

FREE SPEECH, EXPRESSIVE ACTIVITY, AND SOLICITATION POLICY



CONTENTS

1. Purpose	1	7. Indoor Spaces and Reservable Facilities	2
2. Statement of Principles	1	8. Commercial Solicitation, Sales, and Distribution	3
3. Definitions	1	9. Managing Noncompliance	3
4. Outdoor Areas and Expressive Activity	2	10. Video Recording and Photography	3
5. Supporting Lawful Expression, Safety, Access, and Orderly University Operations	2	11. Administration and Guidance	3
6. Reservations and Coordination	2	12. Related University Rules and Resources	4

1. PURPOSE

This policy consolidates and clarifies The University of Akron's expectations, procedures, and legal obligations related to free speech, expressive activity, commercial solicitation, and the use and reservation of campus spaces. It provides guidance for students, faculty, staff, visitors, and members of the public while supporting lawful expression, safety, access, and orderly University operations.

2. STATEMENT OF PRINCIPLES

The University adopts and affirms the public policy of the State of Ohio regarding free speech on public college campuses, including the principles reflected in Ohio Revised Code sections 3345.0212, 3345.0213, and 3345.0215.

- (1) Students have a fundamental constitutional right to free speech.
- (2) The University of Akron is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to Ohio Revised Code 3345.0215.
- (3) The University of Akron 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 University's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- (4) It is for the University's 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.
- (5) It is not the proper role of the University to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- (6) Although the University greatly values civility and mutual respect, concerns about civility and mutual respect shall never be used by the University 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.
- (7) Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on campus, 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 University has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
- (8) The University 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.
- (9) 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.

3. DEFINITIONS

Campus Community. Students, student groups, faculty, staff, employees of the University, and their invited guests.

Expressive Activities. Lawful verbal, written, audiovisual, electronic, or symbolic communication of ideas, including peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, inviting participation, and circulating petitions.

Materially and Substantially Disrupts. When a person, with the intent to, or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents communication of their message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either:

- Engaging in violent or otherwise unlawful behavior; or
- Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity. This shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 3 of Article I of the Ohio Constitution

Outdoor Areas of Campus. The generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways, and other similar common areas.

Reservation. A content-neutral administrative process used to coordinate exclusive or priority use of a space, equipment, services, or other event support.

4. OUTDOOR AREAS AND EXPRESSIVE ACTIVITY

Outdoor areas of campus are available for lawful expressive activity consistent with Ohio law. The University does not maintain designated "free speech zones." Members of the campus community may spontaneously and contemporaneously assemble and distribute literature in generally accessible outdoor areas, subject to lawful, published, content-neutral time, place, and manner restrictions.

Individuals and organizations may express views and invite participation in noncommercial expressive activity. The University will not require a person to disclose the anticipated content or viewpoint of protected expression as a condition of using an otherwise available outdoor area.

A previously scheduled or reserved activity has priority in the space reserved for its use. Other expressive activity may continue in a manner that does not materially and substantially disrupt the previously scheduled activity and leaves open reasonable alternative locations or channels for other expressive activity.

5. SUPPORTING LAWFUL EXPRESSION, SAFETY, ACCESS, AND ORDERLY UNIVERSITY OPERATIONS.

While engaging in expressive activity, individuals are expected to:

- Comply with applicable laws and University policies.
- Keep building entrances, exits, sidewalks, walkways, and accessible routes open and unobstructed.
- Not materially and substantially disrupt class instruction, University operations, or the expressive activity of others.
- Work with Conference and Event Services for approval regarding amplified sound, structures, staging, equipment, vehicles, open flames, utilities, and similar operational or safety concerns.

6. RESERVATIONS AND COORDINATION

Spontaneous expressive activity in generally accessible outdoor areas does not require advance reservation or registration when the activity does not seek exclusive or priority use of a space and does not require University services, equipment, or coordination.

Advance coordination through Conference and Event Services is required when an activity:

- Seeks exclusive or priority use of a reservable space;
- Requires University-provided services, equipment, utilities, staging, structures, or amplified sound;
- Is expected to require material safety, traffic, accessibility, facilities, or operational coordination; or
- Includes commercial solicitation or sales in a location where such activity requires a reservation or authorization.

A previously scheduled or reserved event has priority use of its reserved space. Reservation and coordination decisions will be made using content-neutral criteria. The University will not charge security fees based on the anticipated content, viewpoint, or expected reaction to protected expression.

7. INDOOR SPACES AND RESERVABLE FACILITIES

Indoor spaces and facilities may be reserved and used in accordance with their designated purpose, availability, and applicable University rules. Expressive activity in indoor or nonpublic forums may be subject to reasonable, content-neutral restrictions appropriate to the space.

Conference and Event Services coordinates reservable campus spaces. Student Union staff may assist with Student Union inquiries and operational requirements. A reservation provides priority use of the reserved location for the approved date and time and does not signify University endorsement of the event or message.

8. COMMERCIAL SOLICITATION, SALES, AND DISTRIBUTION

Commercial Activity

The promotion, sale, or distribution of products or services is commercial solicitation and is not subject to Ohio Revised Code section 3345.0212. Commercial solicitation may be limited to authorized or reserved locations and may be subject to applicable contracting, vending, food service, sponsorship, licensing, insurance, tax, and facility requirements.

Noncommercial Advocacy and Participation

Noncommercial expressive activity does not become commercial solicitation merely because a person distributes literature, circulates a petition, requests signatures, invites others to join or participate, recruits members, or advocates support for a political, charitable, religious, civic, or other noncommercial cause. Such activity remains subject to the conduct-based restrictions in this policy, including restrictions on material disruption, threats, harassment, physical obstruction, and interference with access or reserved uses.

Student Union and Other Facility Rules

Sales, commercial distribution, tabling, posting, handbills, banners, kiosks, table tents, food distribution, and similar activities inside the Student Union or other managed facilities are subject to the published rules for those facilities. Facility rules must be applied consistently with this policy and applicable law.

Residence Halls

Residence halls and residence hall grounds are residential and controlled-access environments. Commercial solicitation and operating a business from residence hall rooms, apartments, common areas, or grounds are prohibited except as expressly authorized by the University. Posting and distribution in residence halls are subject to Residence Life and Housing rules, including the use of approved digital bulletin boards and rules governing access to residential facilities. Nothing in this subsection limits protected expression in a manner inconsistent with applicable law.

9. MANAGING NONCOMPLIANCE

The University will respond to noncompliance in an educational, proportionate, and constitutionally sound manner.

- Provide notice of the applicable requirement and request voluntary compliance.
- Address safety hazards, blocked access, amplified sound, equipment, or other specific conduct creating the concern.
- Protect the priority use of a location for a scheduled or reserved activity while identifying reasonable alternatives when appropriate.
- Refer commercial or space-use questions to Conference and Event Services or the responsible facility manager.
- Refer students, employees, or organizations to applicable conduct or employment processes when warranted.
- Coordinate with University Police when safety, threats, violence, unlawful conduct, or refusal to comply with a lawful directive is involved.

10. VIDEO RECORDING AND PHOTOGRAPHY

Recording, livestreaming, photographing, or videotaping may constitute expressive activity. Recording in generally accessible public outdoor areas is permitted when lawful and when it does not materially and substantially disrupt University operations, student learning, reserved activities, or the expressive activity of others.

Recording is subject to restrictions in locations where privacy, safety, security, instructional, residential, health, or operational interests apply. Recording inside classrooms, offices not open to the public, residence halls, restrooms, locker rooms, health or counseling spaces, or other controlled-access areas may be subject to additional authorization or prohibition based on the nature and use of the space.

11. ADMINISTRATION AND GUIDANCE

The Office of General Counsel provides legal guidance regarding free speech and expressive activity. Conference and Event Services administers campus space reservations and event coordination. Responsible facility managers, Student Affairs, University Police, and other University offices may assist with implementation within their areas of responsibility.

Questions involving the legal classification of an activity, proposed restrictions on protected expression, fees related to expressive activity, or uncertainty about enforcement should be referred to the Office of General Counsel before action is taken whenever circumstances permit.

12. RELATED UNIVERSITY RULES AND RESOURCES

- University webpage and guidelines concerning outdoor space reservations and campus free speech.
<https://www.uakron.edu/ogc/outdoor-space-reservation/index.dot>
- Published Student Union policies governing sales, distribution, solicitation, posting, and use of reservable space.
- Residence Life and Housing handbook provisions governing solicitation, entrepreneurial ventures, posting, and residential access. <https://www.uakron.edu/reslife/handbook/>
- Applicable University rules governing employee conduct, political activity, student conduct, facility use, safety, and security.
<https://www.uakron.edu/studentconduct/>
- <https://www.uakron.edu/safety/police/>
- <https://www.uakron.edu/hr/employee-labor-relations/university-rules-relating-to-hr.dot>