



Oregon Tech Policy
OIT-30-002
CAMPUS SPEECH ACTIVITIES - TIME, PLACE, AND MANNER -
INTERIM

1. Policy Statement

Oregon Institute of Technology (Oregon Tech) recognizes and supports the rights of free expression and speech. It is the purpose of these regulations to inform members of the Oregon Tech community and the public of the manner in which they may engage in constitutionally protected speech and expression at Oregon Tech. It is the further intent to ensure the primary educational purpose of Oregon Tech while promoting debate and the sharing of information.

- These regulations do not limit otherwise authorized University Community use of Oregon Tech facilities. See University policy OT-30-001, Facilities Use.
- These regulations do not address the Oregon Tech rules regarding the use of electronic mail or the internet. See University policies OT-30-003, Electronic Communication and OT-30-005, Computer Use.

2. Reason for Policy

The University seeks to create and maintain an inclusive environment that encourages the free exchange of ideas. Freedom of speech and expression are indispensable to the university's ability to transmit knowledge and fundamental to the University Community's pursuit to discover, explore, interpret, and question knowledge and opinions. Differences and dissenting viewpoints are not only tolerated but welcomed as part of the educational process.

Free speech may not be exercised in ways that unreasonably interfere with the University's ability to fulfill its mission; nor may it be exercised in ways that threaten the safety of its property and people or its orderly operation; nor may it infringe upon the rights and interests of others to teach, learn, work, conduct business, use University facilities or pursue their normal activities.

3. Applicability/Scope

This policy applies to all University students, employees, volunteers, schools, colleges, administrative units, visitors and anyone on University-owned or controlled property that is a Public Area, or a Digital Public Area.

This policy does not affect any rights which an employee organization, certified as the exclusive representative pursuant to ORS 243.650, et seq., may have been granted pursuant to its collective bargaining agreement or Oregon Revised Statutes.

4. Definitions

Person: means any member of the public or the Oregon Tech community.

Public: means any individual or group not included in the definition of “University Community.”

Speech Activities: means leafleting, picketing, speech making, protests including silent protests, demonstrations, rallies, vigils, petition circulation, posts and comments in Digital Public Forums and similar speech-related activities.

University: means Oregon Institute of Technology.

University Community: means all students, faculty, staff, volunteers of Oregon Tech including student and employee sponsored organizations.

Digital Public Areas: means chat rooms, social media platforms, blogs, virtual meeting spaces, and other technology owned or controlled by Oregon Tech, whether synchronous or asynchronous, that are made open and available for comment or communication by the University Community and the Public.

Public Area(s): Oregon Tech property that is open to the University Community and the Public for Speech Activities. This includes the outdoor areas of Oregon Tech property, but also includes bulletin boards or other areas that have been designated as opened to the Public and University Community for Speech Activities.

Recognized Student Organization: Eligible student clubs and organizations that are registered with Student Involvement and Belonging.

5. Policy

Time, Place, and Manner Restrictions

Oregon Tech may regulate the time of day, duration, or specific time frames during which Speech Activities are allowed or prohibited in Public or Digital Public Areas in order to prevent disruptions or conflicts with other legitimate Oregon Tech interests. Oregon Tech spaces, including digital spaces, are often multipurpose and Oregon Tech may regulate Speech Activities based on the function a space is serving at a given time.

Oregon Tech may regulate the manner or methods used for Speech Activities, such as noise level limitations, restrictions on the types of structures allowed, or that protect essential Oregon Tech functions.

Oregon Tech may require reservations for certain buildings or portions of buildings that may be designated as open to Speech Activities. Oregon Tech will take into consideration the potential disruption to Oregon Tech operations and the availability of necessary support services when reserving buildings and spaces.

In general, Oregon Tech’s owned and controlled grounds are open to the public and the University Community for Speech Activities during regular business hours, except any buildings or spaces designated for authorized access only. Unauthorized use includes but is not limited to

using non-residential facilities and spaces for residential purposes (e.g., prolonged sleeping, bathing in restrooms lacking shower facilities, that are not open to the general public, cooking, or camping), and entering into any areas that are not open to the public without advanced authorization. However, certain buildings and spaces are reserved primarily for the mission of Oregon Tech and cannot be used for conducting Speech Activities without hindering essential University functions or posing health and safety hazards. Buildings and spaces where Speech Activities are prohibited include:

- a. Classroom buildings
- b. Laboratory facilities and buildings
- c. Learning Resource Center (Library)
- d. Physical Education Building
- e. Student health and facilities and buildings
- f. Snell Hall
- g. Any office
- h. Any area or building designated for authorized access only

Speech activities in the Residence Halls may be regulated by the Director of Housing and Residence Life in consultation with appropriate student residence associations. Such regulations shall be content neutral.

Buildings and spaces that are open to Speech Activities may maintain their own locations and rules for signs, posters, bulletin boards, banners, and similar materials within those buildings and spaces.

No signage, posters, fliers, banners, chalking, or other materials may be placed on the exterior surfaces of University fixtures, structures, sculptures, or other artwork, or buildings (or the interior surfaces of University buildings not designated for posting) by individuals other than University employees or departments in their official capacity. The University Community and the Public may distribute written materials to willing recipients in outdoor spaces in accordance with this policy.

Access, Traffic and University Business May Not be Impeded

No speech activities shall impede pedestrian and vehicular traffic nor unreasonably disrupt regular or authorized activities in classrooms, offices, laboratories and other Oregon Tech facilities or grounds. The Vice President for Finance and Administration or their designee may require any speech activity to be conducted 15 feet or more from any exit, entrance, staircase, parking lot or roadway if necessary to allow access.

Speech Activities must not be conducted at a volume that unreasonably disrupts the normal use of classrooms, offices, libraries, health facilities, residence halls or laboratories, or that unreasonably disrupts other academic or operational functions of Oregon Tech.

The Vice President for Finance and Administration may designate the portion of a street and the time of day during which a street is not available for speech activities in order to meet traffic, emergency access, and public transit needs.

University Property Closures

The Vice President for Finance and Administration or their designee has the authority of

“persons in charge” of Oregon Tech property for purposes of ORS 164.205(5) and this policy. The Vice President for Finance and Administration or their designee may close any Oregon Tech property to preserve the safety of Oregon Tech employees, students, and the public.

Tabling

Tables, carts, booths, and similar structures may be used in Public Areas for Speech Activities as follows:

(a) Tables, carts or booths or similar structures may be set out and used on campus only as provided in this rule.

(b) Except as provided in sub-section (b)(3) of this rule, use of a table, cart, booth or similar structure on campus for informational, non-profit, commercial, or any other purposes, must be sponsored by a recognized student organization or university department, or a faculty or staff organization:

(1) Recognized student organizations must register the activity with the University through the ASOIT office in the College Union. Student members of the organization shall conduct all activity. If sales result, gross receipts must be deposited in a university account in accordance with Oregon Tech policies and procedures. Student activities and the recognized student group shall establish the time period during which the sponsored use may take place;

(2) Oregon Tech department or faculty/staff organization sponsored uses must be scheduled with the CU Information desk. Faculty or staff members (or students) of the sponsoring department or organization must conduct all activity. The CU Information desk shall establish the time period during which the use may take place;

(3) Persons may provide their own tables, carts, or booths, or reserve tables through the College Union. The College Union will determine the location.

(c) Nothing in this policy is intended to authorize:

(1) Sale of products or food on campus in conflict with existing exclusive contracts for similar merchandise or services;

(2) Uses in conflict with the Oregon Tech catering policy guidelines.

(d) It is the responsibility of the user to acquire any necessary state, county, or municipal licenses.

Notification

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 twenty-four (24) hours in advance.

The officials and office to be notified are:

(a) College Union: Vice President of Student Affairs

(b) All other areas: Vice President for Finance and Administration

Digital Public Areas

Digital Public Areas may be used for Speech Activities, unless those activities are unprotected speech, as set out in this policy.

(a) Oregon Tech students, employees, volunteers, or agents must not remove or edit published comments made by the University Community or the Public in Digital Public Areas, or block people from Digital Public Areas without:

(1) Following an approved content-and-viewpoint-neutral moderation policy, or

(2) Approval from the Vice President of University Advancement and Development or their designee. This action must be taken in consultation with Oregon Tech General Counsel or their designee and the Executive Director of Diversity, Inclusion & Cultural Engagement (DICE) or their designee.

(a) Digital Public Area moderation policies must be developed in consultation with the Office of DICE and the Office of University General Counsel, and approved by University Advancement and Development.

(b) Learning management systems and digital learning tools (e.g. Canvas) are considered classrooms and are not Digital Public Areas, unless the University has opened them up for discussion and comment by the University Community and the Public. The University may limit the types of Speech Activities in these areas as need to conform to the purpose of these virtual spaces and typical operations of the institution.

6. Unprotected Speech

Some Speech Activities are not protected even in Public Areas or Digital Public Areas.

Speech that communicates a serious intent to cause physical injury to a particular individual or group of particular individuals, that violates other Oregon Tech policies, or that otherwise violates state or federal law is not protected by the U.S. Constitution or Oregon Tech.

Determining whether Oregon Tech can regulate any specific Speech Activities in Public Areas or Digital Public Areas pursuant to this section requires careful analysis of applicable laws and legal precedent as interpreted by relevant Oregon and federal courts, and requires consultation with Oregon Tech General Counsel or their designee.

8. Campus Mail System

In addition to mail delivered through the U.S. Postal System, Oregon Tech mailboxes may be used for the distribution of material related to University business. The SIEU/OPEU, Local 503 and the AAUP are not university organizations and therefore are not allowed to use Oregon Tech mailboxes.

9. Authorized Exceptions

The Vice President for Finance and Administration may authorize speech activities which are determined not to cause disruption of campus activities despite a literal violation of these regulations. Such determinations shall be made without consideration of the content or message of the speech activities.

7. Violations

Any person violating this policy is subject to:

- (a) Institutional disciplinary proceedings of a student or employee.
- (b) An order to leave the immediate premises or property owned or controlled by Oregon Tech by a person in charge of University property. Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property that is owned or controlled by Oregon Tech are subject to a civil trespass to be issued by Oregon Tech, or arrest for criminal trespass.

10. Policy Review/Consultation

This Policy was approved on an interim basis by Oregon Tech's President pursuant to Board Policy on Delegation of Authority, Section 2.3. The Policy will be presented to the President's Council for review when the body reconvenes in Fall 2024. This policy revises and supersedes the previous version of OIT 30-002, dated August 1, 2016.

11. Policy Approval

Approved by the President on July 31, 2024.

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Nagi Naganathan

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