

PUBLIC USE OF COLLEGE GROUNDS FOR EXPRESSIVE ACTIVITY POLICY

Division: Student Affairs

Policy Statement

The purpose of this 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, and visitors.
3. Maintaining the personal security of all persons present on College property and protecting the property of the College and of the persons on College property.

Policy Details

A. Overview

- i. The College recognizes the constitutional freedoms guaranteed by the United States and Ohio Constitutions, including freedom of speech, press and assembly.
- ii. The College also recognizes the need to protect its property, students, guests and employees, and its responsibility to ensure the effective operation of educational, business and related activities of the College.
- iii. Expressive activities on the College's campus may be subject to reasonable regulation with regard to time, place and manner of the activities.
 - a. 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.
 - b. The use of walkways or other common areas may not block the free passage of others or impede the regular operation of the College.
 - c. 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.
 - d. Distribution or solicitation by placing any material on vehicles in the parking areas is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.
- iv. College employees will not consider the content of expressive activities when enforcing this policy.
- v. This policy does not apply to use of College grounds for official events sponsored by the College.
- vi. Expressive activities carried out under this Policy shall not be considered to be speech made by, on behalf of or endorsed by the College.

B. Availability of Outdoor Spaces for Public Use

- i. Any person or group may use, without prior notification, any publicly accessible outdoor area of the campus except parking lots and driveways.
 - a. Any person or group is defined to mean anyone other than an enrolled student of the College including employees, members of the community, and visitors.

- ii. Any person or group whose use of an outdoor area is expected or reasonably likely to have more than one-hundred (100) people is considered to be a "large group event" and notification to the College's Campus Safety Office at 419-559-2253 and must be provided 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 number of participants, 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.
- iii. Use of the general common outdoor areas may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions.
- iv. There is no limit to the number of times a month a person or group may access those areas.
- v. During work and class hours or if the area is currently in use for an official College event, amplified sound may be restricted if it materially and substantially interferes with College operations, or city noise ordinances are violated.

C. Reserving Space for Student Activities

- i. In addition to the general right of access to outdoor areas of campus described in this procedure, any student or recognized student organization may seek to reserve the use of specific outdoor areas by contacting the Dean of Student Success in Building B, room 105.
- ii. Any request by a student or student organization to reserve such area or space shall be made at least two business day prior to the event.
- iii. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate this procedure.
- iv. A student that has reserved a specific area or space under this procedure will have priority over any other persons seeking to use the area or space during the scheduled time period.
- v. Any decision denying a request shall be promptly communicated in writing to the requester and shall set forth the basis for the denial.
- vi. The content of the anticipated speech or other expressive activity shall not form the basis for a denial.

D. Prohibited Activities

- i. Any event or activity that disrupts the ability of the College to effectively and peacefully teach students, provide client services, or conduct any other business and support operation is prohibited. Examples include but are not limited to excessive noise, impeding vehicle or pedestrian traffic, and conduct otherwise unlawful.
- ii. Federal, state and local laws will be enforced as applicable. The use of walkways or other common outdoor areas may not block the free passage of others or impede the regular operation of the College.
- iii. 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.
- iv. Distribution/solicitation by placing any material on vehicles in the College's parking areas is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.
- v. Harassment, which 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. Any harassment is strictly prohibited relative to the execution of the Public Use of College Outdoor Areas Policy and Procedure.
- vi. Any event or activity where attendees remain overnight is generally prohibited. Groups seeking overnight accommodations must submit a request to the Senior Vice President for Innovation and Strategic Planning seven business days in advance of the activity in order to sufficiently prepare for any additional security or other needs. Overnight activity shall not include the use of camping

equipment. Overnight is defined as the hours between 10:00 p.m. and 7:00 a.m.

E. Enforcement

- i. Terra State Community College Campus Safety and/or local law enforcement will, without regard to the content of the expressive activity, enforce Federal, state and local laws including Board policies and College administrative procedures, including but not limited to:
 - a. Deadly Weapons Policy
 - b. Student Drug and Alcohol Policy
 - c. Firearms, explosives, narcotics of all types, dangerous ordinances, fireworks, and firecrackers are prohibited at all events and activities on the College campus.
- ii. Persons or groups in violation of Section D may be subject to an order to leave College property. Employees in violation of this procedure may be subject to discipline up to and including termination. Students in violation of this procedure may subject to discipline, up to and including dismissal if they are a student.

F.

Dispute Resolution

- i. 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 in writing with the Senior Vice President for Innovation and Strategic Planning.

Resources

1. **Student Activities Policy** - https://www.terra.edu/about_us/institutional_policies/uploadedfiles/student_activities_policy_2023.pdf
2. **Campus Posting Policy** -
3. **Student Code of Conduct** – <https://terra.edu/codeofconduct>
4. **Institutional Info & Policies** - https://www.terra.edu/about_us/institutional_policies/institutional_policies_2023.php
5. **Ohio Revised Code** - <https://codes.ohio.gov/ohio-revised-code>
6. **Dean of Student Success**
 Building B, Room 105
 419-559-2416
tshaal01@terra.edu

Documentation

Definitions

| <i>Term</i> | Definition |
|---|---|
| <i>Common Outdoor Area</i> | Any open area outside of college facilities that are shared by all members of the community including, walkways, parking lots, and lawns, etc. |
| <i>Time, Place, and Manner Restrictions</i> | Limitations imposed on expressive activities which are content-neutral, narrowly tailored, and which leave open and ample alternatives for communication. Restrictions may include limitations on noise, restrictions on size or placement of signs, and capping the number of participants who may occupy a given forum. Such restrictions allow the college to conduct its normal operations without disruption. Time, place, and manner restrictions are allowed by the first amendment. |

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| <i>Unprotected Speech</i> | The Constitution provides wide protections for expressive activity. However, not all speech is protected. Examples of unprotected speech include harassment, true threats, defamation, and speech which incites others to imminent lawless action. |
| <i>Hate Speech</i> | The United Nations defines Hate Speech as speech which is “discriminatory (biased, bigoted, or intolerant) or pejorative (prejudiced, contemptuous, or demeaning) of an individual or group. While hate speech can often be offensive and or hurtful, it is protected speech under the First Amendment. The US Supreme Court has repeatedly rejected law and policy (including college policy) that prohibits hate speech. |
| <i>Amplified Sound</i> | Any sound or noise, including the human voice which is made louder using electrical means. Amplified sound may be restricted under Time, Place, and Manner restrictions to protect the normal operation of the college. |

Approval History

| <i>Date</i> | <i>Policy/Procedure or Entire Document</i> | <i>Notes (Types of Actions)</i> | <i>**Approved by</i> |
|-------------|--|---|----------------------------------|
| Unknown | Issued | | Unknown |
| 12/19/2023 | Updated Template Policy Edits | Updated to new template Reformat Policy Formerly known as Public Use of College Outdoor Areas Procedure Added Time, Place, Manner (A.iii) Added Neutrality Statement (A.iv) Added Harassment Section (D.iv) Added Overnight Event Section (D.v) | Tim Shaal |
| 1/25/2024 | Policy | Approval of Policy/Procedure with edits | William Taylor- CASA Co-Chair |

****Full name of CASA Committee Chair, signatory, or designee**

Effective Date: 12/19/2023

Next Review Date: 12/31/2026