



Ohio Administrative Code Rule 3337-1-42 Use of Indoor Spaces.

Effective: September 3, 2018

The version of this rule that includes live links to associated resources is online at <https://www.ohio.edu/policy/01-042.html>

(A) Scope and overview

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

University indoor 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. These are spaces where our community primarily learns, teaches, works, and lives, and this policy is meant to ensure that those core activities can take place productively and safely.

University indoor spaces may be used by the university community and the public in accordance with this policy, including for free expression as described below.

Uses may be subject to additional rules for particular locations and/or during certain times, which are too numerous to cross-reference in this policy. For example, such rules may include those governing noise levels in Alden library and other study spaces and safety-related use restrictions in laboratories and rooms housing sensitive equipment.

(B) Management of indoor spaces

University indoor spaces are managed by different units depending on the facility. Those responsible for management of a facility may coordinate room and space reservations, determine reservation fees and charges, and establish specific rules, such as building operating hours. For a given facility, these responsibilities may be shared among the academic and business units residing



in the facility, the corresponding office of the academic dean or regional campus dean, the registrars office, facilities management, culinary services, housing and residence life, and central administration.

(1) Relevant policies

Several university policies address these responsibilities for certain facilities:

- (a) 01.024 (Classroom and laboratory scheduling);
- (b) 14.101 (Departmental libraries: guidelines and requirements);
- (c) 19.057 (Animal facilities visitors);
- (d) 24.003 (Baker center reservations);
- (e) 24.012 (Use of athletics department-controlled facilities);
- (f) 24.020 (Use of Templeton-Blackburn alumni memorial auditorium); and
- (g) 24.030 (Membership and use eligibility for campus recreation facilities).

Questions regarding the appropriate contacts for reservations and management-related issues may be directed to the office of university planning and space management.

(C) General rules of use of indoor spaces

In addition to facility-specific rules, the following rules govern use of indoor spaces on university campuses:

(1) Priority of university-related uses

The universitys indoor spaces are to be used primarily for purposes related to the institutions mission



and related teaching, learning, studying, research, academic, extracurricular and student life, administrative, and other supporting activities.

Many indoor spaces are available for use by only appropriate university employees and students, invited guests, and others having business in those spaces and are not available for general community or public reservation. These include but are not limited to ordinary office suites and internal conference rooms, laboratories and related research and administrative space, medical office waiting rooms, and residence halls.

(2) Reservations

Users wishing to secure reserved use of an indoor space should contact the unit responsible for managing the facility. Determinations regarding reservations must be made without reference to the content of expression associated with the activity.

A user who has reserved an indoor 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.

(3) Amplified sound

Amplified sound devices such as microphones, speakers, and bullhorns may be used in indoor spaces only with the advance permission of the unit responsible for managing the facility.

(4) Distribution and posting of literature

For rules regarding distribution and posting of literature, flyers and other written material within buildings, see the following policies:

(a) 23.050 (Posting of material for advertisement or notification);



(b) 24.002 (Baker university center advertising and announcements); and

(c) 42.550 (Solicitation).

(5) Demonstrations, protests, and similar assemblies

(a) Scope and definition

The purpose of this section is to affirm the university's commitment to freedom of assembly and expression and to describe some contexts in which this section of the policy applies.

There are many forms of public expression. This section addresses activities collectively referred to as demonstrations. For the purposes of this policy, a demonstration is a form of public expression that is defined as one or more persons engaging in public expression who are standing, sitting, or otherwise occupying and remaining in a space.

Demonstrations may include but are not limited to creative activity, public speech-making, picketing, protests, rallies, and similar assemblies in indoor spaces. For example, demonstrations include both large gatherings and smaller groups or even a single individual making a speech, holding a sign, or otherwise engaging in public expression while occupying and remaining within an indoor space. Here, the act of occupying and remaining in a space is itself an expressive activity.

Other acts of public expression are not considered demonstrations for purposes of this section. For example, transient movement or pauses (including for private conversation), or wearing clothing or symbols representing political or ideological views within spaces generally are not demonstrations as defined in this section. Such activities are permitted so long as they are not disruptive, as defined in paragraph (C)(6) of this rule.

(b) Reserved and unreserved spaces

(i) Demonstrations are permitted in some indoor spaces as described in this section and when not disruptive (as defined in paragraph (C)(6) of this rule).



(ii) Demonstrations are permitted in all reservable indoor spaces by users who have reserved them in advance according to the applicable building or other established reservation procedure.

(iii) Demonstrations organized or sponsored by individuals or groups not affiliated with the university may occur only in reservable space and must be reserved in advance in accordance with building reservation processes so that the university has reasonable notice and time to plan for logistical and safety considerations.

(iv) Demonstrations that do not conflict with an existing reservation or are otherwise not in use may occur without reservation in the following areas only:

(a) Baker center: in the rectangular atrium spaces located on the south end of the third, fourth, and fifth floors, and in the lounge area overlooking the rotunda on the north end of the fifth floor.

(b) Baker center: in publicly reservable conference rooms and meeting rooms in Baker center.

(c) Classrooms that are otherwise empty

(d) As noted above, many of these spaces may also be reserved in advance for the purpose of demonstration according to the applicable building or other established reservation procedure.

(v) Indoor demonstrations, whether in reserved or unreserved spaces, are permitted only when the participants are otherwise permitted to be present (e.g., during normal building operating hours), and must adhere to occupancy limits for the relevant space.

(vi) Demonstrations in the indoor spaces designated above are permissible because those spaces are generally designed and safe for assembly. Other types of spaces are not so designed or practical for such use, including individual offices, office suites, lobbies, and hallways, and demonstrations are not permitted in these spaces.

(vii) Expression by audience members at public events, including dissenting expression, is entirely permissible, provided it does not prevent the event from continuing (e.g., holding signs or wearing



shirts expressing an alternate view at a public lecture is permissible, but exercising a hecklers veto is not).

(6) 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.

Determinations regarding disruption must be made without reference to the content of any expression associated with the activity. Activities in indoor spaces that substantially and materially disrupt or interfere with university activities and operations are not permitted. Interference with academic instruction and research is viewed as particularly disruptive. Blocking pathways, doors, service counters, elevators, escalators, 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.

For example, prohibited activities may include blocking doors and hallways, sustained loud noise directly outside a classroom or office during business and class hours, and expression during a class that impedes course-related teaching, learning, and discussion. Users must always allow safe access through building and interior room, doors, and passageways within buildings.

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 traffic, including by blocking building doors, hallways, stairs, escalators, and lobbies.
- (c) Substantial and material interference with a scheduled event or activity conducted in university



spaces, including expressive activities permitted under this policy.

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.

(7) 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.

(8) Clean-up and damage fees

Users of indoor 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.

(9) 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 university spaces, except in accordance with policy 24.001.

(10) Commercial use

Any proposed commercial activity

(a) Will be 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.

(D) Exceptions

In extraordinary circumstances, appropriate university leadership, including administrators responsible for management of particular facilities, may grant exceptions to any provisions of this policy. Such exceptions must not be based on the expressive content, message or viewpoints of a proposed activity.

(E) University's official use of spaces

This policy does not apply to the university's official use of its indoor 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.

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