

Demonstrations

Policy Number:

1260

Date Created/Revised:

08/27/2018

Executive Responsibility:

Vice Provost-Student Affairs

Functional Responsibility:

Police Department

Applies to:

Ohio Administrative Code 3352-7-14

Former Wright Way Policy:

4007

1260.1 General Statement

Wright State University recognizes the exercise of the rights of expression, affiliation, and peaceful assemblage. Wright State University students and personnel may express their views by demonstrating peacefully for concepts they wish to make known, and the university will make every reasonable effort to protect those rights. The university also has an equal and simultaneous obligation to protect the rights and freedoms of those who do not choose to participate in a demonstration. Additionally, the university has an obligation to protect its property and to assure continuation of the activities of students, university faculty and staff, and guests on campus.

This policy is not applicable to situations arising within the context of normal classroom instruction and discussion. This policy does not apply to use of university facilities and grounds for official events sponsored by the university.

1260.2 Policy

1260.2.1

Wright State University (the "university") permits, promotes, and supports the free expression of ideas, views, and opinions by its faculty, students, staff, administrators, and visitors (hereafter "members of the academic community"). The university is committed to rights of expression, affiliation, and peaceful assemblage. Faculty, staff and students should be free to discuss, debate and express ideas and opinions in public or private forums as long as they do not disrupt university functions.

1260.2.2

The university also has an equal and simultaneous obligation to protect the rights and freedoms of those who choose not to participate in free speech or peaceful assemblage activities. Additionally, the university has an obligation to protect its property and to assure continuation of the activities of students, faculty, staff, and guests on campus.

1260.2.3

Demonstrations and marches and other forms of expression may be legitimately regulated with regard to time, place and manner. This is especially so when they have the purpose or effect of substantially interfering with the educational environment, disrupting the function of the university or inciting an immediate breach of peace. Disruptions may include but are not limited to: interfering with, impairing, or impeding university teaching, research or administration; interfering with, impeding, or blocking the flow of vehicular, wheelchair, or pedestrian traffic on any paved street or path; interfering with, impeding, or blocking any entrance or exit to any building; violating any federal, state, or local law, regulation or fire code, including the University Policies and Procedures; interfering with an event by blocking views or making sufficient sounds to mask a speaker or performance from being heard; using voice or amplifications systems without prior approval by the university for the use of such systems; destruction of university or personal property; any act or behavior which prevents a listener from attending or leaving any event; and/or failing to comply with the orders or

directives of identified university officials, police, or any other law enforcement officers acting in consideration of the health, welfare, and safety of all concerned.

1260.2.4

Demonstration(s). A person or assembly of persons engaged in expressive activity that includes demonstrations, picketing, marches, rallying, speechmaking, and all other like forms of conduct which involve the communication or expression of views or grievances, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.

Expressive activity. An expressive activity is any exercise of the right to free speech guaranteed by the constitutions of the United States and the state of Ohio.

Non-University Affiliated Speaker. Any person or entity other than a current university student, registered student organization, university faculty member, or university staff member.

1260.2.5

Conduct, the purpose or effect of which is not frightening, coercing, or intimidating specific individuals but is merely deemed offensive to certain groups, will not be grounds for regulation or punishment.

1260.2.6

The university is committed to the elimination of all forms of bigotry on campus.

1260.2.7

The university will consider each alleged violation of this policy on a case by case basis and will examine the time, place, pattern of conduct, and, where relevant, the existence of a specific relationship between speaker and target.

1260.3 Regulation of Time, Place, and Manner

Any individual or group may use, in accordance with the procedures set forth in 1260.4 on any day of the week during daylight hours, any publicly accessible outdoor area of the university's Fairborn and Lake campuses to collect signatures, distribute materials, and/or speak, as long as they do not disrupt the ability of the university to effectively and peacefully teach students, provide services, or conduct any of its business and support operations.

Academic departments, programs and other units and registered student organizations may schedule university space to bring non-university affiliated speakers and programs of their choice to the Fairborn and Lake campuses on a space available basis. Sponsored speakers shall have the same access to the university facilities as their sponsor.

1260.4 Notice Policies and Operational Procedures

◆ Small Groups

- Except as noted below, any person or group whose use of an outdoor area is expected or reasonably likely to have less than one hundred people must submit a request to the Vice Provost of Student Affairs or designee at least one (1) business day before the expressive activity.
- If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, the person or group may request a reduction of the notice requirements, and the university will honor that request if the university determines that, with the reduced notice, the activity can take place peacefully and safely and in a manner consistent with the university's mission.

◆ Large Groups

- Except as noted below, any person or group whose use of an outdoor area is expected or reasonably likely to have more than one hundred people must submit a request to the Vice Provost of Student Affairs or designee at

least three (3) business days before the day of the expressive activity.

- If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, the person or group may request a reduction of the notice requirements, and the university will honor that request if the university determines that, with the reduced notice, the activity can take place peacefully and safely and in a manner consistent with the university's mission.

◆ Student Use

- In addition to the use of outdoor areas described in 1260.3, any student or student organization may seek to reserve the use of specific outdoor areas by contacting the Student Union Administrative Office.
- Any request by a student or student organization to reserve such area or space shall be made at least one (1) business day prior to the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate this policy.
- A request by a student or student organization to reserve a specific area or space will have priority over any other person(s) seeking to use the area or space during the scheduled time period.

◆ The notice policy is necessary for the following reasons:

- To assure assistance in planning and in using university facilities
- To ensure that other activities are not adversely affected
- To protect the rights of all members of the university community
- To protect the rights of participants and nonparticipants in demonstrations and marches

◆ The following information should be provided to the Office of the Vice President for Student Affairs:

1. Name of event
2. Desired location
3. Desired date and time (start and end)
4. Route to march (if applicable)
5. Estimated attendance
6. Sound devices to be used
7. Security plans
8. Name and contact information of sponsors/responsible persons
9. Name of speaker(s)

The registration form can be found at: <https://www.wright.edu/student-affairs/student-resources/demonstrations-and-marches>

1260.5 Prohibited Actions

1260.5.1

The laws of the state of Ohio and Wright State University's Policies and Procedures prohibit the following:

1. Obstructing or disrupting university teaching, research, or administration;
2. Causing, or threatening to cause, injury or harm to persons or property;
3. Incitement of riot;
4. Obstructing the free flow of pedestrians or vehicular traffic; illegally possessing or using firearms, explosives, or other weapons, chemicals, or fire extinguishers or any open flame devices with the exception of individual candles; (see 1260.5.2 for additional language to include) individuals and groups are prohibited from creating and/or using fire or other incendiary device capable of combustion or burning.
5. Failing to comply with the orders or directives of university officials, police, or any other law enforcement officers acting within the scope of their duties.

1260.5.2

Use of sound amplification equipment in a manner obstructive or disruptive of university functioning is prohibited.

Individuals and groups are prohibited from displaying signs that are attached to sticks, posts, rods, or poles.

1260.5.3

Individuals or groups utilizing tables, platforms, displays, and similar items must reserve space on campus for their use.

1260.5.4

Demonstrations and marches may not take place inside university buildings without explicit permission from the provost or the designee in case of academic buildings and the vice president for student affairs or designee in the case of other university buildings at least three business days before the day on which they seek to engage in the activity. A group may request a reduction of the three day notice requirements, and the university will honor that request if the university determines that, with reduced notice, the activity can take place peacefully and safely and in a manner consistent with the university's mission.

1260.6 Enforcement

1260.6.1

The president of the university or the president's designee shall resolve any dispute between any individual or groups regarding the use of space for any free speech activities subject to this policy. The university may, if deemed necessary, enact a procedure (e.g. creation of a "speech grid"; requiring minimum spacing between speakers; granting permission on a "first come, first serve" basis, etc.) whereby such disputes are addressed. Such procedure shall be content neutral regarding free speech activities involved in the dispute.

1260.6.2

In the event of an emergency situation in which, in the judgment of authorized police department personnel, riot or harm to persons or property is imminent, the on-duty supervisor may order dispersal and cancellation of the demonstration or march prior to obtaining an order from the president or the president's designee.

1260.7 Appeal

Any individual or group who believe that arbitrary, unlawful, or unreasonable limitations have been imposed upon any demonstration under the provision of these regulations may appeal to the president or the president's designee.