



SOUTHEAST MISSOURI
STATE UNIVERSITY · 1873®

**BUSINESS
POLICY AND
PROCEDURE
MANUAL**

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Section: ADMINISTRATION		
Subject: FREEDOM OF EXPRESSION		


GENERAL STATEMENT OF POLICY

The exchange of ideas is critical to Southeast Missouri State University’s mission and is central in the University’s role to “challenge students to extend their intellectual capacities, interests, and creative abilities; develop their talents; and acquire a lifelong enthusiasm for learning” (Southeast Mission Statement, 2015). The University affirms the right of all individuals to exercise the right of peaceful assembly, free speech, and expressive activities consistent with the First Amendment to the U.S. Constitution, the Constitution of the State of Missouri, the Missouri Campus Free Expression Act, and other applicable University policies and procedures, including all applicable time, place and manner restrictions set forth in such policies and procedures.

As used herein, “expressive activities” include, but are not limited to, all forms of peaceful assembly, protests (including silent protests), demonstrations, marches, vigils, picketing, parades, rallies, speeches, sit-ins, distribution of literature, carrying or displaying signs, posting signs, circulating petitions, wearing significant or symbolic clothing, gesturing, standing, kneeling, or otherwise protesting noiselessly, written and or/oral discussions, debate, and other communications, and any other expressive activity protected by law.

The rights afforded by law and affirmed by this policy do not include unlawful activity that endangers the safety of the campus community, disrupts the University’s academic mission, or destroys University property. Violations of this policy, its associated procedures, local municipal, county, and state laws and ordinances, and other applicable University policies and procedures may result in removal from campus, police arrest, and/or criminal charges. Members of the university community are subject to judicial review and disciplinary sanctions. Any police arrest and/or criminal charges of students, faculty, or staff are separate from university judicial review or disciplinary sanction.

The University President shall be responsible for developing, issuing and maintaining operating procedures to implement this policy.

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OUTDOOR EXPRESSIVE ACTIVITIES PROCEDURES

Pursuant to the Missouri Campus Free Expression Act, the outdoor areas of the campus of the University are deemed traditional public forums. Any person who wishes to engage in non-commercial expressive activity in the outdoor areas of the campus of the University shall be permitted to do so freely, as long as the person’s conduct is not unlawful and does not materially and substantially disrupt the functioning of the University, subject to the content and viewpoint-neutral time, place and manner restrictions set forth herein.

General Provisions

As used herein, “expressive activities” include, but are not limited to, all forms of peaceful assembly, protests (including silent protests), demonstrations, marches, vigils, picketing, parades, rallies, speeches, sit-ins, distribution of literature, carrying or displaying signs, posting signs, circulating petitions, wearing significant or symbolic clothing, gesturing, standing, kneeling, or otherwise protesting noiselessly, and any other expressive activity protected by the First Amendment to the U.S. Constitution or the Constitution of the State of Missouri.

Individuals or groups who desire to use the outdoor areas of the campus for expressive activities are encouraged to provide prior notice to the Office of Campus Life and Event Services. Those who do not, including those who wish to spontaneously and contemporaneously assemble, may use the outdoor areas of campus for expressive activities on a first come, first served basis.

Individuals and groups should be aware University property includes city streets and sidewalks within its boundaries. Requests to use these spaces for activities and events often require a permit from the City of Cape Girardeau. The Office of the President will refer those seeking to schedule events on city-controlled spaces to the appropriate City of Cape Girardeau office(s).

Individuals and groups that are not members of the University community (e.g. faculty, staff, students) planning an expressive event that is expected to draw more than 75 participants and/or spectators are encouraged, but not required, to utilize the following outdoor areas, which are particularly suited to such expressive activities:

- Academic Hall terraces; the green space area to the east of Academic Hall;
- The fountain area and green space in front of Kent Library;
- The green space to the south of Scully Building; and
- The Johnson/Rhodes/Magill quadrangle.

Time, Place and Manner Restrictions

All expressive activities in the outdoor areas of campus are subject to the following content and viewpoint-neutral time, place and manner restrictions

1. The expressive activity must not pose an unreasonable health or safety risk to any participant, bystander, or other person.
2. The expressive activity must not pose an unreasonable risk of damage or destruction to University property, including buildings, other permanent structures, landscaping, grounds, vehicles, or



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equipment. The location(s) must be left in its original condition at the conclusion of the expressive activity. All litter and garbage must be picked up at the conclusion of the expressive activity or at the end of the day, whichever occurs first. The group or individual damaging University property is responsible for costs directly associated with the repair to the damaged property or area.

3. The expressive activity must not materially and substantially disrupt the academic mission or daily operation of the University, including but not limited to classes, exams, meetings, athletic events, ceremonies, educational and student life activities, and business operations.
4. The expressive activity and/or its associated spectators must not materially and substantially obstruct vehicular or pedestrian traffic except as permitted as part of a University-sponsored event.
5. The expressive activity and/or its associated spectators must not materially and substantially block or otherwise prevent access to the entrances and exits of University buildings.
6. The expressive activity must not violate the laws of the City of Cape Girardeau, or other relevant local, state or federal laws.
7. The expressive activity must not involve the use or storage of objects on the ground or walkways, whether attended or unattended, which unreasonably interfere with the use of the outdoor area by others.
8. The expressive activity must not involve the temporary or permanent defacement or alteration of permanent structure (e.g., buildings, fences, etc.), sidewalks, grounds, or other property, including painting, graffiti, or chalking except as otherwise permitted by University policies, procedures and rules. See Business Policy and Procedure 01-19C.
9. The expressive activity must not involve the use of open flame devices, bonfires, or the lighting of any material on fire except as permitted as part of a University-sponsored event; provided, however, that small hand-held candles may be utilized with special permission of the Chief of Staff if reasonable safety concerns are satisfied.
10. The expressive activity must not include expression that is not constitutionally protected speech, i.e., that is (1) directed to inciting imminent lawless action and is likely to incite such action; (2) “fighting words,” i.e., a face-to-face communication likely to provoke an immediate violent action; (3) a true threat, i.e., that which communicates a serious expression of intent to harm or assault; (4) obscene; or (5) constitutes illegal harassment as defined by the University’s policies prohibiting such illegal harassment. See Business Policy [01-02](#) and [01-03](#), and the [Student Code of Conduct](#).
11. The expressive activity must not involve the use of amplified sound if such amplified sound materially and substantially disrupts the functioning of the University. In no event shall such amplified sound reach or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels. Amplified sound is defined as any form of equipment (including, but not limited to, microphones, speakers, amplifiers, bullhorns, and musical instruments) used to increase sound levels.



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12. Individuals or groups who desire to use the outdoor areas of the campus for an expressive activity that is reasonably expected to draw 75 or more participants or spectators must provide prior notice to the Office of Campus Life and Event Services. Notice must be given at least three business days in advance of the activity. An exception to the three-day prior notice requirement will be provided for expressive activities that are in response to unforeseeable and recent events, such as in response to breaking news.

13. Consistent with [Business Policy 01-18](#) No Trespass, the University retains the right to restrict access to university property due to content and viewpoint-neutral safety concerns relating to its students, faculty, staff and visitors.

The University reserves its right to keep opposing demonstrations or similar opposing group expressive activities physically separated from one another in accordance with the time, place and manner restrictions set forth herein, but will make every attempt to allow them to be within sight and sound of each other; provided, however, that one group’s expressive activity should not be physically disrupted or “drowned out” by another group’s expressive activity.

Unless otherwise specified, all questions regarding these procedural guidelines should be directed to the Office of the President, 573.651.2222 or to Campus Life and Event Services, 573.651.2280.

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INDOOR EXPRESSIVE ACTIVITIES PROCEDURES

University buildings, other indoor facilities, and associated interior grounds (referred to collectively herein as “interior facilities”) are intended for use primarily by students, faculty and staff (“University Community”) in furtherance of the academic mission and daily operation of the University, including but not limited to classes, exams, meetings, athletic events, ceremonies, other educational and student life activities, and business operations. The University Community may use University interior facilities for expressive activities in accordance with this and other applicable University policies, procedures, and other rules.

Use of University interior facilities by non-University affiliated individuals, groups, and organizations for expressive activities is on an invitation and/or reservation basis only, also in accordance with this and other applicable University policies, procedures, and other rules.


These procedures apply to any and all University buildings, indoor facilities, and associated interior grounds owned, leased, or under the authority or control of Southeast Missouri State University, including all buildings, indoor facilities, and associated interior grounds located on the main campus, as well as all buildings, indoor facilities, and associated interior grounds located at other locations.

1. Expressive Activities in Interior Facilities

Examples of expressive events and activities that may occur in interior facilities and are covered by these procedures include, but are not limited to:

- Meetings and other group activities of University Community groups or entities. For example, meetings of student organizations, the Board of Regents, and faculty or staff meetings;
- Speeches, performances and other events involving non-University Community individuals or groups on an invitation or reservation basis;
- Cheering, wearing of expressive clothing, or holding signs or banners in the spectator seating section of sports facilities during sporting events;
- Displaying a sign, wearing significant or symbolic clothing, gesturing, or otherwise protesting noiselessly at a public meeting;
- A silent protest in the hallway of a building open to the public;
- Respectful discussion and debate in a classroom environment relating to the subject matter of the course;
- Other expressive activities, such as the distribution of literature, circulating petitions, written and or/oral discussions, debate, and other communications, and nonverbal expressive activities such as expressive gestures and clothing.

The exchange of ideas and differing viewpoints is critical the University’s mission. All restrictions on expressive activity within interior facilities must be viewpoint neutral and reasonable in light of the purpose served by the specific space. Unless otherwise specified, viewpoints expressed are those of the individual speaker or sponsoring group, and not of the University.

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All expressive events and activities that occur in University buildings, indoor facilities, and other interior grounds must comply with the following viewpoint-neutral requirements:


1. The expressive activity must not pose a safety risk to any other person.
2. The expressive activity must not deface or damage University property.
3. The expressive activity must not violate or hinder the rights of other members of the University Community as set forth in this and other applicable University policies, procedures, and other rules.
4. The expressive activity must not violate any applicable law, including but not limited to the laws of the city of Cape Girardeau, or other relevant local, state and federal laws.
5. The expressive activity must not otherwise violate this or any other University policy, procedure or other rule.
6. The expressive activity must not interfere with or be incompatible with the intended or actual use of the specific indoor space or associated interior grounds.
7. The expressive activity must not interfere with or be incompatible with the academic mission or daily operation of the University, including but not limited to classes, exams, meetings, athletic events, ceremonies, other educational and student life activities, and business operations.

2. Indoor Facilities Available To Non-University Community

Certain indoor facilities may be made temporarily available to non-University affiliated individuals, groups, and organizations, including for activities that are expressive in nature, in accordance with these and other applicable University rules, policies and procedures, on a viewpoint-neutral basis. These indoor facilities include, but are not limited to:

- Dempster Hall Atrium
- Dempster Hall Glenn Auditorium
- Academic Hall Auditorium
- Rose Theater
- River Campus Cultural Arts Center Atrium
- Show Me Center
- University Center

The distribution of commercial materials related to the events in the Show Me Center are allowed with the prior written approval of the Director of the Show Me Center. All other solicitations are strictly prohibited. Question related to permissible activity at the Show Me Center should be directed to the Director of the Show Me Center, 573.651.2297.

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3. Other Rules and Procedures for Interior Facilities

In addition to the above and other applicable University policies, procedures and other rules, the following rules and procedures apply to the use of University buildings, indoor facilities, and associated interior grounds

- **Property Damage:** The location for the expressive activity must be left in its original condition at the conclusion of the event, and persons are responsible for ensuring that any trash or litter is properly discarded. Any person or entity that causes damage to University-owned or controlled property will be responsible for paying any charges necessary to return the property to its original state. Similarly, reasonable cleaning charges may be assessed;
- **Room Rates:** There may be minimal room charges for individuals or groups utilizing University buildings, indoor facilities or associated interior grounds. These charges vary according to room size, the type of event and the hours of the event. Rates are available from the Event Services & Scheduling Office, or Show Me Center if appropriate. All groups will be charged for the extra support services required beyond the normal building operations. All individuals or groups are responsible for damages to equipment, furniture, or the facility;
- **Safety:** The sponsoring individual or group of an event in University buildings, indoor facilities or associate interior grounds is responsible for returning the rooms back to their original condition. Attendance at all events is limited to the number of fixed seats in the rooms or established capacities of rooms as dictated by fire and safety codes. Standing in the aisles and sitting on the back of seats during any program is prohibited. All materials used for decorations must be fire retardant or flame proof in accordance with University regulations. Exits must open readily and be accessible at all times. During the period of use, no required exit door may be fastened so that the door cannot be opened readily from the inside by use of ordinary doorknob or by pressure on the crash bar. Exit ways serving the room must be adequately lighted during all times that the room is occupied. The use of closed flame candles are permitted per the procedures outlined in Business Policy and Procedure 01-19A. The University may charge student security fees or require insurance based on published content-neutral and viewpoint-neutral criteria, such as the anticipated size of the invited audience; the time, length, and location of the event; and whether alcohol will be served.;
- **Smoking and Tobacco Usage:** Tobacco use is governed by [Business Policy 01-15, Tobacco Usage](#);
- **Alcoholic Beverages:** The usage of alcoholic beverages is governed by [Business Policy 01-04, Alcoholic Beverage Usage](#);
- **Firearms:** the possession of and/or discharge of firearms and/or explosives on the University property is prohibited except by designated University agents or designated employees in the line of duty. Appropriate criminal actions will be initiated for violators of this policy;
- **Scheduling Priorities:** University buildings, indoor facilities and associated interior grounds will be reserved on a first come, first serve basis. However, official activities of the University itself have precedence over all extracurricular events and all activities of other users. Activities of recognized student organizations and groups have scheduling priority over those of other users except the




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University. Occasions may arise when, in order to accommodate official University activities and functions, an official University activity takes precedence for use of an already scheduled space;

Unless otherwise specified, all questions regarding these procedures should be directed to the Office of the President, 573.651.2222 or to Campus Life and Event Services, 573.651.2280.

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POSTING, BANNERS, CHALKING, WALL PAINTING, AND TABLE TENTS

These procedures address posting, banners, chalking, wall painting, on permanent structures of the University, as well as the use of use of table tents in interior facilities on campus. These procedures apply to all Southeast Missouri State University students, faculty, staff, and visitors.

Where permitted, all postings, banners, chalking, wall painting and table tents must comply with the following:

- No posting, banner, chalking, wall painting or table tent may contain expression that is (1) directed to inciting imminent lawless action and is likely to incite such action; (2) a true threat, i.e., that which communicates a serious expression of intent to harm or assault; (3) obscene; (4) a false statement of fact that defames another identifiable person or entity; or (5) constitutes illegal harassment as defined by the University’s policies prohibiting such illegal harassment.
- No posting, banner, chalking, wall painting, or table tent may violate any applicable law, including but not limited to the laws of the city of Cape Girardeau, or other relevant local, state and federal.

The failure to follow these procedures may be cause for removing material that does not comply with the procedures and/or additional actions as may be deemed necessary by the University. Any damage to University property resulting from the failure to follow these procedures will be the responsibility of the person, organization or entity responsible.

As used herein, “student organization” is defined consistent with language included in the [Responsible Redhawks Guide related to student organizations](#).


These procedures should be construed in conjunction with all other applicable University policies, rules and procedures. Nothing in these procedures should be construed as limiting the ability of the University to disseminate University-sponsored information, whether through the modes specified herein or otherwise, in furtherance of the academic mission and daily operation of the University.

1. Posting

Posting may only occur on Campus Information Boards provided throughout campus, or on bulletin boards or other designated areas in residence halls, as described below. No posters, signs or other documents or materials shall be pasted, nailed, taped, stapled or otherwise attached to any other part of any University building or other permanent structure, including but not limited to any glass, wood or painted walls/door frames of University buildings, light posts, telephone poles, trash receptacles, or automobile windshields. See Business Policy and Procedure Manual 01-19A and 01-19B.

In all cases, the following procedures apply:

- Large staples, such as those from a staple gun, may not be used when posting.
- Postings must include the name of the sponsoring person, organization or entity, as well as contact information for that person, organization or entity.

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- Postings that concern an event or other matters with a deadline must include an expiration date. The University will remove postings for which the expiration date has passed;
- Any materials posted in an area not designated for posting will be removed.
- At the end of each semester, all postings will be cleared.

Posting in residence halls must be may only be done on bulletin boards or other designated areas. Areas such as painted walls, windows, doors, and ceilings of residence halls are not approved for posting absent prior approval by the Office of Residence Life at 573.651.2274. Posting in areas of residence halls that are keycard-protected is limited only to those persons, organizations or entities that are authorized to enter those areas. Any questions regarding permissible postings in Residence Halls should also be directed to the Office of Residence Life.

Postings are not permitted on Departmental Bulletin Boards without the permission from the department prior to posting on their board.

2. Banners

Banners may be hung from the University Center 4th Floor railing overlooking the 3rd floor by University students, faculty, and staff for the purposes of advertising University events and programs. For more information, contact Campus Life and Event Services, University Center, Room 414, 573.651.2280.


No banner may advertise an event which violates any University policy, rule or procedure (e.g., Business Policy and Procedure 01-04, Alcoholic Beverage Usage; 01-15, Tobacco Usage; 01-18, No Trespass; 01-19, Freedom of Expression). All banners must comply with all applicable University policies, rules and procedures.

3. Chalking

Chalking (i.e., using non-permanent chalk to convey expression) is permitted only in those non-brick outdoor areas of the campus in areas that are open to the elements, on horizontal, uncovered sidewalks and walkways. If it doesn't wash off with the rain, don't chalk there. The chalk must be water-soluble "sidewalk" chalk, which wears away with water or foot traffic.

Chalking is not allowed in each of the following circumstances:

- Writing or drawing on any surface with the use of paint, aerosol spray chalk, or chalk paint;
- Chalking on any surface that is under an overhang, such as those near entrances to buildings;
- Chalking on any other surface that is not exposed to the elements, including but not limited to the interior of buildings;
- Chalking on any brick surface or brick paver;
- Chalking on vertical outdoor surfaces of any kind, including, but not limited to, buildings, walls, planters, doors, trash receptacles, stairs/steps, bridges, fountains, benches, tables, signs, poles, columns, shuttle stops, light posts, trees, glass, windows, pilings, painted surfaces, traffic signs, emergency call phones, fixtures, newsstands, advertisement dispensers, utility boxes.

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Defacing or erasing of existing chalking is prohibited by anyone other than the person or organization who did the chalking, except that University facility and maintenance personnel may clean and wash sidewalks, plazas, and other outdoor areas at any time in the course of their usual and ordinary campus maintenance activities.

Complaints regarding chalking or other writing or drawing on a surface on University property should be directed to the Office of the President, Academic Hall Room 144, 573.651.2222. Upon receipt of a complaint, this office shall determine whether the chalking, writing, or drawing complies with Business Policy 01-19, Freedom of Expression, and these procedures. If it does not comply, the individual or organization responsible for chalking, writing or drawing shall be informed of the violation, which may include instructions to remove it. This does not preclude the University from removing the chalking, writing, or drawing immediately.

4. Wall Painting


Requests to paint murals on the lower level walls of the Boiler Plant is permitted for registered student organizations on a first come, first serve basis, via advance reservation by contacting the Campus Life and Event Services at 573.651.2280. Walls may be reserved on a monthly basis and must be painted by the seventh day of the month unless otherwise arranged. Reservations will be accepted no earlier than two months prior to the month desired.

The following rules apply to the paint walls:

1. Paint walls are reserved for use by registered student organizations to promote events and programs for the University community only.
2. Those student organizations who have the walls reserved in the current month have first chance to carry over into the next month unless another student organization has already reserved it;
3. Only latex house paint may be used;
4. Registered student organizations that paint a wall without a reservation or paint a wall other than the wall that was reserved, may be required to paint over the wall they painted or have to pay a fee to have Facilities Management to paint over the wall, if the wall was already reserved by another organization and if there are no other walls available;
5. No painting may advertise an event which violates any University policy, rule or procedure.

Defacing or erasing of existing painting is prohibited by anyone other than the person or organization who did the painting, except that University facility and maintenance personnel are allowed to clean and wash outdoor areas at any time in the course of their usual and ordinary campus maintenance activities.

Complaints regarding painting or other writing or drawing on the designated area should be directed to the Office of the President, Academic Hall Room 144, 573.651.2222.

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5. Table Tents

Table tents are permitted in dining and common areas on campus. To ensure that the tables in dining and common areas do not become cluttered, the following will apply to the placement of all table tents.

- Only University departments and student organizations (as defined in these guidelines) are allowed to place table tents in dining and common areas.
- Table tents must advertise campus events and programs for the University community only. Advertisement of meetings and commercial activities are prohibited. Table tents may not be used for the purpose of advertising outside agencies or commercial activities;
- No table tents may advertise an event which violates any University policy, rule or procedure;
- University departments and student organizations will be responsible for the placement of table tents. The University discourages the distribution of table tents in dining facilities during the hours of 11:30 a.m. to 1:30 p.m., to avoid peak meal times;
- All table tents must be freestanding and include the name of the sponsoring department or student organization and contact information must be clearly stated on the table tent; and
- Table tents not meeting the above requirements, or that become worn or defaced, will be discarded immediately. Absolutely no postcards or handbills.
- The University reserves the right to discard table tents on a periodic basis.

For more information, please contact Campus Life and Event Services, 573.651.2280.

Unless otherwise specified, all questions regarding these procedures should be directed to the Office of the President, 573.651.2222 or to Campus Life and Event Services, 573.651.2280.