



Ohio Administrative Code

Rule 3358:5-11-09 Public use of college outdoor areas policy.

Effective: April 14, 2025

(A) The purpose of the policy is to promote the free exchange of ideas and the safe and efficient operation of the college by:

(1) Fostering free speech, assembly and other expressive activities on college property by all persons, whether or not they are affiliated with the college

(2) 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.

(3) 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.

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.

(4) This policy does not apply to use of college facilities and grounds for official events sponsored by the college.

(5) Expressive activities carried out under this policy shall not be considered to be speech made by, on behalf of, or endorsed by the college.



(6) This policy supersedes any provisions in any other earlier-adopted college policies that address similar or overlapping issues, such as use of outdoor spaces.

(B) 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 the college's Leffel lane, downtown Springfield and Greene center campuses except parking lots 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 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 those areas.

During work and class hours or if the 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.

When assessing a request to reserve campus facilities or outdoor areas, the college will not consider the content or viewpoint of the expression or the possible reaction to that expression. The college will not impose restrictions due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's or college employee's expression, the college shall take steps to ensure public safety while allowing the expressive activity to continue.

(2) Outreach centers The college's outreach centers are leased facilities and not owned by the college. Those facilities generally do not include any outdoor space leased or controlled by the college; therefore, no publicly-accessible outdoor areas are available for use under this policy. Where any outdoor space is controlled by the college, this policy applies.

(3) Large groups 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 executive vice president for business affairs at least three 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.

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 space, 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 In addition to the general right of access to outdoor areas of campus described in paragraph (B) of this policy, any student or student organization may seek to reserve the use of specific outdoor areas by contacting the senior vice president for student affairs, enrollment management and regional locations. Any request by a student or student organization to reserve such area or space shall be made at least one 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 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 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) 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, an event larger than the venue can handle, a clear threat to public safety, and conduct otherwise unlawful.

(2) Engaging in racial, religious and ethnic harrassment and intimidation.



(3) 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 (except the designated bulletin boards).

(4) Deadly weapons are prohibited unless otherwise protected by state law.

(5) Distribution/solicitation by placing any material on vehicles in the parking lots is prohibited. Leaving trash, litter, materials or pollutants in any areas is prohibited.

(E) Enforcement Local law enforcement shall enforce the provisions of this policy.

Any person who violates paragraph (D) of this policy, (prohibited activities,) 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. Students in violation of this policy may be subject to the procedures as outlined in the student rights and responsibilities/code of conduct procedures.

(F) Statutory language

(1) Section 3345.0212 of the Revised Code requires each public college in Ohio to enforce to a policy on harassment that is consistent with and adheres strictly to the definition of harassment in section 3345.0122 of the Revised Code.

(2) The college's commitment to freedom of expression does not extend to unlawful harassment. Under section 3345.0211 of the Revised Code, harassment is defined as unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

(3) Intimidation is defined as a violation of ethnic intimidation as described in section 2927.12 of the Revised Code.

(4) This policy applies to alleged harassment that takes place on college property (owned, leased or



controlled premises), at college-sponsored events, and in connection with a college recognized program or activity.

(G) Property damage During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility or reserved area. If the event causes any damage to those facilities or areas, the sponsoring person(s) or organization (and its officers, if applicable) shall assume responsibility.

(H) Expressive activities that are not protected by the First Amendment will not be protected under this policy.

(I) 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 online through the general concern/grievance form.

(2) Students may submit complaints and allegations of racial, religious or ethnic harassment or intimidation in accordance with the student grievance/complaint procedures.

(J) Training and education - Training will be provided for college administration, faculty and staff on how to respond to hate incidents or incidents of harassment that occur during a class or event held at the college at the time the incident occurs.

(K) Procedures The president may adopt procedures to administer this policy.