



**Southeastern Oklahoma  
State University**

## **Expressive Speech Annual Report**

December 31, 2019

Pursuant to 70 O.S. §2120, Southeastern Oklahoma State University submits the following to demonstrate its course of action for compliance with the requirements of this statute.

## Campus Expression Policy

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### **Southeastern Oklahoma State University**

#### **Free Expression Policy**

This policy applies to all buildings, grounds, and other spaces owned or controlled by Southeastern Oklahoma State University including branch campuses (hereafter: the University, or Southeastern). The term “expressive activity” includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, or student organizations;
- Distributions of literature, such as leafleting; and
- Any other expressive activity protected by the First Amendment of the United States Constitution.

The grounds and facilities of the University are intended for the academic enrichment, enjoyment, leisure, and utility of students and the intent of this policy is to maintain the integrity of the academic environment while protecting the use of campus space as a vibrant “marketplace of ideas” where free expression, speech, demonstrations and other expressive activities may take place.

#### **Outdoor Expression within the Designated Public Forum**

The University distinguishes between expressive activity that takes place within a designated public forum and expressive activity that takes place outside of a designated public forum. Specifically, Oklahoma state law has designated most outdoor space at public institutions of higher education to be a designated public forum with fewer restrictions on expressive activity than other areas of the campus which serve a different functional role. The outdoor areas of campus which are categorized as a designated public forum include all generally accessible outdoor spaces where members of the campus community are commonly allowed, including grassy areas, walkways, and common spaces. The public forum does *not include* the outdoor space in the immediate vicinity of University residential facilities which are reserved for the

undisturbed leisure, recreation, and enjoyment of resident students. These areas are reserved for these students and their invited guests.

### **Use of the Designated Public Forum by the Campus Community**

The campus community is defined as students, administrators, faculty, and staff at Southeastern, and their invited guests. Within the designated public forum, expressive activity is broadly protected for members of the campus community and allows for members of the campus community to engage in spontaneous and contemporaneous assembly and expressive activity, including the distribution of noncommercial literature. Any member of the campus community who wishes to engage in noncommercial expressive activity within the designated public forum area shall be permitted to do so spontaneously and freely as long as the person's conduct is not unlawful and does not materially or substantially disrupt the functioning of the University.

### **Use of the Designated Public Forum by Other Persons**

Members of the public, i.e. not students, faculty, employees, administrators or their invited guests, then the engagement in expressive activity must be after proper University notification in accordance with this policy, and may not be spontaneous. After such notification has been made per the procedure outlined below in the section entitled "Reservations by Members of the Public," members of the public may pursue their noncommercial expressive activity within the University's public forum in accordance with this policy, and such expressive activity may not be unlawful and must not materially or substantially disrupt the functioning of the University.

### **Restrictions within the Public Forum**

Within its designated public forum areas, Southeastern may maintain and enforce reasonable time, place, and manner restrictions that are narrowly tailored in service of significant institutional interests. The criteria for these potential restrictions must be content/viewpoint-neutral and provide ample alternative means of expression, and these criteria are provided below. The University does not maintain or designate specific locations for outdoor expressive activity and does not have designated "free speech zones."

The University prohibits material and substantial disruption of the protected speech of others. Material and substantial disruption includes behaviors or actions that constitute intentional or knowing hindrance of another person's or group's expressive activity or the prevention of the communication of their message. The University additionally prohibits the intentional or knowing hindrance of the transaction of the business of a lawful meeting, gathering, or procession in any location on campus. Students or employees who engage in such prohibited conduct may be referred to the Student Conduct Officer for general misconduct or their supervisor for appropriate disciplinary action as an employee. Members of the public who violate these prohibitions may have their access to the public forum or other locations on campus suspended or revoked.

## **Criteria for Time, Place and Manner Restrictions**

The University considers the criteria below including but not limited to in implementing any reasonable time, place, and manner restrictions on expressive activity:

1. Non-disruption of the University's educational mission, including scheduled classes, campus events, maintenance of quiet space for students to study and employees and faculty to work, and members of the campus community to engage in peaceable leisure activities, and other normal and essential operations. Other factors to be included are:
  - The auditory decibel volume of the expressive activity.
  - The size of any gathering associated with the expressive activity.
  - Obstruction of public access to sidewalks, streets, buildings, or other common areas.
2. The extent of which the expressive activity consumes the limited University resources, including human capital resources such as but not limited to campus police, custodial, maintenance, and other persons - and the extent to which these resources are redirected from other activities.
3. The preservation of safety.
4. The public forum does *not include* the outdoor space in the immediate vicinity of University residential facilities which are reserved for the undisturbed leisure, recreation, and enjoyment of resident students. These areas are reserved for these students and their invited guests.

## **Time, Place and Manner Restrictions**

The University adopts, the following time, place, and manner restrictions for expressive activity on University property, but may adopt additional restrictions as it deems necessary:

- Outdoor expressive activities conducted by members of the public (i.e. not Southeastern students, faculty, staff, campus organizations or invited guests) must register with the Office for Student Life at least 48 hours in advance of such activities. If the expressive activity is reasonably expected to attract large crowds (50 or more) then 72 hours of advance notice is required. Outdoor expressive activities conducted by individuals of Campus Community may engage in such activity in a spontaneous and contemporaneous manner, including for the distribution of literature.
- Use of the public forum space for expressive activity may only occur between the hours of 8:00 a.m. to 5:00 p.m. on days when the University is open.
- Expressive activity in the public forum must be held at least 20 feet away from buildings that normally hold classes or otherwise have University business happening in them.

- When an unscheduled event conflicts with a scheduled event for the same time and space, the unscheduled event shall be allowed to continue in its existing location until it can be relocated to allow for the prior scheduled event or preparations for it. When relocation is necessary or desired by those engaging in the unscheduled event, upon request, the appropriate University official will assist in relocating it to a space where the unscheduled event can continue or in scheduling it for a different time.
- Sound amplification equipment creating a volume that is disruptive is prohibited.
- Signs or banners will be carried or personally attended at all times by at least one participant. Unattended displays may not be used.
- Non-commercial pamphlets, handbills, circulars, newspapers, leaflets, magazines, fliers, and other written materials may be distributed on a person-to-person basis in open areas outside of buildings if done in a way to avoid substantial littering on the campus.
- Any other restrictions that are made in accordance with the above listed criteria.

### **Reservations for indoor Campus Meeting Space for Expressive Activity by members of the Campus Community**

If Southeastern students, student organizations, or University faculty or staff or invited guests desire to reserve campus facilities, they shall submit their requests via the Facilities Request Form maintained on the Student Life webpage to the person designated to field such requests<sup>1</sup>. Such reservations may not be made in an individual capacity, but must represent an academic department, registered or recognized student organization, employee or faculty organization, or a University office or division. At least one week advance notice (on a regular business day, M-F, as defined by the calendar), should be given, and much earlier advance notice is encouraged to ensure availability of preferred spaces. Additionally more than one week of notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus or if the requested location is already scheduled for use by another party. We recommend reserving space on campus at least three months in advance. For a club sponsored student activity the request should be submitted by a club officer. Determinations on reserving campus meeting space are made based on availability and membership in the Campus Community, and such determinations are content/viewpoint neutral.

Students, student organizations, and University employees who represent appropriate University organizations or offices may request to reserve campus facilities on a first-come, first-served basis. The content/viewpoint neutral rationales for denying a request include but are not limited to:

- The venue is already reserved for another event;
- The activity will attract a crowd larger than the venue can safely contain;
- The activity will substantially disrupt another event being held at a neighboring venue;

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<sup>1</sup> For some facility requests, alternate channels are used – including the Facility Request Form for Academic Affairs, the Facility Request Form in the Department of Art, Theatre, and Communication, and the Facility Request form for Hallie McKinney Hall. This is because the University has a decentralized approach to reservations for space.

- The activity will substantially disrupt University operations (including classes);
- The activity is a clear and present threat to public safety, according to the University police department;
- The activity is unlawful.

During an activity, the student organization, or University employees requesting the reservation are responsible for preserving and maintaining the facility or space it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall be held responsible for any and all damage and the costs to repair the damage.

### **Reservations by Members of the Public**

Members of the public who wish to pursue expressive activity in the outdoor space that has been designated as a public form must contact the Office for Student Life at (580) 745-2266. Outdoor expressive activities conducted by members of the public must register with the Office for Student life at least 48 hours in advance of such activities. If the expressive activity is reasonably expected to attract large crowds (50 or more) then 72 hours of advance notice is required.

For reservations of designated indoor facilities that the University permits the public to rent, please contact Special Events at (580) 445-3210.

## **Professional Development for Students and Employees**

Southeastern Oklahoma State University communicates policy and expectations to students and employees through educational programming provided to the faculty, staff, and students, as well as publication of policies in their respective handbooks and on the university's website. The university may also choose to communicate new policy and/or updates through electronic communication. Professional development materials include a summary sheet of general education points and an information postcard for the campus community and the public.

### **Copy of Professional Development Training Information Sheet**

The following professional development information (please see image below) was provided to the campus community via meetings with faculty, staff, and students. The information is also located in the *Office for Student Affairs, Room 312, in the Glen D. Johnson Student Union*.

## **Southeastern Oklahoma State University Professional Development First Amendment, Expressive Speech, and 70 O.S. §2120**

### **Part 1: State Law**

- Passed in the 2019 Oklahoma Legislature, signed by the Governor, effective August 30, 2019. Available [online](#).

- In brief, the law requires that, on Oklahoma public colleges and universities campuses, the campus community and the public may use **unrestricted accessible outdoor space** for **non-commercial expressive activities** because this space is now designated by this statute a traditional public forum. As such, this space can be used unless it **materially and substantially disrupts** the functioning of the University subject to non-discriminatory **time, place, and manner restrictions**.
- This law is consistent with historical federal guidance regarding 1<sup>st</sup> Amendment protected events on this issue, but also requires:
  - New University policy
  - New training for faculty, staff, and students
  - Annual report to the Governor and Legislature
    - Posted on university webpage ([www.se.edu/freeexpression](http://www.se.edu/freeexpression))
  - Notification of lawsuits

## Part 2: University Policy

- In accordance with the state law, Southeastern Oklahoma State University has developed a policy which addresses the bolded key terms above. The policy is available on the university webpage ([www.se.edu/freeexpression](http://www.se.edu/freeexpression)).
- Take time to review the time, place, and manner restrictions.

## Part 3: Expectations

- Guide outdoor visitors to the correct resources on the [www.se.edu/freeexpression](http://www.se.edu/freeexpression).
- Greet outdoor expressive speech visitors with a **Campus Free Expression Distribution Card** and introducing yourself. This card can be found and printed from the following link [www.se.edu/freeexpression](http://www.se.edu/freeexpression).

## Part 4: Additional Helpful Information

- The University designates the following indoor facilities as *unavailable* for Expressive Activity: administrative offices, laboratories, Glen D. Johnson Student Union and (during instructional hours) classrooms.
- The public and Southeastern Oklahoma State University employees may reserve outdoor space by contacting the Director of Student Life at (580) 745-2947 or by visiting the following link <https://www.se.edu/student-life>.
- Southeastern Oklahoma State University students may reserve both indoor and outdoor space by completing the [Student Organization Room Reservation Form](#) through the Office of Student Life.
- The campus community and the public may use generally accessible outdoor areas for non-commercial expressive activities on a first come, first served basis *without giving prior notice* if the activity does not materially and substantially disrupt the function of the University, as defined by state law.
- Time, place and manner restrictions are in effect. Please read the [policy](#) in its entirety. Examples include:
  - No items may be attached in any manner to trees, bushes, benches, light poles, buildings, vehicles, or permanent signs.
  - Non-commercial pamphlets, handbills, fliers, and other written materials may be distributed on a person-to-person basis in open areas outside of building if done in a way to avoid substantial littering on the campus.

## Copy of Visitor Information Card

Front



### Freedom of Expression

*You are walking to class and come across an individual or group expressing a views on a topic that doesn't necessarily agree with your own...*

#### As a student, what do I need to know?

- I have the right to:
  - 1) Listen
  - 2) Walk away
  - 3) Engage in a lawful way that does NOT limit or prevent the individual or groups expressive activity
- I DO NOT have the right to:
  - 1) Prevent the individual/group from expressing their views
  - 2) Engage in a hecklers veto, otherwise known as silencing the individual/groups expressive activity

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### *The fine print...*

- As a public institution of Higher Education, Southeastern enjoys the ability to welcome noncommercial expressive activities, from both the campus community and members of the public, as long as the said activity is not unlawful and does not materially or substantially disrupt the functions of the University.
- Southeastern does not have “free speech zones”, all outdoor areas are open for use as public forums, as long as the said area is not reserved by another member of the campus community for an event or activity.
- Members of the campus community shall not engage in conduct that intentionally, materially and substantially disrupts another person's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.



## Barriers or Disruptions of Free Expression

Southeastern Oklahoma State University experienced no barriers or disruptions of free speech during the calendar year ending December 31, 2019.

This report can be found at [www.se.edu/freeexpression](http://www.se.edu/freeexpression)