

3357:13-18-09 NC State/OSU-M Public Use of College Outdoor Areas Policy

(A) Purpose

- (1) The purpose of the Policy is to promote the free exchange of ideas and the safe and efficient operation of the College by:
 - (a) Fostering free speech, assembly and other expressive activities on College property by all persons, whether or not they are affiliated with the College.
 - (b) Maintaining an appropriate educational and work environment for all persons present on College property, including but not limited to students, faculty, employees, customers and visitors.
 - (c) Maintaining the personal security of all persons present on College property and protecting the property of the College and of persons present on College property.
- (2) In developing this Policy, the College recognizes the constitutional freedoms guaranteed by the United States and Ohio Constitutions, including freedom of speech, press and assembly. The College also recognizes the need to preserve and protect its property, students, guests and employees of the College, and to ensure the effective operation of educational, business and related activities of the College. Expressive activities on the College's campus may be subject to reasonable regulation with regard to the time, place and manner of the activities. College employees will not consider the content of expressive activities when enforcing this Policy. No Policy can address every possible activity or situation that may occur on College property, and the College reserves the right to address such situations as circumstances warrant.
- (3) This Policy does not apply to use of College facilities and grounds for official events sponsored by the College.
- (4) Expressive activities carried out under this Policy shall not be considered to be speech made by, on behalf of, or endorsed by the College.
- (5) This Policy supersedes any provisions in any other earlier-adopted College policies that address similar or overlapping issues, such as use of outdoor spaces.
- (6) To the extent this Policy contradicts or diminishes the effect of the provisions and requirements of sections 3345.0212 to 3345.0214 of the Ohio Revised Code, those sections of the Revised Code supersede this Policy.
- (7) Nothing in this Policy shall be interpreted as preventing the College from restricting expressive activities that the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution does not protect.

(B) Outdoor Areas of Campus Generally Available For Use

(1) General Access

- (a) Any person or group may use, without prior notification, any publicly accessible outdoor area (meaning the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways, and other similar common areas) of the College's Mansfield campus, Kehoe Center campus or Crawford Success Center 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 or impede the regular operation of the College. Use of the outdoor 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 those areas.
- (b) During work and class hours or if the outdoor area is currently in use for an official College event, amplification may be restricted if it unreasonably interferes with College operations or noise ordinances are violated.

(2) Large Groups

- (a) Except in circumstances described below, any person or group whose use of an outdoor area is expected or reasonably likely to have more than one hundred people must notify the College's Vice President of Business Services 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 shall include at least one person who will be personally present. Security and clean-up costs will not be charged to the person or group.
- (b) Prior notice is necessary 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 area, and that sufficient College resources are available for crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, the person or group shall provide the College with as much advance notice as circumstances reasonably permit.

(C) Student Use

- (1) 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 Vice President of Business and Administrative Services. 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.

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

(D) Outdoor Bulletin Boards

- (1) The College provides outdoor Bulletin Boards for the purpose of posting materials in the public space. Please refer to College Policy No. 3357:13-18-041 for additional instructions regarding Posting Procedures.

(E) Prohibited Activities

- (1) Any event or activity that disrupts the ability of the College to effectively and peacefully teach students, provide client services, or 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 conduct otherwise unlawful.
- (2) No activity may damage College property. Prohibited actions include but are not limited to driving stakes or poles into the ground, hammering nails into buildings, and attaching anything to sidewalks, paved areas, or any part of any building, structure or fixture.
- (3) 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.
- (4) Individuals and groups shall not engage in conduct that intentionally, materially, and substantially disrupts another individual's expressive activity if it occurs in a campus space reserved for exclusive use or control of a particular individual or group. "Materially and substantially disrupts" means when a person, with the intent to, or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents communication of their message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either: (a) Engaging in violent or otherwise unlawful behavior; or (b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity. This shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 3 of Article I of the Ohio Constitution.

(F) Enforcement

- (1) The College and local law enforcement shall enforce the provisions of this Policy.
- (2) Any person who violates Section E of this Policy may be subject to an order to leave College property. Employees in violation of this Policy may be subject to discipline, up to and including termination.

(G) Dispute Resolution

- (1) Any person or recognized student organization who believes unlawful, unreasonable, or arbitrary limitations have been imposed on any of their speech or other expressive activities under this Policy may file a complaint with the College's Vice President of Business and Administrative Services.
- (2) If a lawsuit is filed against the College for an alleged violation of expression rights, within thirty days after the lawsuit is filed, the College shall submit a report and a copy of the Complaint to the governor of Ohio, speaker of the Ohio house of representatives, and president of the Ohio senate. The report must contain a description of the alleged barriers to or incidents of disruption of free expression occurring on campus, including attempts to block or prohibit speakers and any investigation of students or student groups on the basis of expression. The description also shall include the nature of each alleged barrier or incident and the disciplinary action, if any, taken against members of the campus community determined to be responsible for the barriers or incidents.

(H) Procedures

- (1) The President may adopt procedures to administer this Policy.

Effective: February 23, 2021

Expires: February 1, 2026

Review Dates: 11/14/13, 2/23/21

Approved by the Shared Services Committee, November 14, 2013

Reviewed by the Shared Service Committee on February 22, 2021