

# 01.044: Use of Outdoor Spaces

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Status: Approved

Effective: July 26, 2018

Endorsed by: Elizabeth Sayrs | Interim Executive Vice President and Provost

Approved by: M. Duane Nellis | President

Signatures and dates on archival copy

## A. Scope and overview

This policy establishes rules for the use of outdoor spaces on the university's campuses, including the Athens campus, regional campuses, centers, and extension campuses.

University outdoor spaces are dedicated primarily for use by the university community for purposes consistent with the institution's mission and related teaching, learning, studying, research, academic, extracurricular and student life, administrative, and other supporting activities.

Outdoor spaces intended for vehicular transportation and parking, such as university-owned roads, garages, and parking lots, must be used solely for those purposes absent prior permission.

University outdoor spaces may be used by the university community and the public in accordance with this policy.

Uses may be subject to additional rules for particular locations and/or during certain times, which may be communicated by signage at the location (e.g., construction zones).

## B. General rules for use of outdoor spaces

The following rules govern use of outdoor spaces on university campuses:

### 1. Reservations

Outdoor spaces are generally available for use by the university community and the public, with or without advance reservation or notification, in accordance with this policy. Determinations

regarding reservations must be made without reference to the content of any expression associated with the activity.

The university has designated certain outdoor spaces on the Athens campus that are available for reservation by the university community and the public. Item (C) of this rule identifies those areas and relevant rules.

A user who has reserved an outdoor space is entitled to exclusive use of that space during the reservation time. Unscheduled or conflicting uses of space during a reservation time may not be permitted, and individuals whose use conflicts with a scheduled use may be required to leave that area.

Additional reservation-related requirements may apply, such as reservation fees.

## 2. Amplified sound

Amplified sound devices such as microphones, speakers, and bullhorns may be used in outdoor spaces only with the advance permission of the office of event services (“event services”), which will evaluate such requests based on the nature of the university space and other university activities and events that may be occurring at the time. Use of such devices is subject to additional time restrictions depending on the space at issue. For example, use of amplified sound during weekday daytime hours is more limited than on the weekends.

## 3. Literature, petitions, and signs

Users may distribute literature, circulate petitions, and carry signs in outdoor spaces, so long as these activities are consistent with other provisions of this policy.

## 4. Materials attached to poles and other structures

No signs, equipment, or other items may be taped or otherwise attached to and left on trees, bushes, light poles, permanent signs, retaining walls, or other structures, except in areas clearly dedicated to public posting of materials (e.g., public bulletin boards). This rule does not prohibit the use of hammocks and similar items, provided users do not damage vegetation and do not leave such attachments unattended.

## 5. Disruption

As contemplated in policy [01.040](#), disruption is largely dependent on context. Many factors may influence what rises to the level of disruptive including but not limited to size and configuration of the space, proximity to academic or administrative functions, and number of participants. Mere inconvenience is not a basis to abridge free expression.

Outdoor spaces are generally available to the university community and the public for a variety of activities, including marches, demonstrations, rallies, public speech-making, picketing, protests, and similar assemblies. These events may be in spaces reserved in advance or spontaneous, and they may be loud and involve crowds of various sizes.

Determinations regarding disruption must be made without reference to the content of any expression associated with the activity. Activities in outdoor spaces that substantially and materially disrupt or interfere with university activities and operations are not permitted. For example, prohibited activities may include blocking sidewalks and exterior building doors, sustained loud noise directly outside a classroom or office during business and class hours, and blocking university-owned roads without permission. Blocking pathways, doors, service counters, door activators, or otherwise impeding university efforts intended to assist with accessibility for persons with disabilities in compliance with the Americans with Disabilities Act of 1990 (as amended) is not permitted.

In general, disruption is defined as conduct that results in, or imminently threatens, the following:

- a. Substantial and material interference with the ability of students, faculty, and staff to engage in university activities and operations, including teaching, learning, studying, research, academic, extracurricular and student life, administrative, and other supporting activities;
- b. Substantial hindering or impeding of pedestrian or vehicular traffic, including by blocking building doors; and
- c. Substantial and material interference with an authorized event or activity conducted in university spaces, including expressive activities permitted under this policy.

In addition, disruption includes behavior that is not protected speech, including actual or imminent threat of violence, physical harm to individuals, or violation of a statute, regulation, ordinance, or legal requirement, and damage to university or other personal property.

The determination whether an activity has become disruptive as defined above generally will be made by the academic or administrative manager responsible for the space and other appropriate university officials depending on the facility and circumstances at issue, in consultation with the Ohio University Police Department (“OUPD”).

In addition, disruption includes behavior that is not protected speech, including actual or imminent threat of violence, physical harm to individuals, or violation of an occupancy limit, building code requirement, or other statute, regulation, ordinance, or legal requirement, and damage to university or other personal property. OUPD is legally obligated to make the final determination in resolving issues of public safety.

## 6. Protocol for engagement

Engagement with students involved in free expression, when appropriate, reflects the university's educational mission to foster an environment of open discourse, debate, and learning. For example, leaders and representatives of academic units, the division of student affairs, diversity and inclusion, and event services may engage with participants to encourage constructive dialogue depending on the facility and circumstances of the demonstration.

University officials should maintain protocols for responding to demonstrations and engaging constructively with participants – especially students – when safe and appropriate.

## 7. Clean-up and damage fees

Users of outdoor spaces must take care not to cause damage to the university's property or leave behind trash and other items. If this occurs, clean-up and damage fees and costs may be assessed on the responsible individuals and groups.

## 8. Food and alcohol

All food uses by university departments, offices and student organizations must comply with relevant office of environmental health and safety regulations and with policies [47.010](#) and [47.015](#).

Use of alcoholic beverages is prohibited in outdoor university spaces, except in accordance with policy [24.001](#).

## 9. Camping

Absent prior written approval from the university, no person may erect tents or other structures requiring stakes, poles, or similar attachments in outdoor university spaces, given the presence of underground utilities and other infrastructure. Requests will be evaluated according to security, safety, and logistical considerations by the executive director of event services in consultation with OUPD and other appropriate university officials.

Overnight camping or overnight outdoor sleeping of any kind is prohibited without prior permission.

## 10. Commercial use

Any proposed commercial activity will be

- a. limited to baker university center and be consistent with policy [24.002](#) and [24.003](#); or
- b. will follow the rules set forth in policy [42.550](#).

## 11. Major events

Users who intend to sponsor events on the Athens campus that are expected to draw two hundred or more people are encouraged to review policy [01.030](#) and to contact the university's major events committee to facilitate the event. "Major Events" typically include concerts, charity races, and other produced events.

### C. Reserveable outdoor spaces

Several outdoor spaces are available for advance reservation through event services. To reserve a space and make a reservation, contact event services at least twenty-four hours in advance of the planned event. Other event services reservation requirements and fees may apply.

The reserveable outdoor spaces are described on the event services website, along with corresponding boundaries and specific usage rules.

### D. Exceptions

In extraordinary circumstances, the executive director of event services, in consultation with the vice president for student affairs and affected departments may grant exceptions to any provisions of this policy. Decisions to grant or deny exceptions may not be based on the expressive content, message or viewpoints of the proposed activity.

### E. University's official use of spaces

This policy does not apply to the university's official use of its outdoor spaces for university programs and events.

### F. Enforcement

Any person who violates this policy may be subject to an order to leave the property or area, institutional discipline (for employees and students), and/or arrest and prosecution in circumstances when the violation constitutes a crime.

## Reviewers

Proposed revisions of this policy should be reviewed by:

1. Faculty Senate
2. Administrative Senate
3. Deans
4. Chairs and Directors
5. Graduate Student Senate
6. Student Senate
7. Chief of Police
8. Executive Director of Baker Center

## Forms, References, and History

### 1. Forms

The following forms are specific to this policy:

There are no forms specific to this policy.

### 2. References

The following items are relevant to this policy:

- a. [01.040](#) Statement of Commitment to Free Expression
- b. Americans with Disabilities Act of 1990
- c. [47.010](#) On-Campus Temporary Food Service Practices
- d. [47.015](#) Catering
- e. [24.001](#) Alcoholic Beverages on University Property and in Fraternity and Sorority Houses
- f. [24.002](#) Baker University Center Advertising and Announcements

- g. [24.003](#) Baker Center Reservations
- h. [42.550](#) Solicitation
- i. [01.030](#) Production and Hosting of Major Events

### 3. History

Draft versions of this policy that were circulated for review, their cover memos, their forms, and Reviewers' comments on them are available on the [password-protected Review site](#).

Prior versions of this policy were approved on:

- a. September 17, 2021 (Non-substantive update. Classified Senate removed as Reviewer due to the establishment of the AFSCME 3200 Contract)
- b. July 26, 2018