

# Freedom of Speech (Expressive Activities)

<p><b>Approved by:</b> Northeastern State University Executive Cabinet <b>Responsible Official:</b> General Counsel <a href="mailto:bclifton@nsuok.edu">bclifton@nsuok.edu</a></p> <p><b>History:</b> Revised – December 6, 2011</p>	<p><b>Related Policies:</b> <b>Additional References:</b> <a href="#">RUSO Policy Manual</a> Ethics Rule 257:10-1-3 RUSO Policy Manual 4.3.3 RUSO Policy Manual 4.2</p> <p><b>Forms:</b> Expressive Activity Request Form</p>
--	---

## POLICY

### GENERAL EXPRESSIVE ACTIVITY INFORMATION<sup>1</sup>

Northeastern State University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. Northeastern State University encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution. Northeastern State University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

As a public institution of higher learning, Northeastern State University provides forums for the expression of ideas and opinions. These include:

- A. Traditional public forums include the University's public streets, sidewalks, parks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- B. Designated public forums include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- C. Limited public forums have limited open access for public expression, or they may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of the Vice President for Student Affairs.
- D. Non public forums are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication.

---

<sup>1</sup> NSU Policies on Expressive Activities does not supersede or replace Faculty Handbook policies on Academic Freedom and freedom of expression in classrooms and other teaching venues.

# Freedom of Speech (Expressive Activities)

These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, and research and computer laboratories.

Additionally, there are areas such as residences, utility buildings, research labs, etc. that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available. Overnight camping is strictly prohibited unless formally approved by the University Expressive Activity Committee. Information about existing requirements, restrictions, or security concerns will be discussed at the time the reservation request is processed.

Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

Ideas or expressions put forth in expressive activities are not necessarily the views of Northeastern State University, its officers, administrators, or leaders, unless otherwise noted.

## RESERVABLE FREE SPEECH AREAS

Gazebo, Second Century Square, Centennial Plaza, Beta Field, Broken Arrow Courtyard, Broken Arrow Entryway Fountain, Broken Arrow Gazebo, and Muskogee Administration Building Front Lawn are reservable free speech areas and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the Advance Reservation Requirements section. Each area available for reservation is described below.

*Gazebo* – space between Seminary Hall and the Library. No sound equipment is permitted in this area.

*Second Century Square* – space between the University Center and Business & Technology Building. Sound equipment is allowed and is available for use in this area. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

*Centennial Plaza* – space south of Seminary Hall around Sequoyah statue. No sound equipment is permitted in this area.

*Beta Field* – space south west of Seminary Hall. Sound equipment is allowed and is available for use in this area. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

*Broken Arrow Courtyard* – space in the center of academic buildings, Library, and Administration building. No sound equipment is permitted in this area.

# Freedom of Speech (Expressive Activities)

*Broken Arrow Entryway Fountain* – space between the entry circle drive and Administration building. Sound equipment is allowed and is available for use in this area. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

*Broken Arrow Gazebo* – space and structure northwest of the academic buildings. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

*Muskogee Administration Building Front Lawn* – open lawn space in front of the Muskogee Administration building. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

## **ADVANCE RESERVATION REQUIREMENTS**

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Expressive Activity Request Form) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near sidewalk and road intersections, and/or in close proximity to academic buildings, anytime classes, and/or study activities, and/or research are taking place.

## **RESERVATION PROCEDURES**

Individuals or groups who are either required to make advance reservation (see the Advance Reservation Requirements section) or those individuals or groups who otherwise wish to make advance reservations shall submit an Expressive Activity Request Form to Student Affairs Administrative office for review by the University Expressive Activities Committee. Once approved, request use of the space will be coordinated through the Scheduling Office located in the University Center (Tahlequah), Administration Building (Broken Arrow), or the Administration Building (Muskogee). If advance reservation is required, (see the Advance Reservation Requirements section) requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from a building/space proctor, University Police Department and the Division of Student Affairs. Usually use of the space will be assigned to the person or organization that requests the area first. The person or organization requesting space shall be legally able to execute an agreement. University sponsored events have first priority on the use of campus facilities. University Police may determine level of security needed to ensure the safety and well-being of participants. Costs associated with required security may be at the expense of the event coordinator. The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.

The decision to confirm a request for space will be based on proper and timely completion of the Expressive Activity Request Form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be

# Freedom of Speech (Expressive Activities)

provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

At the time of the request the following information will be required:

1. Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event
2. Location, date and time requested for the event
3. General purpose of the event
4. List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in)
5. Copies of any literature to be distributed
6. Special equipment requested
7. Anticipated attendance

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event

## GUIDELINES FOR EXPRESSION

- A. Disruptive Activity—Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited. (RUSO Policy Manual 4.3.3 f)
- B. Reasonable Access—It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
- C. Picketing—Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
- D. Literature may be distributed in traditional and designated free speech areas. (Distribution of commercial literature requires separate approval through Student Affairs.) Such activities should not become disruptive nor should they impede access.
- E. Symbolic Protest—Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention.
- F. Noise—Making sustained or repeated noise in a manner that substantially interferes with a speaker's ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
- G. Force or Violence—Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
- H. Presenting Identification—In accordance with Oklahoma State Law it is unlawful for any person on any property either owned or controlled by the university to refuse to identify him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or valid governmental issued ID card. (RUSO Policy Manual 4.3.3 g)
- I. Damage to Property—Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and

## Freedom of Speech (Expressive Activities)

personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees. (RUSO Policy Manual 4.3.3 f). Any damages found will be reported immediately to University Risk Management office or University Police Department. Costs arising from the repair of damages will be reported to the user and/or their insurance carrier for collection purposes.

- J. Other University Rules—All applicable University policies should be followed whenever engaging in activities on campus. Consult the University Student Conduct Code for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, Northeastern State University student rules and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

### STUDENT NEWSPAPER POLICY

- A. The Northeastern is the university-sponsored student newspaper designated as a forum for student expression and should publish news of interest and importance to the Northeastern State University campus and community. (RUSO Policy Manual 4.2 a)
- B. Student writers should determine the content of The Northeastern. Therefore, editorial authority for the student newspapers and a process of review of challenges to editorial decisions shall be defined by the Manual of Policies and Procedures of The Northeastern. The Manual of Policies and Procedures of The Northeastern shall define the eligibility, methods of selection as well as dismissal, duties, responsibilities and authority of all persons who exercise editorial authority. The standards for advertising shall also be defined and in alignment with University Advertising Policy. (RUSO Policy Manual 4.2 b)
- C. The Northeastern newspaper shall not include any material that is legally libelous, obscene or that will cause a material and substantial disruption of university activities. (RUSO Policy Manual 4.2 c)
- D. The Northeastern newspaper shall display in a prominent position on its editorial page a disclaimer statement that the opinions and comments therein do not necessarily reflect the policies, views or beliefs of Northeastern State University, its officers, administrators, leaders, the Regional University System of Oklahoma, unless otherwise noted. (RUSO Policy Manual 4.2 d)
- E. The Northeastern newspaper is not an official medium or expression of the RUSO Board or Northeastern State University. (RUSO Policy Manual 4.2 d)
- F. This policy does not apply to official RUSO Board or university publications or other mediums of expression. (RUSO Policy Manual 4.2 e)

### POLITICAL CAMPAIGNING

- A. Political campaigning for local, state, and federal government should follow all previous sections of the NSU Expressive Activities policy.
- B. Display of political campaign signs and posters on campus will be limited to the University Center (Tahlequah), Administration Buildings (Broken Arrow and Muskogee), and residence halls.
  - a. Display of political campaign signs must follow University Posting Policy procedures overseen by Student Affairs.

## Freedom of Speech (Expressive Activities)

- b. Display of student body election campaign signs and posters on campus are defined by Northeastern Student Government Association Election Guidelines and University Posting Policy.
- C. An employee of Northeastern State University who participates in political activities must do so in a manner that (RUSO Policy Manual):
  - a. does not imply, directly or indirectly, that this Board or any of its universities endorse such activities;
  - b. in no way interferes with the rights and privileges of other employees of this Board or university;
  - c. in no way interferes with the rights and privileges of students attending the university;
  - d. in no way interrupts the normal routine operation of the university;
  - e. in no way interferes with the assigned duties of the employee.
  - f. does not utilize university equipment, supplies, paid staff time, or their university resources to influence elections. (See Ethics Rule 257:10-1-3)