

3354:1-60-03.2 Free Expression Procedure

(A) Cuyahoga Community College (the “College”) hereby establishes this process by which a student, student group, employee, faculty member or outside non-College group(s) may exercise the rights of expression, affiliation, and peaceful assembly pursuant to the First Amendment of the Constitution of the United States and the Ohio Constitution. Individuals or groups may express their views by demonstrating peacefully for ideas they wish to make known, and the College will protect these rights. The College has an equal and co-extensive obligation to protect the rights and freedoms of those who choose not to participate, as well as, to protect its property and assure the continuation of the College’s operations through content-neutral time, place, and manner restrictions.

Outside non-College groups that wish to use College facilities must do so in accordance with the *Operations Policy 3354:1-20-03*. Soliciting, canvassing, and sales by individuals or groups are strictly prohibited by the *Operations Policy*.

(B) Definitions:

1. **Expressive Activity:** as used in this policy includes, but is not limited to, picketing, public speech making, rallies, the appearance of public speakers in outdoor areas, mass protest meetings to display group feelings or sentiments (herein referred to as “Demonstrations”), petition circulation and leafletting under the rights afforded by the First Amendment of the Constitution of the United States and the Ohio Constitution.
2. **Campus Event:** an event sponsored, financed or hosted by the College on any of the campuses or locations owned or operated by the College.
3. **Leafletting:** is defined as any printed material distributed by hand; such as separate sheets, small notices, pamphlets, and flyers.
4. **Non-College groups:** is defined as groups that are not recognized, affiliated with, or supported by funds from the College.
5. **Student Group:** means an officially recognized group at a state institution of higher education, or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the institution of higher education.
6. **Student:** has the same definition as used in the *Student Conduct Code, 3354-1-30-03.5*.
7. **Limited public forums:** the common indoor areas of the College facilities are deemed limited public forums where student groups and non-College groups may request space to set up tables for the limited purposes of distributing printed materials or collecting signatures on petitions.
8. **Traditional public forums:** the common outdoor areas of the College are deemed traditional public forums, subject to reasonable restrictions of time, place, and manner or expressive activity. All other areas and facilities of the College are

deemed nonpublic-forums and are intended for the use of the educational functions and operations of the College.

(C) Activities Allowed

1. **Leafletting:** Distribution of printed materials by outside groups, other than as part of the College's teaching, research, administrative, and service functions, may occur on the outdoor areas of a campus so long as the individual's conduct is lawful and does not materially disrupt the functioning of the institution. Printed materials may be distributed by outside groups in the limited public forum areas of Campus buildings so long as those distributing the materials adhere to the time, place, and manner restrictions set forth in section (D) of this procedure.
 - a. Individuals distributing flyers are responsible for litter created by such activity and must clean up the area after their activity has ended.
 - b. For safety reasons, and whenever feasible, no more than six (6) individuals should be engaged in the activity of distributing materials in a limited public forum space at the College.
2. **Demonstrations:** any person or group may freely engage in demonstrations in the traditional public forum areas of the College. Whenever feasible, at least ten (10) business days in advance, the organizers of a demonstration should contact the Campus Schedulers Office for the desired campus to reserve a space for the time, date, and manner of demonstration to be held so that College resources may be adequately provided.
 - a. Demonstrations do not include College sponsored Campus Events or any activities prohibited under the *Operations Policy, 3354:1-20-03*.
 - b. Any demonstration that meets the definition of a Campus Event must also comply with the *Operations Policy* and *Free Speech Policy 3354:1-60-03*.
 - c. **Public Speaking:** any person or group may freely engage in public speaking in the traditional public forum areas of the College as long as it conforms with the time, place, and manner restrictions set forth in (D) of this procedure.
3. **Petition circulation:** non-College groups seeking to obtain signatures for any petition should follow the Time, Place and Manner of Expression process indicated in (D)(2) of this procedure. Should a group need tables, chairs, or other College resources for a limited public forum space, that information should be provided to the Campus Schedulers Office for the desired campus upon first contact.

(D) Time, Place, and Manner of Expression

1. The College reserves the right to place reasonable time, place, and manner restrictions on expressive activities in the traditional public forums areas of the College, which are narrowly tailored to serve a significant institutional interest; employs clear, content and viewpoint neutral criteria; and provides for alternative means of expression, as found in this procedure.

2. The College does not require outside groups to obtain a permit from the City or to pay a fee to the College to demonstrate within traditional public forums or near campus grounds.
3. Individuals or groups should contact the Campus Scheduler's Office for the desired Campus to reserve College spaces at least ten (10) business days in advance of the expressive activity(ies), whenever feasible, so that respective Campus Presidents, Legal Services, and the Department of Public Safety, as appropriate, may be notified and the space requested is reserved.
 - a. public safety needs, including any security, law enforcement, fire safety or emergency medical needs should be brought to the College's attention at the time of scheduling.
 - b. If the requested area is not available due to scheduling conflicts an alternative area will be offered.
 - c. For limited public forums, individuals and groups shall not interfere with, approach, touch, or verbally antagonize College students, employees, and staff. All individuals participating in the expressive activity must remain at the table for the duration of the activity.
4. Signage: Signs may be no longer than sixty-two (62) inches long and no wider than fifty (50) inches wide. Organizations may display no more than six (6) signs at their demonstrations. Individuals and groups are not permitted to hang signs or banners on campus buildings, landscaping, hardscape, or trees.
5. Sounds: Due to the proximity of offices and classrooms, amplified sound and other loud noise is restricted (i.e., not permitted). Loud noise is noise that is audible more than fifty (50) feet from the source of the sound and/or noise occurring during any restricted hours.
6. Ingress and Egress: To ensure accessibility for students, faculty, and staff, any activity to occur in traditional public forum may not block sidewalks, walkways or streets in a way that obstructs pedestrian or vehicular traffic; must maintain ingress and egress; two means of egress or the minimum number required as emergency egress by public safety officials, whichever is larger, must be accessible. Any activity to occur in a limited public forum must not block or obstruct the hallways, stairwells, classrooms, and doorways of the space.
7. Restricted Hours: expressive activities in the outdoor areas must be conducted and concluded when the College is open for business operations and classes are in session.

(E) Prohibited Actions

1. Any expressive activity that blocks street traffic or ingress/egress of College facilities requires a permit from either the City of Cleveland or the Department of Public Safety, or both pursuant to the *Safety and Security Policy, 3354:1-50-04*.
2. Non-College groups may not interfere with, touch, or verbally antagonize the Department of Public Safety Officers.

3. No individual or group may post (i.e. attach or affix to any buildings, trees, hardscapes, bulletin boards, or walls) materials at any location of the College without following the *Operations Policy* and any accompanying procedure.
4. College assets including (but not limited to) College funds, email and social media accounts, phones, computers, and printers, may not be used to publish, distribute, or communicate information that supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution or recall of a public official, or the passage of a levy or bond issue, pursuant to the *Operations Policy*.
5. Firearms and other weapons are strictly prohibited in accordance with the *Safety and Security Policy, 3354:1-50-04*.
6. Violence and threats of violence are strictly prohibited in accordance with the *Zero Tolerance for Violence on College Property Policy, 3354:1-20-10*.
7. Drugs are prohibited on College Campuses.
8. Mobs, as defined in R.C. 3761.01, are strictly prohibited.
9. Disorderly conduct, as defined in R.C. 2917.11 is strictly prohibited.
10. The display or distribution of material that is harmful to juveniles, as defined in R.C. 2907.01, is strictly prohibited.
11. Any activity that is unlawful or would be considered a criminal or civil offense under the Ohio Revised Code and Cleveland Municipal Code, or is prohibited by College policy and procedure(s) is prohibited at all times, including at or during an expressive activity.

(F) Grievance Procedure

1. A student, student group, employee, or faculty member may submit a complaint about an alleged violation of this policy by an employee of the College by filing a complaint under the *Free Speech Procedure 3354:1-60-03.1*, or by contacting the Director of the Office of Institutional Equity.

Effective Date: June 15, 2023

Procedure Amplifies: 3354:1-60-03