

## PUBLIC USE OF COLLEGE CAMPUS

### PURPOSE

It is the policy of Edison State Community College to promote the free exchange of ideas and the safe and efficient operation of the College by:

- Fostering free speech, assembly and other expressive activities on College property by all persons, whether or not they are affiliated with the College. Expressive activities mean any lawful verbal, written, audiovisual, or electronic means by which individuals may communicate ideas, including all forms of peaceful assembly, protests, speeches, distribution of literature, carrying and displaying signs, and circulating petitions.
- 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.
- 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.

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.

Edison State Community College affirms the following principles:

- Students have a fundamental constitutional right to free speech.
- The College is committed to giving students broad latitude to speak, write, listen, challenge, learn and discuss any issue, subject to properly imposed measures by the College that do not violate the First Amendment of the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution, such as:
  - Constitutional time, place, and manner restrictions;
  - Reasonable and viewpoint-neutral restrictions in nonpublic forums;
  - Restricting the use of the College's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the College's mission;
  - Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United State Constitution or Article 1, Sections 3 and 11 of the Ohio Constitution;
  - Content restrictions on speech that are reasonably related to legitimate pedagogical purpose, such as classroom rules enacted by teachers.
- The College is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

- It is for the College's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.
- It is not the proper role of the College to attempt to shield individuals from speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- Although the College greatly values civility and mutual respect, concerns about civility and mutual respect shall never be used by the College as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and state their own views about and contest speakers who are invited to express their views on a campus of the College, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the College has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
- The College is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding.
- The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

## **POLICY STATEMENT**

This Policy does not apply to use of College facilities and grounds for official events sponsored by the College. Expressive activities carried out under this Policy shall not be considered to be speech made by, on behalf of or endorsed by the College. This Policy supersedes any provisions in any other earlier-adopted College policies that address similar or overlapping issues, such as use of outdoor spaces.

### **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 Piqua 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 general access areas may include expressive activities. 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 materially and substantially disrupts College operations or noise ordinances are violated.

#### **(2) Regional Campuses**

Edison State campuses at Greenville, Troy, and Eaton are leased facilities and are not owned by the College. These facilities 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.

(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 Department of Public Safety, Suite 161, at 937-778-7820 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.

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.

### Student Use

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 Student Affairs Office at 937-778-7850. 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.

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.

### Prohibited Activities

- (1) Any event or activity that materially and substantially 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 is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.
- (4) Harassment, 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 of activity, is prohibited.
- (5) Disruption of previously scheduled or reserved activities occurring in a traditional public forum.

### **Enforcement**

Edison State Community College's Department of Public Safety and local law enforcement shall enforce the provisions of this Policy.

Any person who violates 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.

### **Dispute Resolution**

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 Department of Public Safety, Suite 161, at 937-778-7820.

The President is authorized to establish a fair and equitable complaint resolution process. This process shall include the following:

- The development of specific protocols or procedures that define:
  - The proscribed conduct;
  - The process involved in both the investigation and disciplinary action phases after a complaint has been received;
  - Potential sanctions;
  - Other relevant information deemed necessary to ensure a fair and equitable process.
- Upon completion of the process, the determination of the resolution shall be presented to the Board for review/approval, potentially as a part of the consent agenda at a Board meeting.

Any form of retaliation against a student, student group, or faculty member who files a complaint about an alleged violation of this policy with the College Department of Public Safety is strictly prohibited.

### **Resolution Process Procedures**

Upon receipt of a complaint, the Department of Public Safety shall promptly document the allegations. They shall prepare a report to detail the conduct that led to the specific complaint. If the complaint is against the Department of Public Safety, the President will appoint another member of staff with investigative experience for this task. The report will be forwarded to the administrator overseeing the subject of the complaint. The administrator will determine the need for any further investigation and proceed accordingly. The administrator will consult with the Human Resources Department to recommend disciplinary actions or inaction, along with potential sanctions for the conduct.

The recommendation of the cabinet member administrator will be forwarded to the President along with any investigative reports. The President will make a determination of a proper resolution in consideration of

recommendations from the administrator cabinet member. This determination will be presented to the Board for review/approval, potentially as part of the consent agenda at a Board meeting.

#### **PERSONS AFFECTED**

All Edison State Community College employees.

#### **DEFINITIONS**

See Policy #3358-9-01