


Name of Policy: Expression on campus Policy Number: 3364-5-14 Approving Officer: President Responsible Agent: Provost and Executive Vice President for Academic Affairs Scope: All Campuses (see section (B))		 Effective date: March 24, 2021 Original effective date: June 1, 2015	
<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input checked="" type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

(A) Purpose of policy

The purpose of the policy is to promote the free exchange of ideas and the safe and efficient operation of the university by:

- (1) Fostering free speech, assembly, and other expressive activities on publicly accessible outdoor areas of any university campus by any persons, whether or not they are affiliated with the university, and regardless of the viewpoint being expressed.
- (2) Maintaining an appropriate educational and work environment for all persons present on university property, including but not limited to students, faculty, employees, customers, and visitors.
- (3) Maintaining the personal security of all persons present on university property and protecting the property of the University and of persons present on university property.

In developing this policy, the university recognizes the constitutional freedoms guaranteed by the United States Constitution and Ohio Constitution, including freedom of speech, press and assembly. The university also recognizes the need to preserve and protect its property, students, guests and employees of the university, and to ensure the effective operation of educational, business and related activities of the university. Expressive activities on the university’s campus may be subject to reasonable regulation with regard to the time, place and manner of the activities. University employees will not consider the content or viewpoint of expressive activities when enforcing this policy. No policy can address every possible activity or situation that may occur on university property, and the university reserves the right to address such situations as circumstances warrant.

This policy does not apply to use of university facilities or grounds for official events sponsored by the university, nor does it supersede policy [3364-5-10](#), (use of university facilities). Expressive activities carried out under this policy will not be considered to be speech made by, on behalf of, or endorsed by the university. This policy supersedes any provisions in any other earlier-adopted university policies that address similar or overlapping issues, such as use of outdoor spaces. Academic freedom is not addressed under this policy, but covered by other policies or collective bargaining agreements.

(B) Scope of policy

This policy applies on all university campuses. This policy does not apply to use of any area of any university campus by university employees who are acting in the course of their job responsibilities.

(C) Outdoor areas of campus generally available for use

(1) General access

Any person or group may use, without prior notification, any publicly accessible outdoor area of any university campus except parking lots, garages and driveways. Federal, state and local laws will be enforced as applicable. The use of walkways or other common areas may not block the free passage of others nor impede the regular operation of the university.

Use of the general access areas may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions. There is no limit to the number of times a month a person or group may access these areas.

During work and class hours or if the area is currently in use for an official university event, amplification may be restricted if it unreasonably interferes with university operations or noise ordinances are violated.

(2) Large groups

Except in the circumstances described below, any person or group whose use of an outdoor area for demonstration or protest is expected or reasonably likely to have more than one-hundred (100) people in attendance is asked to notify the student union office at 419.530.2931 at least two (2) business days before the day of the expressive activity, including information as to the specific location to be used for the event and the estimated expected number of persons, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present.

Prior notice is requested to ensure that there is sufficient space for the large group event, that the large group event does not conflict with any other scheduled use of the outdoor space, and that sufficient university resources are available for

crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group should provide the university with as much advance notice as circumstances reasonably permit.

(D) Student use

In addition to the general right of access to outdoor areas of campus described above, any student or student organization may seek to reserve the use of specific outdoor areas by contacting the student union office at 419.530.2931.

Any request by a student or student organization to reserve such area or space should be made at least 28 business days before the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate university policy.

A student or student organization that has reserved a specific area or space under this policy will have priority over any other persons seeking to use the area or space during the scheduled time period. Any decision denying a request will be promptly communicated in writing to the requester and will set forth the basis for the denial. The content of the anticipated speech or other expressive activity will not form the basis for a denial.

(E) Prohibited activities

- (1) Any event or activity that disrupts the ability of the university to teach students effectively and peacefully, to provide client services, or to conduct any of its other business and support operations is prohibited. Examples include, but are not limited to, excessive noise, impeding vehicle or pedestrian traffic, and otherwise unlawful conduct.
- (2) Unlawful harassment as set forth in policy [3364-50-01](#) is not permitted.
- (3) No activity may damage university property. Prohibited actions include, but are not limited to, driving stakes or poles into the ground, hammering nails into buildings or flora, and attaching anything to sidewalks, paved areas, or any part of any building, structure or fixture.
- (4) Distribution/solicitation by placing any material on vehicles in the parking lots or garages is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.

(F) Enforcement

Any person who violates section (E) of this policy may be subject to an order to leave university property. Employees in violation of this policy may be subject to discipline, up to and including termination. Students in violation of this policy may be subject to discipline under the applicable code of conduct.

(G) Statutory Language

- (1) Ohio Revised Code 3345.0212 requires each public university in Ohio to adopt a policy on harassment that is consistent with and adheres strictly to the definition of harassment in section 3345.0122 of the Ohio Revised Code.
- (2) The University's commitment to freedom of expression does not extend to unlawful harassment. Under section 3345.0122, harassment is defined as conduct and/or expression that is:
 - (a) not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution;
 - (b) unwelcome; and
 - (c) so severe, pervasive, and objectively offensive on the basis of any of the factors outlined in University policies [3364-50-01](#), [3364-50-02](#), and [3364-50-03](#) that it effectively denies an individual equal access to the individual's education program or activity.
- (3) Expression (either in person, in writing or by telecommunication) must meet all three elements to be actionable under this policy. This policy applies to alleged harassment that takes place on University property (owned, leased, or controlled premises), at University-sponsored events, and in connection with a University-recognized program or activity.
- (4) This policy shall not be construed to impair any right or activity, including speech, protest, or assembly protected by the U.S. Constitution.
- (5) Nothing within this policy shall be interpreted as preventing the University from restricting expressive activities that the First Amendment of the U.S. Constitution or Article I, Sections 3 and 11 of the Ohio Constitution does not protect. Further nothing in this policy shall be interpreted as restricting, impairing, or expanding the University's obligations under federal or state law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, the Age Discrimination in Employment Act, the Age Discrimination Act of 1975, the Genetic Information Nondiscrimination Act, or similar Ohio laws as addressed through the University's non-discrimination and Title IX policies.

<p>Approved by:</p> <p><u>/s/</u> Gregory C. Postel, M.D. President</p> <p><u>March 24, 2021</u> Date</p> <p>Review/Revision Completed by:</p> <p><i>Provost and Executive Vice President for Academic Affairs; Office of Legal Affairs</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none">• <i>None</i> <p>Initial effective date: June 1, 2015</p> <p>Review/Revision Date: March 6, 2018, March 24, 2021</p> <p>Next review date: March 25, 2024</p>
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