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# Campus Expression

## Campus Expression Policy Policy Statement

The University of Central Oklahoma (UCO) is committed to fostering a learning environment where free inquiry and expression are encouraged. The university is a diverse community based on free exchange of ideas and devoted to the use of reason and thought in the resolution of differences. UCO supports the rights of individuals and groups to engage in expressive activities that are content-neutral, narrowly tailored to serve a significant university interest and allow ample alternative channels for communication of the information.

### Definitions

#### CAMPUS COMMUNITY

UCO students, administrators, faculty, staff and their invited guests.

#### EXPRESSIVE ACTIVITIES

Any lawful, verbal, written, audio-visual or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs and circulating petitions.

#### MATERIALLY AND SUBSTANTIALLY DISRUPTS

When a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the communication of the message or prevents the transaction of the business of a lawful meeting, gathering or procession by:

1. Engaging in fighting, violent or other unlawful behavior; or,
2. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing or otherwise participating in an expressive activity.

Conduct that materially disrupts shall not include conduct that is protected under the First Amendment of the U.S. Constitution or Section 22 of Article 2 of the Oklahoma Constitution.

#### OUTDOOR AREAS OF CAMPUS

The generally accessible outside areas of the UCO campus where members of the Central community are commonly allowed, such as grassy areas, walkways or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

#### Regulation of Expressive Activity

Expressive activity on the UCO campus is subject to reasonable time, place and manner regulations described in this policy. Such regulations are intended to allow members of the Central community to spontaneously and contemporaneously assemble, speak and distribute literature without materially and substantially disrupting UCO or the expressive activity of others. A person wishing to engage in noncommercial expressive activity on the UCO campus may do so as long as such person's conduct is not unlawful and does not materially and substantially disrupt the functioning of UCO or 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.

Any person creating or causing a material and substantial disruption on the UCO campus in violation of this policy may be met by UCO actions that are necessary to restore order and encourage rational resolution of the disruption. In addition, any person creating or causing a material and substantial disruption on the UCO campus may be subject to disciplinary action and/or legal action through local, state or federal courts. Individuals who damage or destroy UCO property, including but not limited to campus lawns, shrubs and trees, shall be held responsible for such damage or destruction.

The following categories of speech or expression are currently recognized by the United States Supreme Court as unprotected speech or expression and can be barred or limited.

#### CLEAR AND PRESENT DANGER

Preparing a group for imminent, lawless action, and steeling it to such action, as opposed to the abstract teaching of the moral propriety or event moral necessity for a resort to force and violence; and there must not only be advocacy to action but also reasonable apprehension of imminent danger to the essential functions and purposes of the university. Such imminent lawless action shall include the following:

1. The violent overthrow of the government of the United States, the State of Oklahoma or any political subdivision thereof;

2. The willful damage, destruction, seizure or subversion of the institution's buildings or other property;
3. The forceful disruption of or interfere with the institution's regularly scheduled classes or other educational functions;
4. The physical harm, coercion, intimidation or other invasion of lawful rights of the Board of Regents, institutional officials, faculty members, staff members or students; or,
5. Other campus disorder of violent nature.

#### FIGHTING WORDS

Words which by their very utterance inflict injury or are likely to incite an immediate breach of the peace. Personally abusive words that, when spoken to ordinary persons, are inherently likely to incite immediate physical retaliation.

#### OBSCENITY

Obscene content may include but not be limited to, a description or depiction of sexual conduct that, taken as a whole by the average person, is inconsistent with community standards. At UCO, the community is comprised of the faculty, staff and students, and community standards do not allow:

1. Appeals to the prurient interest;
2. Portrayal of sex in a clearly offensive way; and,
3. Using a reasonable person standard rather than the contemporary community standard, does not have serious literary, artistic, political or scientific value.

#### Time, Place and Manner Restrictions

Expressive activity may be limited or restricted with respect to time, place or manner in accordance with state and federal law. Such limitations will not be applied based on the content of the expression or the purpose of the assembly and may be customized to ensure the protection of public order, to avoid scheduling two events at the same time, to avoid disruption of functions of UCO including its teaching, research, administration, disciplinary proceedings, public-service functions or other authorized university activity. Nothing in the policy shall permit unlawful expression or expression that is not protected by the first amendment.

Examples of time, place and manner restrictions on the UCO campus include:

1. The number of participants permitted to occupy any given space may be restricted in accordance with local ordinances and state law;
2. The safety of individuals, campus property and the continuity of the educational process will be protected;
3. Signs or banners will be carried or personally attended at all times by at least one participant. Unattended displays may not be used;

4. Vehicles and heavy equipment may not be used in outdoor spaces;
5. No items (e.g., signs, equipment, decor, etc.) may be attached in any manner to trees, bushes benches, light poles, buildings, vehicles, public art, or permanent signs or fixtures;
6. No free-standing structure may be constructed for any event not specifically sponsored by the university. Freestanding removable displays are permitted as long as the display occupies a space of less than 200 cubic feet, has a footprint of not more than 100 square feet, weighs less than 300 pounds, is accompanied at all times by an individual responsible for the display, and is removed in its entirety daily. If a group chooses to secure its display to the ground, it must only be affixed using a water ballast system, no stakes or other fixtures or bases are allowed;
7. 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; and,
8. The carrying of torches or open flames, wearing helmets, carrying shields or bats and wearing masks is prohibited, per Oklahoma statute (21 O.S. §1301).

Any person or organization desiring to engage in expressive activity on the UCO campus should provide UCO at least 24 hours advance notice, as defined by the UCO calendar of administrative office days to prevent material and substantial disruption to UCO or other's expressive activity.

All requests to reserve indoor and outdoor campus facilities will be considered on a first-come, first-serve basis. These requests may be denied for the following reasons:

1. The requested venue is open to the public;
2. The venue is already reserved for another event;
3. The activity will attract a crowd larger than the venue can safely contain;
4. The activity will substantially disrupt another event being held at a neighboring venue;
5. The activity will substantially disrupt university operations (including classes);
6. The activity is a clear and present threat to public safety, as determined by the university's police department;
7. The activity will occur during examination periods; or,
8. The activity is unlawful or unprotected.

## Disclaimer

Given the wide diversity of expression that occurs at higher education institutions, the use of any UCO controlled facility, area or medium for any expressive activity shall not constitute or suggest endorsement of the content of such expression, or any proponent thereof, by the Regional University System of

Oklahoma, UCO, its administration, staff, faculty, student body or an individual member of these consistencies. Enforcement and interpretation of the policy shall be the responsibility of the vice president for Student Affairs or designee, the Office of General Counsel and the campus police.

Note: This policy supersedes all prior University of Central Oklahoma policies pertaining to expression on the UCO campus.

## Approvals

Approved: Dec. 17, 2019

By:

Patti Neuhold-Ravikumar, President

SIGNATURE ON FILE IN THE OFFICE OF GENERAL COUNSEL

## Additional Resources

Office of Disability Support Services

Regional University System of Oklahoma

Oklahoma State Regents for Higher Education

Ethics Commission

Office of Management and Enterprise Services



**CONTACT US**  
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