

Policy Concept Form

All policy proposals including new policy concepts, recommendations to revise, or requests to repeal must be submitted via this form to the University Secretary. The Secretary will forward completed concept forms to the President's Policy Advisory Council for consideration pursuant to I.03.01 Policy on University Policies. When submitting a policy concept form, please keep the following university definition of "policy" in mind:

A University Policy ("Policy") is a policy that (1) has broad application or impact throughout the University community, (2) must be implemented to ensure compliance with state or federal law, (3) is necessary to enhance the University's mission, to ensure institutional consistency and operational efficiency, or to mitigate institutional risks; or (4) is otherwise designated by the Board or the President as a University Policy subject to the Policy- Making Process authorized in section 4. A policy establishes rights, requirements or responsibilities. Excluded from this definition are things such as, but not limited to, implementation guides, operating guidelines, internal procedures, and similar management controls and tools.

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Policy Subject Matter (please included existing policy number(s) if available)

Time, Place and Manner Rules Protecting Campus Speech and Protest Activities

Statement of Need and Desired Result (please describe what we accomplish with the proposed action)

UO needs to develop well-understood and clear rules for where and when speech activities may occur on campus, to replace the current collection of largely unpublished ad hoc, unit-level policies and practices. The end result should support and complement the campus' existing polices on free speech and facilities scheduling.

Affected Policy Stakeholders (please list all known impacted stakeholders and the nature of those impacts)

All members of the campus community as well as visitors to campus.

Proposed Action (i.e., new, revision, repeal)

New policy.

Reason for Policy

To reaffirm the University's commitment to the robust exchange of ideas and its support for full and honest debate across the full spectrum of human issues, while simultaneously respecting the safety of speakers and audiences alike as well as the safe operation of the campus. This policy reaffirms and implements the important principles embodied in the University's Policy Statement on Freedom of Inquiry and Free Speech by ensuring that different voices and points of view may be heard and the business of the University can be conducted in safety even in times of protest or controversy. It sets forth the rules for engaging in free speech activities so all constituents might understand how to share and respect the rights of our community members to engage in teaching, learning and scholarship.

This policy does not supersede rights an employee organization, certified as the exclusive representative under the Public Employees Collective Bargaining Act, may have pursuant to its collective bargaining agreement. Neither does this policy ignore the important role of civil disobedience in the history of this nation and this campus; rather, it attempts to clearly define the line where protected conduct ends and civil disobedience begins.

Entities Affected by this Policy

Any individual on University owned or controlled property

Web Site Address for this Policy

[Provided by Office of the University Secretary after policy is posted online]

Responsible Office

For questions about this policy, please contact the Office of General Counsel at 541-346-3082 or gcounsel@uoregon.edu

Enactment & Revision History

[Insert enactment date here]

Policy

- 1. Title.** This Policy shall be known as the Time, Place and Manner for Protection of Speech Policy.
- 2. Purpose.** The purpose of this Policy is to ensure consistency and clarity regarding the rules for engaging in free speech activities on University owned or controlled property.
- 3. Definitions.**
 - 3.1 Non-University Speaker Areas.** Those areas specially designated for Speech Activities by Non-University Entities:

- 3.1.1 The Amphitheater at the Erb Memorial Union;
- 3.1.2 The intersection of University Street and 13th Avenue;
- 3.1.3 Memorial Quadrangle;
- 3.1.4 Humpy Lumpy (the grassy area at the northeast corner of Agate Street and E. 15th Avenue); and
- 3.1.5 Any other space as is made available through reservation with Scheduling and Event Services.

3.2 Literature. Posters, flyers, handbills or leaflets of any size.

3.3 Person. Any member of the public or the University community.

3.4 Non-University Entity. An individual or organization that is not a University Entity.

3.5 Speech Activities. Expressive activities that communicate a message such as leaf-letting, picketing, speech-making, demonstration, petition circulation, and similar speech-related activities.

3.6 University. The University of Oregon.

3.7 University Entity. Groups or entities involving members or units of the University community, including colleges, schools, departments, and other University organizational units, labor organizations representing University employees, recognized faculty groups, recognized student groups, academic student groups, and self-defined groups of three or more members of the faculty, staff or officers of administration, when scheduling any facility.

3.8 University Property. All facilities owned or leased by the University or the University of Oregon Foundation, wherever situated.

4. Use of University Campus for Speech Activities. In general, University grounds are available to University Entities for Speech Activities, subject at all times to guidelines, as authorized below, applied on a viewpoint neutral basis, to protect safety, property and University operations. Non-University Entities are generally restricted to uses of designated Non-University Speaker Areas for their Speech Activities, but may also reserve space for Speech Activities pursuant to the Facilities Scheduling Policy to the extent such spaces are not already reserved for use by University Entities. The interior spaces of University buildings are, generally, exclusively reserved for University business activities and therefore are not open for Speech Activities unless properly reserved in advance through the Facilities Scheduling Policy. Classrooms, auditoriums and other suitable space are available for scheduling programs involving Speech Activities, while other interior spaces (including hallways, lobbies, waiting areas, and stairwells) are not available for such activities unless specifically designated for such use. Posting signs and fliers within University interior space is allowed only in those areas designated by the department, division or unit that controls that interior space.

- 5. Reservation of University Space for Speech Activities.** Many campus spaces suitable for Speech Activities are available for advance reservation through Scheduling and Event Services in the Erb Memorial Union, per the Facilities Scheduling Policy. See <http://scheduling.uoregon.edu/>. Persons wishing to reserve campus space are encouraged to schedule space through that office. Speech activities in residence halls and University-owned dining halls may be regulated by the Director of University Housing. Any such regulations shall be viewpoint neutral.
- 6. Access, Traffic, and University Business Not to Be Impeded.**

 - 6.1** No Speech Activities shall impede ingress or egress to buildings or disrupt pedestrian and vehicular traffic.
 - 6.2** No Speech Activities shall unreasonably disrupt regular or authorized activities in classrooms, meeting or event venues, offices, lobbies, waiting areas, laboratories, housing and dining buildings and other University facilities or grounds.
 - 6.3** No Speech Activities shall be conducted at a volume that unreasonably disrupts the normal use of classrooms, offices, meeting or event venues, and laboratories during any time when those facilities are being used for University business. Between the hours of 8:00 a.m. and 5:00 p.m., amplified sound will not be allowed in outdoor spaces except in athletics performance and training facilities and the Erb Memorial Union Amphitheater, unless otherwise approved by Scheduling and Events Services. Amplified sound in the Amphitheater may be prohibited by Scheduling and Event Services if it interferes with scheduled classroom activities.
 - 6.4** While the streets and sidewalks of the campus are generally open to Speech Activities by University Entities, the Vice President for Finance and Administration may designate portions of a street and the time of day during which a street is not available for speech activities by any Person or group, in order to meet traffic, emergency access, and public transit needs. Any such restriction shall be content-neutral and viewpoint-neutral.
- 7. Notification.**

 - 7.1** In order to allow scheduling and to assure public safety, Persons desiring to picket or demonstrate are encouraged to notify the appropriate University official at least 24 hours in advance.
 - 7.2** The officials to be notified are:

 - 7.2.1 Deputy Athletic Director or designee for all athletics facilities
 - 7.2.2 Director, University Scheduling and Event Services for all other spaces.
 - 7.3** In all instances, the University will endeavor to give priority for the use of space to any Person who has reserved that space through the University's Facilities Scheduling Policy.
- 8. Use of Tables, Carts, Booths, and Similar Structures.**

- 8.1** Tables, carts, booths or similar structures may be set out and used on campus only as provided in this rule.
- 8.2** The use of a table, cart, booth or similar structure is permitted in the Erb Memorial Union Amphitheater area so long as the use does not disrupt University access, traffic or business. The University may require users of a table, cart, booth or similar structure who do not have a reservation for the use of the space in question to move if necessary to avoid such disruption. All such tables or other structures shall remain staffed or occupied by the event sponsor so long as they remain in place. Persons occupying tables or other structures are responsible for ensuring the structures are safe and that they do not blow over, collapse or otherwise cause injury or impediment to other Persons.
- 8.3** Use of a table, cart, booth or similar structure larger than three feet by six feet on campus for informational, nonprofit, commercial, or any other purposes, must be sponsored by a University Entity and should be coordinated pursuant to the University Policy on Facilities Scheduling and be coordinated by the Erb Memorial Union.

9. Use of Signs, Banners and Placards.

- 9.1** Except as provided here, Non-University Entities may not post Literature on University bulletin boards, buildings or elsewhere on campus. Any temporary signs not erected by the University shall comply generally with the Campus Outdoor Sign Plan, found at <https://cpdc.uoregon.edu/services/services/signage>. No permanent signs may be posted on any University Property, except by the University.
- 9.2** Notwithstanding foregoing section (9.1), Non-University Entities using University athletics performance facilities under facilities use agreements may post signs or banners on University buildings within or visible from the performance as provided for in the terms of a sponsorship or facilities use agreement authorizing the use of the venue.
- 9.3** Posters, signs, banners and other materials and Literature advertising official University functions may be placed on campus by the University.
- 9.4** University student organizations and ASUO may place banners or signs only in those locations authorized by University Scheduling and Event Services.
- 9.5** Members of University Entities may post Literature on departmental boards reserved for such use pursuant to viewpoint-neutral guidelines established by the relevant departmental office. However, no University spaces or other resources may be used for activities that would violate controlling government ethics rules or political campaign laws and regulations.

- 9.6** To the extent that it does not violate controlling government ethics rules or political campaign rules, University Entities or Non-Entities may post Literature on designated University bulletin boards found at the following locations:
- 9.6.1 On 13th Avenue between Johnson and Chapman Halls; and
 - 9.6.2 On 13th Avenue at the intersection of University Street (two stations).
- 9.7** No Literature of any kind shall be left on automobiles parked on University Property except by the University.
- 9.8** Posting of Literature in areas within or adjacent to the residence halls must be in accord with the specific On Campus Housing Policies applicable to these areas.
(See <http://housing.uoregon.edu/print-advertising>)
- 9.9** Posting of Literature within University-owned and operated apartments must be in accord with the specific rules and policies applicable to these areas which are implemented by the staff of the University Housing Office.
- 9.10** Posting of Literature within athletics training or performance facilities must be in accord with the specific policies applicable to those areas as may be established by the Athletics Department.
- 9.11** Signs or banners used during Speech Activities shall comply with the following specifications:
- 9.11.1 To protect safety, the size of the handles or supports for posters, signs, placards or banners shall be made of wood or hollow PVC piping without exception and limited to one-fourth inch (1/4") in thickness by three-fourth inch (3/4") in width or 3/4" inch in diameter and shall extend no more than eighteen inches (18") beyond a single exterior edge of such posters, signs or banners.
 - 9.11.2 All posters, signs, placards or banners shall be hand-carried and not in any way affixed, fastened, or attached to the premises; they may not be self-supporting and placed for display; nor leaned against any wall, partition, landscaping or other University Property.
 - 9.11.3 The carrying of posters, signs, placards or banners in a way that obstructs or interferes with the normal movement of any vehicular traffic or pedestrian movement on University Property is prohibited.
- 10. Chalking.** Members of University Entities may chalk messages on sidewalks in exterior areas of the campus that are exposed to the rain unless an area has been specifically designated by the Vice President, Finance and Administration as off-limits for such activity due to safety or aesthetic concerns. Chalking is not permitted on the exterior walls of any University building. Chalking is by its nature a short-lived medium for communication and nothing in this policy shall

preclude campus maintenance personnel from removing chalked messages in the ordinary course of their campus cleaning and maintenance activities.

11. Enforcement.

11.1 Any Person violating these rules is subject to:

11.1.1 Institutional disciplinary proceedings, if a student or employee; and

11.1.2 An order to leave the immediate premises or property owned or controlled by the University by a person in charge of University Property.

11.2 Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University may be subject to citation or arrest for criminal trespass.

11.3 The Vice President of Finance and Administration, Vice President for Student Life, the Dean of Students, and their designees, have the authority of "persons in charge" of University Property for purposes of these rules.

12. Appeal. Anyone aggrieved by the application of these rules may appeal in writing within 10 days to the Chief of Staff, Office of the President, or designee. If the Chief of Staff, Office of the President, or designee does not respond to the appeal in writing within 10 days of receiving the appeal, the appeal is deemed denied.

Related Resources

The University's Facilities Scheduling Policy: <https://policies.uoregon.edu/policy/by/1/04000-facilities/scheduling-use-facilities>.

The University's Policy Statement on Freedom of Inquiry and Free Speech: <https://policies.uoregon.edu/policy/by/1/01-administration-and-governance/freedom-inquiry-and-free-speech>.

The University's Campus Visitor's Policy:
<http://policies.uoregon.edu/content/campus-visitors>.

Campus Outdoor Sign Plan:
<https://cpdc.uoregon.edu/services/services/signage>

Printing-Advertising Policies:
<http://housing.uoregon.edu/print-advertising>