORC event management staff to applicable University units, including but not limited to the University of Maryland Police Department (“UMPD”), the Fire Marshal, Risk Management, groundskeeping, and the student organization’s advisor, for feedback on resources the event may require. SORC staff work with the event planners to make sure that the event is appropriately resourced. SORC staff receive training that stresses that the University provides space for expressive events on a content-neutral basis. In policy and in practice, SORC and EGS staff do not at any point evaluate proposed events based on what viewpoints may be expressed at the event.

9. Additionally, there is an Event Management Team (“EMT”) that is convened by the University Police Department to review upcoming events. EMT membership includes those entities that are venue managers, those that organize major programming (for example, Athletics, Recreation and Wellness), and those that provide resources (for example, the Department of Transportation Services, Facilities Management). The group

meets regularly to review upcoming events to anticipate any potential challenges or need for additional resources. The EMT does not evaluate upcoming expressive events based upon the viewpoints likely to be expressed at the events.

10. Between October 8, 2023 and the present, the registered student organization, University of Maryland Students for Justice in Palestine (“SJP”), has sought and received permission to use campus space for organizational activities over seventy (70) times. These reservations have included board meetings, membership meetings, outdoor events, vigils, sit-ins, and protests open to the public.

11. To date, every request made by SJP for event space has been approved. For safety and security reasons described further below, that approval was withdrawn only in the case of the organization’s October 7, 2024 expressive event, which was subsequently rescheduled by SJP in coordination with the SORC for the following day, October 8, 2024.

12. Student Affairs staff, working in tandem with UMPD, have worked hard to develop strong and productive working relationships with registered student organizations engaged in expressive conduct. Our goal in this work is to facilitate the students’ events and protect their free speech rights, while ensuring their safety and the safety of the University community as a whole. As a result of this work, the University has not experienced the violence or disruption that many other universities have experienced in the past year. Registered student organizations including SJP have had the opportunity to express their views robustly and often, without significant disruption or conflict, despite heightened emotions over the Israel-Gaza conflict.

13. All other non-University-sponsored expressive events that had previously been approved to occur on October 7, 2024 also had their approvals withdrawn. This led to the rescheduling of three events sponsored by the Jewish Student Union (“JSU”) initially planned for October 7, 2024: an early morning outdoor awareness event at Hornbake Plaza, a later morning outdoor remembrance event at Nyumburu Amphitheater, and an evening remembrance event in the STAMP Student Union Grand Ballroom.

14. Since October 7, 2023, my office has received a constant stream of communications via phone and email that have been strongly critical of the University for allowing university students and student organizations to express political opinions like those espoused by SJP. Some of these communications have even demanded that the University shut down SJP completely, despite the lack of any legitimate basis for doing so. Consequently, and notwithstanding this constant stream of criticism, we have adhered to our policy and practice of permitting expressive events, including those hosted by SJP, without regard to the organization’s viewpoint.

15. In late August, 2024, my team and I became aware of a new, more angry, aggressive and violent tone to the messages the University was receiving, centered around SJP hosting an event on campus on October 7, 2024.

16. For example, on August 26, 2024, an individual emailed University President Darryll J. Pines, who is Black, advising that if the University was going to permit SJP’s event to go forward, “then my Klan Rally with sheets and a noose are also approved. We will be hanging several look alike [*sic*] to key university staff.” The writer continued, “I’m

excited for our Rally, have 1715 people signed up already... We represent thousands of activists from across the United States....”

17. On August 30, 2024, a caller, upon learning of the event, advised that she would be coming to campus “locked and loaded” with a weapon to defend herself.

18. On the afternoon of September 1, 2024, President Pines convened a senior leadership meeting in which I took part, to consider the intense barrage of concerning communications being received by the University relating to this event, reflecting more threatening and violent language than had been seen in the past. At that meeting, UMPD Chief David Mitchell advised the group that in his professional judgment, allowing these expressive events to go forward on October 7, 2024 would present a significant risk of harm and danger to the University community, unlike we had seen during the prior 11 months. I concurred in that assessment from my perspective as a student affairs professional.

19. During the same meeting, the leadership group discussed whether the most prudent course would be to reschedule all events of every kind on October 7, 2024 and to instruct faculty to switch all classes to remote learning modalities on that date. Ultimately, the decision was made to keep campus open, but to work with registered student organizations to reschedule expressive events scheduled for that date.

20. SJP has since reserved space on campus for expressive events on October 8, 2024. The JSU has likewise reserved space on campus for expressive events on October 6, 2024. Permission has been granted for all these events.




21. This has been the first time in my career that I have supported my institution withdrawing permission for, and then working with registered student organizations to reschedule, expressive student events because of safety and security concerns.

22. I was part of the leadership group that advised President Pines on the wording of his September 1, 2024 communication. In my role as Vice President for Student Affairs, I have been acutely aware that some community members have felt generally less safe during the past year of political turmoil. Thus, I supported the inclusion of the phrase, "there is no immediate or active threat" in President Pines' message to reassure the University community that there was no immediate, active threat of violence to the community anticipated to occur on September 1, 2024 or in the next few days. We in University leadership believed there was a grave threat of violence on October 7, 2024, not immediately but over a month in the future. In our view, that threat was effectively and narrowly addressed by the decision to deny registered student organizations permission to sponsor expressive events on that particular date, while permitting them to go forward on other dates.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on September 26, 2024.

  
\_\_\_\_\_  
Patricia A. Perillo, Ph.D.  
Vice President for Student Affairs

# **Attachment 1**



# University Policies

## [Section VI: General Administration](https://policies.umd.edu/general-administration) (<https://policies.umd.edu/general-administration>)

Policy Number: VI-4.10(A)

### UNIVERSITY OF MARYLAND POLICY AND PROCEDURES FOR THE USE OF FACILITIES AND OUTDOOR SPACES

(Approved by the President August 01, 1991, Amended January 18, 2001, Technical amendment April 24, 2003, Amended September 24, 2019, Amended and approved on an interim basis September 18, 2020, Amended April 27, 2021, Amended and approved on an interim basis by the President effective November 27, 2023, Amended and approved on an interim basis by the President effective August 19, 2024, pending University Senate Action)

#### I. Policy

It is the policy of the University of Maryland, College Park (“University”) that its physical facilities and outdoor spaces be used to support the University’s central mission as a land grant institution and its goals of achieving excellence in teaching, research, and public service within a supportive, respectful, and inclusive environment that honors freedom of expression and complies with the First Amendment.

#### II. Applicability

This policy applies to members of the University community (students, faculty, and staff) and other individuals or parties who utilize University facilities and outdoor spaces. The licensed use of University facilities for research-related activities by External Users is addressed in the University of Maryland Policy on the Use of University Facilities by External Users for Research-Related Activities (VIII-14.00[A]).

#### III. Definitions

- A. “Expressive Activity” means verbal or non-verbal expression and assembly protected by the First Amendment, including but not limited to Public Speaking, Leafletting, Posting, demonstrations, rallies, picketing, vigils, parades, and marches.
- B. “External User” means a group or individual that is not a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or a registered University student.
- C. “Fronting” means an Internal User acting as an agent for an External User to (1) receive access to University facilities and outdoors spaces only intended for use by Internal Users; or (2) receive discounted rates for the use of University facilities or outdoor spaces where the Internal User attempts to vacate responsibility for the event, Program, or activities that occur after receiving discounted rates.
- D. “Host” means an Internal User or External User who plans and/or delivers a Program to which others are invited.
- E. “Internal User” means a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or an individual or group of registered University students.
- F. “Leafletting” means the distribution of non-commercial announcements, statements, handbills, leaflets, pamphlets, magazines, or other materials to individuals, who may accept or decline to accept the materials.
- G. “Posting” means the placement of announcements, statements, posters, signs, flyers, or other written materials on designated bulletin boards, kiosks, or other approved surfaces within campus indoor and outdoor spaces, intended for public viewing.
- H. “Program” is an activity or event that is intended to take place in a University facility or outdoor space, which may include Expressive Activity.

- I. “Public Speaking” means orally and audibly expressing a message, idea, opinion, concept, principle, or belief directed to a general audience and in a manner other than through a private conversation.
- J. “Registered Student Organization” is a student group that is registered with the Student Organization Resource Center within the Division of Student Affairs as defined by the University of Maryland, College Park Procedures for Student Organizations (V-1.00[F]).

#### IV. General Guidelines for the Use of University Facilities and Outdoor Spaces

- A. University facilities and outdoor spaces are available primarily for Programs offered by and intended for Internal Users as members of the University community.
- B. Except as noted in Section VI, all Programs must be hosted by an Internal User.
- C. Internal Users are encouraged to reserve University facilities and outdoor spaces for Programs in advance. Reservations may be required for some facilities and spaces.
- D. Hosts are responsible for all activities associated with the Program, including all financial and legal liabilities.
- E. Use of University facilities and outdoor spaces is limited to the declared purpose of the reservation and must comply with all relevant University policies and procedures and local, state, and federal laws and regulations.
- F. Fees may be charged for the use of University facilities and outdoor spaces to cover the cost of reservations, personnel, technology, and security. These costs are the responsibility of the Internal User or External User reserving the facility or space.
- G. Insurance may be required, when appropriate.
- H. Fronting by Internal Users is prohibited.
- I. Use of University Facilities and outdoor spaces, including for Expressive Activity, must comply with the Guidelines for Expressive Activity, set forth in Appendix A, and for such other rules and procedures as may be applicable to the specific facility or space.
- J. The following activities are prohibited unless specifically authorized by the relevant space manager:
  - 1. The sale or promotion of commercial goods or services;
  - 2. The use of amplified sound;
  - 3. The unauthorized construction or erection of temporary or permanent structures on University grounds including, without limitation, encampments, tents, huts and other forms of temporary accommodations, whether for overnight use or not.
  - 4. The unauthorized overnight use of University grounds and facilities.
  - 5. The blocking of pedestrian or vehicular traffic or the blocking of ingress and egress into or out of or within University buildings; and
  - 6. Conduct which the University reasonably deems to cause disruption to campus activities.
- K. Failure to adhere to this Policy may result in revocation of an approved reservation and/or other appropriate administrative action, including disciplinary action as permitted by relevant University policies.
- L. Additional rules regarding the use of University facilities and outdoor spaces, Expressive Activity, Leafleting, Chalking, and Posting are set forth in Appendix A - Guidelines for Expressive Activity, which is incorporated into this Policy.
- M. Subject to the restrictions in Appendix A, nothing in this Policy shall be construed to prohibit any person or group who is engaged in a permitted use of University facilities or outdoor spaces from engaging in free expression activities such as private conversation, gesturing, standing,

wearing expressive clothing, accessories, buttons, or stickers, or from participating in free expression activities germane to a specific activity or event.

#### V. Internal Users: Use of University Facilities and Outdoor Spaces

- A. Internal Users may serve as Hosts for Programs proposed by External Users, but Fronting by Internal Users is prohibited.
- B. Internal Users in University academic or administrative units who serve as Hosts to External Users for Programs that are open to a general audience must report the Programs in advance to their unit head. Registered Student Organizations must report all Programs in advance to the appropriate facility manager and/or Stamp Student Organization Resource Center (“SORC”).
- C. Except as provided in Section VI of this Policy and Appendix A, only University academic or administrative units and Registered Student Organizations may serve as a Host for a Program where External Users are invited to participate in Expressive Activity.
- D. General Purpose Classroom Space
  1. Course and Classroom Scheduling Services in the Office of the Registrar has the first priority to schedule general purpose classrooms for classes.
  2. Subject to Section V.D.1 above, Internal Users may reserve available general purpose classroom space as set forth below:
    - a. Academic or administrative units, faculty, and staff may reserve general purpose classroom space through Course and Classroom Scheduling Services in accordance with internal procedures.
    - b. Registered Student Organizations may reserve general purpose classroom space through Stamp Event & Guest Services in accordance with internal procedures.
- E. Outdoor Space
  1. Reservations for the use of outdoor space controlled by Stamp Event & Guest Services are made through Stamp Event & Guest Services in accordance with internal procedures and Appendix A.
- F. Other University Facilities and Outdoor Spaces
  1. University Facilities and outdoor spaces controlled by academic or administrative units other than those included in Sections V.D and V.E are managed by the units to which the space is allocated and may be reserved in accordance with those units' internal procedures or through Conferences & Visitor Services.

#### VI. External Users: Reservations for Programs & Expressive Activity

- A. External Users not otherwise hosted by a University academic or administrative unit or a Registered Student Organization may reserve University facilities and limited outdoor spaces in accordance with this Section VI and Appendix A.
- B. Reservations for Programs
  1. External Users may directly reserve University facilities and limited outdoor spaces for Programs.
    - a. External Users may directly reserve designated University facilities and outdoor spaces set forth in the List of Facilities and Outdoor Spaces Available for Direct Reservations by External Users (see Attachment A), through the appropriate reservations office for such facility or space.
    - b. External Users may directly reserve designated University facilities and outdoor spaces not listed in Attachment A through Conferences & Visitor Services.

### C. Reservations for Expressive Activity

1. Outdoor spaces that are available to External Users who wish to engage in Expressive Activity, including Leafleting, and procedures for reserving those spaces are set forth in Appendix A.
2. External Users are required to reserve space in advance by requesting a reservation with Stamp Event & Guest Services. Priority will be given to Internal Users.

## VII. Facility/Space Use Review

A. The University reserves the right to review any request for the use of its facilities or outdoor spaces in order to: ensure compliance with this Policy, including the guidelines set forth in Appendix A, and to prevent substantial disruption of the advancement of the University's teaching, research, and service mission; prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and individuals using University property. Based on that review, the University may relocate a Program to a more suitable location, reschedule a Program, or cancel a Program.

B. Reviews will be conducted by an Event Coordination Team (ECT) subject to criteria set forth in the ECT Guidelines.

## Appendix A - Guidelines for Expressive Activity

### I. Rationale

The University of Maryland recognizes that the exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. The University supports the rights of individual students, faculty, staff, and student organizations to engage in the expression of ideas, demonstrate, and leaflet, provided such activities are lawful and consistent with University policies.

The University's Statement on Free Speech Values (

[\[https://policies.umd.edu/statement-free-speech-values\]](https://policies.umd.edu/statement-free-speech-values)(<https://policies.umd.edu/statement-free-speech-values>)) articulates the role of a university in discovering and disseminating knowledge as one that requires a free exchange of ideas within its walls and with the world beyond. Freedom of thought and expression are the lifeblood of our academic community. As a community of scholars and learners, the University is committed to fostering vigorous debate among faculty, staff, students and student organizations. The University also recognizes that a healthy and thriving academic community depends on mutual respect and civility. It is the University's goal to encourage civility and mutual respect and to educate its community about how to communicate effectively and respectfully regarding contentious and disagreeable issues. Exposure to all perspectives, including those that may be deemed disagreeable or offensive, can and should be an essential part of the educational experience and academic life on campus.

The ideas of different members of the University community may often and quite naturally conflict. Individuals may find some ideas and opinions unwelcome, disagreeable, or even deeply offensive. With certain exceptions, such as threats of physical violence and unlawful harassment, the expression of ideas through speech in University facilities and outdoor spaces is protected by the First Amendment of the United States Constitution, subject to reasonable time, place and manner restrictions the University imposes.

The University also recognizes its obligation to protect the physical safety of its community members, and to address unlawful conduct including unlawful harassment based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information or any other legally protected status.

### II. Principles on Expressive Activity

- A. The Guidelines for Expressive Activity ("these Guidelines") are intended to guide and apply to those who wish to reserve University facilities and outdoor spaces for Expressive Activity, including both Internal Users and External Users.

- B. The University supports the right of individuals to engage in Expressive Activity, provided such activities are consistent with the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces (VI-4.10[A]) (“the Policy”) and the reasonable time, place, and manner restrictions outlined below.
- C. Violations of these regulations by students, staff, or faculty may be grounds for disciplinary action under other University policies and procedures, including but not limited to the University of Maryland Code of Student Conduct (V-1.00[B]) “*Code of Student Conduct.*”

### III. Rules for Expressive Activity

- A. Individuals may not block or otherwise interfere with the free flow of pedestrian or vehicular traffic or other transportation modes including but not limited to public transit, bicycle, moped, golf cart, scooter, skateboard, rollerblades, etc. The right of way on streets and sidewalks must be maintained.
- B. Individuals may not block or otherwise interfere with ingress and egress into and out of or within campus buildings.
- C. Individuals shall not obstruct, disrupt, interrupt, or attempt to force the cancellation of any Program hosted by the University or by any users authorized to use University facilities or outdoor spaces.
- D. Individuals shall not engage in unlawfully harassing, physically abusive, threatening or intimidating, or lewd or obscene conduct toward any person.
- E. Individuals shall comply with the directions of any University official acting in the performance of their duty.
- F. Classes or other scheduled activities shall not be disrupted.
- G. Use of public address systems and amplified sound will not be permitted without prior approval from the University, through the relevant space manager. Those approved to use amplified sound are generally only permitted to use it at the following days/times: Fridays (5pm – 10pm), Saturdays (10am – 10pm), and Sundays (12pm – 8pm).
- H. Where an invited speaker is the object of protest, individuals may engage in Expressive Activity outside the building where the speech is taking place. Individuals who wish to enter the building must do so as members of the audience and must give the speaker a respectful hearing. Failure to grant the speaker a respectful hearing may result in the offending individual(s) being asked to leave. Any signs, banners, or similar items carried into the building must be constructed of materials that do not present a safety hazard and may not be attached to rigid materials such as sticks or poles. The use of such items may not deprive others of their rights or otherwise violate these Guidelines. The University reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.
- I. University property must be protected at all times.
- J. In accordance with Maryland Code Ann., Educ. § 26-102, as amended, individuals on University property may be required to provide identification and evidence of qualification to a University official upon request. Evidence of qualification means evidence that the individual is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the University.
- K. Individuals engaging in activities on University property are subject to and expected to comply with all applicable University policies and procedures, laws, regulations, and ordinances.
- L. Registered Student Organizations who host Expressive Activity will be held responsible for compliance with the Policy. However, this in no way relieves participating individuals of responsibility for their conduct. Each individual participating in Expressive Activity, whether hosted by a Registered Student Organization or not, is accountable for compliance with the provisions of the Policy and all other applicable University policies and procedures, including the Code of Student Conduct.
- M. Violation of the Policy may be grounds for disciplinary action against both individuals and/or the sponsoring or participating Registered Student Organizations and their officers.

## IV. Rules for Scheduled Expressive Activity by External Users

A. All External Users who wish to schedule Expressive Activity are required to comply with the reservation requirements of this Section. They may request outdoor space as set forth below.

1. Scheduled Expressive Activity will be permitted at the following locations:

- a. Designated sidewalk space outside of the southeast entry to Stamp Student Union; and
- b. Designated space in Hornbake Plaza.

2. Any such request must be made to Stamp Event & Guest Services seven (7) calendar days in advance of the activity.

3. Stamp Event & Guest Services will attempt to respond promptly to any reservation request.

4. External User requests will be considered on a first-come, first-served basis after giving priority to Internal Users.

5. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.

6. Reservations are valid only for the date and time authorized by the University.

7. A copy of a Confirmation Summary for the Speaker Registration Form must be made available for inspection upon request by University officials.

## V. Rules for Scheduled Expressive Activity by Registered University Students

A. Individuals or groups of registered University students are subject to the provisions below.

1. Scheduled Expressive Activity will be permitted at the following locations:

- a. McKeldin Mall;
- b. Hornbake Plaza;
- c. Stamp Student Union (South East Plaza); and
- d. Nyumburu Amphitheater.

2. Any reservation request must be made to Stamp Event & Guest Services no less than seven (7) calendar days in advance of the activity.

3. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.

4. In the event a reservation request is denied, an appeal may be made to the Vice President for Student Affairs who shall respond promptly to any such appeal.

5. Scheduled Expressive Activity may be held at other locations on campus with the approval of the Vice President for Student Affairs on a first-come, first-served basis after an assessment that such activity will not interfere with scheduled University use or fail to comply with the Policy.

## VI. Rules for Unscheduled Expressive Activity by University Students, Staff, or Faculty

A. Expressive Activity by ten (10) or fewer University students, faculty, or staff may occur at any outdoor area without advance reservation.



B. Occasionally, events may occur that result in a sudden and immediate desire for Expressive Activity, and it is not the intent of the Policy to limit University students, staff, or faculty members' ability to hold such Expressive Activity events.

1. University students, staff, and faculty who want to hold unscheduled, (i.e., without a prior reservation made in accordance with Section V) spontaneous Expressive Activities must contact Stamp Event & Guest Services as soon as possible to request a reservation for the use of space. Such events are limited to one of the areas defined in Section V.A.1 of these Guidelines. Stamp Event & Guest Services shall work with the individual(s) requesting to hold such event and shall determine whether such event can be held without requiring an advance reservation in accordance with Section VI, taking into account factors such as the anticipated size and scope of such event, security and facility requirements, and the availability of University personnel. The University retains authority to determine, in its sole discretion, whether to allow such unscheduled spontaneous events, or to require the individual(s) to make a reservation pursuant to Section V. Such events may not interfere with any functions for which that space has been reserved in advance. In addition, all other rules regarding Expressive Activities shall apply.
2. University students, staff, and faculty may not circumvent the usual reservation requirements by claiming to be spontaneous.
3. In deciding whether Expressive Activity is spontaneous or planned, the University may consider any relevant evidence, including:
  - a. Whether signs or placards used at the activity were commercially produced;
  - b. Whether participants used amplification equipment;
  - c. Whether security was alerted, or media contacted, substantially in advance of the activity; or
  - d. Whether other circumstances demonstrate advance planning.

## VII. Additional Rules for Leafleting and Chalking

A. Individuals may engage in Leafleting in accordance with the Policy and subject to the following:

1. Individuals may set up their own tables for Leafleting and are responsible for disassembly of the tables and general clean-up.
2. Leafleting does not include littering. All individuals are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. Leaving materials unattended on a surface to be picked up is considered littering.
3. Internal Users may engage in Leafleting without registration or advance approval in any University outdoor space, the use of which is not otherwise restricted or reserved.
4. External Users may engage in Leafleting in designated areas for Expressive Activity, in accordance with Section IV.

B. Internal Users may use chalk to create messages on approved surfaces subject to the following:

1. Chalking will be permitted only at the following locations:
  - a. Designated sidewalk space outside of the southeast entry to the Adele H. Stamp Student Union; and
  - b. Hornbake Plaza.
2. Chalking in the areas designed in Section VII.B.1 will be subject to regular maintenance and cleaning by University staff.
3. In the event that an approved student group has reserved Hornbake Plaza for an event, the university will remove chalking and temporary signage at the designated area prior to the event or demonstration.
4. Messages may be written only on flat horizontal surfaces of sidewalks.

5. No messages may be written on vertical surfaces, including but not limited to walls, buildings, pillars, posts, benches, fencing, doors, trash receptacles, or kiosks.
6. Messages must be written in chalk that is water-soluble. Approved chalk includes commercially sold "sidewalk chalk" but does not include spray chalk or artist pastels.
7. Anyone who chalks in violation of these rules may be held responsible for costs incurred by the University for removal.

#### VIII. Additional Rules for the Posting of Written Materials on Campus

- A. Posting is not permitted on campus other than what is permitted in this policy.
- B. Enrolled students, representatives of registered student groups, faculty, staff, and University departments may post non-commercial materials related to campus events and activities in compliance with the general guidelines identified in this policy and with specific guidelines adopted for individual University facilities and buildings.
- C. Materials including, but not limited to, posters, signs, and flyers may be posted on approved locations and via approved methods only. Approved locations are those areas defined below in this Policy and as permitted in individual University facilities and buildings.
- D. Posting of materials is prohibited on certain surfaces and in certain locations, including, but not limited to: interior and exterior walls; doors; elevators; in restrooms; glass surfaces; sidewalks; pillars; trees; utility poles; fences; stairs; trash and recycling receptacles; lampposts; bluelight phones; university vehicles; traffic signs; the McKeldin Mall sundial; fountains; Testudo statues; and/or art installations. The University and individual University facilities and buildings may identify additional surfaces and locations on which the posting of materials is prohibited.
- E. Affixing stickers or any materials designed to be permanent or semi-permanent on any surfaces within the University's purview is prohibited.
- F. Painting of any surfaces is prohibited unless explicitly approved by the relevant campus departments and facilities staff, and only if associated with an approved University activity or event. Also see Section IV in this Appendix A regarding the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces (VI-4.10[A]) related to the use of chalk in designated areas.
- G. For all posting and/or advertising materials, to allow for transparency of ownership, posts must include the name(s) of the sponsoring group, date and time of the event, location, and title of the event/program, and contact information for the sponsoring department or group. Posting and/or advertising materials that do not include this information will be removed.
- H. Outside organizations, individuals and entities not affiliated with the University may only post materials in the public use bulletin boards located at the Stamp Student Union and other approved bulletin boards in specified university buildings.
- I. The University reserves the right to enter into agreements with other agencies and entities. Such approved agreements may include the ability to advertise or post informational signs per the specific terms of such agreement.
- J. The sale or promotions of commercial goods and services is prohibited unless specifically authorized by the relevant space manager as identified elsewhere in this policy.
- K. Postings may be made on public area bulletin boards pursuant to the requirements in this Policy. Due to limited space, postings are limited to no more than two announcements at any one time per public area bulletin board. Posting size should be no larger than 14x22 inches.
- L. Postings must be attached to public area bulletin boards using non-damaging materials only. Use of tape, nails, staples, metal fasteners, or other forms of adhesives is prohibited.
- M. Public bulletin boards are typically cleared on the first Monday of every month. Bulletin boards may be cleared more frequently, as needed, at the discretion of the location's building manager or departmental designee.
- N. The use of lawn signs is limited. Lawn signs must identify the sponsoring department or student organization and must be removed promptly after each event by the sponsoring organization. The University and its agents reserve the right to remove lawn signs or similar materials in

situations that present obstructions to egress and ingress or prevent grounds crews from maintaining the campus' facilities. Lawn signs located adjacent to the University's residence halls are prohibited unless approved, in advance, by the Department of Resident Life.

- O. The University and its agents reserve the right to bill individuals, departments, and/or sponsoring groups/organizations for the costs of removal of materials posted in violation of this policy and of the repair of any associated damages.
- P. Individuals found to be in violation of this policy and associated guidelines may be held responsible financially and/or via administrative and disciplinary action per the University's *Code of Student Conduct* and/or relevant University Human Resources employee policies and procedures.
- Q. The University reserves the right to immediately remove any signs, posting, or other materials that do not comply with this policy, including materials that advertise events that have occurred in the past.
- R. In addition to this policy, specific units, offices, departments, schools, and colleges, in support of their operations, may have related guidance that they apply in their facilities. Please refer to specific units and/or building managers for details related to posting in and adjacent to specific locations.

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## Attachment A

### List of Facilities and Outdoor Spaces Available for Direct Reservation by External Users

Adele H. Stamp Student Union

Clarice Smith Performing Arts Center facilities

Intercollegiate Athletics facilities and spaces (e.g., Xfinity Center, Maryland Stadium)

Memorial Chapel

Samuel Riggs IV Alumni Center facilities

School of Music facilities

School of Theatre, Dance, & Performance Studies facilities

University Recreation and Wellness facilities (Eppley Recreation Center, Ritchie Coliseum, Armory, Golf Course Clubhouse)

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNIVERSITY OF MARYLAND  
STUDENTS FOR JUSTICE IN  
PALESTINE,

*Plaintiff,*

v.

BOARD OF REGENTS, et al.

*Defendants.*

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Case No. 8:24-cv-02683-PJM

\* \* \* \* \*

**AFFIDAVIT OF DAVID MITCHELL**

I, David Mitchell, being over 18 years of age and competent to testify to the matters set forth herein, state as follows:

1. I am the Chief of the University Police at the University of Maryland, College Park (the “University”). I have been employed by the University since May of 2010.

2. I have been a law enforcement officer for 53 years. I began my career as a patrol officer in the Prince George’s County Police Department, rose through the ranks, and was appointed Chief of Police for Prince George’s County in 1990. I led that department for five years until I was appointed Superintendent of the Maryland State Police in 1995 by Governor Parris Glendening. I retired from the State Police in 2003.

3. In 2004, Delaware Governor Ruth Ann Miner appointed me as the Secretary of the Delaware Department of Safety and Homeland Security. During my five years in that position, I led over 100 employees tasked with providing for the safety and security of Delaware’s citizens.

4. Since May of 2010, I have been the Director of Public Safety and Chief of Police for the University of Maryland, College Park. In that position, I lead a department of over 200 personnel who serve a population of 60,000 students, faculty, and staff at the University.

5. I graduated *summa cum laude* from the University of Maryland, University College with a Bachelor's Degree in Technology and Management in 1981. In 1986, I received a Master's Degree in Public Policy from the University of Maryland School of Public Policy. In 1996, I earned a juris doctor from the University of Maryland School of Law. I am a member of the Maryland and District of Columbia bars. I am also a graduate of the FBI National Academy and FBI National Executive Institute.

6. In addition to my role as Chief of Police, I am an Adjunct Professor at Johns Hopkins University and the University of Maryland, Global Campus.

7. Under my direction, the University of Maryland Police Department ("UMPD") regularly convenes an Event Management Team ("EMT") to review upcoming scheduled events, including those hosted by student organizations. EMT membership includes those entities that are venue managers, those that organize major programming (for example, Athletics, Recreation and Wellness), and those that provide resources (for example, the Department of Transportation Services, Facilities Management). The group analyzes upcoming events to anticipate any potential challenges to safety and security, and the need for additional University resources or logistical coordination. The EMT does not evaluate upcoming expressive events based upon the viewpoints likely to be expressed at the events.

8. The security challenges on the University campus since the events in Israel and Gaza on October 7, 2023 have been significant. The ongoing conflict has heightened emotions and tensions on campus and led to numerous protests and demonstrations. The UMPD, in coordination with University administration, has been proactive in addressing the security challenges associated with these events while protecting the free expression rights, safety, and security of every member of our campus community.

9. For example, after the events of October 7, 2023, the UMPD initiated regular safety and security checks in places in which our Jewish and Muslim students gather. The UMPD maintains a highly visible presence on campus and works with all members of our community to deescalate any conflicts that arise and address any safety or security concerns community members may have. The UMPD, in partnership with our Bias Incident Support Services team, immediately responds to any reports of harassment, vandalism, or hate speech and monitors social media and other open source material to determine whether there are threats directed at groups and individuals in our community.

10. The UMPD and its partners in Student Affairs have built and fostered strong and productive working relationships with University student organizations engaged in expressive conduct. As a result of this work, the University has not suffered the violence, conflict, or widespread disruptions to campus life other colleges and universities have experienced. Rather, the University has ensured the safety and security of the community while facilitating peaceful protests and demonstrations and protecting the free speech rights of all community members, including the University chapter of the Students for Justice in Palestine. Since October 7, 2023, the SJP has held over 70 events on campus, including

meetings, protests, sit-ins, and demonstrations, all without significant disruption or conflict despite the heightened emotions on campus during this time.

11. The safety and security challenges posed by expressive events proposed by University student groups for October 7, 2024 are of a different nature and degree than any other event held over the past year concerning the conflict in Israel and Gaza.

12. As the Chief of the UMPD, and based on my knowledge of security issues and 53 years of experience in law enforcement, I have long anticipated that October 7, 2024 would present significant safety and security challenges for our department and University. These challenges were magnified with the University's receipt of thousands of emails and numerous phone calls critical of the University for permitting the proposed SJP October 7 event. While the vast majority of these communications were not threatening or malicious, a number of communications sent to the University did threaten violence.

13. For example, an email sent to President Pines' public email address expressed hope that President Pines' children and grandchildren would one day be slaughtered. Another individual wrote to President Pines, who is Black, that "my Klan Rally with sheets and a noose was also approved," and that "[w]e will be hanging several look alike to key university staff." On August 30, the University's Deputy General Counsel received a call from an individual who stated that she was "locked and loaded" and intended to bring a gun to campus for self-defense. True and accurate copies of these communications are attached hereto as Attachment 1.



14. These communications were more serious in tone and greater in volume than any communications the University had received about campus events related to the conflict in Israel and Gaza since October 7, 2023.

15. In addition to reviewing and analyzing communications received by the University, the UMPD has an Information Analysis Unit dedicated to monitoring open source information communicated through message boards, news sites, and social media postings to assess broader security issues and potential threats to our campus community. As I have stated in this affidavit, the UMPD has a positive relationship with SJP and has protected and facilitated its expressive conduct since the group's inception on campus. The UMPD had no information indicating, and otherwise did not anticipate, that the University SJP intended to engage in violent or disruptive conduct on October 7. However, I am concerned, based on my analysis of all the information available to me, that outside individuals and groups would have come to campus with the intent of encouraging and engaging in violent and disruptive behavior.

16. In assessing the threat level for campus events proposed for October 7, I also considered the violence and widespread disruptions occurring at other colleges and universities over the past year and the recent escalation of the ongoing conflict in Israel and Gaza. These incidents demonstrate that my concerns are not based on hypothetical risks but are grounded in observation of recent comparable circumstances leading to violence and disruption.

17. Pursuant to University policy, the University reserves the right to reschedule a program "to prevent substantial disruption of the advancement of the University's

teaching, research, and service mission, prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and individuals using University property.” A true and accurate copy of the University Policies and Procedures for the Use of Facilities and Outdoor Spaces is attached hereto as Attachment 2.

18. Ultimately, after considering the totality of the circumstances relating to events planned for October 7, I concluded that allowing expressive events to go forward on October 7 would present a material and significant risk of danger to our campus community, unlike anything we’ve seen over the past 11 months of the conflict. Accordingly, after engaging in discussions with Vice President for Student Affairs Patricia Perillo, President Pines, and others in University administration, I recommended to President Pines during a meeting on September 1 that permission for all expressive University student organization events proposed for October 7 be withdrawn and the events rescheduled to other dates, if their respective sponsors wished to do so.

19. This recommendation was based on the facts outlined above, my knowledge and experience from my 53 years in law enforcement, my concern for the safety and security of our University community, and University policy.

20. I have worked in law enforcement for 53 years and have been the Chief of Police for the University for fourteen years. This is the first time that I have felt it necessary

to recommend that any expressive student event be rescheduled due to safety and security concerns. I did not make this recommendation lightly.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on September 26, 2024.

*David Mitchell*

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David Mitchell  
Chief, University of Maryland Police  
Department

# **Attachment 1**

From: [REDACTED]  
Date: Thu, Aug 29, 2024 at 5:52 PM  
Subject: Planned SJP demonstration on 10/06/2024  
To: [president@umd.edu](mailto:president@umd.edu) <[president@umd.edu](mailto:president@umd.edu)>

How deplorable & uncivilized an act on your part to allow a demonstration on your University campus celebrating the deaths of innocent civilians at a dance party celebrating life! These included youngsters from all over the world of many religions including fellow Americans.

Aside from the party attendees there were neighboring villagers slaughtered including babies.

It's incomprehensible how you, obviously an intelligent educator, could have approved such an event on your campus knowing that its intent is to celebrate the murder of JEWS & the taking of hostages as well.

Have you no morals? Or is it that you too are a twisted JEW hater?

I sincerely hope your children & grandchildren one day face the same horrible fate. It would be just karma.

How you can live with yourself is beyond me. Shame on you. You are no better than Adolph Hitler.

Condoning a massacre is as low as one can go.

Rot in hell President Lucifer!!

Sent from my iPhone

From: [REDACTED] <[REDACTED]>

Date: Mon, Aug 26, 2024 at 4:01 PM

Subject: Urgent Action Required: Cancellation of SJP Events on October 7th and August 27th Due to the ensuing KKK Rally

To: <[president@umd.edu](mailto:president@umd.edu)>, <[kncoffey@umd.edu](mailto:kncoffey@umd.edu)>, <[rossello@umd.edu](mailto:rossello@umd.edu)>, <[landerso@umd.edu](mailto:landerso@umd.edu)>, <[jgartner@umd.edu](mailto:jgartner@umd.edu)>, <[kperry@usmd.edu](mailto:kperry@usmd.edu)>

Cc: [REDACTED]  
[REDACTED]  
[REDACTED]

CC: House Committee on Education and the Workforce

CC: Press

Dear President Darryll J. Pines,

If you are going to allow this display of uneducated hatred...then my Klan Rally with sheets and a noose are also approved.

We will be hanging several look alike to key university staff.

Hatred is hatred...allow one, allow all.

I guess higher education no longer resides there.

I'm excited for our Rally, have 1715 people signed up already...

We represent thousands of activists from across the United States, who believe in justice, peace, and equality for all students. We have learned that the Students for Justice in Palestine (SJP) organization has been granted permission to reserve space on the University of Maryland campus for October 7th to commemorate Hamas' barbaric attack that resulted in the murder of 1,200 people, the kidnapping of 250 into captivity in Gaza from 24 nationalities, 5 world religions, ranging from a year old to 86. The attack led to the severe injury or assault of thousands of others.

No campus should permit SJP or any similar organization to hold any kind of event on October 7th. Doing so gives the university's tacit approval to the celebration of Hamas' violent and despicable actions on that day. It is telling Jewish students, faculty, and staff that the university is condoning the celebration of the worst slaughter of Jews since the Holocaust. It suggests that their grief, their sense of belonging, their sense of safety are subordinated to the desires of SJP and its followers to celebrate those deaths and to call for yet more attacks on Israeli and Jewish people.

Would any university allow a student organization to burn crosses on its campus to celebrate the assassination of Martin Luther King Jr.? To celebrate the anniversary of 9/11 by calling for new Al Qaeda attacks? We all know the answer to those questions is an emphatic no. Your Jewish students, staff, and faculty deserve the same level of care and protection, particularly on the anniversary of the worst day in the history of the Jewish people since 1945.

Elie Wiesel, survivor of Auschwitz and recipient of the Nobel Peace Prize, said, "What hurts the victim most is not the cruelty of the oppressor, but the silence of the bystander." He also said, "To remain silent and indifferent is the greatest sin of all." To use the excuse of the First Amendment to allow SJP to hold events on October 7th that are not meant to communicate ideas but to intimidate Jews and incite their oppressors is to remain indifferent and to betray the Western values that all universities should uphold and promote.

The Anti-Defamation League (ADL) and the Department of Homeland Security (DHS) have provided clear evidence of SJP's extreme rhetoric and its ties to terrorist activities. The ADL has documented instances where SJP chapters have supported terrorism and promoted antisemitism(1). Similarly, the DHS has recognized the increased threat environment due to conflicts like the Israel-Hamas situation, noting the rise in antisemitic and anti-Muslim activities(2).

Comprehensive research by the Institute for the Study of Global Antisemitism and Policy (ISGAP) has revealed Hamas-linked funding to SJP, underscoring its web of influence and its promotion of antisemitism and violence(3).

In light of this, we urge the University of Maryland to:

- Revoke permission granted to SJP for their October 7th event as well as all other events.
- As a matter of urgency, cancel the "15,000 Flags For Gaza" event planned for Tuesday, August 27th. Such events foster hate and anger towards Jewish and non-Jewish Zionist students and educators on campus.
- Collaborate with Jewish student groups like Hillel and Chabad to organize observances that honor the victims and educate the campus community about the dangers of extremism and terrorism.

These plans are a deliberate attempt to rewrite history, downplay the suffering of the October 7th victims, and undermine the legitimate concerns of the Jewish community. By allowing the event on August 27th to proceed, the institution is tacitly endorsing the spread of hate and antisemitic rhetoric, which has no place in any educational setting. Such actions are not only deeply offensive but also legally and morally indefensible.

The institution must recognize that permitting such an event is not merely a matter of free speech; it is an endorsement of a narrative that incites hatred and violence against Jews. It is imperative that the administration take immediate and decisive action to prevent this event and to reaffirm its commitment to a campus environment that is safe, inclusive, and respectful for all students, in accordance with Title VI. Failure to do so would not only be a dereliction of duty but also a clear violation of federal law, exposing the institution to serious legal consequences.

We trust that you will address this matter with the seriousness it warrants and uphold the principled standards expected of our esteemed institution. Please contact [REDACTED] at [REDACTED] with steps that will be taken.

Sincerely,

[REDACTED]

Class of ...glad I didn't go there!!

1-<https://www.adl.org/resources/press-release/adl-report-inflammatory-anti-israel-activity-and-bds-calls-are-vilifying>

2-<https://www.dhs.gov/news/2023/10/18/statement-israel-hamas-conflict>

3-<https://isgap.org/new-research-on-sjp>



On Fri, Aug 30, 2024 at 11:31 AM Jen Gartner <[jgartner@umd.edu](mailto:jgartner@umd.edu)> wrote:

Dear Jay & Patty,

I just field a call from [REDACTED] a very upset parent of a Jewish student (the email below is from [REDACTED] - same person; [REDACTED] is her middle name and presumably [REDACTED] is her married name). She provided screenshots (see below) that she considers to cross the line into harassment and instigating violence, as well as [this link](#).

She also told me that people on campus are shouting "death to Jews" and "October 7th - we're going to do it again." I recommended that if her child feel threatened, they contact UMPD. I provided [REDACTED] with the letter that President Pines sent to campus, as well as OGC's guidance on freedom of speech and UMD's Statement of Free Speech Values and Statement on University Values.

[REDACTED] did make some comments about being "locked and loaded" and bringing a gun to campus to defend herself. I noted that we do not permit guns on campus and, because she mentioned having an attorney, I suggested that she talk with her attorney about the First Amendment - what it protects and what it does not.

[REDACTED] made a number of very derogatory remarks about President Pines but nothing that rises to the level of an actual threat.

I had hoped that sharing with [REDACTED] that I am Jewish and the child/grandchild of Holocaust survivors might help calm her down, but it did not.

Best,  
Jen

Jen Gartner, Esq.  
Deputy General Counsel  
Research Transactions & Regulatory Law Practice Group Lead  
University of Maryland  
Primary Office: 2117 Seneca Building, 4716 Pontiac Street  
Secondary Office: 0127 Miller Administration Building  
College Park, MD 20742  
Phone: [301-405-4997](tel:301-405-4997)  
[jgartner@umd.edu](mailto:jgartner@umd.edu)  
Pronouns: She/Her/Hers

# Attachment 2



# University Policies

## [Section VI: General Administration](https://policies.umd.edu/general-administration) (<https://policies.umd.edu/general-administration>)

Policy Number: VI-4.10(A)

### UNIVERSITY OF MARYLAND POLICY AND PROCEDURES FOR THE USE OF FACILITIES AND OUTDOOR SPACES

(Approved by the President August 01, 1991, Amended January 18, 2001, Technical amendment April 24, 2003, Amended September 24, 2019, Amended and approved on an interim basis September 18, 2020, Amended April 27, 2021, Amended and approved on an interim basis by the President effective November 27, 2023, Amended and approved on an interim basis by the President effective August 19, 2024, pending University Senate Action)

#### I. Policy

It is the policy of the University of Maryland, College Park (“University”) that its physical facilities and outdoor spaces be used to support the University’s central mission as a land grant institution and its goals of achieving excellence in teaching, research, and public service within a supportive, respectful, and inclusive environment that honors freedom of expression and complies with the First Amendment.

#### II. Applicability

This policy applies to members of the University community (students, faculty, and staff) and other individuals or parties who utilize University facilities and outdoor spaces. The licensed use of University facilities for research-related activities by External Users is addressed in the University of Maryland Policy on the Use of University Facilities by External Users for Research-Related Activities (VIII-14.00[A]).

#### III. Definitions

- A. “Expressive Activity” means verbal or non-verbal expression and assembly protected by the First Amendment, including but not limited to Public Speaking, Leafleting, Posting, demonstrations, rallies, picketing, vigils, parades, and marches.
- B. “External User” means a group or individual that is not a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or a registered University student.
- C. “Fronting” means an Internal User acting as an agent for an External User to (1) receive access to University facilities and outdoors spaces only intended for use by Internal Users; or (2) receive discounted rates for the use of University facilities or outdoor spaces where the Internal User attempts to vacate responsibility for the event, Program, or activities that occur after receiving discounted rates.
- D. “Host” means an Internal User or External User who plans and/or delivers a Program to which others are invited.
- E. “Internal User” means a University academic or administrative unit, a Registered Student Organization, a University employee or employees acting within the scope of their employment, or an individual or group of registered University students.
- F. “Leafleting” means the distribution of non-commercial announcements, statements, handbills, leaflets, pamphlets, magazines, or other materials to individuals, who may accept or decline to accept the materials.
- G. “Posting” means the placement of announcements, statements, posters, signs, flyers, or other written materials on designated bulletin boards, kiosks, or other approved surfaces within campus indoor and outdoor spaces, intended for public viewing.
- H. “Program” is an activity or event that is intended to take place in a University facility or outdoor space, which may include Expressive Activity.

- I. "Public Speaking" means orally and audibly expressing a message, idea, opinion, concept, principle, or belief directed to a general audience and in a manner other than through a private conversation.
- J. "Registered Student Organization" is a student group that is registered with the Student Organization Resource Center within the Division of Student Affairs as defined by the University of Maryland, College Park Procedures for Student Organizations (V-1.00[F]).

#### IV. General Guidelines for the Use of University Facilities and Outdoor Spaces

- A. University facilities and outdoor spaces are available primarily for Programs offered by and intended for Internal Users as members of the University community.
- B. Except as noted in Section VI, all Programs must be hosted by an Internal User.
- C. Internal Users are encouraged to reserve University facilities and outdoor spaces for Programs in advance. Reservations may be required for some facilities and spaces.
- D. Hosts are responsible for all activities associated with the Program, including all financial and legal liabilities.
- E. Use of University facilities and outdoor spaces is limited to the declared purpose of the reservation and must comply with all relevant University policies and procedures and local, state, and federal laws and regulations.
- F. Fees may be charged for the use of University facilities and outdoor spaces to cover the cost of reservations, personnel, technology, and security. These costs are the responsibility of the Internal User or External User reserving the facility or space.
- G. Insurance may be required, when appropriate.
- H. Fronting by Internal Users is prohibited.
- I. Use of University Facilities and outdoor spaces, including for Expressive Activity, must comply with the Guidelines for Expressive Activity, set forth in Appendix A, and for such other rules and procedures as may be applicable to the specific facility or space.
- J. The following activities are prohibited unless specifically authorized by the relevant space manager:
  - 1. The sale or promotion of commercial goods or services;
  - 2. The use of amplified sound;
  - 3. The unauthorized construction or erection of temporary or permanent structures on University grounds including, without limitation, encampments, tents, huts and other forms of temporary accommodations, whether for overnight use or not.
  - 4. The unauthorized overnight use of University grounds and facilities.
  - 5. The blocking of pedestrian or vehicular traffic or the blocking of ingress and egress into or out of or within University buildings; and
  - 6. Conduct which the University reasonably deems to cause disruption to campus activities.
- K. Failure to adhere to this Policy may result in revocation of an approved reservation and/or other appropriate administrative action, including disciplinary action as permitted by relevant University policies.
- L. Additional rules regarding the use of University facilities and outdoor spaces, Expressive Activity, Leafleting, Chalking, and Posting are set forth in Appendix A - Guidelines for Expressive Activity, which is incorporated into this Policy.
- M. Subject to the restrictions in Appendix A, nothing in this Policy shall be construed to prohibit any person or group who is engaged in a permitted use of University facilities or outdoor spaces from engaging in free expression activities such as private conversation, gesturing, standing,

wearing expressive clothing, accessories, buttons, or stickers, or from participating in free expression activities germane to a specific activity or event.

#### V. Internal Users: Use of University Facilities and Outdoor Spaces

- A. Internal Users may serve as Hosts for Programs proposed by External Users, but Fronting by Internal Users is prohibited.
- B. Internal Users in University academic or administrative units who serve as Hosts to External Users for Programs that are open to a general audience must report the Programs in advance to their unit head. Registered Student Organizations must report all Programs in advance to the appropriate facility manager and/or Stamp Student Organization Resource Center (“SORC”).
- C. Except as provided in Section VI of this Policy and Appendix A, only University academic or administrative units and Registered Student Organizations may serve as a Host for a Program where External Users are invited to participate in Expressive Activity.
- D. General Purpose Classroom Space
  1. Course and Classroom Scheduling Services in the Office of the Registrar has the first priority to schedule general purpose classrooms for classes.
  2. Subject to Section V.D.1 above, Internal Users may reserve available general purpose classroom space as set forth below:
    - a. Academic or administrative units, faculty, and staff may reserve general purpose classroom space through Course and Classroom Scheduling Services in accordance with internal procedures.
    - b. Registered Student Organizations may reserve general purpose classroom space through Stamp Event & Guest Services in accordance with internal procedures.

#### E. Outdoor Space

1. Reservations for the use of outdoor space controlled by Stamp Event & Guest Services are made through Stamp Event & Guest Services in accordance with internal procedures and Appendix A.

#### F. Other University Facilities and Outdoor Spaces

1. University Facilities and outdoor spaces controlled by academic or administrative units other than those included in Sections V.D and V.E are managed by the units to which the space is allocated and may be reserved in accordance with those units' internal procedures or through Conferences & Visitor Services.

#### VI. External Users: Reservations for Programs & Expressive Activity

- A. External Users not otherwise hosted by a University academic or administrative unit or a Registered Student Organization may reserve University facilities and limited outdoor spaces in accordance with this Section VI and Appendix A.
- B. Reservations for Programs
  1. External Users may directly reserve University facilities and limited outdoor spaces for Programs.
    - a. External Users may directly reserve designated University facilities and outdoor spaces set forth in the List of Facilities and Outdoor Spaces Available for Direct Reservations by External Users (see Attachment A), through the appropriate reservations office for such facility or space.
    - b. External Users may directly reserve designated University facilities and outdoor spaces not listed in Attachment A through Conferences & Visitor Services.

### C. Reservations for Expressive Activity

1. Outdoor spaces that are available to External Users who wish to engage in Expressive Activity, including Leafleting, and procedures for reserving those spaces are set forth in Appendix A.
2. External Users are required to reserve space in advance by requesting a reservation with Stamp Event & Guest Services. Priority will be given to Internal Users.

## VII. Facility/Space Use Review

A. The University reserves the right to review any request for the use of its facilities or outdoor spaces in order to: ensure compliance with this Policy, including the guidelines set forth in Appendix A, and to prevent substantial disruption of the advancement of the University's teaching, research, and service mission; prevent substantial disruption of normal or scheduled users of University property; facilitate traffic on University property; preserve residential tranquility for students; preserve an atmosphere conducive to learning; preserve University property; and protect the health, safety, and welfare of the University community and individuals using University property. Based on that review, the University may relocate a Program to a more suitable location, reschedule a Program, or cancel a Program.

B. Reviews will be conducted by an Event Coordination Team (ECT) subject to criteria set forth in the ECT Guidelines.

## Appendix A - Guidelines for Expressive Activity

### I. Rationale

The University of Maryland recognizes that the exchange of ideas and information is central to higher education's foremost obligation of fostering both intellectual development and the discovery and dissemination of knowledge. The University supports the rights of individual students, faculty, staff, and student organizations to engage in the expression of ideas, demonstrate, and leaflet, provided such activities are lawful and consistent with University policies.

The University's Statement on Free Speech Values (

<https://policies.umd.edu/statement-free-speech-values>)(<https://policies.umd.edu/statement-free-speech-values>) articulates the role of a university in discovering and disseminating knowledge as one that requires a free exchange of ideas within its walls and with the world beyond. Freedom of thought and expression are the lifeblood of our academic community. As a community of scholars and learners, the University is committed to fostering vigorous debate among faculty, staff, students and student organizations. The University also recognizes that a healthy and thriving academic community depends on mutual respect and civility. It is the University's goal to encourage civility and mutual respect and to educate its community about how to communicate effectively and respectfully regarding contentious and disagreeable issues. Exposure to all perspectives, including those that may be deemed disagreeable or offensive, can and should be an essential part of the educational experience and academic life on campus.

The ideas of different members of the University community may often and quite naturally conflict. Individuals may find some ideas and opinions unwelcome, disagreeable, or even deeply offensive. With certain exceptions, such as threats of physical violence and unlawful harassment, the expression of ideas through speech in University facilities and outdoor spaces is protected by the First Amendment of the United States Constitution, subject to reasonable time, place and manner restrictions the University imposes.

The University also recognizes its obligation to protect the physical safety of its community members, and to address unlawful conduct including unlawful harassment based on race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information or any other legally protected status.

### II. Principles on Expressive Activity

- A. The Guidelines for Expressive Activity ("these Guidelines") are intended to guide and apply to those who wish to reserve University facilities and outdoor spaces for Expressive Activity, including both Internal Users and External Users.

- B. The University supports the right of individuals to engage in Expressive Activity, provided such activities are consistent with the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces (VI-4.10[A]) (“the Policy”) and the reasonable time, place, and manner restrictions outlined below.
- C. Violations of these regulations by students, staff, or faculty may be grounds for disciplinary action under other University policies and procedures, including but not limited to the University of Maryland Code of Student Conduct (V-1.00[B]) “*Code of Student Conduct.*”

### III. Rules for Expressive Activity

- A. Individuals may not block or otherwise interfere with the free flow of pedestrian or vehicular traffic or other transportation modes including but not limited to public transit, bicycle, moped, golf cart, scooter, skateboard, rollerblades, etc. The right of way on streets and sidewalks must be maintained.
- B. Individuals may not block or otherwise interfere with ingress and egress into and out of or within campus buildings.
- C. Individuals shall not obstruct, disrupt, interrupt, or attempt to force the cancellation of any Program hosted by the University or by any users authorized to use University facilities or outdoor spaces.
- D. Individuals shall not engage in unlawfully harassing, physically abusive, threatening or intimidating, or lewd or obscene conduct toward any person.
- E. Individuals shall comply with the directions of any University official acting in the performance of their duty.
- F. Classes or other scheduled activities shall not be disrupted.
- G. Use of public address systems and amplified sound will not be permitted without prior approval from the University, through the relevant space manager. Those approved to use amplified sound are generally only permitted to use it at the following days/times: Fridays (5pm – 10pm), Saturdays (10am – 10pm), and Sundays (12pm – 8pm).
- H. Where an invited speaker is the object of protest, individuals may engage in Expressive Activity outside the building where the speech is taking place. Individuals who wish to enter the building must do so as members of the audience and must give the speaker a respectful hearing. Failure to grant the speaker a respectful hearing may result in the offending individual(s) being asked to leave. Any signs, banners, or similar items carried into the building must be constructed of materials that do not present a safety hazard and may not be attached to rigid materials such as sticks or poles. The use of such items may not deprive others of their rights or otherwise violate these Guidelines. The University reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.
- I. University property must be protected at all times.
- J. In accordance with Maryland Code Ann., Educ. § 26-102, as amended, individuals on University property may be required to provide identification and evidence of qualification to a University official upon request. Evidence of qualification means evidence that the individual is a bona fide, currently registered student, staff, or faculty member at the institution, or has lawful activity to pursue at the University.
- K. Individuals engaging in activities on University property are subject to and expected to comply with all applicable University policies and procedures, laws, regulations, and ordinances.
- L. Registered Student Organizations who host Expressive Activity will be held responsible for compliance with the Policy. However, this in no way relieves participating individuals of responsibility for their conduct. Each individual participating in Expressive Activity, whether hosted by a Registered Student Organization or not, is accountable for compliance with the provisions of the Policy and all other applicable University policies and procedures, including the Code of Student Conduct.
- M. Violation of the Policy may be grounds for disciplinary action against both individuals and/or the sponsoring or participating Registered Student Organizations and their officers.

## IV. Rules for Scheduled Expressive Activity by External Users

A. All External Users who wish to schedule Expressive Activity are required to comply with the reservation requirements of this Section. They may request outdoor space as set forth below.

1. Scheduled Expressive Activity will be permitted at the following locations:

- a. Designated sidewalk space outside of the southeast entry to Stamp Student Union; and
- b. Designated space in Hornbake Plaza.

2. Any such request must be made to Stamp Event & Guest Services seven (7) calendar days in advance of the activity.

3. Stamp Event & Guest Services will attempt to respond promptly to any reservation request.

4. External User requests will be considered on a first-come, first-served basis after giving priority to Internal Users.

5. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.

6. Reservations are valid only for the date and time authorized by the University.

7. A copy of a Confirmation Summary for the Speaker Registration Form must be made available for inspection upon request by University officials.

## V. Rules for Scheduled Expressive Activity by Registered University Students

A. Individuals or groups of registered University students are subject to the provisions below.

1. Scheduled Expressive Activity will be permitted at the following locations:

- a. McKeldin Mall;
- b. Hornbake Plaza;
- c. Stamp Student Union (South East Plaza); and
- d. Nyumburu Amphitheater.

2. Any reservation request must be made to Stamp Event & Guest Services no less than seven (7) calendar days in advance of the activity.

3. Reservation requests are approved based on the stated expected use of the space without regard to the content or viewpoint of the Expressive Activity.

4. In the event a reservation request is denied, an appeal may be made to the Vice President for Student Affairs who shall respond promptly to any such appeal.

5. Scheduled Expressive Activity may be held at other locations on campus with the approval of the Vice President for Student Affairs on a first-come, first-served basis after an assessment that such activity will not interfere with scheduled University use or fail to comply with the Policy.

## VI. Rules for Unscheduled Expressive Activity by University Students, Staff, or Faculty

A. Expressive Activity by ten (10) or fewer University students, faculty, or staff may occur at any outdoor area without advance reservation.



B. Occasionally, events may occur that result in a sudden and immediate desire for Expressive Activity, and it is not the intent of the Policy to limit University students, staff, or faculty members' ability to hold such Expressive Activity events.

1. University students, staff, and faculty who want to hold unscheduled, (i.e., without a prior reservation made in accordance with Section V) spontaneous Expressive Activities must contact Stamp Event & Guest Services as soon as possible to request a reservation for the use of space. Such events are limited to one of the areas defined in Section V.A.1 of these Guidelines. Stamp Event & Guest Services shall work with the individual(s) requesting to hold such event and shall determine whether such event can be held without requiring an advance reservation in accordance with Section VI, taking into account factors such as the anticipated size and scope of such event, security and facility requirements, and the availability of University personnel. The University retains authority to determine, in its sole discretion, whether to allow such unscheduled spontaneous events, or to require the individual(s) to make a reservation pursuant to Section V. Such events may not interfere with any functions for which that space has been reserved in advance. In addition, all other rules regarding Expressive Activities shall apply.
2. University students, staff, and faculty may not circumvent the usual reservation requirements by claiming to be spontaneous.
3. In deciding whether Expressive Activity is spontaneous or planned, the University may consider any relevant evidence, including:
  - a. Whether signs or placards used at the activity were commercially produced;
  - b. Whether participants used amplification equipment;
  - c. Whether security was alerted, or media contacted, substantially in advance of the activity; or
  - d. Whether other circumstances demonstrate advance planning.

## VII. Additional Rules for Leafleting and Chalking

A. Individuals may engage in Leafleting in accordance with the Policy and subject to the following:

1. Individuals may set up their own tables for Leafleting and are responsible for disassembly of the tables and general clean-up.
2. Leafleting does not include littering. All individuals are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. Leaving materials unattended on a surface to be picked up is considered littering.
3. Internal Users may engage in Leafleting without registration or advance approval in any University outdoor space, the use of which is not otherwise restricted or reserved.
4. External Users may engage in Leafleting in designated areas for Expressive Activity, in accordance with Section IV.

B. Internal Users may use chalk to create messages on approved surfaces subject to the following:

1. Chalking will be permitted only at the following locations:
  - a. Designated sidewalk space outside of the southeast entry to the Adele H. Stamp Student Union; and
  - b. Hornbake Plaza.
2. Chalking in the areas designed in Section VII.B.1 will be subject to regular maintenance and cleaning by University staff.
3. In the event that an approved student group has reserved Hornbake Plaza for an event, the university will remove chalking and temporary signage at the designated area prior to the event or demonstration.
4. Messages may be written only on flat horizontal surfaces of sidewalks.

5. No messages may be written on vertical surfaces, including but not limited to walls, buildings, pillars, posts, benches, fencing, doors, trash receptacles, or kiosks.
6. Messages must be written in chalk that is water-soluble. Approved chalk includes commercially sold "sidewalk chalk" but does not include spray chalk or artist pastels.
7. Anyone who chalks in violation of these rules may be held responsible for costs incurred by the University for removal.

#### VIII. Additional Rules for the Posting of Written Materials on Campus

- A. Posting is not permitted on campus other than what is permitted in this policy.
- B. Enrolled students, representatives of registered student groups, faculty, staff, and University departments may post non-commercial materials related to campus events and activities in compliance with the general guidelines identified in this policy and with specific guidelines adopted for individual University facilities and buildings.
- C. Materials including, but not limited to, posters, signs, and flyers may be posted on approved locations and via approved methods only. Approved locations are those areas defined below in this Policy and as permitted in individual University facilities and buildings.
- D. Posting of materials is prohibited on certain surfaces and in certain locations, including, but not limited to: interior and exterior walls; doors; elevators; in restrooms; glass surfaces; sidewalks; pillars; trees; utility poles; fences; stairs; trash and recycling receptacles; lampposts; bluelight phones; university vehicles; traffic signs; the McKeldin Mall sundial; fountains; Testudo statues; and/or art installations. The University and individual University facilities and buildings may identify additional surfaces and locations on which the posting of materials is prohibited.
- E. Affixing stickers or any materials designed to be permanent or semi-permanent on any surfaces within the University's purview is prohibited.
- F. Painting of any surfaces is prohibited unless explicitly approved by the relevant campus departments and facilities staff, and only if associated with an approved University activity or event. Also see Section IV in this Appendix A regarding the University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces (VI-4.10[A]) related to the use of chalk in designated areas.
- G. For all posting and/or advertising materials, to allow for transparency of ownership, posts must include the name(s) of the sponsoring group, date and time of the event, location, and title of the event/program, and contact information for the sponsoring department or group. Posting and/or advertising materials that do not include this information will be removed.
- H. Outside organizations, individuals and entities not affiliated with the University may only post materials in the public use bulletin boards located at the Stamp Student Union and other approved bulletin boards in specified university buildings.
- I. The University reserves the right to enter into agreements with other agencies and entities. Such approved agreements may include the ability to advertise or post informational signs per the specific terms of such agreement.
- J. The sale or promotions of commercial goods and services is prohibited unless specifically authorized by the relevant space manager as identified elsewhere in this policy.
- K. Postings may be made on public area bulletin boards pursuant to the requirements in this Policy. Due to limited space, postings are limited to no more than two announcements at any one time per public area bulletin board. Posting size should be no larger than 14x22 inches.
- L. Postings must be attached to public area bulletin boards using non-damaging materials only. Use of tape, nails, staples, metal fasteners, or other forms of adhesives is prohibited.
- M. Public bulletin boards are typically cleared on the first Monday of every month. Bulletin boards may be cleared more frequently, as needed, at the discretion of the location's building manager or departmental designee.
- N. The use of lawn signs is limited. Lawn signs must identify the sponsoring department or student organization and must be removed promptly after each event by the sponsoring organization. The University and its agents reserve the right to remove lawn signs or similar materials in

situations that present obstructions to egress and ingress or prevent grounds crews from maintaining the campus' facilities. Lawn signs located adjacent to the University's residence halls are prohibited unless approved, in advance, by the Department of Resident Life.

- O. The University and its agents reserve the right to bill individuals, departments, and/or sponsoring groups/organizations for the costs of removal of materials posted in violation of this policy and of the repair of any associated damages.
- P. Individuals found to be in violation of this policy and associated guidelines may be held responsible financially and/or via administrative and disciplinary action per the University's *Code of Student Conduct* and/or relevant University Human Resources employee policies and procedures.
- Q. The University reserves the right to immediately remove any signs, posting, or other materials that do not comply with this policy, including materials that advertise events that have occurred in the past.
- R. In addition to this policy, specific units, offices, departments, schools, and colleges, in support of their operations, may have related guidance that they apply in their facilities. Please refer to specific units and/or building managers for details related to posting in and adjacent to specific locations.

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## Attachment A

### List of Facilities and Outdoor Spaces Available for Direct Reservation by External Users

Adele H. Stamp Student Union

Clarice Smith Performing Arts Center facilities

Intercollegiate Athletics facilities and spaces (e.g., Xfinity Center, Maryland Stadium)

Memorial Chapel

Samuel Riggs IV Alumni Center facilities

School of Music facilities

School of Theatre, Dance, & Performance Studies facilities

University Recreation and Wellness facilities (Eppley Recreation Center, Ritchie Coliseum, Armory, Golf Course Clubhouse)