

STUDENT AFFAIRS POLICY LETTER

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FREEDOM ON THE CAMPUS

All events and activities that may be sponsored on the University campus must be pre-registered with the Office of Student Leadership and Activities; and the Administration will determine if the activity or event is appropriate and in the best interests of the University. The sponsoring organization, unit, or community group is responsible to provide adequate provision for the health, safety and welfare of the general public. If the sponsoring agency fails to insure the proper behavior and conduct of its audiences, the sponsoring agency may be subject to penalty or discipline where applicable, if damages or mishap occur during the course of its sponsored activity. The University must insist on proper conduct and proper use of its facilities in accordance with University policy.

I. Uniform Regulation of Campus Activity and Facility Use. The University regulates and controls the use of its facilities in order to, amongst other legitimate purposes, maintain order on campus, avoid disruption of the educational mission, promote an educational atmosphere, and promote safety and security. Consistent with these purposes and the requirements of the First Amendment, campus activity and facility use are subject to the following requirements and limitations:

A. The University may place reasonable time, place and manner restrictions on campus activity/facility use to the extent the restrictions are not based on the content of the presentation, are narrowly tailored to serve a significant institutional interest, and leave open ample alternative channels of communication. Such restrictions may relate to advance notice, security, parking, advertising, indemnification, insurance, health and safety, as well as other areas.

B. A request for a campus activity/facility use may be denied by the University, after proper inquiry, where the activity/event will constitute a clear and present danger to the University's orderly operation because of the speaker's advocacy of such actions as:

1. The violent overthrow of the government of the United States, the State of Michigan, or any political subdivision thereof;
2. The willful damage to or destruction of, or seizure and subversion of, the University's buildings or other property;
3. The forcible disruption or impairment of, or interference with, the University's regularly-scheduled classes or other educational functions;

4. The physical harm, coercion, intimidation, or other invasion of lawful rights, of the University's officials, faculty members, or students; or
5. Other campus disorders of a violent nature.

For purposes of this subpart, "advocacy" 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 purpose of the University.

C. Expression that does not constitute protected speech is not protected by the First Amendment and may be regulated or suppressed. Where it is patently clear, after investigation, that the activity/event will result in such unprotected expression, the University may restrict or exclude the event. Such unprotected expression includes the following (these are terms of art that must be applied according to the definitions established by the United States Supreme Court):

1. Defamation: Oral or written falsehoods communicated to third parties that would harm the reputation of another;
2. Fighting Words: Insulting or fighting words – those which by their very utterance inflict injury or tend to incite an immediate breach of the peace;
3. Obscenity: The material in question is patently offensive, appeals to prurient interests, and taken as a whole, lacks serious literary, artistic, political or scientific value.

D. Where a request for a campus activity or facility use is denied by the University, the sponsoring organization will be given notification of the reason(s) for the denial. Any aggrieved sponsoring organization may appeal the denial in writing within five (5) working days to the Vice President for Student Affairs. If requested, the Vice President for Student Affairs, or his or her designee, will provide an informal hearing within three (3) working days of the filing of the appeal. No later than five (5) working days after the filing or after the hearing, whichever is later, the Vice President for Student Affairs will decide the appeal and notify the sponsoring organization of his or her decision and the reason(s) for that decision. The decision of the Vice President for Student Affairs is final.

II. Prohibition of Certain Conduct by Campus Speakers. A speaker must not urge the audience to take action which is prohibited by the rules of the University or which is illegal under federal or Michigan law. Advocating or urging the modification of the government of the United States or of the State of Michigan by violence or sabotage is specifically prohibited. It is the responsibility of the sponsoring student organization to inform speakers of these prohibitions.

III. Sponsorship of Campus Speakers. Sponsorship of a campus speaker must be by a student organization which has been recognized under the general regulations approved by the appropriate University authorities.

IV. Responsibilities of the Sponsoring Organization. For purposes of preserving a record of all such public meetings and of coordinating them with the calendar of other activities taking place on University property, the sponsoring organization must (a) make all arrangements for reservation of space with the appropriate University officials, and (b) complete a form to be furnished by the appropriate University office indicating, among other things, the subject to be discussed, the names of all speakers and the time and place of the meeting, and the form is to be certified by the signature of a faculty advisor. All rules for administration of requests from recognized student organizations must conform to the requirements of this subpart. It shall be the responsibility of the institutional officer under whom the program is administered to certify that all appropriate steps have been taken before the event is officially scheduled.

IV. Violation of this Policy. Any student organization violating this policy is subject only to the procedures and penalties applicable to students and student organizations that violate other University rules.

Cross Reference:

Board Policy, Subpart 5-1, *Freedom on the Campus*

Issued by:

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