

Policy Number: 138

DISTRIBUTION OF MATERIALS IN THE UNIVERSITY UNION

To promote the free exchange of ideas, the University permits students, faculty, staff and the general public to distribute visual communications and solicit signatures in the University Union upon approval of the Director of the University Union, or designee.

If the material in question is not obscene in the judgment of the designated officials, the University shall permit its distribution in the interest of maintaining free expression.

Those who distribute material or solicit signatures may not engage in the following activities:

1. Attempt, by repeated demands, threats, or otherwise, to coerce passersby into accepting or paying for material.
2. Interfere with, impede, or cause blockage of the normal flow of traffic.
3. Commit any act likely to create an imminent safety or health hazard.
4. Accompany the distribution of material with loud or raucous sounds likely to disturb others.
5. Interfere with or disrupt any activity by others who have permission to be in the same general location at the same time.

Distribution of the following material is prohibited:

1. Material that is (under current legal standards) obscene.
2. Material that is likely to incite or produce imminent lawless action.

All materials, in whatever manner distributed, must identify the issuing person and/or organization.

Administrative Review

If permission for distribution of material is requested, the Director of the University Union, or designee, shall make an on-the-spot check. If no problem is apparent, permission shall be given immediately.

If there is some doubt concerning the material, the requestor shall be asked to return at a stated time. The Director, or designee, shall examine the material carefully prior to the time which has been set and shall consult with the Vice President for Student Affairs, if it is deemed desirable, prior to making a decision. If the Director, or designee, and the Vice President for Student Affairs have doubts about the material, they may call the State's Attorney's office immediately and ask that the attorney or his/her representative check the material to determine if it violates the criminal obscenity statute. Following these consultations, a decision shall be made within two working days by the Director of the University Union, or designee.

An initial denial, whether on the basis of the criminal obscenity statute or other restrictions as outlined above, is subject to review by the Vice President for Student Affairs or designee (Reviewer). To obtain such review, the requestor must, within five working days after such determination, file a written appeal of the decision. In the normal case, the Reviewer shall issue a decision in writing within five working days of receiving the appeal. The requestor may also petition for expedited consideration, and such consideration shall be granted in a case where the material to be distributed relates to a pending event which will occur before the expiration of the normal five-day period. Under expedited consideration the Reviewer shall issue a decision in writing within two working days of receiving the appeal.

The requestor shall have the right to present written or other tangible evidence for consideration by the Reviewer. Such evidence need not be admissible in a court of law. The Reviewer may make such further review as deemed appropriate and may require written statements from University staff who participated in the original determination.

The Reviewer's written decision is final, and shall contain the factual findings underlying that decision.

Enforcement

If material is left in the University Union where it is available to the public, and permission for distribution has not been granted, the Director, or designee, shall dispose of the material.

If a person proceeds to distribute material which has been judged obscene, the Director, or designee, shall request the person to cease. If the person does not comply, the Director, or designee, shall report the incident to the University Police Department. The police officer who responds shall inform the person of his/her violation of the [Illinois Revised Statutes 1967, Chapter 38, Section 11-20](#), which defines the criminal offense of obscenity. The violator shall then be placed under arrest.

Approved:
President
February 7, 1990

Monitor: Vice President for Student Affairs