

Governing Body:	Southern Oregon University	Date Approved:	February 22, 2024
Policy Contact:	General Counsel	Approved By:	President Bailey
Custodial Office:	General Counsel		
Related Policy:			

A. Description

This policy covers academic freedom and speech activities on the Southern Oregon Campus or conducted by SOU employees.

1. Academic Freedom
2. Political Activities
3. Free Speech
4. Commercial Speech Activities

The following policies are designed to balance the rights and obligations outlined below.

Southern Oregon University (SOU) recognizes the importance of academic freedom in a university environment, supports the rights of free expression and speech, and the right of its students to familiarize themselves with divergent points of view and to associate with whomever they choose. SOU further recognizes the right of members of the public to enter the campus and, while there, to engage in lawful and peaceful activities. It is the belief of the administration that encouragement of these rights will lead to a broader, richer education for its students.

Southern Oregon University is obligated to provide a safe, private, scholastic environment in which its students may pursue their studies without interference. SOU also has a fiscal obligation to assure facilities and employee resources are primarily dedicated to the needs of the University and its students.

The right of free speech and expression on the SOU campus allows great latitude for dialogue, debate and the expression of ideas. However, it does not permit unlawful activity or disorderly conduct, activity that endangers or imminently threatens to endanger the safety of any member of the community, activity that may cause harm to the University's physical facilities, or any activity that disrupts or obstructs the functions of the University or imminently threatens such disruption or obstruction.

The right of free speech and expression also does not protect expression that is so severe, pervasive, and objectively offensive that it can be said to constitute unlawful harassment which interferes with a student's access to the educational opportunities or benefits provided by SOU. Therefore, this policy does not protect unlawful harassment pertaining to matters of race, ethnicity, religion, gender and gender identity, sexual orientation, nationality, age, or disability. Nothing in this policy shall prevent SOU from exercising its authority to take appropriate steps to prevent harassment implicating such concerns on its campus.

These rules do not limit otherwise authorized SOU community use of its facilities.

These rules do not affect any rights which an employee organization, certified as the exclusive representative pursuant to ORS 243.650 and following, may have been granted pursuant to its collective bargaining agreement or Oregon Revised Statutes.

B. Definition(s)

1. "Academic freedom" encompasses in its domain the freedom of thought and expression in inquiry, teaching, scholarship, and community engagement. The standards of academic freedom govern freedom in the classroom, freedom as a scholar, and freedom as a citizen of the University and larger community.
2. "Academic responsibility" implies the faithful performance of professional duties and obligations, and an acknowledgement of the obligation to make clear when one speaks on behalf of themselves, as a private citizen, rather than as a representative of the institution, Southern Oregon University.
3. "University" means Southern Oregon University (SOU).
4. "University Community" means all students, faculty and staff of the University including student, faculty and staff-sponsored organizations.
5. "Public" means any individual or group not included in the definition of "University community."
6. "Person" means any member of the public or the University community.
7. "Speech Activities" means distribution of printed materials, chalking, picketing, posting of signage, public speech or address, demonstration, petition circulation, and similar activities.
8. "Content-neutral" means that such restrictions on time, manner and space shall be applied without discrimination toward the content of the view being expressed or the speaker.
9. "Sale," "Selling" or "Purchasing" means an activity which creates an obligation to transfer property or services for a valuable consideration.
10. "Commercial Solicitation" means any direct and personal communication in the course of trade or business reasonably intended to result in a sale.
11. "Solicitation" means to importune or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."
12. "Private Sale" means occasional selling between persons who are campus students or employees.
13. "Commercial Transaction" means selling or purchasing or both selling and purchasing by any person in the course of employment or in the carrying on of a trade or business.

Public Areas

1. University grounds are open to the public and the University community for speech activities except any grounds designated for authorized access only.
2. University buildings are open to the public and the University community for speech activities during the regular business hours of the particular building, except the following:
 - a. Classroom buildings;
 - b. Research and laboratory facilities and buildings;
 - c. The Hannon Library;
 - d. The Student Health and Wellness Center;
 - e. Churchill Hall and Computing Services
 - f. Any area or building designated for authorized access only or designated for otherwise limited access.
3. Speech activities in residence halls and University-owned housing may be regulated by the Director of SOU University Housing in consultation with appropriate student residence associations. Speech activities at the

University's Higher Education Center may be regulated by the Vice President for Finance and Administration in consultation and cooperation with the co-owners of that building. Such regulations shall be content-neutral.

C. Policy Statement

1. Academic Freedom

- a.** All faculty are entitled to exercise academic freedom in their teaching, scholarship and community engagement; but are expected to also exercise good judgment when balancing this freedom with their academic responsibility in their professional role at the University.
- b.** All programs are entitled to exercise academic freedom in setting curriculum and learning outcomes within their disciplinary and interdisciplinary perview.
- c.** All faculty are entitled to freedom in their pedagogy and course design to meet programmatic learning outcomes, including healthy debate within an environment of academic freedom. However, faculty should not introduce into their teaching controversial matters that have no relation to the subject matter and design classroom discussions to stay on topic and avoid straying into unrelated controversial matters.
- d.** Shared governance values diverse perspectives and shall provide opportunities for healthy and productive debate in an environment of academic freedom, where ideas are examined and challenged, and well-thoughtout decisions result. Support of such an atmosphere may be demonstrated by tolerating contradicting viewpoints while engaging constructively with others in the solution of problems in the common interest of the committee, department, or other group engaged in this work, and University, showing flexibility and adaptability as needed to move forward, assuming responsibility for one's own actions and holding reasonable expectations of others, and remaining respectful in the midst of disagreement.
- e.** As a matter of policy, the Board neither attempts to control, sway nor limit the personal opinion or expression of that opinion of any person on the faculty or otherwise on the University's payroll. In the exercise of this freedom of expression, faculty members should manifest appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak on behalf of the university.

2. Political Activities

a. Public Activities

- 1) Although there is no prohibition against active participation by University employees in various community and public affairs, it is expected that time given to such activities shall not interfere with the duties of the employees concerned.
- 2) No employee shall take action that might be construed as committing the institution or the Board to a position on public issues.

b. Candidates for Public Office

- 1) In accordance with the Oregon Constitution, it is Board policy to allow employees to seek political office and to serve in the event of election. Before an employee shall become a candidate for any public office, whether for a salaried or non-salaried position, the employee is expected to consult with the President.
- 2) Political activity shall in no way interfere with the performance of the major duties prescribed by the Board and the President.

3) Because circumstances under which a campaign is conducted will vary widely depending on the nature of the elective office and the extent of opposition, the determination of whether an employee may continue full-time duties while conducting or engaged in a campaign rests with the President. In the event of election to the State Legislature, an employee normally will be placed on leave of absence without pay during the period of full-time responsibility. If elected or appointed to a full-time salaried office, the employee may be placed on leave of absence without pay during the term of office or may be required to resign.

c. Relationships with State Government

1) Except for the President and designees, no employee of the university is authorized to represent the University, including any activity thereof, to the Legislature, its members or committees, to the Office of the Governor, and to the Executive Department and its Divisions.

2) Nothing in this rule shall be construed as inhibiting an employee of the University from exercising the right of citizenship in a personal capacity, or be construed as inhibiting any employee of the University from appearing before a body of state government identified in this rule in response to a request from that body.

3) Faculty members are authorized to visit the Legislative Sessions and Hearings with students in the interests of furthering the effectiveness of organized class work, or to respond to requests from the Legislature for establishment and maintenance of special involvements such as student intern programs.

3. Requirements Concerning Access, Traffic, and Use of Campus Grounds

a. General Provisions

1) No speech activities shall impede pedestrian and vehicular traffic nor unreasonably disrupt regular or authorized activities in classrooms, offices, laboratories and other University facilities or grounds. Any speech activity shall be conducted 15 feet or more from any exit, entrance, staircase, parking lot, or roadway if necessary to allow access.

2) No speech activities shall be conducted at a volume that unreasonably disrupts the normal use of classrooms, offices, laboratories or other facilities.

3) Chalking is permitted only in outside areas of campus. Chalk must be water-soluble "sidewalk" chalk, which wears away with water or foot traffic. Chalking on the exterior walls of any campus building (academic, administrative or residential), University fixtures, or public art installation or exhibition is prohibited.

4) This policy does not allow members of the Public or University Community to affix signage or other materials to interior or exterior of campus buildings or University fixtures unless otherwise authorized by the University.

5) Persons engaged in Speech Activities resulting in unreasonable mess, damage or harm to the grounds may be asked to alter or cease their activities. For example, persons distributing literature should be responsible for ensuring that their materials are not left unreasonably strewn about the campus grounds for SOU employees to clean.

6) The Vice President of Finance and Administration may designate the portion of a driveway, roadway, pathway, sidewalk or street under the control of the University and the time of day during which it is not available for speech activities in order to meet traffic, emergency access, and public transit needs.

7) It is the responsibility of any person engaged in Speech Activities on campus to acquire any state, county, or municipal licenses necessary for the conduct of that person's activities.

b. Notification

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. The officials to be notified are:

- (a) The Stevenson Union and adjoining plaza: Dean of Students
- (b) Hannon Library: University Librarian
- (c) Residential Areas: Director of Student Housing
- (d) All other areas: the Vice President for Finance and Administration.

c. Use of Tables, Carts, Booths, and Similar Structures

1) Safety: Tables, carts, booths or similar structures may be set out and used on campus only as provided in this rule. Notwithstanding any other provision of these rules, the University retains the authority to ensure the safety or operational needs of the campus with regard to the installation, timing and use of tables, carts, booths or other structures.

2) Use by Members of the Public: Use of a table, cart, booth or similar structure that does not exceed three feet by six feet (3' x 6') is permitted by any member of the Public or University Community engaged in speech activity in any Public 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 pursuant to section (3) of this rule to move to a different on-campus Public Area as necessary to avoid such disruption.

3) Use by University Community: Use of a table, cart, booth or similar structure larger than three feet by six feet (3' x 6') on campus for informational, nonprofit, commercial, or any other purposes, must be sponsored by a recognized student organization or University department, or a faculty or staff organization.

a) Recognized student organizations, University departments, and faculty or staff organizations must reserve the space for their activity under this section at least 24 hours in advance prior to the installation of a structure larger than three feet by six feet (3' x 6') by contacting the Office of Finance and Administration at (541) 552-6319.

b) Use of the Stevenson Union for Speech Activities, including its courtyard, is managed through the Stevenson Union Reservation Office. Use of the courtyard is allocated on a first-come first served basis to members of the Public and Campus Community at no charge to the user. Use of interior space at the Stevenson Union is limited to designated areas of the building and must be sponsored by a recognized student organization or University department, or a faculty or staff organization and standard rates covering the reservation, use, and maintenance of these University facilities may be charged for use of interior spaces (<https://studentlife.sou.edu/su/su-event-space/>). All Speech Activities at the Stevenson Union shall be managed according to the Stevenson Union guidelines and other applicable University policies, including policies and guidelines restricting commercial activity and the solicitation of monetary contributions.

c) Members of student organizations may provide their own tables, carts, or booths, or

reserve tables available through the Stevenson Union. Use of Stevenson Union tables, carts, or booths for speech activities is restricted to members of recognized student organizations, University departments, and faculty or staff organizations. Uses of such resources are restricted to the Stevenson Union interior or courtyard and are allocated on a first-come, first-served basis.

4) Nothing in this rule is intended to:

- Authorize sale or distribution of products, food, or commercial literature on campus in conflict with existing exclusive contracts for similar merchandise or services;
- Authorize uses in conflict with any applicable SOU food service or catering policy.
- Prohibit SOU from lawfully managing, regulating or restricting commercial activities on campus, or promulgating additional policies or procedures for that purpose.

d. Enforcement

- 1) Violations of the policy and/or guidelines by students will be handled through the disciplinary system administered through the Dean of Students Office.
- 2) Any person violating these rules is subject to the institutional conduct or employment proceedings applicable to students or employees, respectively;
- 3) A person in charge of University property may direct a person(s) in violation of these rules to leave the immediate premises or property owned or controlled by the University. Any person(s) refusing to comply with such a directive may be subject to law enforcement and/or, where applicable, student or employee conduct proceedings for failure to comply with the directive.
- 4) The Vice President of Finance and Administration, Director of Campus Public Safety, Director of SOU Housing, University Librarian, and their designees, have the authority of "persons in charge" of University property for purposes of ORS 164.205(5) and these rules.
- 5) Members of the Campus Community who believe that persons on campus are in violation of this policy should report their concerns to the Office of Finance and Administration (541) 552-6319. However, if the matter concerns the safety or welfare of another person, please call SOU's Campus Public Safety at (541) 552-6911 or dial 911 in an emergency to reach appropriate law enforcement, fire, or ambulance services.

e. Appeal

- 1) Any student aggrieved by the application of these rules may appeal according to student conduct procedures. A decision may be appealed to the Associate Provost within ten (10) working days of the date of the decision letter. Such appeals must be in writing and must be delivered by mail or email.
- 2) Employees shall be subject to the appeal procedures applicable to their employment.

4. Commercial Speech and Activities (Solicitation)

a. Permission to Engage in Solicitation Any person granted permission under this policy to engage in commercial solicitation, commercial transactions or solicitation must abide by any time, place and manner restrictions which may be imposed as a condition to the grant of such permission.

b. Discipline for Violation of Solicitation Persons who violate the provisions of this policy shall be disciplined as follows:

- 1) Members of the campus community shall be disciplined in accordance with the procedure which is

appropriate to that person's status as a student, faculty member, administrator, employee or other category.

2) Nonmembers of the campus community shall be prohibited from entering upon the campus for a period of one year.

c. Private Sales and Campus Advertising

1) Nothing in this policy shall affect private sales.

2) Nothing in this policy shall affect advertising in campus newspapers or on campus radio or television stations.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

D. Relevant Authority

This policy was transferred to SOU by operation of law on July 1, 2015 from Oregon Administrative Rule 580, Division 022.

E. Other Information

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.