

# Free Speech at Oregon State: Frequently Asked Questions

## **What is free speech (freedom of expression) at OSU?**

Freedom of speech (also called freedom of expression) is a fundamental right guaranteed by the U.S. and Oregon constitutions. While, in many contexts, individuals have a right to make statements whether they are popular or unpopular, agreeable or offensive, Oregon State community members share a responsibility to treat each other respectfully, including when discussing or debating controversial topics.

*Perception:* Speech that is hurtful to another person's beliefs or identity isn't allowed at OSU.

*Reality:* The First Amendment may protect speech even when it is hurtful to another person's beliefs or identity.

## **What is OSU's responsibility to protect free speech?**

For purposes of the free speech clause of both the federal and state constitutions, Oregon State University is "the government," and so the institution is limited in its ability to restrict freedom of speech, even if the content is considered offensive or hateful. The university cannot prohibit speakers from coming to campus just because individuals from the campus or surrounding community disagree (or OSU disagrees) with the content of the speaker's presentation or with their opinion.

*Perception:* Because OSU allows the controversial speakers in the quads of the MU or the library, OSU agrees with the ideals of their speeches and messages.

*Reality:* OSU is a public institution and is open to community members expressing content that may not be favorable to students, staff, faculty and visitors. OSU values an inclusive environment where differences and dissenting viewpoints are not only tolerated, but encouraged as part of the educational process. In most contexts at OSU, speech regulations are viewpoint neutral and are instead targeted to the time, place and manner of speech. OSU maintains its own freedom, however, to speak as an institution and will sometimes do this in response to others' free speech that is counter to OSU values.



**Oregon State**  
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### **What is hate speech? Is it illegal?**

Hate speech is often referred to as speech that insults or demeans groups of people on the basis of, but not limited to, the attributes of race, religion, ethnic origin, sexual orientation, disability or gender. While Oregon State condemns hate speech of this kind, it is often not illegal or unconstitutional, especially in public forums like quads. Prohibiting or punishing those because of hate speech may be a violation of the First Amendment. There are times that OSU may be able to take action or otherwise regulate speech, such as when the speech constitutes a direct threat of imminent physical harm against a particular person, constitutes severe/pervasive harassment impeding a particular person's educational opportunity or creates a substantial and material disruption or interference of university business. Just because there is a First Amendment right to say something, however, doesn't mean that it should be said. Oregon State community members share a responsibility to treat each other respectfully, including when discussing or debating controversial topics.

*Perception:* Displaying the confederate flag on your vehicle is prohibited by law and OSU policies.

*Reality:* Although a confederate flag may be offensive, it is generally protected free speech in many contexts and it can be displayed on a vehicle or worn on clothing. Courts would see this as presenting a situation that is similar to someone wearing a Black Lives Matter shirt or a MAGA hat.

### **What's not protected free speech?**

Free speech law is highly context-specific and complex, but some examples of unprotected speech include specific threats of violence against individuals, speech constituting targeted harassment under the student conduct code and speech that is exercised in ways that significantly disrupt the operation of the university or the legal rights of others.

*Perception:* Anyone can state that they are going to cause physical harm to a person or a group.

*Reality:* Speech that constitutes true threats of physical harm against a specific person or group of people or that constitutes an incitement to immediate physical violence is prohibited.

### **How does OSU policy handle controversial speakers?**

The university set limits on an outside speaker's presence at Oregon State that aren't related to the speaker's viewpoints. Those limits include setting reasonable [time, place, and manner restrictions](#) with the goal of limiting

potential disruption of university business. Many university buildings are open to the public and the university community for non-disruptive speech activities during the regular business hours of the particular building, with the exception of some buildings that are more tightly regulated due to the nature of the activities that take place in those buildings (such as classroom buildings, research labs/facilities and offices). Generally, the university is not going to be in a position to cancel events or restrict controversial speakers based on the offensiveness of the speaker's message. There may, however, be a decision to cancel an event or restrict a speaker from speaking at the campus if there is a significant safety risk, despite taking all reasonable steps to support the safety of students, faculty and staff.

*Perception:* Students living in the residence halls can blast their music 24/7.

*Reality:* Regardless of the type of music, residents are restricted by the time in which they can play their music and the manner in which it is played in their residence halls.

### **As an OSU community member, what can I do to express disagreement with the content of a speaker's message?**

As a member of the OSU community, you can express your disagreement with a speaker's message through counter speech. Options include, but are not limited to, the following:

- Ask Oregon State, other organizations and student leaders to denounce the speaker, group or message.
- Engage in dialogue with the group hosting the event.
- Ignore and provide counter programming to the event.
- Assemble to express differing opinions with the speaker, group or message being shared.

*Perception:* Students can disagree with a scheduled controversial speaker/program and can express their free speech by disrupting the event.

*Reality:* In public forums and when following time, place and manner restrictions, students generally have the right to speak about different viewpoints on any topic. Students cannot, however, disrupt the speaker or prevent others in attendance from viewing or hearing the speaker.

### **What will OSU do to ensure our safety while a controversial speaker is on campus?**

Our foremost priority as an institution is to support the safety of our community members. For all speakers who seek access to reserved venues, the venue management reviews the necessary safety and security requirements necessary to support the event. Additional safety measures will be considered and may be utilized based on institutional assessment of

the event. During an event, OSU will carefully and sensitively monitor and respond to situations to safeguard campus safety. All measures that are taken will be content and viewpoint neutral. Part of our commitment to the safety of campus will include ongoing assessments of risk and disruption before and during the event in question. This assessment will be conducted by a team of interdisciplinary staff from the Division of Student Affairs, Department of Public Safety, Oregon State Police, Risk Management and the Office of Institutional Diversity working in conjunction with the host of the program.

*Perception:* Because OSU allows controversial speakers to make reservations to speak in reserved venues, they are not required to follow Oregon State policies.

*Reality:* Speakers are to adhere to OSU policies. If it is determined that the controversial speaker is not adhering to the policies or that the risks to the safety of the campus community are deemed significant enough, the university reserves the right to cancel, postpone or relocate an event to mitigate the identified risks.

**Will student sponsors of a speaker who promulgates hate speech be held accountable through the OSU Code of Student Conduct?**

Speech that promotes specific threats of violence against particular individuals or that significantly disrupts the operation of the university or the legal rights of others may be disciplined through the OSU Code of Student Conduct. University administrators may work with organizers to help them understand how a speaker's viewpoints may negatively affect certain communities or particular individuals, and assist the organizers in creating opportunities for respectful engagement with a speaker. If a speaker or event affects a substantial university interest, including but not limited to harm or threats of harm to health or safety, behavior that causes significant community disruption or behavior that is detrimental to the educational mission or interests of the institution, the university may choose to not allow the controversial speaker to utilize campus venues or may discipline students or student organizations engaging in this behavior under the OSU Code of Student Conduct.

*Perception:* A student or student organization who invited a controversial speaker to campus is responsible for the statements, messages or remarks made during their program.

*Reality:* Sometimes the views of a speaker or group do not correspond to the student or student organization that invited the controversial speaker. Students or student groups engaging in behavior that is not in alignment with our OSU Code of Student Conduct may be held accountable.

