

OAKLAND UNIVERSITY

ADMINISTRATIVE POLICIES AND PROCEDURES

415 FREEDOM OF EXPRESSION AND ASSEMBLY

SUBJECT:	FREEDOM OF EXPRESSION AND ASSEMBLY
NUMBER:	415
AUTHORIZING BODY:	PRESIDENT'S CABINET
RESPONSIBLE OFFICE:	DEAN OF STUDENTS
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RATIONALE:

The purpose of this policy is to provide information about the appropriate time, place, and manner for individuals and groups to speak, assemble, and engage in expression protected by the First Amendment on Oakland University (University) property

DEFINITIONS:

- **Designated Forums:** The centrally-located, high traffic areas of the University's campus depicted on the Map of Designated Forums, as may be revised from time to time.
- **Expressive Activity:** Communicative conduct or activity protected by the First Amendment, such as public speeches, demonstrations, marches, protests, picketing, and the distribution of literature. Expressive Activity does not include ordinary, day-to-day conversations among members of the University Community or commercial speech or activity.
- **Non-University Affiliated Speakers:** Any individual or group who is not a member of the University Community, as defined herein.

- **Spontaneous Expressive Activity:** Expressive Activity that is (1) prompted by news or affairs coming into public knowledge within seventy-two (72) hours prior to such activity; and (2) not planned more than twenty-four (24) hours prior to such activity.
- **University Community:** (1) Persons enrolled at or employed by the University, including students, faculty, staff, administrators, and employees; (2) University colleges, schools, departments, units, registered University student organizations, and recognized cooperative organizations; and (3) invited guests of any parties listed in (1) and (2), provided such guests are in the company of the inviting party. In the case of invited guests, the inviting party remains responsible to the University under this policy and other applicable University policies for the guest's conduct.

POLICY:

The University supports the First Amendment right to freedom of speech and expression and the right to assemble peaceably. Such opportunities must be provided on an equal basis and adhere to the basic principle that the University must be neutral to the viewpoint and content of expression. To support First Amendment rights, while at the same time fulfilling its educational mission, the University may regulate the time, place, and manner of expression as outlined in this policy. These regulations are intended to facilitate expression protected by the First Amendment, while avoiding disruption of the University, protecting and preserving University property, and providing a safe and secure environment for everyone on the University's campus.

SCOPE AND APPLICABILITY:

This policy:

- Designates the outdoor, publicly accessible areas of campus as limited public forums for Expressive Activity by the University Community;
- Designates several centrally-located, high traffic areas of campus as Designated Forums for Expressive Activity by the University Community and Non-University Affiliated Speakers;
- Facilitates Spontaneous Expressive Activity by members of the University Community in response to current events;
- Establishes content-neutral time, place, and manner requirements applicable to Expressive Activity on campus; and
- Establishes additional provisions with respect to Expressive Activity, including requirements related to distribution of written materials.

This policy does not:

- Restrict Expressive Activity by members of the University Community to Designated Forums;
- Permit the University to regulate the content or viewpoint of Expressive Activity in violation of the protections afforded by the First Amendment;
- Permit Expressive Activity by Non-University Affiliated Speakers, except as set forth in the section applicable to Non-University Affiliated Speakers below; or
- Govern classrooms, administrative offices, buildings, auditoriums, athletic venues, and other University facilities that are not open to the general public.

Expressive Activity at the Oakland Center is subject to additional Oakland Center Procedures as outlined herein. This policy does not apply to commercial speech or activity on campus. Any person or organization desiring to sell or advertise merchandise or services on campus should contact Oakland Center Administration at (248) 370-3245.

PROCEDURES:

Section I. Members of the University Community

A. General

Members of the University Community may engage in Expressive Activity in any outdoor, publicly accessible area of campus or at the Oakland Center by reserving the campus location as set forth herein (Section I.B.). In the alternative, members of the University Community may engage in Expressive Activity in the Designated Forums (Section I.C.) or engage in Spontaneous Expressive Activity (Section I.D.) without a reservation. All Expressive Activity must comply with the time, place, and manner restrictions set forth in this policy (Section I.E.) and the additional provisions applicable to Expressive Activity (Section III).

B. Reserving Campus Locations for Expressive Activity

Any member of the University Community who engages in Expressive Activity in an outdoor, publicly accessible area of campus that is not covered in Section I.C. or Section I.D. must submit a request for reservation of that location. A Grounds Reservation Request Form must be submitted to Oakland Center Administration a minimum of forty-eight (48) hours in advance (excluding weekends and holidays) of the start of the planned activity. A request for reservation must include the following information:

- The requested campus location;
- The date and time of the activity;
- A detailed description of the activity;

- The name and contact information of the individual submitting the request, as well as the names and contact details for other individuals responsible for the activity, at least one (1) of whom must be present at all times during the requested event;
- Whether written materials will be distributed and, if so, a description of such materials (a copy of which must be provided upon request);
- The estimated number of participants and the intended size of the audience; and
- An acknowledgment of, and agreement to comply with, this policy governing Expressive Activity on campus.

Reservation requests will be processed on a first come, first serve basis. In the event that multiple requests conflict, the following order of precedence shall govern:

1. Official University-sponsored events and activities;
2. Recognized student organizations' events and activities;
3. All other University Community events and activities; and
4. Non-University Affiliated Speakers.

Upon review, Oakland Center Administration will issue a reservation confirmation for the requested location. The request for reservation may be denied only if: (1) the requested space is unavailable or cannot accommodate the event; (2) the request fails to comply with the time, place, and manner regulations set forth in Section I.E. below; (3) the reservation form is not fully completed; or (4) the University determines that the individual or organization making the request is doing so on behalf of a third party otherwise not permitted to make such request.

In the event of a denial, the reason for the denial shall be provided to the member of the University Community who submitted the request. A denied request may be appealed to the Dean of Students on the grounds that the denial was not in compliance with this policy. The Dean of Students shall respond to the appeal within three (3) business days. The decision of the Dean of Students is final at the institutional level.

Members of the University Community wishing to engage in Expressive Activity at the Oakland Center must reserve space in accordance with Oakland Center Procedures and comply with all other applicable rules and requirements set forth those procedures.

C. Expressive Activity in the Designated Forums

Members of the University Community may use Designated Forums to engage in Expressive Activity between 8:00 am and 11:00 pm, Monday through Friday, provided that such Designated Forum has not already been

reserved for the time in question, including by a Non-University Affiliated Speaker. Although it is not necessary for members of the University Community to request a reservation to use the Designated Forums for the purposes of Expressive Activity, the University encourages all parties to notify Oakland Center Administration for scheduling purposes in order to minimize reservation conflicts and to best accommodate all interested users. Expressive Activity within a Designated Forum must comply with the time, place, and manner regulations set forth in Section I.E. below.

D. Spontaneous Expressive Activity

Members of the University Community may engage in Spontaneous Expressive Activity without a reservation, provided that the Spontaneous Expressive Activity:

- Takes place in outdoor, publicly accessible areas of campus;
- Adheres to the time, place, and manner regulations set forth in Section I.E. below; and
- Involves less than ten (10) persons; provided, however, that if the Spontaneous Expressive Activity involves ten (10) or more persons, then it may continue only if immediate notice is provided to Oakland Center Administration during normal business hours. If the Spontaneous Expressive Activity occurs after normal business hours or on weekends, immediate notice must be provided by calling the Oakland University Police Department (OUPD).

E. Time, Place, and Manner Regulations

1. Anyone engaging in Expressive Activity permitted under this policy must abide by the time, place, and manner requirements listed below and must ensure that Expressive Activity is conducted at all times in compliance with such requirements.
2. Expressive Activity must not:
 - Significantly disrupt University activities inside or outside of buildings (including classes).
 - Significantly disrupt previously scheduled campus events, including Expressive Activity of others with prior reservations.
 - Block or obstruct entrances or exits to buildings.
 - Block or obstruct vehicular or pedestrian traffic.
 - Take place less than twenty-five (25) feet from any buildings.
 - Constitute unlawful activity.
 - Represent or create a threat to public safety.
 - Use any amplification devices unless approved by Oakland Center Administration in writing.
 - Include soliciting or accepting donations.

- Include camping or the use of temporary shelters (e.g., tents) as such activities are prohibited on University property.
- Affix items to any permanent structure (e.g., buildings, fences, trees, etc.) or use temporary signage attached to a structure, planted in the ground, or otherwise outside the immediate control of the individual and/or group engaged in the Expressive Activity.
- Involve the temporary or permanent defacement or alteration of University buildings, sidewalks, or other property, including painting, graffiti, or chalking, except as expressly permitted by OU AP&P #486 University Posting Policy.
- Involve the use of open flame devices, bonfires, or the lighting of any material on fire. Small, hand-held candles may be utilized with permission from Oakland Center Administration in writing if reasonable safety concerns are satisfied.
- Violate the Michigan Campaign Finance Act.

Section II. Non-University Affiliated Speakers

Non-University Affiliated Speakers are permitted access to the Designated Forums for the purpose of engaging in Expressive Activity between the hours of 8:00 am and 11:00 pm, Monday through Friday, subject to the following requirements:

- Non-University Affiliated Speakers must submit a reservation request and obtain a reservation in the same manner as members of the University Community as outlined in Section I.B. above.
- Non-University Affiliated Speakers must comply with all requirements set forth in Section I.E. above and Section III below, along with all other applicable University policies and federal, state, and local laws. Repeated or intentional non-compliance with this policy may result in the cancellation of future reservations and/or restrictions on the ability to reserve access to the Designated Forums.

Non-University Affiliated Speakers wishing to engage in Expressive Activity at the Oakland Center must reserve space in accordance with Oakland Center Procedures and comply with all other applicable rules and requirements set forth in those procedures.

Non-University Affiliated Speakers are not permitted access to campus grounds or facilities for the purpose of engaging in Expressive Activity, unless they have obtained a reservation to use a Designated Forum or space at the Oakland Center as outlined in this Section II.

Section III. Additional Provisions Applicable to Expressive Activity

Distribution of Written Material. Non-commercial pamphlets, handbills, circulars, newspapers, magazines, and other written materials may only be distributed on a person-to-person basis within the area that the individual and/or group has been authorized to engage in Expressive Activity under this policy. Parking lots and parking structures are not designated or suitable for Expressive Activity. Windshield flyers are not permitted and must not be left on vehicles in any parking area or structure on the University campus.

Promotion of Event. If a member of the University Community is sponsoring an event and wishes to advertise or promote such event, any promotions materials shall clearly indicate the identity of the sponsoring individual and/or group such that it is clear who is responsible for the event.

Other Applicable Laws, Regulations, and Policies. Expressive Activity covered under this policy must follow all applicable state and federal laws and University policies, rules, and regulations.

Responsibility for Damages. Activity that results in damage or destruction of property owned or operated by the University or property belonging to members of the University Community is prohibited. Persons or organizations causing such damage may be held financially responsible, in addition to possible consequences under other applicable laws and policies, such as the Student Code of Conduct.

Disposal of Materials Associated with Event. Persons or organizations responsible for an Expressive Activity covered under this policy must remove all materials associated with the Expressive Activity, including signs and litter, from the area at the end of the event. The University may charge such individuals and/or groups a reasonable clean up fee if they fail to do so. Any items left behind or unattended may be removed by the University at the conclusion of the event, and the University assumes no responsibility for the safety and care of such materials.

Content-Neutrality. When processing a reservation request or when informed of Spontaneous Expressive Activity conducted in compliance with this policy, University personnel shall not consider the content or viewpoint of the Expressive Activity or the possible reaction to the Expressive Activity other than as permitted by law. University personnel may not impose restrictions on individuals or organizations engaged in Expressive Activity due to the content or viewpoint of the Expressive Activity or the possible reaction to the Expressive Activity other than as permitted by law.

Safety Considerations. The OUPD maintains the ultimate discretion with respect to campus safety. Such discretion, exercised in a content and viewpoint neutral manner, shall permit OUPD to end any Expressive Activity otherwise permitted under this policy if it is determined to be a threat to campus safety.

Subject to any limitations provided by law, OUPD may charge a fee in connection with the Expressive Activity if the University determines that the time, place, and manner of the Expressive Activity and/or the size of the speaker's intended audience makes the presence of security personnel necessary to promote the safety of the speaker and the intended audience.

RELATED POLICIES AND FORMS:

- OU AP&P #486 University Posting Policy
- Grounds Reservation Request Form

APPENDIX:

Map of Designated Forums