

3341-2-45 Bowling Green State University Freedom of Expression.

Applicability	All University units and visitors to the University
Responsible Office	Office of the Provost Division of Finance and Administration
Responsible Administrator	Provost and Senior Vice President Vice President for Finance and Administration

(A) Policy Statement and Purpose

Read not to contradict and confute, nor to believe and take for granted, but to weigh and consider. – Francis Bacon, Of Studies, inscribed on the north façade of the McFall Center, Bowling Green State University.

Bowling Green State University (BGSU) exists to create and share knowledge, promote open debate and dialogue, and be a place where multiple views and perspectives can be weighed and considered. So essential are these principles to BGSU that words affirming them were carved in stone on the façade of the university's first dedicated library building.

BGSU is a community of learners and teachers. The university strives to ensure that members of our community feel valued and respected and have a shared responsibility to maintain and promote an environment of civil discourse and mutual respect. At times, the university must allow speech on our campuses that may not align with our values of fostering a campus environment of diversity and inclusion.

As a public university, we are committed to freedom of expression and the rights protected by the First Amendment. This constitutional protection includes, but is not limited to, any lawful verbal, written, audiovisual, electronic/digital, nonverbal-symbolic, or other means by which individuals or groups may communicate ideas or messages, including all forms of

peaceful assembly, protests, demonstrations, speeches, distribution of literature, carrying and displaying signs, and circulating petitions.

Harassment, which is also not protected expression, is defined in Section (H) of this policy and Section 3345.0211 of the Ohio Revised Code.

The purpose of this policy is to affirm the university's commitment to free expression and to provide a resource for students, faculty, staff and visitors. An **FAQ** resource has been developed to provide additional context including definitions of legal terms. The **University of Chicago Statement** on principles of free expression informs this Policy and BGSU acknowledges and appreciates the work of the Statement's authors.

(B) Policy Scope

This policy applies to all students, recognized student organizations, student groups, faculty, staff and visitors concerning expressive activities that take place on BGSU property (owned, leased, or controlled premises), at BGSU-sponsored events, or in connection with a BGSU-recognized program or activity.

This policy shall not be construed to impair any right or activity, including speech, protest, or assembly, that is protected by the U.S. Constitution.

Nothing within this policy shall be interpreted as preventing BGSU from restricting expressive activities that the First Amendment of the U.S. Constitution or Article I, Sections 3 and 11 of the Ohio Constitution do not protect. Further, nothing in this policy shall be interpreted as restricting or impairing the university's obligations under federal law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, the Age Discrimination in Employment Act, and the Age Discrimination Act of 1975, as addressed through its non-discrimination and Title IX policies.

(C) Time, Place, and Manner Limitations on Expression and the Avoidance of Disruption

- (1) The university welcomes a robust exchange of ideas and acknowledges that this will include protests, marches,

demonstrations, petitioning, leafletting, chalking, and other expressions that will take place in outdoor spaces. When conducted on university property these activities are subject to two categories of university regulation:

- (a) Rules prohibiting activities that substantially and materially disrupt university operations; and
- (b) Rules that regulate the time, place and manner of expressive activities.

The university has both types of rules. The precise application of these rules varies depending on the nature of the university space. The rules must always be view-point and content-neutral, reasonable, and allow for numerous alternative methods of expression. These rules are to be applied narrowly and never in a manner that is inconsistent with the university's core commitment to the free and open exchange of ideas.

(D) Assembly and Expressive Activities

- (1) BGSU strives to support any individual or group endeavoring to engage in expressive activities while undertaking the responsibilities that come with exercising these rights. Some of the responsibilities associated with these rights include ensuring that:
 - (a) University operations are not substantially and materially disrupted
 - (b) Building entries and exits, walkways, and roadways remain accessible
 - (c) An expressive activity does not prevent campus community members from being able to move freely about campus
 - (d) The use of signs, notices, posters, fliers, and sandwich boards does not impede university operations
 - (e) There is no destruction to property or physical harm to persons

- (f) The expressive activity does not violate any laws
 - (g) The expressive activity complies with university policies
 - (h) The expressive activity does not pose a true threat to persons or the community
 - (i) The expressive activity does not constitute harassment, as specifically defined in section (H), against a specific individual/group that unreasonably interferes with that individual's/group's educational experience
 - (j) The expressive activity does not endanger the physical safety of others
- (2) In order for the university to best assist in meeting these responsibilities, the organizers of a planned event wishing to reserve designated campus grounds must inform BGSU by applying for a **reservation for use of campus grounds**. Advance notice enables the university to help ensure the activity takes place in a safe manner and that support for the activity is identified, if needed.
- (3) Demonstrations, protests, marches, and speakers not invited by the university may not be in campus buildings or obstruct or disrupt any university operations. In the past, uninvited speakers have used the following areas for speeches, demonstrations, marches and similar expressive activities:
- (a) Bowen-Thompson Student Union Oval
 - (b) Carillon Park
 - (c) Bowen-Thompson Quadrangle
 - (d) Wolfe Center Terrace
 - (e) Alumni Gateway
- (E) Space and Facilities Reservations

So as not to interfere with its mission and operation, and without regard to viewpoint and content of expressive activities, the university has the right

to determine the time, place, and manner its spaces and facilities can be used. The use of university facilities and grounds must conform to university policies and to local, state, and federal laws.

Those seeking to reserve campus grounds must comply with the University policy on “**Reservations for Use of Campus Grounds.**”

(F) Use of Amplification Equipment

Use of amplification equipment must be in accordance with the University policy on “**Use of Amplified Sound on University Premises.**”

(G) Temporary Structures

No temporary structure may be erected on campus grounds without prior written approval as required by Section (D) of the University policy on “**Reservations for Use of Campus Grounds.**”

(H) Free Speech and Harassment

Ohio Revised Code Section 3345.0212 requires each public university in Ohio to adopt a policy on harassment that is consistent with and adheres strictly to the definition of harassment in Section 3345.0211 of the Ohio Revised Code.

The university believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. However, the university’s commitment to freedom of expression does not extend to harassment. Under Section 3345.0211, harassment is defined as expression that is:

- (1) Not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution (Unprotected Expression);
- (2) Unwelcome; and
- (3) So severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

Expression must meet all three elements to be actionable as harassment under this policy.

Some harassment as defined in this policy may also rise to the level of a crime (e.g., a true threat, child pornography) and should be reported to the BGSU Police Department. For emergencies call 911 and for non-emergencies call (419) 372-2346.

(I) Guest Speakers

The university encourages recognized student organizations, student groups and university departments to invite speakers to our campuses. Recognized student organizations and university departments must comply with all university policies regarding the reservation of space for non-university affiliated speakers in order to assure orderly calendaring and appropriate support to facilitate the event.

Recognized student organizations must make it clear that the organization, not BGSU, is inviting the speaker and that the views and opinions of the speaker are their own and not those of BGSU.

(J) Reporting Violations

Alleged violations of this policy should be reported to the Office of the Dean of Students. Reports may be submitted via See It. Hear It. Report It. or by visiting or calling the office at (419) 372-2843 during business hours.

(K) Compilation of Relevant Policies

The following university documents are most relevant to expressive activities.

(1) Faculty and Academic Freedom

- (a) Article I: The Basic Principles of the BGSU **Academic Charter**
- (b) Article 9, BGSU and BGSU Faculty Association **Collective Bargaining Agreement**.

- (c) **University Libraries collection policies** at Section (B)(5)(c).
- (2) Solicitations on university property are governed by the university policy on **solicitation**.
- (3) Students and Student Organizations
 - (a) **Student Rights and Responsibilities**
 - (b) **Postings by Students, Recognized Student Organizations, and Student Groups**
 - (c) **Event Management**
 - (d) The **Code of Student Conduct** at Section (G).
 - (e) **Ohio Public Policy on Principles of Free Speech**
- (4) Non-Discrimination and Workplace-Related Matters
 - (a) **Non-Discrimination in Employment and Education**
 - (b) **Sexual Harassment**
 - (c) **Violence in the Workplace**
 - (d) **Official University Interactions with Legislators and Agencies**
 - (e) **Title IX Sexual Harassment Policy and Procedures**
- (L) Equity Impact Statement

The policy has been assessed for adverse differential impact on members of one or more protected groups.

Registered Date: December 3, 2018

Amended Date: July 8, 2021; June 13, 2023