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01.044: Use of Outdoor Spaces

Status: Approved

Effective: September 26, 2024

Initiated by: Lyn Redington, Vice President for Student Affairs

Endorsed by: Donald Leo, Executive Vice President and Provost

Approved by: Lori Stewart Gonzalez, President

Signatures and dates on archival copy

A. Scope and overview

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

University outdoor 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.

Outdoor spaces intended for vehicular transportation and parking, such as university-owned roads, garages, and parking lots, must be used solely for those purposes absent prior permission.

University outdoor spaces may be used by the university community and the public in accordance with this policy.

Uses may be subject to additional rules for particular locations and/or during certain times, which may be communicated by signage at the location (e.g., construction zones).

B. General rules for use of outdoor spaces

The following rules govern use of outdoor spaces on university campuses:

1. Reservations

Outdoor spaces are generally available for use by the university community and the public, with or without advance reservation or notification, in accordance with this policy. For those spaces requiring a reservation, determinations regarding reservations must be made without reference to the content or viewpoint.

The university has designated certain outdoor spaces that are available for reservation by the university community and the public. See paragraph (C) of this rule for additional information about reservable spaces.

A user who has reserved an outdoor space has priority use of that space during the reservation time as to any other non-official use. 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.

2. Amplified sound

Amplified sound devices such as microphones, speakers, and bullhorns may be used in outdoor spaces, provided they are handheld and carried by the person using them. Amplified sound devices may not use the university's electricity, may not be freestanding, and may not be placed on any kind of support (e.g., stand table, stage, etc.) unless approved as part of a space request. All amplified sound is subject to regulation in accordance with paragraph (B)(5) of this rule.

3. Literature, petitions, and signs

Users may distribute literature, circulate petitions, and carry signs in outdoor spaces, so long as these activities are consistent with other provisions of this policy.

4. Materials attached to poles and other structures

No signs, equipment, or other items may be taped or otherwise attached to and left on trees, bushes, light poles, permanent signs, retaining walls, or other structures, except in areas clearly dedicated to public posting of materials (e.g., public bulletin boards). This rule does not prohibit the use of hammocks and similar items, provided users do not damage vegetation and do not leave such attachments unattended.

5. Disruption

As contemplated in policy 01.040, disruption is largely dependent on context. Many factors may influence what constitutes disruption including but not limited to size and configuration of the space; proximity to academic, administrative or business functions; and number of participants. Mere inconvenience is not a basis to abridge free expression.

Outdoor spaces are generally available to the university community and the public for a variety of activities, including marches, demonstrations, rallies, public speech-making, picketing, protests, and similar assemblies. These events may be in spaces reserved in advance or spontaneous, and they may be loud and involve crowds of various sizes.

Determinations regarding disruption must be made without reference to the content or viewpoint of any expression associated with the activity. Activities in outdoor spaces that substantially and materially disrupt or interfere with university activities and operations are not permitted. For example, prohibited activities may include blocking sidewalks, patios, pathways, stairwells, elevators, escalators, and exterior building doors, sustained loud noise outside a classroom or office during business and class hours, and blocking university-owned roads without permission. Blocking sidewalks, pathways, elevators, doors, patios, service counters, 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.

In general, disruption is defined as conduct that results in, or imminently threatens, the following:

- a. Substantial and material interference with activities, operations, and businesses, including without limitation teaching, learning, studying, research, academic, extracurricular and student life, administrative, and other activities;
- b. Substantial hindering or impeding of pedestrian or vehicular traffic, including by blocking building doors, patios, pathways, stairwells, elevators, escalators, and exterior building doors; and
- c. Substantial and material interference with an authorized event or activity conducted in university spaces, including expressive activities permitted under this policy.

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.

The determination whether an activity has become disruptive as defined above generally will be made by the Ohio university police department, in consultation with the academic or administrative managers responsible for the space and other appropriate university officials depending on the facility and circumstances at issue.

6. Protocol for engagement

Engagement with people 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.

7. Clean-up and damage fees, personal property

Users of outdoor spaces shall not cause damage to 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. The university is not responsible for any personal property brought onto the premises and assumes no liability for lost, stolen or damaged personal property.

8. Open flames

For the safety of persons and property, open flames of any kind require advance permission.

9. External structure installations

- a. Absent prior written approval from the university and except as permitted herein, no person may attach fixtures in outdoor university spaces or place any installation or structure – freestanding or otherwise – including but not limited to, weight bearing structures; stands; tables; chairs (except a lawn chair per individual); tents, canopies, or pop-up shelters, whether or not those tents, canopies, or pop-up shelters require stakes, poles, or similar attachments; displays, sound systems; generators; etc. Requests will be evaluated according to security, safety, and logistical considerations by event services in consultation with OUPD; the major events committee; and other appropriate university officials, including regional campus deans, if on a regional campus.
- b. In addition, no device or installation – freestanding or otherwise – that utilizes university utilities such as gas, water, or electric, may be used without prior approval.

10. Camping and overnight events

Camping is prohibited.

Events occurring between eleven p.m. and seven a.m. are prohibited unless approved in advance. Requests will be evaluated according to security, safety, and logistical considerations by event services in consultation with OUPD; the major events committee; and other appropriate university officials, including regional campus dean's, if on a regional campus. Requests must be submitted in advance of the potential event.

11. Commercial use

Any proposed commercial activity will be

- a. limited to baker university center; or
- b. will follow the rules set forth in policy 42.550.

12. Major events

Users who intend to sponsor events on the Athens campus that are expected to utilize several university resources (e.g., parking and transportation services, facilities, event services, etc.) and/or draw two hundred or more people should review policy 01.030 and to contact the university's major events committee to facilitate the event. "Major events" typically include, without limitation, concerts, charity races, and other produced events, but not spontaneous protests. Users who intend to sponsor such events on the regional campuses should contact the appropriate regional campus dean's office.

C. Reservable outdoor spaces

Several outdoor spaces are available for advance reservation through event services, or if on a regional campus, through the regional dean's office. To reserve a space and make a reservation, contact event services or the appropriate regional campus dean's office. Other event services reservation requirements may apply.

Reservable outdoor spaces on the Athens campus are described on the Event Services website. Reservable outdoor spaces on a regional campus are available from the appropriate regional campus.

D. Exceptions

In extraordinary circumstances, the university may grant one-time exceptions to any provisions of this policy in accordance with policy 01.003 (exceptions to or restrictions of university policies). Decisions to grant or deny exceptions may not be based on the expressive content or viewpoint of the proposed activity.

E. University's official use of spaces

This policy does not apply to the university's official use of its outdoor spaces for university programs and events. The university's official use of its outdoor spaces always has priority over other uses.

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 in circumstances when the violation constitutes a crime.

Reviewers

Proposed revisions of this policy should be reviewed by:

1. Faculty Senate
2. Administrative Senate
3. Deans
4. Chairs and Directors
5. Graduate Student Senate
6. Student Senate
7. Chief of Police
8. Executive Director of Event Services

Forms, References, and History

1. Forms

The following forms are specific to this policy:

There are no forms specific to this policy.

2. References

The following items are relevant to this policy:

- a. 01.040 Statement of Commitment to Free Expression
- b. Americans with Disabilities Act of 1990
- c. 47.010 On-Campus Temporary Food Service Practices
- d. 47.015 Catering
- e. 24.001 Alcoholic Beverages on University Property and in Fraternity and Sorority Houses

f. 42.550 Solicitation

g. 01.030 Production and Hosting of Major Events

3. History

Draft versions of this policy that were circulated for review, their cover memos, their forms, and Reviewers' comments on them are available on the [password-protected Review site](#).

Prior versions of this policy were approved on:

- a. May 10, 2022 (Non-substantive update: References to rescinded policies 24.002 and 24.003 were removed).
- b. September 17, 2021 (Non-substantive update. Classified Senate removed as Reviewer due to the establishment of the AFSCME 3200 Contract)
- c. July 26, 2018