

Oklahoma State University Policy and Procedures

PUBLIC SPEAKING

**1-0104
GENERAL UNIVERSITY
SEPTEMBER 1987**

POLICY

1.01 The goal of the students, faculty, administration, and Board of Regents as representatives of the citizens of Oklahoma is for Oklahoma State University and other colleges and universities under this Board to be superior educational centers for the preservation, transmission, and discovery of knowledge. The wide variety of activities in evidence at these institutions represents the many aspects of the total educational mission.

1.02 A university is a forum for the examination of philosophies and ideas which become a part of living. Free inquiry and free expression are important means by which the university community meets different ideas and achieves its educational purposes. Contemporary discussion of other broad issues that concern our nation are a part of this total educational activity. The university community must have access to these opportunities. The interest of the citizens of Oklahoma in the problem of the total education of man makes it important that they too share these opportunities.

1.03 The freedoms of speech and assembly guaranteed by the first and fourteenth amendments of the United States Constitution shall be enjoyed by the students and faculties of the several institutions of higher learning of the State of Oklahoma under the Board of Regents for Oklahoma State University and the Agricultural and Mechanical Colleges as respects the opportunity to hear off-campus or outside speakers on the various campuses. Free discussion of subjects of either controversial or non-controversial nature shall not be curtailed.

PROCEDURES

2.01 As there is no absolute right to assemble or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech, the issuance of invitations to outside speakers shall be limited in the following particulars, but only in the manner set forth herein:

a. A request to invite an outside speaker will be considered only when made by an approved student or faculty organization recognized by the head of the college or university.

b. No invitation by such organization shall issue to an outside speaker without prior written concurrence by the head of the institution, or such person or committee as may be designated by him (hereinafter referred to as his "authorized designee") for scheduling of speaker dates and assignment of campus facilities.

c. Any speaker request shall be made in writing by an officer of the student or faculty organization desiring to sponsor the proposed speaker not later than 10 calendar days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization, the proposed date, time and location of the meeting, the expected size of the audience and topic of speech. Any request not acted upon by the head of the institution, or his authorized designee, within four days after submission shall be deemed granted.

d. A request made by a recognized organization may be denied only if the head of the institution, or his authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the institution's orderly operation by the speaker's advocacy** Advocacy, as described above, means preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action by resort to force; and there must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of the institution. Of such actions as:

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

(2) The willful damage or destruction, or seizure and subversion, or the institution's buildings or other property; or

(3) The forcible disruption or impairment of, or interference with the institution's regularly scheduled classes or other educational functions; or

(4) The physical harm, coercion, intimidation, or other invasion of lawful rights, of the institution's officials, faculty members or students; or

(5) Other campus disorder of a violent nature.

2.02 In determining the existence of a clear and present danger, the head of the institution, or his authorized designee, may consider all relevant factors, including whether such speaker has, within the past five years, incited violence resulting in the destruction of property at any state educational institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution.

2.03 Where the request for an outside speaker is denied, any sponsoring organization thereby aggrieved shall, upon written application to the head of the institution, or his authorized designee, obtain a hearing within two days following the filing of its appeal before a Campus Review Committee, composed of four faculty members and two students of the institution; for a de novo consideration of the request. (By Resolution the Board of Regents determined the Campus Review Committee at Oklahoma State University would be composed of two members of the Academic Council, the Vice Chairman of the Faculty Council, and the Vice Chairman Elect of the Faculty Council. The tenure of these members shall be for one year commencing on September 1 of each calendar year. The two student members of the Campus Review Committee shall be the President and the Vice President of the Student Association and these members shall serve only as long as they hold those student offices.) The Campus Review Committee shall have power to grant or deny the request; and its decision shall be final, unless judicial review is sought as hereinafter provided. If such request is neither granted nor denied within said two day period, it shall be deemed granted, and the speaker's invitation shall issue. Four members shall constitute a quorum, no proxies will be honored, and a majority of those present shall be necessary to override a decision of the President, or his designee.

2.04 Any sponsoring organization aggrieved by the action of the Campus Review Committee in denying the request may obtain judicial review thereof upon application to any court of competent jurisdiction, state or federal, by presenting its verified petition setting forth the grounds of complaint and giving adequate notice of such filing to the head of the institution. Upon a hearing to be conducted as soon as practicable, and at such time and place as the court may prescribe, the court shall either reverse or affirm the decision of the Campus Review Committee as may be proper under the law and facts.

2.05 Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the head of the institution, or his authorized designee, in writing immediately of such acceptance. The head of the institution, or his authorized designee, may, in his discretion, require that the meeting be chaired by a member of the administration or faculty, and he may further require a statement to be made at the meeting that the views presented are not necessarily those of the institution or of the sponsoring group. By his acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by him while he is on campus.

Approved: Board of Regents, December 12, 1970