 <p><b>Category:</b> Administrative Property</p> <p><b>Policy applicable for:</b> Faculty, Staff, Students, Visitors</p>	<p><i>Policy Title:</i> <b>Expressive Activity</b></p> <p><b>Effective Date:</b> 4/2012</p> <p><b>Prior Effective Date:</b> 8/2008</p> <p><b>Enabling Acts:</b> University Rule 3361:60-13-01 ORC Chapter 3361</p>	<p><i>Policy Number:</i> <b>6.2.2</b></p> <p><b>Policy Owner:</b> Office of the President</p> <p><b>Responsible Office(s):</b> Conference &amp; Event Services; Facilities Management; Public Safety</p>
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- *Students who wish to engage in any expressive activity in groups of 25 or fewer, including to soliciting signatures on petitions, may do so, without any prior notice to the university, in the Free Speech Area and the open campus areas, plazas, and sidewalks.*
- *Students who wish to engage in any expressive activity in groups of more than 25: (a) are asked to call Campus Scheduling (558-1810) at least 24 hours in advance, and (b) may conduct activities in the same locations, except that the university reserves the ability, on a case-by-case basis, to change the location of a very large activity (groups of 5,000 or more), but only to the extent necessary to ensure the safety and security of the university community.*
- *Students engaging in any activity on campus are to adhere to the student code of conduct and always to acquit themselves in accordance with applicable law.*

## **I. General Policy**

The University of Cincinnati considers freedom of inquiry and discussion essential to educational development and recognizes the right of students to engage in discussion, exchange thoughts and opinions, and speak freely on any subject in accord with the constitutions of the United States and the State of Ohio. Additionally, the university endeavors to develop in students a realization that citizens not only have the right but the obligation to inform themselves regarding issues and problems of the day, formulate stands regarding these issues and problems, and give expression to their views. The university is proud that its campus is open to free discussion and examination of views, with the requirement that such discussion be done under peaceful and safe conditions consistent with the scholarly nature of an academic community. The university does not impose any restrictions to control the point of view expressed by speakers or others engaged in expressive activities.

## **II. Definitions**

As used in this Expressive Activity policy statement, the following are key terms:

- A. *Expressive activity.* An expressive activity is any exercise of the right to free speech other than commercial activity.

- B. *Commercial activity.* A commercial activity is any activity undertaken by or in coordination with an external constituent (that is also a for-profit corporation or similar going concern), the conduct of which has the effect, intent, or propensity to benefit the external constituent's profits, income, market visibility, or similar business objective.

As used in this Expressive Activity policy statement, the following terms are defined as follows:

1. *Demonstrations.* The term demonstrations means expressive activity that includes assemblies, demonstrations, picketing, rallying, speechmaking, and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.
2. *Distribution of Printed Materials.* The distribution of printed materials is an expressive activity that includes leafleting, handing out of flyers, distributing printed material, and all other like forms of conduct.
3. *Erection of Displays.* The erection of displays is an expressive activity in which a sign, graphic display, art installation, symbolic material, or other similar material is installed, displayed or otherwise erected.
4. *External constituent.* An external constituent is any person or entity other than an internal constituent.
5. *Internal constituent.* An internal constituent is any current university student, registered student group, university faculty member, or university staff member.
6. *Registered student group.* A registered student group is a student group that is currently registered and in good standing with Student Activities and Leadership Development.
7. *Solicitation of Sales/Funds.* A solicitation of sales/funds is an expressive activity undertaken by a registered student group to raise funds for purposes consistent with the goals of the registered student group as identified in its constitution.
8. *Solicitation of Signatures.* The solicitation of signatures is an expressive activity that involves the attempt to secure support of ballot initiatives, petitions, and all other similar initiatives, by soliciting, requesting, or otherwise encouraging individuals to affix their signatures.

### **III. Limited Public Forum**

To best meet its goals, the university has chosen to exercise its prerogative, consistent with its mission, to limit expressive activities in its campus open areas and make those

areas limited public forums. Consistent with that choice, use of the university's buildings, grounds, and other property is reserved for the direct and indirect support of its teaching, research, service missions, administrative functions and students' campus-life activities. The university prohibits or otherwise restricts access to or use of its property as is necessary to provide for the orderly and safe conduct of its missions, administrative functions and students' campus-life activities.

The use of the university's buildings, grounds and other property for expressive activities is limited to the university's internal constituents who—without prior restraints—may freely select persons they wish to invite as guest speakers. External constituents must obtain authorization from the university or the sponsorship of a recognized student organization to engage in expressive activities on university-owned or university-controlled property.

The university requires reasonable notice by individuals and groups requesting the use of a campus location or locations for an expressive activity. The university also requires individuals or groups requesting the use of a campus location or locations for an expressive activity to provide the information the university needs to enable it to establish peaceful and safe conditions for the activity. This scheduling procedure will not be used as a prior restraint device, and the university's determination of whether to grant the individual's or group's request will not in any way be based on the content of the individual's or group's message or speech.

#### **IV. Expressive Activities**

Individuals and groups planning to engage in expressive activities must contact Conference & Event Services to familiarize themselves with the university's policies governing the activity and locations on campus where the activity is permitted. Any group or individual making a request to engage in expressive activities, must submit a request to Conference & Event Services in accordance with the advance notice requirements as set forth below.

Questions about whether any free speech activity is covered by this policy can be directed to Conference & Event Services. (See *Related Links* and *Phone Contacts*, below.)

##### **A. Notice Policies**

##### **1. Demonstrations**

Individuals and groups planning a demonstration or similar activity must submit a request to Conference & Event Services no fewer than five working days before the day on which they seek to engage in the activity, unless the demonstration is expected to have 5,000 or more participants or attendees, in which case the request must be submitted no fewer than seven working days in advance.

2. All Other Expressive Activities

Individuals and groups planning to solicit sales/funds, erection of displays, distribute printed materials, solicit signatures or engage in similar activities must submit a request to Conference & Event Services no fewer than three working days before the day on which they seek to engage in the activity. However, a group may request a reduction of the three day notice requirement, and the university will honor that request if the university determines that, with the reduced notice, the activity can take place peacefully and safely and in a manner consistent with the university’s mission.

B. Location Policies

1. Demonstrations

Internal constituents may conduct demonstrations at McMicken Commons and Northwest McMicken Commons. External constituents may conduct demonstrations at Northwest McMicken Commons only.

2. All Other Expressive Activities

Internal constituents may conduct the solicitation of sales/funds, distribution of printed materials, solicitation of signatures, erection of displays (depending on size and scope), and similar activities at the locations indicated in the following table:

	Solicitation of sales/funds Distribution of printed materials Solicitation of signatures	Erection of displays
Bearcat Pavilion	✓	✓
Bearcat Plaza	✓	✓
Campus Green	✓	✓
CRC East	✓	✗
CRC West	✓	✗
MainStreet ExpressMart Lobby	✓	✗
McMicken Commons	✓	✓
Northwest McMicken Commons	✓	✓
Sigma Sigma Commons	✓	✓
TUC Atrium	✓	✗
TUC Plaza	✓	✓

External constituents may not conduct any of these other expressive activities.

**V. Procedures**

Maps of the spaces identified above are appended hereto as **Schedule 1**.

To reserve space, contact Conference & Event Services by way of the *Related Links* and *Phone Contacts* set forth below.

To the extent that the university's Use of Facilities Policy Manual, MainStreet Student Event Guide, or any other written policy or actual practice is inconsistent with this Expressive Activity policy document, this Expressive Activity policy document supersedes them. While the inconsistent portions of other documents are in the process of being harmonized with this policy, then wherever these other documents are displayed on the university's website, a legend about this Expressive Activity policy having superseded them shall be prominently displayed.

Subject matter not encompassed by this Expressive Activity policy is not superseded. For example, this policy provides no particular authorization for any Commercial Activity, which shall continue to be governed by the Sales and Solicitation Policy (University Rule 3361:10-51-01), which requires consultation with Purchasing and with the university unit that controls scheduling for the desired space. As an informational matter, as to those spaces identified in this Expressive Activity policy, scheduling is controlled by Conference & Event Services, which shall continue to schedule commercial activities in these spaces while (a) giving priority to expressive activities and (b) ensuring that adequate opportunity for expressive activities is not compromised by proliferation of commercial activities. The university reserves the right to deny any request to conduct commercial activity at its sole discretion.


## **VI. Related Links and Phone Contacts**

### **A. Related Links**

Conference & Event Services  
MainStreet Student Events Guide  
University Rule 60-13-01  
Use of Facilities Manual

### **B. Phone Contacts**

Conference & Event Services                      558-1810  
or visit the MainStreet Connection  
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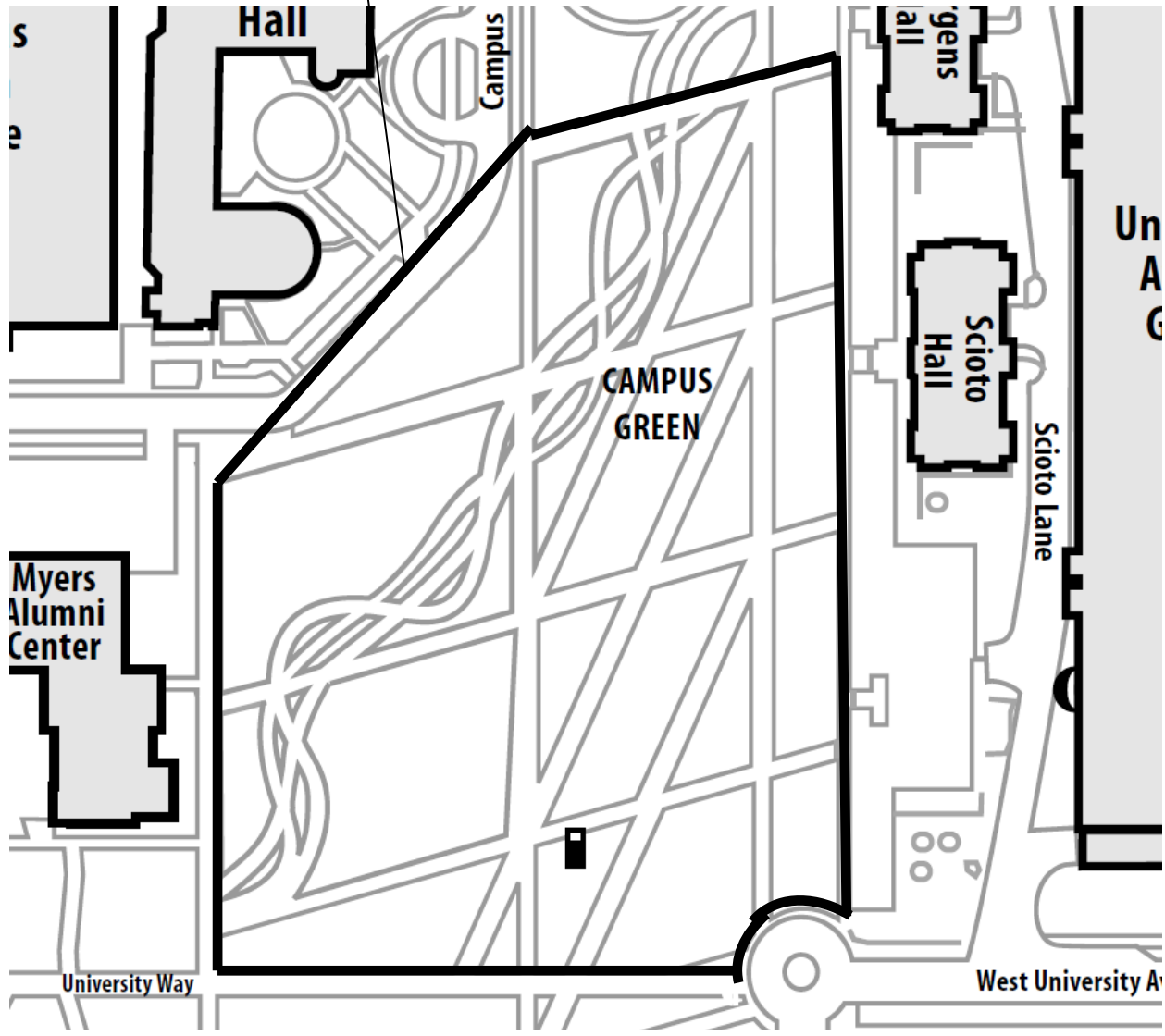
### **A. Related Links**

Conference & Event Services  
MainStreet Student Events Guide  
University Rule 60-13-01  
Use of Facilities Manual

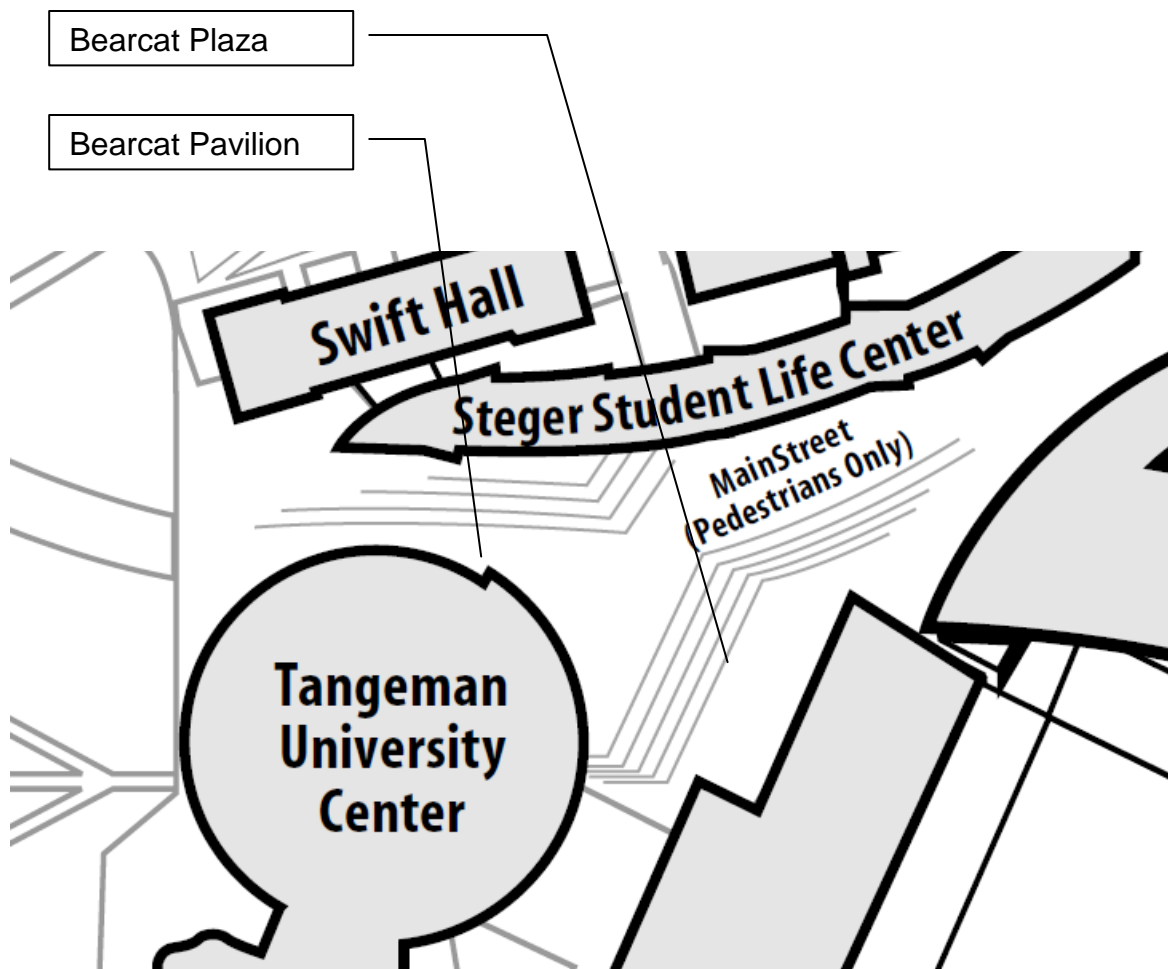
### **B. Phone Contacts**

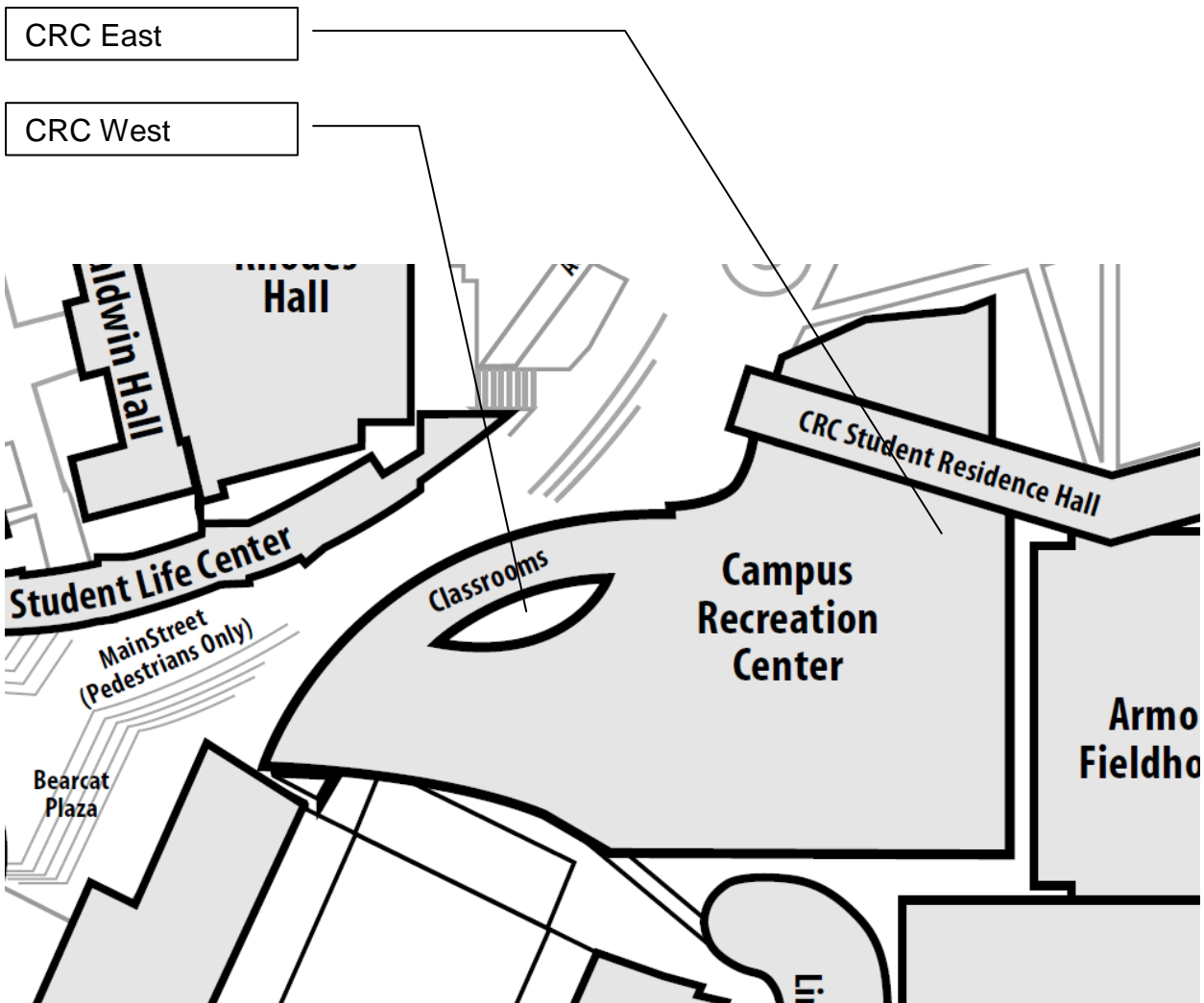
Conference & Event Services 558-1810  
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Campus Green

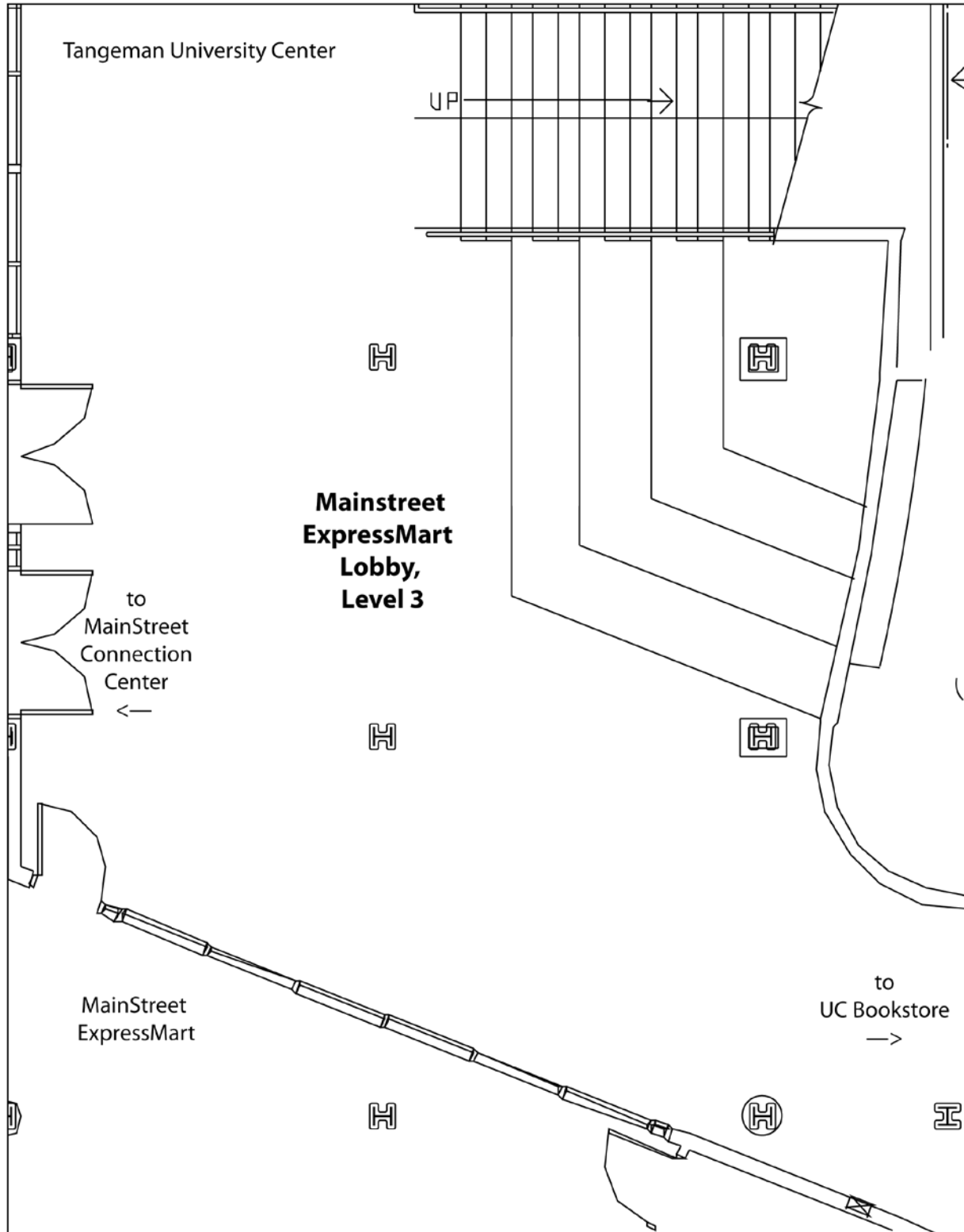


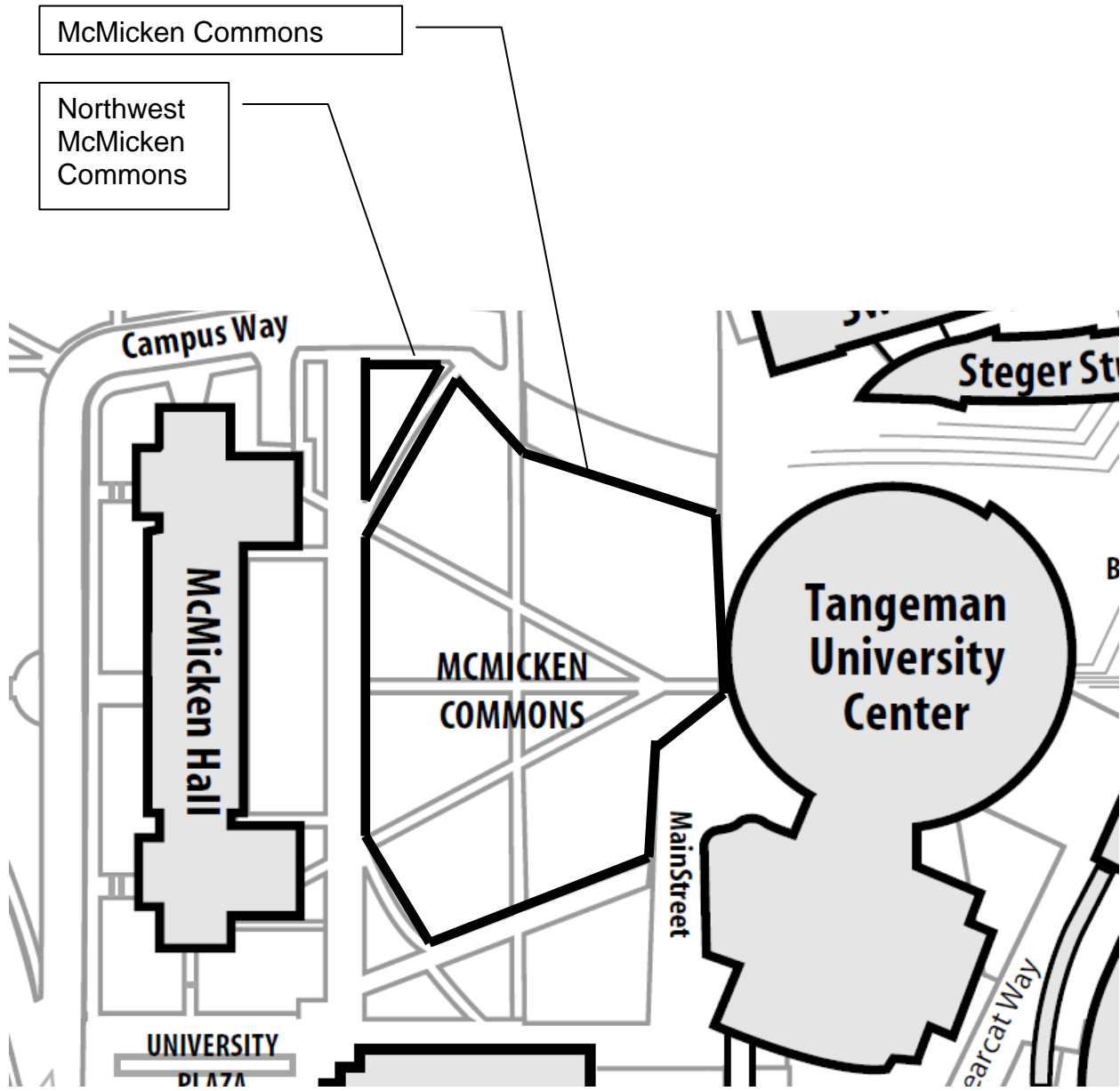
**Policy 6.2.2 – Expressive Activities  
Schedule 1 – Locations**



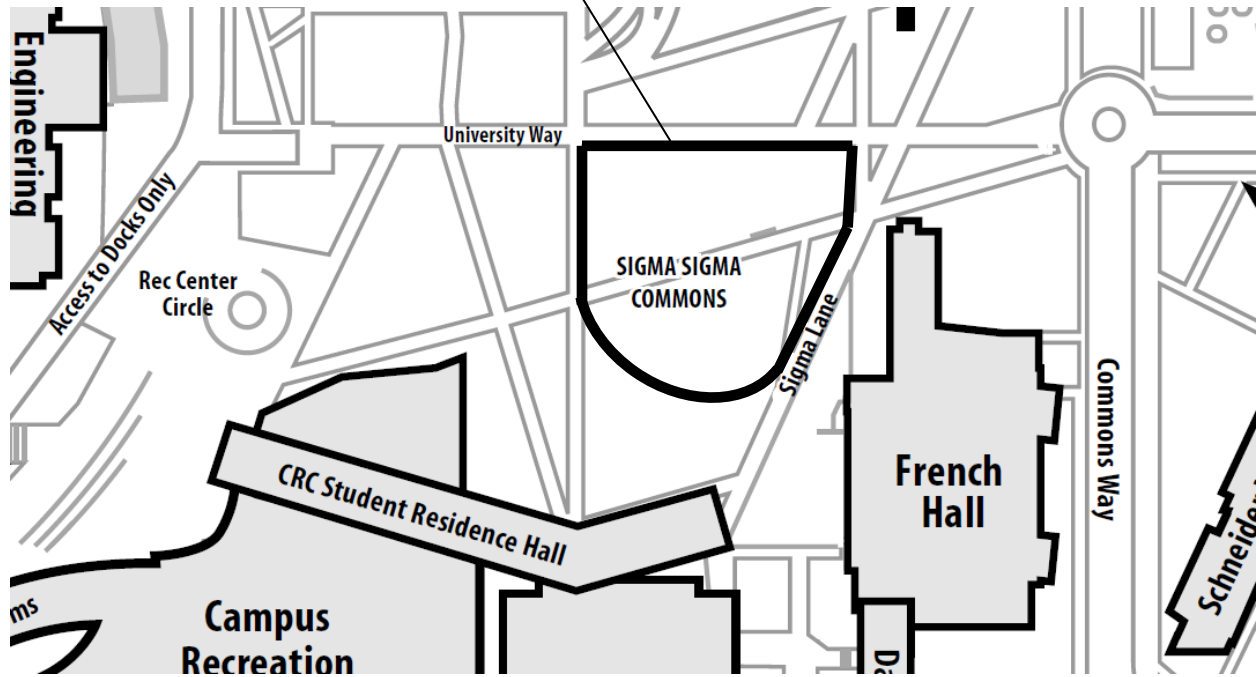


# Mainstreet ExpressMart Lobby





Sigma Sigma Commons





# TUC Atrium

