

Multiple Documents

Part	Description
1	27 pages
2	Exhibit UC Use of Facilities Policy Manual
3	Exhibit Map of West Campus
4	Exhibit Letter from FIRE to UC
5	Exhibit Letter from UC to FIRE
6	Exhibit Picture Free Speech Area McMicken Commons
7	Exhibit Email 9 Feb 2012
8	Exhibit Email 10 Feb 2012
9	Exhibit Event Request Form
10	Exhibit Email 10 Feb 2012

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNIVERSITY OF CINCINNATI CHAPTER OF YOUNG AMERICANS FOR LIBERTY,	:	Case No. 1:12-CV-155
	:	
	:	
and	:	Judge Black
	:	
CHRISTOPHER MORBITZER,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
GREGORY H. WILLIAMS, in his official capacity as President, University of Cincinnati,	:	FIRST AMENDED VERIFIED COMPLAINT
	:	
and	:	
	:	
CORINN SHEMAK, in her official capacity as Program Director, Conference & Event Services, University of Cincinnati,	:	
	:	
and	:	
	:	
CATHY KRUMPELBECK, in her official capacity as Public Safety Special Events Coordinator, University of Cincinnati,	:	
	:	
and	:	
	:	
MICHAEL CURETON, in his official capacity as Chief of Police, Director of Public Safety, University of Cincinnati,	:	
	:	
and	:	
	:	
BRITTANY SISKI, in her official and individual capacity,	:	
	:	
	:	

[continued on next page]

and	:
	:
JOHN DOE, in his official and individual	:
capacity,	:
	:
Defendants.	:

Now come Plaintiffs, UNIVERSITY OF CINCINNATI CHAPTER OF YOUNG AMERICANS FOR LIBERTY (“UC YAL”), and CHRISTOPHER MORBITZER (“Mr. Morbitzer”) (collectively, the “Plaintiffs”), and for their Complaint against GREGORY H. WILLIAMS (“Mr. Williams”), CORINN SHEMAK (“Ms. Shemak”), CATHY KRUMPELBECK (“Ms. Krumpelbeck”), MICHAEL CURETON (“Mr. Cureton”), BRITTANY SISCO (“Ms. Sisko”), and JOHN DOE (collectively, the “Defendants”), allege as follows:

INTRODUCTION

1. This is an action for declaratory judgment, preliminary and permanent injunction, and nominal damages under 42 U.S.C. §1983 arising from the unconstitutional policies and practices of Defendants. Due to Defendants’ policies, practices and custom, as well as certain conduct by one or more Defendants, Plaintiffs have suffered and will continue to suffer irreparable harm to their rights under the First Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. The harm may only be remedied by a ruling from this Court.

2. By maintaining, implementing and enforcing vague policies that (i) restrict and prohibit students from engaging in expressive activity on the vast majority of the University of Cincinnati campus, (ii) restrict and prohibit spontaneous student speech in response to recent or still-unfolding events, (iii) vest unfettered discretion in university

administrators to restrict student speech, and (iv) threaten students with disciplinary or criminal charges for violation of such policies, Defendants have impeded and will continue to unconstitutionally impede Plaintiffs in their efforts to collect signatures for petitions for a state ballot initiative and advocate for its passage. Such expressive activity is a core concern of the First Amendment.

3. Additionally, Plaintiffs desire to engage in other activities consistent with the purpose and goals of the organization and, in so doing, to engage in activities protected by the First Amendment in and about the University of Cincinnati campus without being subjected to the threat of enforcement or the actual enforcement of a policy, practice or custom that fails to comply with the requirements of the United States Constitution.

4. As a result of the policy, practice and custom of the Defendants, as well as certain conduct by one or more Defendants, Plaintiffs have suffered and will continue to suffer irreparable harm unless the Defendants are immediately enjoined from restricting their protected speech in this manner.

PARTIES

5. Plaintiff University of Cincinnati Chapter of Young Americans for Liberty (“UC YAL”) is the local chapter of the national group Young Americans for Liberty, and is an unincorporated association of students at the University of Cincinnati. UC YAL is an officially recognized student organization at the University of Cincinnati. It consists solely of students at the University of Cincinnati and a faculty advisor. UC YAL seeks to recruit, train, educate, and mobilize students on the ideals of liberty and the United States

Constitution. UC YAL brings this action on behalf of itself and its members and supporters.

6. One of the activities in which UC YAL is involved includes efforts to advocate and advance the initiative petition process by gathering signatures to place freedom-oriented ballot initiatives before Ohio voters. At the present time and in support of this effort, UC YAL seeks to gather signatures on the University campus for the Ohio Workplace Freedom Amendment, for which the deadline to submit signatures is July 9, 2012, if it is to appear on the November 2012 ballot, or approximately the same date in 2013 if it is to appear on the November 2013 ballot. UC YAL anticipates working on similar ballot initiatives in the future, including those related to tax limitations and school choice.

7. Plaintiff Christopher Morbitzer is a student at the University of Cincinnati and President of UC YAL.

8. The University of Cincinnati is a public university located in Cincinnati, Ohio. It is part of the university system of Ohio and is a “state university” organized pursuant to Section 3361.01 *et seq.* of the Ohio Revised Code.

9. Defendant Gregory H. Williams is, and has been at all times relevant to the facts at issue in this case, the President of the University of Cincinnati. As President of the University of Cincinnati, Mr. Williams is the university’s chief administrative and executive officer.

10. Pursuant to Ohio Administrative Code 3361:10-5-01(J), as President of the University of Cincinnati, Mr. Williams “shall have the authority to adopt necessary and reasonable policies and procedures regarding the use of the facilities of the university,

which amplify the university rules, and Ohio and federal law. [He] shall also have the authority to amend or rescind such policies and procedures.”

11. Pursuant to Ohio Administrative Code 3361:10-5-01(O), as President of the University of Cincinnati, Mr. Williams “shall have the authority to: (1) Adopt amendments to any university rule which: (a) Would clarify or correct the language of the rule but would not constitute a substantive change; or (b) Would conform the rule to applicable laws or regulations.”

12. Pursuant to Ohio Administrative Code 3361:10-1-09(B)(2)(a), as President of the University of Cincinnati, Mr. Williams "may amend any rule of the university . . . which . . . would conform the rule to applicable laws or regulations."

13. Defendant Corinn Shemak is, and has been at all times relevant to the facts at issue in this case, the Program Director of Conference & Event Services at the University of Cincinnati. Based upon information and belief, Defendant Corinn Shemak, as part of her official duties and responsibilities with the University of Cincinnati, implements or enforces the unconstitutional restrictions accomplished through the University's policies and practices (as described herein).

14. Defendant Cathy Krumpelbeck is, and has been at all times relevant to the facts at issue in this case, the Public Safety Special Events Coordinator at the University of Cincinnati. Based upon information and belief, Defendant Cathy Krumpelbeck, as part of her official duties and responsibilities with the University of Cincinnati, implements or enforces the unconstitutional restrictions accomplished through the University's policies and practices (as described herein).

15. Defendant Michael Cureton is, and has been at all times relevant to the facts at issue in this case, the Director of Public Safety and Chief of Police at the University of Cincinnati Department of Public Safety. Based upon information and belief, Defendant Michael Cureton, as part of his official duties and responsibilities with the University of Cincinnati, implements or enforces the unconstitutional restrictions accomplished through the University's policies and practices (as described herein).

16. Defendant Brittany Sisko is an individual who, based upon information and belief, undertook specific action so as to deprive and/or violate the constitutional rights of the Plaintiffs and did so as part of her official duties and responsibilities as an employee or agent of the University of Cincinnati and/or in her official capacity of adopting and implementing a policy, practice or custom of the University of Cincinnati.

17. Defendant John Doe is a University of Cincinnati official, agent or employee who had the authority to – and in fact did – deny Plaintiffs' attempted to engage in expressive activities delineated in this Complaint. Defendant John Doe's identity is unknown at this time, and he or she is named in his/her official and individual capacity. Based upon information and belief, one of the named Defendants may be Defendant John Doe.

18. All actions by the Defendants described herein were undertaken under color of state law which caused the deprivation of Plaintiffs' rights protected by the United States Constitution.

JURISDICTION AND VENUE

19. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as this action arises under the First and Fourteenth Amendments to the

United States Constitution; under 28 U.S.C. § 1343(a)(3), in that it is brought to redress deprivations, under color of state law, of rights, privileges, and immunities secured by the United States Constitution; under 28 U.S.C. § 1343(a)(4), in that it seeks to recover damages and secure equitable relief under an Act of Congress, specifically, 42 U.S.C. § 1983, which provides a cause of action for the protection of civil and constitutional rights; under 28 U.S.C. § 2201(a), to secure declaratory relief; under 28 U.S.C. § 2202, to secure preliminary and injunctive relief and damages; and under 42 U.S.C. § 1988, to award attorneys fees.

20. Venue is proper within this judicial district and division pursuant to 28 U.S.C. § 1391(b) and Local Rule 82.1, as (i) the Defendants are situated within this judicial district and division; and (ii) all of the claims asserted by Plaintiffs arose within this judicial district and division.

FACTUAL ALLEGATIONS

The University's Policy

21. The University of Cincinnati has an enrollment of over 41,000 students, including 3,861 on-campus residents. It has an annual budget of \$1.05 billion.

22. In Ohio Administrative Code 3361:10-17-01, the board of trustees of the University of Cincinnati declared that:

(A) The university of Cincinnati, a public institution dedicated to providing an environment conducive to teaching, learning, research, and a continuing search for truth, will not take a position on any matter of political or public controversy.

(B) Any individual member or group of members of the university community, like any other citizen or group of citizens, is free to debate and take a position on any matter of public controversy. But, since the collective reputation of the university cannot be abrogated by an individual or group as a means of supporting his/her or its position, any

such activity must be taken in a way to make clear that it is not being carried on by or in the name of the university.

23. Thus, pursuant to the declaration of the board of trustees of the University of Cincinnati, the campus of the University of Cincinnati is dedicated to “providing an environment conducive to teaching, learning, research, and a continuing search for truth,”

24. However, despite making the lofty declaration that “[a]ny individual member or group of members of the university community, like any other citizen or group of citizens, is free to debate and take a position on any matter of public controversy,” the University of Cincinnati, through the actions of the Defendants, has adopted and regularly enforces a policy, practice and custom that does not provide or allow the university campus to be used as an “environment conducive to teaching, learning, research, and a continuing search for truth.”

25. Despite making the declaration that “[a]ny individual member or group of members of the university community, like any other citizen or group of citizens, is free to debate and take a position on any matter of public controversy,” the University of Cincinnati, through the actions of the Defendants, has adopted and regularly enforces a policy, practice and custom that severely restricts and burdens the free speech rights of individual students or groups of students, including the free speech rights of the Plaintiffs.

26. The University of Cincinnati has a published policy for scheduling use of campus facilities and spaces for expressive activities. The Use of Facilities Policy Manual (the “Policy Manual”) is available at <http://www.uc.edu/content/dam/common/docs/policies/UseFacilitiesManual.pdf>. A true and accurate copy of the Policy Manual is attached as Exhibit A.

27. The Policy Manual states that:

Demonstrations, Picketing and Rallies

Groups planning a demonstration picket or rally should contact the Campus Scheduling Office or the appropriate scheduling office to familiarize themselves with University policies governing the activity. Demonstrations, picketing or rallies must be scheduled in the appropriate scheduling office and may only take place on the northwest corner of McMicken Commons. Anyone requesting to demonstrate, picket or rally must give prior notice of ten (10) working days to the University Police. Such activities are not permitted inside any campus building. Bonfires require additional clearance from the scheduling office, the Department of Facilities Management, the Department of Public Safety, and the Cincinnati Fire Department.

(see Exhibit A, Policy Manual, at 15). The Uptown West Campus Map shows this area of McMicken Commons. It is indicated by the green shaded area (see Exhibit B, Uptown West Campus Map, modified with color).

28. The terms “demonstration,” “picket,” and “rally” are not defined in the Policy Manual. No examples are given of what activities any of these terms encompass or exclude.

29. Thus, the failure of the Policy Manual to clearly define the terms “demonstration,” “picket,” or “rally” means that a person of ordinary intelligence is not afforded the ability to readily identify the applicable standard for inclusion and exclusion within the requirements of the foregoing policy.

30. Furthermore, the failure of the Policy Manual to provide clear standards to guide the discretion of the public officials of the University of Cincinnati as to what activities are included within the terms “demonstration,” “picket,” or “rally” results in enabling such public officials to administer the foregoing policy on the basis of impermissible factors or through arbitrary application.

31. Because the foregoing policy functions as a licensing scheme with which students must comply prior to engaging in the exercise of their free speech rights (notwithstanding that the University of Cincinnati, by the board of trustees' own declaration, is dedicated "to providing an environment conducive to teaching, learning, research, and a continuing search for truth"), the foregoing policy constitutes a prior restraint on speech, resulting in censorship.

32. Because the foregoing policy requires ten working days' advance notice before any planned "demonstration," "picket," or "rally," a student request for use of the "Free Speech Area," *i.e.*, the northwest corner of McMicken Commons, must be at least fourteen calendar days in advance due to intervening weekends not being counted toward the requirement (and even longer if holidays are within the notification period).

33. Because the foregoing policy requires ten working days' advance notice before any planned "demonstration," "picket," or "rally," the policy unconstitutionally prevents spontaneous student expressive activity in response to recent or still-unfolding events, as well as events of a time-sensitive or continuous and ongoing nature.

34. On December 8, 2008, the Foundation for Individual Rights in Education ("FIRE"), a non-partisan, non-profit 501(c)(3) educational foundation dedicated to defending and sustaining freedom of speech at our nation's colleges and universities, wrote a letter to the then-president of the University of Cincinnati expressing its concern about the Free Speech Area, the notice requirement, and the threat made in the Policy Manual that "anyone violating this policy may be charged with trespassing" (attached as Exhibit C). FIRE argued that the University's restrictions were unconstitutionally vague and unreasonably restricted student speech in violation of the First Amendment.

35. On December 22, 2008, the general counsel of the University of Cincinnati responded to FIRE's comments with a letter defending the Free Speech Area (attached as Exhibit D), asserting that the foregoing policy of the University of Cincinnati meets constitutional standards.

The Fora at Issue

36. The "northwest corner of McMicken Commons" referenced in the foregoing policy of the University of Cincinnati on "Demonstrations, Picketing and Rallies" is demarcated in the Policy Manual and referred to as the "Free Speech Area":

Free Speech Area

The northwest section (see diagram) of McMicken Commons immediately east of McMicken Hall on the West Campus is designated as the main free speech area. Individuals or groups wanting to use these areas must schedule the activity in the Campus Scheduling Office. Anyone violating this policy may be charged with trespassing. No more than one musical or speaking activity is permitted at the same time.

(see Exhibit A, Policy Manual, at 14). The Free Speech Area is the area immediately east of McMicken Hall. It is indicated by the green shaded area on Exhibit B, the Uptown West Campus Map. Exhibit E is a photograph of McMicken Commons modified to show the Free Speech Area colored red.

37. At its longest points, Plaintiffs estimate that the Free Speech Area is 82 feet east-west and 124 feet north-south. The Free Speech Area is approximately 10,000 square feet. The West Campus of the University is 137 acres, or approximately 8,506,833 square feet. The Free Speech Area is therefore approximately 0.1% of the total area of West Campus.

38. The West Campus area has many suitable open areas and sidewalks beyond the Free Speech Area where student expressive activity, including petition gathering and political discussion, will not interfere with or disturb access to UC buildings or sidewalks, impede vehicular or pedestrian traffic, or in any way substantially disrupt the operations of campus or the University's educational functions.

The Expressive Conduct at Issue

39. On February 9, 2012, the Ohio Ballot Board approved language for a ballot measure proposing an amendment to the Ohio Constitution titled "To guarantee the freedom of Ohioans to choose whether to participate in a labor organization as a condition of employment" ("the Ohio Workplace Freedom Amendment").

40. The approval by the Ohio Ballot Board thus cleared the way for signatures to be gathered to place the Ohio Workplace Freedom Amendment on the ballot to be voted on by the voters of Ohio.

41. On Monday, February 13, 2012, backers of the Ohio Workplace Freedom Amendment finalized the petition and made it available for download and circulation.

42. Plaintiffs desire to gather signatures to place the Ohio Workplace Freedom Amendment on the ballot, and in the process, to discuss the initiative with their classmates on campus and to advocate for the passage of the initiative itself. Doing so would be consistent with the University of Cincinnati's designation of its campus as an "environment conducive to teaching, learning, research, and a continuing search for truth."

43. To qualify for placement on the November 2012 ballot, supporters of the Ohio Workplace Freedom Amendment need to obtain over 385,000 valid signatures on petitions no later than July 9, 2012 (120 days prior to the November 2012 elections). Accordingly, at this time, there are less than four months left to gather these signatures from registered Ohio voters.

44. Due to invalid signatures that inevitably occur during an initiative petition effort (due to various reasons), significantly more than 385,000 signatures will be necessary in order to meet the requisite number of valid signatures. By way of example, the recently successful Ohio Health Care Freedom Amendment that passed in November 2011 was also put on the ballot via initiative petitions; supporters of that initiative submitted 546,074 signatures to the Ohio Secretary of State of which only 426,998 signatures were verified as valid.

45. Given this deadline for the petition, on each occasion when Plaintiffs are unlawfully and unconstitutionally prevented from collecting signatures and advocating for the passage of the initiative, not only does a violation of their constitutional rights take place, but the likelihood that the Ohio Workplace Freedom Amendment will be on the November 2012 ballot is reduced.

46. The notice requirement of ten working days means that each scheduled instance of gathering to collect signatures on the Free Speech Area faces a potential delay of up to fourteen calendar days (or more if there are intervening holidays during the notification period).

47. Furthermore, the notice requirement prohibits spontaneous speech in response to the actions of the Ballot Board, which substantially burdens the Plaintiffs'

First Amendment rights and leads to a delay in petition gathering and advocacy for the issue. The requirement continues to prohibit spontaneous speech, preventing UC YAL from gathering signatures when a conversation evokes the interest of a fellow student who may wish to sign a petition.

48. Limiting petition gathering and advocacy by preventing students from using the overwhelming majority of campus grounds for expressive activity substantially burdens the Plaintiffs' First Amendment rights and significantly restricts the number of signatures that may be gathered to place the Ohio Workplace Freedom Amendment on the November 2012 ballot.

49. In reaction to the news of the Ballot Board's approval to begin collecting signatures, Mr. Morbitzer immediately sent an email on February 9, 2012 to the relevant authorities at the University of Cincinnati (via the email address "campusscheduling@uc.edu") requesting permission to collect signatures and asking for clarification of the University's policies classifying expressive activity as a "demonstration, picket, or rally" and therefore limited to the Free Speech Area (attached as Exhibit F).

50. At 8:05 a.m. on the next day, February 10, 2012, Mr. Morbitzer received an unsigned email response from "Conference & Event Services" via the email address "campusscheduling@uc.edu." The response failed to expressly clarify the University policy regarding the definitions of a "demonstration, picket, or rally"; told Mr. Morbitzer to "use the online form to request use of McMicken Commons Northwest Corner"; and threatened police action if the Plaintiffs were seen merely "walk[ing] around campus" engaging in expressive activity outside of the Free Speech Area (attached as Exhibit G).

51. The response from “Conference & Event Services” to Mr. Morbitzer on February 10, 2012, was sent by Defendant John Doe who, as noted above, is believed to be one of the named Defendants.

52. The response from “Conference & Event Services” to Mr. Morbitzer on February 10, 2012, implied that Plaintiffs’ desired expressive activity, *i.e.*, petition circulating, was within the scope of the term “demonstration, picket, or rally.”

53. In response, Mr. Morbitzer requested permission via the online form on February 10, 2012. However, the form failed to provide Mr. Morbitzer and UC YAL with the option of requesting permission to engage in their desired expressive activity on campus immediately.

54. Contrary to the University’s Policy Manual, which requires “prior notice of ten (10) working days” before engaging in expressive activity deemed a “demonstration, picket, or rally” in the Free Speech Area, the online form stated that “[o]utdoor spaces must be requested at least 15 days in advance of the event” (attached as Exhibit H). No explanation of this discrepancy is given in the Policy Manual.

55. In an email response from Ms. Sisko on Friday, February 10 (a copy of which is attached as Exhibit I), Mr. Morbitzer’s request was approved only to the extent Plaintiffs remained at all times in the Free Speech Area:

Hello Christopher,

Please see your event confirmation below. You have been assigned the North-West corner of McMicken Commons, however you are not permitted to walk around.

Also note, that your event was approved despite our 5 Day Business Policy. In the future, this will not be allowed. Therefore, make sure you put your event request in 5 Business Days before your desired date.

Review the Event Guide and Policies link below for important policies and processes involved with your scheduled space.

<http://www.uc.edu/content/dam/uc/eventservices/docs/Confirmation%20Notice.Policy%20and%20Process.pdf>

If you have any questions please contact Conference & Event Services at 556-2442.

Thank you,
Conference & Event Services

56. The approval restricted Plaintiffs' expressive activity to the Free Speech Area ("the North-West corner of McMicken Commons") and once again noted Plaintiffs "are not permitted to walk around." This response indicated that Defendants construed the terms "demonstration, picket, or rally" to include expressive activity like the signature gathering, advocacy, and discussion in which Plaintiffs sought to engage.

57. Based on information and belief, the e-mail from "Conference & Event Services" was sent by Defendant John Doe, who, as noted above, is believed to be one of the named Defendants.

58. This email response refers to a notification period of five business days, while the Use of Facilities Policy Manual refers to ten working days, and the online form refers to fifteen days. No explanation of this discrepancy is given in the Policy Manual.

59. The requirement of five, ten, or fifteen days notice unreasonably prevents spontaneous expressive activities in response to recent or still-unfolding events, as well as those of a time-sensitive nature. For example, it would have been impossible for University students to gather spontaneously to demonstrate their shock and sadness following the tragic events of September 11, 2011, or their support of the United States'

successful military operation in killing Osama Bin Laden, without violating University policy.

60. Furthermore, the lack of clarity with regard to which of the three notice periods is applicable breeds confusion and uncertainty amongst would-be student speakers, resulting in an impermissible chilling effect on campus and the arbitrary and capricious enforcement of the policy.

61. Plaintiffs desire to engage in expressive activities beyond gathering signatures on behalf of the Ohio Workplace Freedom Amendment. In addition to seeking to gather signatures for this initiative until July of 2012, and possibly July 2013, Plaintiffs have concrete plans to work on future signature-gathering campaigns.

62. On Wednesday, February 15, Plaintiffs – consisting of three members of UC YAL – engaged in signature gathering, advocacy, and discussion in the Free Speech Area as limited by Defendants. Plaintiffs managed to gather only one signature and were only able to interact with six students as a result of the low pedestrian traffic in and adjacent to the Free Speech Area. Plaintiffs witnessed that the overwhelming majority of pedestrian traffic on McMicken Commons going to and coming from the surrounding buildings occurred on sidewalks not adjacent to the Free Speech Area, and thus these students were inaccessible to UC YAL signature gatherers limited to the confines of the Free Speech Area.

63. As a direct and proximate result of the denial by John Doe of their request to immediately gather signatures, to advocate for the Ohio Workplace Freedom Amendment, and to discuss the initiative's merits with their fellow students, Plaintiffs' constitutional rights have been violated and Plaintiffs have suffered injury and damages.

64. The actions of John Doe in denying Plaintiffs' request to immediately gather signatures, to advocate for the Ohio Workplace Freedom Amendment, and to discuss the initiative's merits with their fellow students was the direct and proximate result of the policy, practice and custom of the University of Cincinnati as adopted and implemented by Defendants.

65. As a direct and proximate result of John Doe restricting and confining the Plaintiffs only within the Free Speech Area in order to engage in the initiative petition effort, Plaintiffs' constitutional rights have been violated and Plaintiffs have suffered injury and damages.

66. The actions of John Doe in restricting and confining the Plaintiffs only within the Free Speech Area in order to engage in the initiative petition effort was the direct and proximate result of the policy, practice and custom of the University of Cincinnati as adopted and implemented by one or more of the Defendants.

67. As a direct and proximate result of the policy, practice and custom of the University of Cincinnati as adopted and implemented by one or more of the Defendants, Plaintiffs' constitutional rights have been violated and Plaintiffs have suffered injury and damages.

Defendants' Inconsistent Application of the Policy at Issue

68. As mentioned above, Defendants seemingly maintain three different notification periods for the same types of expressive activity: five, ten, or fifteen days.

69. Defendants have also been inconsistent in how they define an expressive activity as a “demonstration, picket or rally” that is therefore limited to the Free Speech Area only.

70. For example, in October 2011 and the autumn of 2008, Mr. Morbitzer witnessed individuals engaged in voter registration throughout the grounds of West Campus. They were not limited to the Free Speech Area.

71. Similarly, in the spring of 2009, Mr. Morbitzer witnessed individuals gathering signatures throughout the grounds of West Campus for a proposed amendment to the Ohio Constitution to legalize casino gambling. They were not limited to the Free Speech Area.

72. On information and belief, these signature gathering, advocacy, and discussion activities were not classified as a “demonstration, picket, or rally,” while Plaintiffs’ identical activity was so classified and was therefore restricted to the Free Speech Area.

73. Based upon information and belief, officials within the University of Cincinnati were aware of such First Amendment activities freely taking place outside the Free Speech Area, yet no action was taken to confine such activities within the Free Speech Area.

74. In fact, based upon information and belief, officials within the University of Cincinnati actively supported or condoned such First Amendment activities freely taking place outside the Free Speech Area.

75. To the extent officials within the University of Cincinnati actively supported or condoned such First Amendment activities freely taking place outside the

Free Speech Area, the restriction of the Plaintiffs to the Free Speech Area for their initiative petition effort constituted unconstitutional discrimination based upon the content or viewpoint of the speaker.

STATEMENT OF LAW

76. The University of Cincinnati is a state actor. *See Thomson v. Harmony*, 65 F.3d 1314, 1319 (6th Cir. 1995) (“The University of Cincinnati is a state instrumentality”); *Hall v. Medical College of Ohio*, 742 F.2d 299, 303–04 (6th Cir. 1984) (discussing how state universities in Ohio, including University of Cincinnati, are considered “arms of the state”).

77. At all times relevant to the allegations in this Complaint, each and all of the acts alleged herein were attributed to one or more of the Defendants acting under the color, authority, and pretense of state law, statutes, ordinances, regulations, customs, usages, and policies of the University of Cincinnati.

78. Soliciting and gathering signatures on a petition is core political speech protected by the First and Fourteenth Amendments to the Constitution. *Meyer v. Grant*, 486 U.S. 414, 422 n.5, 425 (1988).

79. The First and Fourteenth Amendments extend to campuses of state universities. *Healy v. James*, 408 U.S. 169, 180 (1972).

80. Due process requires that a state enactment be held void for vagueness if the prohibitive terms are not clearly defined such that a person of ordinary intelligence can readily identify the applicable standard for inclusion and exclusion. *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

81. The absence of clear standards guiding the discretion of the public official vested with the authority to enforce the enactment invites abuse by enabling the official to administer the policy on the basis of impermissible factors. *Leonardson v. City of East Lansing*, 896 F.2d 190, 198 (6th Cir. 1990).

82. The vagueness doctrine “requires that the limits the [government] claims are implicit in its law be made explicit by textual incorporation, binding judicial or administrative construction, or well-established practice.” *City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S. 750, 770 (1988).

83. A traditional public forum like a park or public sidewalk is subject to reasonable “time, place and manner” restrictions that are narrowly tailored to serve a significant government interest and leave open ample alternative channels of communication. *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983).

84. A designated public forum is a forum the government intentionally opens to expressive activity to the public at large. *Miller v. City of Cincinnati*, 622 F.3d 524, 534 (6th Cir. 2010). The standards under the First Amendment are the same as a traditional public forum. *Pleasant Grove v. Summum*, 555 U.S. 460, 469–70 (2009).

85. “The campus of a public university, at least for its students, possesses many of the characteristics of a public forum.” *Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981).

86. As noted above, the board of trustees of the University of Cincinnati have declared that the university is “dedicated to providing an environment conducive to teaching, learning, research, and a continuing search for truth.”

87. Thus, the campus of the University of Cincinnati (or, at least, areas other than the Free Speech Area) constitute dedicated public fora in which students, including Plaintiffs, are entitled to engage in speech protected under the First Amendment. And some areas of the campus of the University of Cincinnati (including the public sidewalks adjacent to various streets) constitute traditional public fora.

COUNT I

VIOLATION OF RIGHT TO FREE SPEECH UNDER THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION (42 U.S.C. § 1983)

88. Plaintiffs hereby incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

89. The policies and actions of Defendants vest unfettered discretion in the Defendants to restrict constitutionally protected expression.

90. The policies and actions of Defendants are prior restraints and restrictions on speech in campus areas that are commonly considered traditional or designated public fora.

91. The Defendants' purported "time, place and manner" restrictions are unreasonable in light of the purpose of the forum, overly broad, not content-neutral, are not narrowly tailored to serve significant government interests, and do not leave open ample alternative channels of communication.

92. As a proximate result of Defendants' actions, Plaintiffs have been irreparably injured, and will continue in the future to be irreparably injured, in that they have been and will be deprived of their right to free speech under the First and Fourteenth Amendments to the Constitution.

93. As a direct result of the Defendants' violation of the Plaintiffs' constitutional rights and the continued maintenance of the Use of Facilities Policy, Plaintiffs continue to be prohibited from engaging their fellow students in discussion, advocating on behalf of their political beliefs, and collecting sufficient signatures to successfully place the Ohio Workplace Freedom Amendment on the November 2012 ballot.

94. As a legal consequence of the Defendants' violation of Plaintiffs' First and Fourteenth Amendment rights, as alleged above, Plaintiffs are entitled to injunctive relief and, from Ms. Sisko and John Doe, to recover nominal damages.

COUNT II

VIOLATION OF THE RIGHT TO DUE PROCESS UNDER THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION (42 U.S.C. § 1983)

95. Plaintiffs hereby incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

96. The policies and conduct of Defendants are unconstitutionally vague on their face. They fail to adequately advise, notify, or inform students threatened with disciplinary action and criminal prosecution for violation, and thus have a chilling effect on speech.

97. The Defendants' policy, practice, and custom of limiting the expressive activities on campus it defines as constituting a "demonstration, picket, or rally" to the Free Speech Area is unconstitutional and violates the First and Fourteenth Amendments to the United States Constitution.

98. The Defendants' policy, practice and custom of allowing its agents or other authorized individuals unbridled discretion in determining which expressive activities constitute a "demonstration, picket, or rally" – and thus are subject to the notification requirement of ten working days and limited to the Free Speech Area – violates Plaintiffs' rights under the First and Fourteenth Amendments to the United States Constitution.

99. As a proximate result of Defendants' actions, Plaintiffs have been irreparably injured, and will continue in the future to be irreparably injured, in that they have been and will be deprived of their right to free speech and due process of law under the First and Fourteenth Amendments to the Constitution.

100. As a direct result of the Defendants' violation of the Plaintiffs' constitutional rights, Plaintiffs are at continued risk of being unable to engage their fellow students in discussion, advocate on behalf of their political beliefs, and collect sufficient signatures to successfully place the Ohio Workplace Freedom Amendment on the November 2012 ballot.

101. As a legal consequence of the Defendants' violation of Plaintiffs' First and Fourteenth Amendment rights, as alleged above, Plaintiffs are entitled to injunctive relief and, from Brittany Sisko and John Doe, to recover nominal damages.

COUNT III

DECLARATORY JUDGMENT AND INJUNCTION (28 U.S.C. § 2201, *et seq.*)

102. Plaintiffs hereby incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

103. An actual controversy has arisen and now exists between Plaintiffs and Defendants concerning Plaintiffs' rights under the United States Constitution. A judicial declaration is necessary and appropriate at this time as to Counts I through II above.

104. Plaintiffs desire a judicial determination of their rights against Defendants as they pertain to Plaintiffs' right to speak, assemble, and gather signatures on petitions on the outdoor areas campus of the University of Cincinnati without being subjected to a prior restraint or "time, place, and manner" regulations which are unreasonable, not content neutral, not narrowly tailored to serve a substantial government interest, and do not leave open ample alternative channels of communication.

105. In order to prevent further violation of Plaintiffs' constitutional rights by Defendants, it is appropriate and proper that a declaratory judgment be issued, pursuant to 28 U.S.C. § 2201 and FED. R. CIV. P. 57, declaring unconstitutional the University's policies.

106. Furthermore, pursuant to 28 U.S.C. § 2202 and FED. R. CIV. P. 65, it is appropriate and hereby requested that this Court issue preliminary and permanent injunctions prohibiting the Defendants from enforcing their restrictions on Plaintiffs' expressive activities to the extent they are unconstitutional, in order to prevent the ongoing violation of Plaintiffs' constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants and that the Court:

- A. Declare that the notice and forum provisions of the University's Use of Facilities Policy Manual described above are unconstitutional on their face

because they violate the rights to freedom of speech and due process of law guaranteed under the First and Fourteenth Amendments to the Constitution;

- B. Declare that the notice and forum provisions of the University's Use of Facilities Policy Manual are unconstitutional as applied or threatened to be applied to the activities of Plaintiffs, because they violate Plaintiffs' right to freedom of speech and due process of law guaranteed under the First and Fourteenth Amendments to the Constitution;
- C. Declare that restricting students' expressive activities to the Free Speech Area violates the First and Fourteenth Amendments to the Constitution;
- D. Issue a preliminary injunction and permanent injunction against the Defendants prohibiting the enforcement of said policies against Plaintiffs and others who seek to participate in expressive activities both within the Free Speech Area and on sidewalks and outdoor open areas such as those described in this Complaint;
- E. Award nominal damages against Defendants Brittany Sisko and John Doe;
- F. Pursuant to 42 U.S.C. §1988 and other applicable law, award Plaintiffs their costs and expenses incurred in bringing this action, including their reasonable attorneys' fees; and
- G. Grant such other and further relief as the Court deems equitable, just, and proper.

Respectfully submitted,

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University of Cincinnati

Use of Facilities Policy Manual

8/2008

[The information contained herein was prepared by a committee appointed by the President of the University of Cincinnati and has been reviewed by the Office of General Council.]

Exhibit A

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University of Cincinnati

Use of Facilities Policy Manual

Access to University Buildings

While the University of Cincinnati is a public institution, its primary purpose is to provide an environment for education and scholarship. As with all state, federal and local entities, “public” does not mean that all areas are open to the general public. There are some areas, such as sport and performing arts venues, shops and restaurants, where access by the general public is permitted, and in many cases, encouraged. On the other hand, classrooms, laboratories, academic offices, student lounges and other educational and research venues are not open to the general public but are for the most part limited to the use of faculty, students, staff and invited guests who have business related to the mission of the University (the “University Community”).

When a building contains areas that are designated as open to the general public, access is limited to those areas and only during specified hours. Unless otherwise posted, most public access areas are accessible by the general public during normal business hours (Monday – Friday from 8:00 AM to 5:00 PM). During other days and/or hours, all areas in the building are restricted to the University Community.

As noted above, there are some exceptions to this restriction; such as when a public event is being held in a university building; e.g. CCM performances, athletic events, meetings open to the public, etc., or when a building contains areas intended for public/guest/alumni use; e.g. bookstores, libraries, restaurants, recreation areas, etc.

There are some facilities that are restricted, even during normal business hours, and not all areas of the University are open to all members of the University Community. These areas are posted and/or locked. (Access to residence halls is restricted at all hours to residents, registered guests and authorized staff.)

Use of Storage Facilities on Campus

The University of Cincinnati does not permit use of any storage areas or facilities (such as lockers, cabinets, etc.) by anyone without express permission. Items found stored in violation of this section of the Use of Facilities Policy Manual will be confiscated and disposed of in accordance with the law concerning found property and/or contraband, as indicated by the type of property.

GENERAL POLICIES PERTAINING TO THE USE OF UNIVERSITY FACILITIES

The policies stated herein were developed by the Use of Facilities Policy Committee. They were approved by the Academic and Administrative Councils and the President of the University of Cincinnati and are administered and interpreted by the appropriate scheduling office. Appeals related to the application of these policies are to be referred to the Use of Facilities Policy Committee for review. These policies are not applicable to the Housing and Food Services Office or Hospital patient care areas which have their own separate policies.

The facilities of the University are the property of the State of Ohio, and are subject to all applicable state laws, rules and regulations.

Non-University individuals or groups can schedule use of University facilities within certain limitations.

The following priority is used for scheduling facilities:

1. Academic classes
2. Academic related activities
3. Activities sponsored or co-sponsored by the University of a University group.
4. Activities sponsored by a non-University group.

A non-University group may reserve facilities only if comparable facilities are not available commercially elsewhere in the local community. Requests by non-University groups for use of University facilities for activities which are in competition with the University's educational or cultural offerings (classes, seminars, etc.), are not approved. Determination of whether competition exists is decided by the appropriate scheduling office in consultation with academic and administrative units.

The University of Cincinnati reserves the right to change facility assignments or to cancel any previously scheduled facility if such change or cancellation is made to meet University needs. The University is not responsible for any costs or damages suffered by a sponsoring group as a result of such change or cancellation.

Responsibilities of All Groups/Individuals Using University Facilities

The sponsor must conduct an event in a manner that complies with all policies regarding the use of University facilities. The sponsor assumes total responsibility including, but not limited to financial and legal obligations for an event using University facilities. Specific smoking and use of alcohol regulations apply to University facilities and are detailed in Appendices B and C. Groups and individuals who sponsor an event are responsible for any loss or damage incurred by the University resulting from their occupancy of University facilities.

Rental Charges and Expenses

A standard rental charge is made for the use of University facilities by a non-University group. No rental charge is made for the use of facilities for an event sponsored by the University or a University group held during hours when campus buildings are regularly open unless admission is charged or donations are requested. No rental charges are made for the use of facilities for events if the University is compensated through other direct methods, i.e., tuition, fees and/or

grants. Rental charges may be obtained from the appropriate scheduling office. Student organizations sponsoring events involving admission charges or donations must obtain approval of the Student Activities and Leadership Development's Financial Advisor. All rental charges are payable two weeks in advance of the event. Charges are assessed to all groups for direct expenses incurred as a result of occupancy beyond regular hours, special equipment, set-ups, services, and personnel required to service an event. All charges are based on the University Schedule of Charges for Use of Facilities on file in the appropriate scheduling offices. Requests for exceptions to established charges or advance payment are referred to the Use of Facilities Policy Committee.

Payment of all charges for the use of University facilities and services is the responsibility of the group and/or the agent representing the group. If the group does not meet its financial obligations to the University, the individual who requested use of facility is responsible for the payment. University groups which co-sponsor an event with a non-University group or organization are responsible for any financial and legal obligations incurred if not settled by the non-University group. Non-University groups must pay all outstanding charges within thirty (30) days following issuance by the University of a Statement of charges incurred unless otherwise stipulated in a signed contract.

Safety and Security

Due to fire safety and building code regulations, stairways and corridors within buildings may not be used as gathering places or for holding events. Security requirements for all events using University facilities are determined by the University Department of Public Safety. Compliance with all safety and security laws is the responsibility of the sponsoring group or individual, but the University Police have the ultimate authority to insure compliance with all rules, regulations and laws. Persons present on University property are subject to the authority of the University Police. Non-University groups must obtain and maintain public liability insurance covering bodily injury and property damage in an amount to be determined by the appropriate scheduling office. A security deposit may be required.

The authority to determine the number of police/security personnel assigned to an event, their post/are of assignment, and their duties rests with the Department of Public Safety.

The University Police Officer assigned to an event shall insure compliance with safety rules, regulations, and laws. The use of firearms (including blanks), explosives, and/or pyrotechnics is prohibited without the express written permission of the Department of Public Safety.

Political Programs and Activities

University groups may sponsor a political candidate for speaking engagements only. University facilities may not be used for political fundraising activities where solicitations of funds, donations or similar activities take place. No solicitation of funds may take place for the benefit of the sponsoring political organization and/or the political candidate. University facilities are not available to non-University groups for partisan political programs, receptions, fundraisers or similar activities.

Fundraising

Services of facilities are not available for fundraising purposes if the funds are designed solely to enrich an individual or commercial sponsor. This does not preclude fundraising activities in support of University groups or organizations.

Distribution of Printed Materials, Publicity, Promotional Methods, Posted Materials

Individuals wanting to distribute printed materials on the West Campus grounds must first schedule the activity/distribution points in the Campus Scheduling Office. Distribution to the University community of printed materials, including fliers, handbills, and announcements, is limited to the northwest section of Mc Micken Commons, the sidewalk in front of Baldwin and the angled sidewalk on Sigma Sigma Commons (see diagram). In the interests of patient care, no distribution of printed materials is allowed on East Campus grounds.

Distribution must be done in an orderly manner and must not interrupt traffic on campus or otherwise interfere with the normal use of the area. Material distributed must have the name of the sponsoring person or group clearly indicated on the material. Individuals distributing printed materials are responsible for cleaning up debris in the areas affected. Non-University literature may be distributed to University employees only during the employees' non-working time and in non-working areas with prior approval from Campus Scheduling on the northwest corner of McMicken Commons.

Advertising and promotional literature of events sponsored or co-sponsored by a University group must identify the specific University Department or Organization. All such material must be approved by the sponsor or co-sponsor prior to publication. Non-University groups may not use the University name, seal, logo, or other University identification in any advertising or promotional literature, except to note location of the event.

Any publicity within campus buildings must be registered by the appropriate office and/or person responsible for each bulletin board in the building. Posting is permitted on specified bulletin boards ONLY, not on walls or glass. Posters/fliers must be in reference to a University event or activity and must clearly state the name of the sponsoring group or organization. Posters/fliers must be removed immediately following the event.

Bulletin Boards

Available West Campus Bulletin Board locations are on file at the Campus Scheduling Office. East Campus locations can be obtained from the appropriate Dean's or Departmental office. Priority is assigned in the following order.

1. Official University events or activities
2. Events or activities sponsored by a recognized University group or unit.
3. Events or activities co-sponsored by a recognized University group or unit.
4. Events or activities sponsored by a non-University group, which may be of benefit or interest to the campus community. Materials in this category are considered only if they do not conflict with University events and if space is available.

Banners

Banners advertising University events or sales that are scheduled in the Campus Scheduling Office can be displayed. Requests for banner displays are accepted January 1, for the ensuing academic school year. Printing may list only the name of the event or sale, date, time, place and sponsor. Banners must be attractive, in good taste, and of general interest to the campus community. Banners carrying the name of an individual aspiring to an elected position not directly connected with the University are not permitted.

Recruiting and Information Tables

Recruiting activities are scheduled through the appropriate scheduling office. When scheduling the event, the group is referred to the college office of each academic buildings involved to obtain approval. If the college office personnel determine the dissemination of information at the point desired interferes with traffic or internally planned programs, they may refuse the request. Groups scheduling recruiting activities in buildings other than Tangeman University Center furnish their own tables and chairs.

Sales and Solicitation of Funds

Groups wishing to conduct sales, or solicit funds must file a written application for approval with the Chair of the University Committee On Sales and Solicitation of Funds, and must adhere to the policies and rules contained in the University Sales and Solicitation Policy. Permission for a non-University group to contact sales is granted only if the group is co-sponsored by a University group, organization or department.

No room-to-room soliciting is permitted at any time, at any location on campus. Sales may not be conducted in competition with the usual business of the University of its Departments. All sales and solicitation for funds shall be consistent with the educational and public responsibilities of the University.

Gambling

Gambling is prohibited on or within University buildings and grounds. Under the Ohio Revised Code, raffles may be allowed if they are conducted by organizations having 501 C (3) exemptions from the IRS. In order to conduct a raffle on campus, the group or organization must meet all applicable State and Federal requirements and must register with the Office of Campus Scheduling.

Food Service

Food service requests should be arranged through the appropriate scheduling office for each facility. For regulations governing the purchase and consumption of alcoholic beverages, see Appendix C.

Storage

The University does not provide equipment storage for individuals or groups scheduling facilities. Equipment storage is the responsibility of the individuals or groups.

Speakers, Speech and Assembly

The following policies have been formulated to assure to all members of the campus community the right to inquire, to speak, to hear, and to assemble peaceably, reflecting the rights of academic freedom and the obligations of academic responsibility.

All members of the University community shall honor the freedom of each individual within that community in matters of speech, learning, inquiry, hearing, and peaceful assembly. No one may interfere with the rights of others to pursue teaching, study, class attendance, research, learning, or administrative duties.

Any University group may invite speakers to address their organization at any time. In the interest of intellectual integrity and academic responsibility, any group sponsoring a series of speakers should endeavor to present all sides of a controversial subject. The name of the speaker must be supplied on the scheduling application in the appropriate scheduling office no later than five days in advance of the meeting.

Section I - ACADEMIC FACILITIES

Policies

A particular academic facility may be used only for activities which are consistent with its basic design and purpose. Requests for reservations during times when a facility is not scheduled for University sponsored events are scheduled on a first-come, first-served basis.

West Campus

The Office of the Registrar, Division of Registration and Scheduling, maintains the central file of some general purpose classrooms and seminar rooms and has scheduling authority in the rooms Monday through Friday, 7:30 a.m. to 6:30 p.m. This Division schedules rooms for the McMicken College of Arts and Sciences, the University College, the College of Education, the College of Engineering and the School of Social Work., This Division also schedules some space in the College of Business Administration, and the College of Design, Art, Architecture, and Planning. The College Conservatory of Music and the College of Law facilities are scheduled in their respective college offices. The College of Business Administration schedules academic space in Lindner Hall until class orders are submitted, then the Division of Registration and Scheduling assumes scheduling responsibility. The College of Design, Art, Architecture and Planning schedules use of its academic space with some assistance from the Division of Registration and Scheduling. The Campus Scheduling Office schedules the use of academic space for conferences, meeting and events when class is not in session and on weekends. The Division of Registration and Scheduling coordinates the scheduling of academic space for other courses convening after 6:30 p.m.

East Campus

College of Medicine facilities in the Health Professions Building and the Medical Sciences Building may be used only when scheduled and confirmed in advance. An *Application to Schedule Facilities* must be completed for each event and submitted to the Medical Art and Design Services (MADS) for approval. Consideration for the use of facilities is given to complete, signed, written applications only. No oral requests will be honored. Final approval and rental charges for the use of facilities are based on the type and scope of the event, the financial arrangements, and the department or organization responsible for the event. Facilities are reserved "as is." No arrangement of equipment, personnel, or services is included or implied with the confirmation of any College of Medicine facility. Facilities are not officially reserved until a signed confirmation copy of the application is received by the applicant from MADS.

College of Medicine academic classes and exams have the highest priority and supercede all other use of facilities. Monday-Friday 7:00 a.m. to 6:00 p.m., facilities are reserved exclusively for academic classes and exams, College of Medicine, Medical Center and University sponsored events only. Non-University events are not scheduled in the facilities during the academic day. After 6:00 p.m. Monday-Friday, and on weekends, consideration is given to non-University sponsored events for the use of Kresge Auditorium or Classroom E-351 only. No other College of Medicine facility is available for non-University events at any time.

The Colleges of Pharmacy and Nursing each schedule the use of their own facilities at the respective college office. Room reservations for the College of Pharmacy required courses,

elective courses, seminars, and other programs are scheduled in preference to all other room reservation requests. Room reservations for the College of Nursing and Health must be made as far in advance as possible. Room assignments are made in a manner that will accommodate the number of students and best utilize the Procter Hall facilities. College of Nursing Health facilities may be reserved for conferences, meetings, or other special purposes on a one-time only basis. These reservations must be made far enough in advance to avoid conflict in scheduling. Requests for special arrangements of chairs, tables, etc., must be made two weeks in advance.

Branch Campuses

Classrooms, seminar rooms, and laboratories are scheduled through the individual college offices. At Raymond Walters College, OMI College of Applied Science, and Clermont College, classrooms used for academic purposes are requested on a class order form or by memo through the college office. Classrooms for non-academic purposes are scheduled via memo or forms through the Business Office.

Procedures:

Scheduling of teaching laboratories and special purpose rooms is accomplished through the individual departments or colleges responsible for those facilities. However, the usage of these rooms is reported to the Office of the Registrar, Division of Registration and Scheduling when the class orders are submitted. All requests for specific classrooms, seminar rooms and auditoria, must be directed to the Office of the Registrar, Division of Registration and Scheduling, on a class order form each quarter. A class order may be placed at any point in the quarter and students have access to the course through the registration process on the same day the class order is placed. To have the class published in "Learning Opportunities," the schedule of classes, a class order must be placed by a specific deadline date three (3) to six (6) months in advance of the start of the quarter. If no room is available, the class order will not be entered and the college/department will be notified that the class order is being held until a room opens at the requested time or the department will be offered alternate, open time slots.

Each college and/or department is given preference in their own building or in adjacent buildings as space permits. Classes are scheduled into classrooms based on estimated enrollment when the mix of rooms available allows a match of the room with the estimated enrollment. Requests for the use of specific classrooms on a preferred basis may be made, but there is no guarantee that the specific room requested will be scheduled. Although the scheduling office prefers to keep all classes in the same room each quarter, the changing mix of course/selections each quarter including on quarter courses, and trailer courses, makes it impossible to keep all continuing courses in the rooms that they occupied in the Autumn Quarter.

Extra (all-quarter) one day meeting times called "extra rooms" for regularly scheduled academic courses are scheduled only after all other academic scheduling has occurred. One day meetings are currently not scheduled until the week before the quarter begins.

On the **West Campus**, large auditoria scheduling occurs once annually in January for the next academic year. Large auditoria request forms are delivered to all colleges and Arts and Sciences departments in December each year, and are due the first week of January. Scheduling is

accomplished before February 1 so that college/departments know their large auditoria schedule in order to plan their other course requests before Autumn class orders are due. After the schedule for large auditoria is published, a course/section may not change the day or time. Remaining space may be requested for use by any college/department and it is granted whenever possible. The Office of the Registrar, Division of Registration and Scheduling has final authority to move course/sections if the need arises, especially if a larger course/section needs one of these large auditoria. On the **East Campus**, large auditoria scheduling arrangements are made through the college offices.

Once the scheduling process of course/sections is completed for a quarter (about 45 days before classes begin), classroom assignments are sent to each college. Once room assignments are published and circulated, a college/department may request a room change. Since room assignments are published on schedule/bills, room changes should not be made unless absolutely necessary. The students receive no notice that a room change has occurred prior to going to the first class meeting where a room change sign is posted directing them to the new room. Room change requests are accomplished through the department or college to keep them updated as to the new location of the course. Room change requests are honored if a room is available that will accommodate the course/section enrollment. Over subscription due to closed course petitioning should be avoided.

Classroom Time Blocks

All undergraduate classes (excluding laboratories) are scheduled at regular times as defined below:

- Monday, Wednesday, Friday on the hour in 50 minute time blocks
- Tuesday and Thursday on the hour or half hour in 1 ½ hour time blocks

Graduate courses may be scheduled in 2 to 3 hour time blocks, but they should begin and end on the hour Monday, Wednesday, and Friday or on the hour or half hour on Tuesday and Thursday.

Free Hours

The University has a Free Hour on Tuesday and Thursday 12:30 p.m. to 2:00 p.m. For scheduling purposes, any course with a meeting time that crosses through that hour is considered as meeting during the Free Hour. Permission to use the Free Hour for classroom scheduling is given with the proviso that only multiple section courses are scheduled during that time period. The proviso is made primarily so that those students and faculty involved in campus activities may select another section if necessary. Colleges and departments which find it necessary to schedule a single section course during the Free Hour must request an exception to the Free Hour Policy. Such requests should be in writing to the Director of Registration and Scheduling. Written notification is sent to the requesting department following review.

Section II - NON-ACADEMIC FACILITIES

Procedures

The Campus Scheduling Office, 265 Tangeman University Center (556-2442) is responsible for scheduling all University facilities including exterior open space on West Campus when they are not in use for academic purposes. The implementation of University policies and charges related to the use of facilities is also the responsibility of the Campus Scheduling Office. Individuals wanting to schedule meetings, conferences, workshops, institutes, concerns and other events requiring University facilities, housing, food services, parking, etc., must make arrangements in this office. College of Medicine facilities are scheduled by Medical Art and Design Services (MADS), Room E-401 MSB, 231 Bethesda Avenue, Cincinnati, OH 45267-0574, 588-0161. Facilities may be used only when scheduled and confirmed in advance. An Application to Schedule Facilities must be completed for each event and submitted to MADS for approval.

The scheduling of facilities on branch campuses and athletic facilities, including notification to the Campus Scheduling Office and the implementation of University policies regarding their usage, has been delegated to the offices listed in Section IV of this Manual.

Facilities are not officially reserved or confirmed until a signed confirmation copy of the application is received by the applicant from the office. An event should not be advertised or promoted until formal confirmation is received. If use of a reserved facility is to be cancelled, the sponsor or co-sponsor must notify the appropriate scheduling office as soon as possible and should also cancel arrangements for equipment, personnel, and services made in connection with the event. Written notice of cancellation or changes relating to an event should be received by the appropriate scheduling office no later than five (5) working days prior to the event. The sponsor and co-sponsor are responsible for all costs incurred by the University for events, which are reserved but subsequently cancelled.

1. **Oral Request for Space:** Oral requests for space may be made for classrooms and designated “pre-set” rooms within Tangeman University Center. A maximum of three dates may be reserved by telephone. All rooms “as-is” without equipment. Tentative requests for changeable rooms may be made by phone. An application must be submitted to confirm the reservation.
2. **Written Request for Space:** Changeable rooms, events, requiring more than three dates and events incurring charges must be submitted by application in order to be confirmed.
3. **Confirmation:** University facilities may be used only when scheduled and confirmed in advance. A facility is not officially reserved until the applicant receives written confirmation from the Campus Scheduling Office.

Please allow a minimum of five (5) working days notice for a written request. Ten (10) working days notice is required for reservations requiring security, electricians, media center technicians and table rentals (more than six (6) tables in Tangeman University Center and any tables in a university facility outside of Tangeman University Center. **PLEASE**

DO NOT ADVERTISE FACILITIES UNTIL WRITTEN CONFIRMATION IS RECEIVED.

4. **Cancellations:** The Campus Scheduling Office should receive Cancellations or changes of a confirmed meeting, function or event as soon as possible in writing. Organizations or departments will be held responsible for any charges incurred due to failure to cancel. In addition there will be a fee incurred for any group that does not cancel in writing with the Campus Scheduling Office a minimum of five (5) business days prior to their event. The Campus Scheduling Office reserves the right to cancel a confirmed meeting if it is found to be in competition with the University's educational or cultural offerings.

Cancellation of events involving security, electrician and media center technicians must be made in writing a minimum of five (5) business days prior to the event. Organizations will be responsible for charges incurred if the Campus Scheduling Office does not receive notice, as outlined by the stated timeframes.

5. **Food Service/Catering:** If food service is desired in Tangeman University Center, arrangements must be made with the Catering Office in TUC (556-3135) after space has been reserved in the Campus Scheduling Office. A food service waiver must be obtained in advance from the Campus Scheduling Office for groups requesting special catering privileges. Tickets sold must clearly state the cost of the meal. If a catering waiver is approved Room Rental will apply.
6. **Special Equipment or Arrangements:** After an event has been scheduled, please contact the Campus Scheduling Office for any changes or additions in the original set-up requested. The use of media equipment outside Tangeman University Center must be arranged with the Media Center (556-1977).
7. The Campus Scheduling Office reserves the right to modify room assignments at the University of Cincinnati as necessary. However, every effort will be made to notify the applicant in a timely manner of any room modifications and to notify the applicant in a timely manner of any room modifications and to schedule compatible meeting space.
8. **CHARGES:** Information concerning charges governing the use of university facilities is available in the Campus Scheduling Office. Bills will be rendered in accordance with the university schedule of charges. Use of facilities will not be permitted until all outstanding financial obligations have been met. Payment of all bills will be the responsibility of the sponsor if the individuals or groups in charge of the event do not meet financial obligations incurred.
9. Please note, any equipment needs must be requested in writing in advance or you will incur a \$100.00 rental fee if supplied the day of the event. There is also a 30 minute grace period for groups to arrive at their event at their scheduled time. Groups who arrive more than 30 minutes late for their event will be subject to a \$100.00 late arrival fee. If the event occurs on a weekend, after 30 minutes the room will be secured and staff will no longer be available. If food or beverages are part of your event in TUC, it must

be ordered through Classic Fare Catering at 556-3135. If food and beverages are brought into TUC from any outside source, room rental will be assessed and charged to the sponsoring organization.

10. **RESPONSIBILITIES OF GROUP USING UNIVERSITY FACILITIES:** Groups will be held responsible for any loss or damage incurred while the facilities are reserved in their name. Assessments will be made accordingly.
11. **SPONSOR RESPONSIBILITY:** Sponsor is defined as the individuals, department or organization within the university, which assumes total responsibility including, but not limited to, any financial and legal obligations, for a project or activity using facilities.
12. **POLICIES REGARDING USE OF UNIVERSITY FACILITIES:** Basic policies, in addition to those listed are on file in the Campus Scheduling Office and are administered and interpreted by this office. Questions regarding interpretation may be referred to the Use of Facilities Advisory Committee for consideration.
 - a. **Gambling and Raffles** – In any form are prohibited on or within the university buildings and grounds.
 - b. **Smoking** – Smoking is not permitted inside any campus facility.
 - c. **Solicitation** – Any recognized student group wishing to sponsor a vendor on campus must complete the appropriate forms in the Student Activities and Leadership Development Office.
13. **PARKING:** Guest parking is available in the College Conservatory of Music Boulevard Garage (off Corry Boulevard) the Clifton Court Garage (off Clifton Court), the Woodside Garage (on Woodside Drive), or the Campus Green Drive Garage (off Martin Luther King Jr. Avenue) on an hourly basis. The Campus Scheduling Office will supply the necessary forms to be returned to the Parking Office when special events are scheduled.
14. **STUDENT ORGANIZATION:**
 1. **Meetings or Events:** Student groups must schedule all on-campus events in the Campus Scheduling Office. Selected events may require approval from the Student Activities and Leadership Development Office prior to receiving final confirmation by the Campus Scheduling Office. **Groups incurring charges must have written approval from their faculty advisors prior to confirmation of any events.**
 2. **Residence Hall Facilities:** Residence hall facilities are not available to non-residence hall groups during the academic year and may only be scheduled through the central office of Resident Education and Development.

Free Speech Area

The northwest section (see diagram) of McMicken Commons immediately east of McMicken Hall on the West Campus is designated as the main free speech area. Individuals or groups wanting to use these areas must schedule the activity in the Campus Scheduling Office. Anyone violating this policy may be charged with trespassing. No more than one musical or speaking activity is permitted at the same time.

Amplification

Amplification is permitted only by University organizations at the following times and places:

Center sections (2) of McMicken commons or Bearcat Plaza, 12:30 p.m. to 2:00 p.m., Tuesday and Thursday, during the Autumn, Winter and Spring Quarters, but not during exam weeks, between quarters or during the Summer Quarter.

Sigma Sigma Commons, Campus Green and Athletic Practice Field

12:30 p.m. – 2:00 p.m. Tuesday and Thursday

5:00 p.m. – 11:00 p.m. Friday

12:00 Noon – 11:00 p.m. Saturday

12:00 Noon – 6:00 p.m. Sunday

Groups must contact Work Control for electrical service needs for these areas (556-6404).

Each group may schedule in advance only two amplification dates per quarter. Groups may obtain an additional amplification date if there is an opening forty-eight hours before the desired date. The maximum sound level is to be 90 decibels. The sponsoring organization and/or the University Police are responsible for maintaining allowable sound levels.

Demonstrations, Picketing and Rallies

Groups planning a demonstration picket or rally should contact the Campus Scheduling Office or the appropriate scheduling office to familiarize themselves with University policies governing the activity. Demonstrations, picketing or rallies must be scheduled in the appropriate scheduling office and may only take place on the northwest corner of McMicken Commons.

Anyone requesting to demonstrate, picket or rally must give prior notice of ten (10) working days to the University Police. Such activities are not permitted inside any campus building.

Bonfires require additional clearance from the scheduling office, the Department of Facilities Management, the Department of Public Safety, and the Cincinnati Fire Department.

Disruptive Conduct

If classes or administrative functions of the University are being disrupted, the persons creating or inducing the disturbance, once notified by University Police, or the appropriate scheduling office, must bring their activities to a non-disruptive level. If the disruption continues, the University Police may require the crowd to disperse and/or speaker to terminate the program or activity.

Section III - ATHLETIC FACILITIES

Policies

The playing and practice fields, tennis courts, organized recreational areas, swimming pool and facilities in Laurence Hall are scheduled by the Athletic Office, Room 316 Laurence Hall, 556-5601 in cooperation with the Campus Scheduling Office. Facilities located in Shoemaker Center, except UCATS, are scheduled by calling 556-2170. Use of the UCATS facility for private meetings, dinners and parties is scheduled by calling 556-4884. The priority in scheduling Athletic facilities is as follows:

1. Academic classes
2. Varsity Games
3. Team practice sessions, visiting team practices and athletic events
4. Scheduled band practices
5. Intramural activities
6. Student free play recreation
7. University groups
8. Non-University groups

Exceptions to these policies must be negotiated between the Directors of Athletics and the Campus Scheduling Office. If an agreement cannot be reached, an appeal may be made by the Campus Scheduling Office to the Use of Facilities Policy Committee.

Procedures:

University groups that charge admission to an event will be required to pay rent plus direct expenses when contracting for the use of athletic facilities. In situations where no admission is charged, the rental fee may be waived at the discretion of the Athletic Department. The Athletic Department bills the group and makes arrangements. The Cincinnati Recreation Commission is considered in the same category as a University group due to reciprocal benefit programs. All Cincinnati Recreation Commission events involving admission or entry fees are charged the standard rental fee plus expenses. Non-University groups are charged rental plus all direct and indirect costs in accordance with the Schedule of Charges.

**Section IV -
AREA SPECIFIC FACILITIES**

Name of Facility *Academic Space – General Purpose Classrooms*

Statement of Purpose (intended use)

General purpose rooms are centrally scheduled classrooms available to any academic unit needed to teach a course or section of a course.

Specific Policies which apply to this Facility

Course must be approved by the academic unit and entered on the Master Catalogue of Courses. Room requests must be submitted quarterly on class order form. Day courses must be requested in 50 minute time blocks beginning at 8:00 a.m. if M, W, F or 90 minute time blocks beginning on the hour or half hour if T/TH.

Priority of Usage (if any)

College and departments are given preference in rooms within their own building.

How to schedule:

Contact: Administrative Support Specialist – Classes

Phone Number: 556-6500

Office and Mail Location 530-A University Pavilion, M.L. 0150

All other uses must be scheduled through Campus Scheduling Office.

Name of Facility *African American Cultural & Research Center*

Statement of Purpose (intended use)

The African American Cultural and Research Center is established as a community center of the University to serve the faculty staff and alumni, as well as the community at large.

Specific Policies which apply to this Facility

Reservations must be made 14 days in advance in accordance with the African American Cultural and Research Center reservation procedures.

Priority of Usage (if any)

In order of receipt of formal request for use.

How to schedule:

Contact:	Administrative Coordinator
Phone Number:	556-1177
Office and Mail Location	Sander Dining Facility, M.L. 0386

All other uses must be scheduled through Campus Scheduling Office.

Name of Facility *College of Business - Lindner*

Statement of Purpose (intended use)

Academic use by the College of Business Administration. Limited non-academic use.

Specific Policies which apply to this Facility

See Section I West Campus Academic Facilities.

Priority of Usage (if any)

College of Business academic classes and academic related activities get first priority.

How to schedule:

Contact: Officer Manager

Phone Number: 556-7003

Office and Mail Location 102 E Lindner, College of Business, M.L. 0020

All other uses must be scheduled through Campus Scheduling Office.

Name of Facility *CCM – Emery Hall, Corbett Auditorium, Patricia Corbett Theater*

Statement of Purpose (intended use)

Academic usage by the College-Conservatory of Music. Limited non-academic use.

Specific Policies which apply to this Facility

See Section 1 West Campus Academic Facilities.

Priority of Usage (if any)

CCM academic classes and academic related activities receive first priority.

How to schedule:

Contact: Associate Dean

Phone Number: 556-6638

Office and Mail Location Corbett Hall, M.L. 0003

All other uses must be scheduled through Campus Scheduling Office.

Name of Facility *Clermont College*

Statement of Purpose (intended use)

Clermont College, a branch of the University of Cincinnati, is a community oriented state-assisted institution of higher education. As such, it encourages use of its facilities by College, community and other organizations for lawful purposes during those times when such use will not interfere with the regularly scheduled educational programs and other bona fide College activities.

Specific Policies which apply to this Facility

Check with the contact person listed below.

Priority of Usage (if any)

Academic classes

Academic related activities

Activities sponsored or co-sponsored by the University or a University group

Activities sponsored by a non-University group

How to schedule:

Contact: Executive Staff Assistant
Phone Number: 732-5286

Office and Mail Location 106-B Clermont College, M.L. 0162

All other uses must be scheduled through Campus Scheduling Office.

Name of Facility *Exterior/Open Space*

Statement of Purpose (intended use)

Passive recreational use by students, faculty, and staff of the University.

Specific Policies which apply to this Facility

Must be a University event sponsored by a department, administrative office, committee, recognized student organization or other official unit of the University of Cincinnati. Student organizations must have departmental approval or approval of a faculty advisor and University budget account number if charges are involved with the event.

Priority of Usage (if any)

University sponsored events will have priority over all non-University events. Events with registration or admission fees will be charged rental fees for the use of open space.

How to schedule:

Contact:	Administrative Support Specialist Office of Campus Scheduling
Phone Number:	556-2442
Office and Mail Location	260 Tangeman University Center, M.L. 0220

Name of Facility *The Cincinnati Faculty Club*

Statement of Purpose (intended use)

The Cincinnati Faculty Club is available for use by members and their guests or for University groups, departments or organizations. Food service is available.

Specific Policies which apply to this Facility

Specific policies which apply are published in a special Cincinnati Faculty Club brochure available from the contact person listed below.

Priority of Usage (if any)

Use by members

Use by University groups, departments or organizations

How to schedule:

Contact: Director of Catering

Phone Number: 556-4154

Office and Mail Location Richard Lindner Center, M.L. 0106

Name of Facility *Faculty Conference Center – East Campus*

Statement of Purpose (intended use)

To support the educational goals of the Medical Center by providing dining and meeting facilities.

Specific Policies which apply to this Facility

Reservations must be made by member departments or individual members.

Priority of Usage (if any)

For the use of Medical Center, Hospital Administration and Medical Center Faculty Departmental meetings (most people attending should be eligible for FCC membership or be non-Medical Center guests).

How to schedule:

Contact:

Phone Number: 558-8609

Office and Mail Location MSB 101, M.L. 0716

Name of Facility *Fieldhouse and Laurence Hall*

Statement of Purpose (intended use)

To be used for classes, intramural use, recreation, varsity teams, ROTC, AROTC, cheerleaders and any University groups. A multi-purpose facility.

Specific Policies which apply to this Facility

All are to be University groups.

Priority of Usage (if any)

Classes
Varsity Teams
Recreation and Intramurals
Summer Camps
University Groups

How to schedule:

Contact Person:

Phone Number: 556-5601

Office and Mail Location 316 Laurence Hall, M.L. 0021

Name of Facility *College of Medicine – Kresge Auditorium*

Statement of Purpose (intended use)

Academic classes and exams.

Specific Policies which apply to this Facility

Non-University events may be scheduled during the day. Lobby area will not be scheduled if an activity is going on inside the Auditorium. No dressing or storage facilities. No food or beverages.

Priority of Usage (if any)

Academic classes
Exams
College of Medicine
Medical Center
University Events
Non-University events

How to schedule:

Contact:	Library Associate II.
Phone Number:	558-4186
Office and Mail Location	Room E-001, MSB, M.L. 0574

Name of Facility *Langsam Library*

Statement of Purpose (intended use)

The Langsam Library serves as the main the library of University of Cincinnati Libraries and provides the information resources and services in education, business, and the humanities and social sciences necessary for research and instruction. In addition to study carrels and tables, group study rooms, and faculty study rooms are provided.

The UCit@Langsam 24x7 study and computing lab resides on the 500 level of Langsam Library. UCit@Langsam is a joint project of University of Cincinnati Libraries and the University of

Cincinnati Information Technology (UCit) that combines the expertise and experience of both staffs to coordinate and increase access to information and technology.

Also located within Langsam Library, and a partner in many library collaborations, is The Center for the Enhancement of Teaching & Learning (CET&L). CET&L serves the University's teaching faculty and graduate teaching assistants. The goal of the Center is to create development opportunities that enhance teaching and improve student learning.

Specific Policies which apply to this Facility

All rooms within Langsam Library are scheduled by the library; there are no centrally scheduled rooms.

Group study rooms (503-504 and 602-607) are available on a first-come first-serve basis to students and staff. These rooms can accommodate between 6-12 people. Reserve group study rooms (541-544) are also available in the UCit@Langsam study and computing lab. To reserve a groups study room within the 24x7 space please contact UCit@Langsam at 556-0168.

Media viewing room 502 is available to small groups of students and small classes to view projected medium. The room is equipped with a 27' TV, DVD/VHS player, and data projector. This room can accommodate up to 12 people. To reserve this room for video viewing please contact the Circulation Services Department at 556-1424.

Conference rooms 671 and 571 are primarily used for University Libraries' faculty and staff. These rooms can accommodate up to 35 people. Other academic departments may inquire about using the room for one time meetings by contacting the Office of the Dean and University Librarian at 556-1515.

Instruction room 480C is intended for use by University Libraries and CET&L. The room is primarily to be used for instruction, but may also be used for other activities sponsored by UL or CET&L. To inquire about room use call CET&L at 556-3053.

Priority of Usage (if any)

All rooms within Langsam Library are scheduled by the library, or our partners UCit and CET&L (see info above); there are no centrally scheduled rooms.

Smoking is not permitted.

Beverages in closed containers (bottled water, travel mugs, sodas, coffee cups with lids, thermoses, etc.) are permitted in Langsam Library. Those who consume beverages in the libraries are asked to contact the person at the nearest service desk for assistance if they accidentally spill a beverage. Drinks are not permitted in the following areas:

The Student Technology Resource Center
Classrooms

Consumption of food is prohibited in library facilities. University of Cincinnati Libraries provides Langsam Library space both on the outside patio and in the 5th floor lobby, for patrons to consume food. Anyone who violates these policies will be asked to dispose of their food and drink, or leave the building.

How to schedule:

Group Study 503-504 and 602-607 are available on a first-come first-serve

Reserve group study rooms 541-544 – UCit@Langsam, 556-0168

Media Viewing room 502 – Circulation Services Department, 556-1424

Conference rooms 671 and 571 – limited availability, call Office of the Dean and University Librarian, 556-1515

Instruction room 480C – limited availability, instruction purposes only, one-time classes considered. Call CET&L at 556-3053 to inquire.

Name of Facility *College of Law*

Statement of Purpose (intended use)

Academic use by the College of Law. Limited non-academic use.

Specific Policies which apply to this Facility

See Section I. West Campus Academic Facilities.

Priority of Usage (if any)

College of Law academic classes and academic related activities get first priority.

How to schedule:

Contact: Assistant Director Academics
Phone Number: 556-0063
Office and Mail Location: Room 200 College of Law, M.L. 0040

Non-Academic use scheduled by Office of Campus Scheduling

Name of Facility *Medical Science Building (MSB) – Including Levine Park*

Statement of Purpose (intended use)

College of Medicine academic usage.

Specific Policies which apply to this Facility

Only Kresge Auditorium and Classroom E-351 can be used for non-University events and only after 6:00 p.m. Monday-Friday and weekends.

Priority of Usage (if any)

College of Medicine academic classes and exams.

How to schedule:

Contact: Library Associate II.
Phone Number: 558-4186
Office and Mail Location Room E-001, MSB

Name of Facility *Russell C. Myers Alumni Center*

Statement of Purpose (intended use)

Primary use by alumni groups and organizations and units affiliated with the University.

Specific Policies which apply to this Facility

User fees are charged and food service is available from approved caterers.

Priority of Usage (if any)

The Russell C. Myers Alumni Center is available for use by constituent alumni groups and alumni organizations, University departments and the general public.

How to schedule:

Contact: Executive Staff Assistant

Phone Number: 556-4344

Office and Mail Location Myers Alumni Center, M.L. 0024

Name of Facility *Nippert Stadium – Baseball Stadium – Fields 1, 2, 3*

Statement of Purpose (intended use)

For use by classes taught by the University of Cincinnati, varsity teams, intramural

Specific Policies which apply to this Facility

To be used primarily by the above mentioned groups. Rental of any of the above mentioned facilities will be considered based on availability.

Priority of Usage (if any)

Classes
Varsity Teams
Recreation and Intramurals
Summer Camps
University Groups
Outside Groups

How to schedule:

Contact Person: James Kelly
Phone Number: 556-5601
Office and Mail Location 316 Laurence Hall, M.L. 0021

Name of Facility *Non-Academic Space*

Statement of Purpose (intended use)

To provide rooms which have the necessary amenities for holding meetings, receptions, and conferences for the campus community.

Specific Policies which apply to this Facility

Non-University related events may request the use of interior spaces, however, the organization must fall within the University guidelines and must not conflict with the sex, race, or other discrimination policies and must be prepared pay applicable rental, security and housekeeping charges.

Priority of Usage (if any)

Priority will be given to functions which involve and are sponsored by a department, administrative office, committee, recognized student organization or official unit of the University.

How to schedule:

Contact: Administrative Support Specialist
Office of Campus Scheduling

Phone Number: 556-2442

Office and Mail Location 260 Tangeman University Center, M.L. 0220

Name of Facility *College of Nursing & Health*

Statement of Purpose (intended use)

Academic usage by the College of Nursing and Health.

Specific Policies which apply to this Facility

Rooms may be reserved for conferences, meetings or other special purposes by College of Nursing and Health faculty on a one-time only basis.

Priority of Usage (if any)

College of Nursing and Health
Other organizations

How to schedule:

Contact:

Phone Number: 558-5635

Office and Mail Location Room 413 Procter Hall, M.L. 0038

Name of Facility *Observatory – Hyde Park*

Statement of Purpose (intended use)

Educational

Specific Policies which apply to this Facility

Contact Physics Department for all details.

Priority of Usage (if any)

Contact Physics Department for all details.

How to schedule:

Contact Person: Donna Deutenberg

Phone Number: 556-0501

Office and Mail Location 400 Geology-Physics, M.L. 0011

Name of Facility *OCAS – Victory Parkway Campus*

Statement of Purpose (intended use)

Academic use by the College of Applied Science.

Specific Policies which apply to this Facility

See General Policies pertaining to the Use of University Facilities.

Priority of Usage (if any)

Academic classes

Academic related activities

Activities sponsored or co-sponsored by the University or a University group

Activities sponsored by a non-University group

How to schedule:

Contact Person: Associate Dean's Office

Phone Number: 556-6580

Office and Mail Location Room A-208 CAS, M.L. 0103

Name of Facility *Old OCAS – Central Parkway and Walnut Street*

Statement of Purpose (intended use)

Lower level machine shop – art exhibits
Room 12 – receptions and meetings.

Specific Policies which apply to this Facility

All University Policies which apply to special use space.

Priority of Usage (if any)

UC faculty, students, administration
UC sponsored programs
Non-University users/public

How to schedule:

Contact Person: Office of Campus Scheduling

Phone Number: 556-2442

Office and Mail Location 265 Tangeman University Center, M.L. 0015

Name of Facility *Old Shriners Rooms #26 (Auditorium) & 25*

Statement of Purpose (intended use)

Academic: Classes and exams.

Specific Policies which apply to this Facility

Non-University events may be scheduled daily. No dressing or storage facilities.

Priority of Usage (if any)

Classes – C.O.M.

Exams – C.O.M.

Medical Center Classes/Exams

University Events

Non-University Events

How to schedule:

Contact Person: Linda Young

Phone Number: 558-5447

Office and Mail Location Room #-401 MSB, M.L. #0574

Name of Facility *Parking Lots and Garages*

Statement of Purpose (intended use)

Although the primary purpose of the parking lots and garages on the University of Cincinnati campus is for the parking of vehicles during class times and University sponsored events, these facilities, under the supervision of Parking Services, may be reserved for co-curricular activities.

Specific Policies which apply to this Facility

An Application to Schedule Facilities must be completed and returned to the Office of Campus Scheduling. Interested parties must keep in mind that the application will need to be authorized through Parking Services and will require additional time and planning. Parking Services will make every attempt to accommodate the request for such facilities. Determination of these facilities will be made on a case-by-case basis and will be considered according to the availability of the parking lot/garage by other events scheduled on campus.

Priority of Usage (if any)

For specific information on scheduling parking lots and garages on the University of Cincinnati campus, please contact the Parking Services Office at 556-2283.

How to schedule:

Contact Person: Office of Campus Scheduling*
 Julie – Parking Services Office**

Phone Number: 556-2442*
 556-2283**

Office and Mail Location 265 Tangeman University Center, M.L. 0015*
Four Edwards, M.L. 0160**

Name of Facility *College of Pharmacy*

Statement of Purpose (intended use)

Academic use for courses and seminars.

Specific Policies which apply to this Facility

See Section I Academic Facilities Policies.

Priority of Usage (if any)

College of Pharmacy required courses, elective courses, seminars, and other programs will be scheduled in preference to all other room reservation requests.

How to schedule:

Contact Person: Receptionist

Phone Number: 556-0501

Office and Mail Location 136 Health Professions Building, M.L. 0004

Name of Facility *Raymond Walters College – Muntz Hall, Flory Center*

Statement of Purpose (intended use)

Academic use by Raymond Walters College. Limited non-academic use.

Specific Policies which apply to this Facility

Check with appropriate contact person listed below.

Priority of Usage (if any)

Academic classes

Academic related activities

Activities sponsored or co-sponsored by the University or a University group

Activities sponsored by a non-University group

How to schedule:

Contact Person: (Academic/Non-Academic): Debbie Miller

Phone Number: 745-5685

Office and Mail Location Room 107 Raymond Walters College, M.L. 0086

Contact Person (Flory Center): Secretary to Associate Dean

Phone Number 745-5682

Office and Mail Location Room 8, Flory Center, M.L. 0086

Name of Facility *Shoemaker Center*

Statement of Purpose (intended use)

Multi-purpose facility designed to promote varsity athletics, intramural and recreational activities, student and faculty sponsored events, concerts and other outside special events.

Specific Policies which apply to this Facility

Rent and expenses will be charged for all events held in the arena. Rental fee may vary with the type of event.

Priority of Usage (if any)

Varsity athletic contests
Academic classes
Team practice sessions
Intramurals and recreation
University sponsored events
Outside special events

How to schedule:

Contact Person:	Scott Wilholt
Phone Number:	556-2170
Office and Mail Location	329 Shoemaker Center, M.L. 0021

Name of Facility	<i>Swimming Pool Laurence Hall</i>
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Statement of Purpose (intended use)

To be used primarily by the above mentioned groups before any outside groups can be considered.

Specific Policies which apply to this Facility

All University Policies which apply to special use space.

Priority of Usage (if any)

Classes
Varsity Sports
Intramurals
Recreation camps during the summer
University groups
Outside groups

How to schedule:

Contact Person:	James Kelly
Phone Number:	556-5601
Office and Mail Location	316 Laurence Hall, M.L. 0021

Name of Facility *UCATS Club*

Statement of Purpose (intended use)

To provide special dining, meeting and entertainment facility for activities associated with Shoemaker Center events. The facility may be used on evenings when no event is being held in Shoemaker Center.

Specific Policies which apply to this Facility

Rental fee and expenses to be determined by the Director of the UCATS organization. Catering must be used through the UCATS caterer at the time of the rental of the facility.

Priority of Usage (if any)

UCATS Board of Trustees
Varsity contests
Outside special events
UCATS members
University community
Outside groups

How to schedule:

Contact Person:	Scott Wilholt
Phone Number:	556-2170
Office and Mail Location	320 Laurence Hall, M.L. 0021

APPENDICES:

- *Definitions
- *Individual Policies

Appendix A – DEFINITIONS

Academic facilities are classrooms, auditoria, studios and laboratories, which have the capacity and amenities for holding academic courses.

Athletic facilities are the playing and practice fields, track, locker rooms, swimming pool, gymnasiums, tennis courts, racquetball courts, weight rooms, organized recreational areas and other areas located in Laurence Hall, Armory Fieldhouse, Nippert Stadium, or Shoemaker Center.

College/Departmentally controlled rooms are laboratories and specifically equipped classrooms in which only courses of a specified college/department are scheduled. Office of the Registrar, Division of Registration and Scheduling will not schedule other courses in these rooms

except on an emergency basis and only after checking with the college or department prior to scheduling the room. All rooms on the East Campus fall into this category.

A co-sponsor is the University department or faculty/student organization which attests to the credibility of the non-University sponsor and assumes joint responsibility for payment of outstanding debts incurred and not settled by the non-University sponsor. All co-sponsored events must be approved by the appropriate department head, dean, or vice-president.

Exterior open space is outdoor space surrounding or surrounded by University buildings and provided for passive, unorganized recreational use by students, faculty, and staff of the University. Such spaces can be open lawns, greens, yards or plazas that are landscaped with either planted materials and/or hard surfaces. Specific exterior open spaces covered by this policy are as follows:

Blegen Lawn (west of Blegen Library)

McMicken Commons (east of McMicken Hall)

Jefferson Quad (south of Sander Dining)

Library Square (north of Rhodes Hall)

McMicken Lawn (west of McMicken Hall)

University Court or Fieldhouse Commings (north of Armory Fieldhouse, including grand stairs)

Martin Luther King Green (from Clifton and Martin Luther King intersection to Langsam)

Campus Green (formerly Parking Lot #1)

The Braid (running from Campus Green to McMicken Commons)

Teacher's College/Dyer Quad (surrounded by Teacher's College/Dyer Hall)

Nautilus Plaza

CCM Plaza

General purpose classrooms on the West Campus are the non-laboratory, general use classrooms for which the Office of the Registrar, Division of Registration and Scheduling has scheduling authority from 8:00 a.m. to 6:30 p.m. Monday through Friday. After 6:30 p.m. and on weekends, the _ has scheduling authority. On the East Campus and branch campuses, general-purpose rooms are under the control of the college or department.

Non-academic facilities are rooms or open public areas which have the capacity as well as necessary amenities for holding meetings, receptions, etc. These spaces generally consist of meeting/seminar rooms, lounges, student gathering spaces, etc.

A **non-University group** is any group not affiliated with the University of Cincinnati.

Preferentially scheduled rooms exist on the West Campus. In these rooms, colleges and departments have first option to schedule courses. In order to guarantee preferential scheduling in these rooms, colleges/departments must have submitted their requests for these specific rooms on a class order form that must be submitted at the time class orders are due on the West Campus. Later requests for space in a preferential room may not be honored.

A **sponsor** is the group/organization (University or non-University) which assumes the responsibility for a project or activity using University facilities. An individual may only sponsor a private event, which is not open to the public.

A **University group** is an official unit of the University, such as a college, administrative office, department, committee, alumni organization, recognized organization of faculty or staff, or a recognized and registered student organization or such groups in the process of organizing.

A **University sponsored** event is any event or function sponsored by a University group.

Appendix B – INDIVIDUAL POLICIES

ALCOHOL POLICY

Introduction

It is the goal of the University of Cincinnati to maintain an on-campus environment that shall be conducive to the intellectual, emotional and social growth of all members of its community. The University of Cincinnati has established the following policy governing the possession, sale and consumption of alcohol on its campuses. It is the University's intention through these policies to be clear about University consequences attributed to irresponsible or illegal usage of alcohol on campus.

Policy

The University shall implement and enforce the laws of the State of Ohio as stated in the Ohio Revised Code. It is the responsibility of each student, staff and faculty member to be familiar with the requirements of the Ohio Revised Code and the provisions of this policy and to conduct themselves accordingly.

As permitted by law, individual students, faculty and/or staff may purchase, possess and/or consume beer or intoxicating liquor on campus at certain campus events, in designated campus facilities and in campus facilities having permits issued by the Ohio Department of Liquor Control.

RESTRICTIONS IN THE OHIO REVISED CODE INCLUDE THE FOLLOWING:

- (1) It is unlawful for a person under 21 years of age to purchase, consume, possess, or transport any beer or intoxicating liquor.
- (2) It is unlawful to knowingly and falsely misrepresent one's age to obtain alcoholic beverages and/or to misrepresent that another is of legal age for such purpose.
- (3) It is unlawful to have in one's possession in a public place without a permit an open container of beer or intoxicating liquor.
- (4) It is unlawful to possess an open container and/ or consume any beer or intoxicating liquor in a motor vehicle.
- (5) It is unlawful to serve, distribute beer and /or intoxicating liquor to a minor.

These laws are contained in Chapter 4301 of the Ohio Revised Code. The complete text of the state liquor laws and administrative regulations may be obtained from the Department of Public Safety, Campus Library or the Ohio Department of Liquor Control.

Student Organizations will be permitted to schedule and/or sponsor on-campus events at which alcohol would be available only at those locations having permits issued by the Ohio Department of Liquor Control.

Student Organizations that sponsor off-campus events are expected to adhere to state law. Organizations found to have violated state law may be subjected to the loss of registered status.

Administrative and academic units (colleges, departments) are permitted to schedule and/or sponsor events at which beer or intoxicating liquor would be available only in designated areas

within those units and only with the approval of the unit head. These events may not be all campus events and must adhere to regulations established for on-campus events.

Policy for Campus Events

The following regulations must be followed at on-campus events at which beer or intoxicating liquor are served and/or sold.

- (1) The events must be properly authorized by the administrative unit responsible for the facility(s) to be used.
- (2) Consumption and/or sales shall be permitted only within the approved area for the event. These areas must physically segregate the event from public access.
- (3) Non-alcoholic beverages shall be available at the same place as alcoholic beverages and featured as prominently as the alcoholic beverages.
- (4) The sponsors of the event shall implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who are intoxicated.
- (5) The sponsors of the event must require proof of legal age for those individuals in question as to legal age.
- (6) Marketing, advertising and promotion of events with alcoholic beverages being served should not emphasize the serving of alcohol and/or have any drinking games associated with the event.

Management of licensed facilities on-campus reserves the right to limit consumption and/or sales at events in designated facilities.

Outdoor locations which may be considered are Blegen Lawn, CCM Plaza, Lindner Plaza, Nautilus Plaza (includes Zimmer Lobby for rain backup), and University Commons-Kingsgate. Campus Green, Sigma-Sigma Commons.

Organizations must acquire an F-2 permit to sell alcoholic beverages. The application must be signed by the Director of Public Safety and the Office of General Counsel.

Policy Violations and Sanctions

Individuals and organizations found in violation of University Regulations will be subject to disciplinary action and may be subject to action outlined in the Ohio Revised Code.

AMPLIFICATION POLICY

Amplification is permitted only by University organizations at the following times and places:

Center sections (2) of McMicken Commons, 12:30 p.m. to 2:00p.m., Tuesday and Thursday, during the Autumn, Winter, and Spring Quarters, but not during exam weeks, between quarters, or during the Summer Quarter.

Sigma Sigma Commons, Campus Green, and Athletic Practice Field

- 11:00a.m.- 4p.m. Monday and Tuesday
- 11:00a.m.- 11p.m. Friday and Saturday
- 12 noon- 6pm Sunday

Groups must contact Work Control for electrical service needs for these areas (556-6404).

Each group may schedule in advance only two amplification dates per quarter. Groups may obtain an additional amplification date if there is an opening forty-eight hours before the desired date. The maximum sound level is to be 90 decibels. The sponsoring organization and/or the University Police are responsible for maintaining allowable sound levels.

Demonstrations, Picketing, and Rallies

Groups planning a demonstration, picket or rally should contact the Campus Scheduling Office or the appropriate scheduling office to familiarize themselves with * University policies governing the activity. Demonstrations * picketing or rallies must be scheduled in the appropriate scheduling office. Anyone requesting to demonstrate, picket, or rally must give prior notice of five working days to the University Police. Such activities are not permitted inside any campus building. Bonfires require additional clearance from the scheduling office, the Department of Facilities Management, the Department of Public Safety, and the Cincinnati Fire Department.

Disruptive Conduct

If classes or administrative functions of the University are being disrupted, the persons creating or inducing the disturbance, once notified by University Police, or the appropriate scheduling office, must bring their activities to a non-disruptive level. If the disruption continues, the University Police may require the crowd to disperse and/or speaker to terminate the program activity.

USE OF FACILITIES BANNER POLICY

Prior to ordering or making a banner, a Requesting Organization must contact the appropriate department listed below and follow all banner specifications, instructions and approval processes.

Facilities:	Contact:	Banner Approval Processes Required Specifications, Instructions:
Athletic Facilities: • Armory Fieldhouse • Fifth Third Arena/Shoemaker Center • Gettler Stadium • Marge Schott Baseball Field • Nippert Stadium	Athletic Facilities Contact: University of Cincinnati Dan Krone Director of Facilities & Operations Athletics Department Telephone: (513) 556-3541	Contact: University of Cincinnati Dan Krone Director of Facilities & Operations Athletics Department Telephone: (513) 556-3541

Campus Facilities (excluding Athletic Facilities) located on: • Uptown (West) Campus Facilities • Academic Health Center (East Campus) Facilities	Campus Facilities Contact: University of Cincinnati Campus Scheduling Office Delivery Address: Room 265- Tangeman University Center Need Mailing Address : Telephone: (513) 556-2442 Fax: (513)	Refer to the following information listed in this policy.
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A. BANNER APPROVAL PROCESS for all campus facilities on Uptown (West) Campus and Academic Health Center (East Campus) (excluding Athletic Facilities).

The Requesting Organization will be required to provide the **Campus Scheduling Office (CSO) with the following information:**

- 1) What is the requested schedule for installation of the banner(s)? Reservations are conditional upon space availability and suitable weather.
- 2) Does the banner follow the required banner specifications? (Banners MUST follow Specification listed below)
- 3) What does the banner advertise/promote? Banners should only advertise/promote university events or sales.
- 4) When is the event or sale? Banner may not be hung more than ten (10) days prior to the scheduled event.
- 5) What is the duration of the display? Banners will only be on display for two consecutive weeks per academic term.
- 6) What will be displayed on the banner? Banner print should list only the name of the event or sale, date, time, place and sponsor. Banner(s) carrying the name of an individual aspiring to an elected position, not directly connected with the university, will not be approved.
- 7) What is the UC Department or Organization affiliation? There may be a fee assessed based upon funding source and/or the event's sponsor.
- 8) Where does the Requesting Organization want to display the banner? A limited number of approved banner locations have been designated by the University Architect's Office for display use.
- 9) Will the banner require installation by someone other than a UC carpenter? If someone other than a UC carpenter is proposed to install a banner, CSO will notify UC's Facilities Management (FM) in order for the FM Carpenter Shop to oversee the installation process and to assure UC's interests and safety concerns. Outside vendors may damage buildings and heavy trucks may damage sprinkler heads and/or landscape features. The FM

Carpenter Shop has developed preferred methods of anchoring which leaves minimum traces of banner displays on buildings.

- 10) CSO will require the Requesting Organization to mail, fax or deliver a written layout of the proposed banner to Paul Joyce (Paul.Joyce@uc.edu) to verify that the banner will be produced to specifications. Banner material must be suitable for exterior display considering all factors of installation, exposure to weather conditions and durability for duration of display.
- 11) The Requesting Organization will receive written confirmation from CSO that the banner is approved for display once all required information is reviewed and approved by CSO.

NOTE:

- a) Any deviation from the above Banner Approval Process must be approved in advance in writing by CSO.
- b) The Requesting Organization is advised to delay production of the banner until they have received written confirmation from CSO that the banner will be displayed.
- c) Reservations will be cancelled if the banner is not delivered to the CSO two (2) business days prior to display date.

B. REQUIRED BANNER SPECIFICATIONS:

1. Banner may only advertise/promote university events or sales.
2. Banner may be scheduled for display for no more than two consecutive weeks per academic term at a display location.
3. Banner print may only list the name of the event or sale, date, time, place and sponsor.
4. Banners may only be painted with waterproof paints and must be dry prior to delivery to the Campus Scheduling Office.
5. Banners which have been painted more than twice will not be hung.
6. Banner material must be suitable for exterior display and must consider all factors of installation, exposure to weather conditions and durability for duration of display.
7. Banner edges must be reinforced (double-sewn edges) for exterior displays.
8. Where applicable, banners must have 6-inch semi-circles cut every 3 feet to reduce wind resistance.
9. Maximum banner size must not exceed 4 ft. x 12 ft. Size permits vertical or horizontal displays, and in some locations two banners can be displayed side by side.
10. All banners must have grommets spaced 24 inches on center along all perimeter edges of banner to assure proper anchor points. .
11. Maximum display height from the lawn or plaza to the top line of a banner cannot exceed 20 ft. (lift or extension ladder would be required for installation).
12. The Department or Organization's name must be clearly visible on the banner.

NOTE: Any deviation from the above Banner Specifications must be approved in advance in writing by CSO.

C. INSTRUCTIONS FOR BANNER DELIVERY AND PICKUP:

1. Banner Quality - Rolling banners on a cardboard tube will minimize permanent wrinkles or folds affecting the quality of the display.
2. Banner Delivery - Approved banners must be delivered to CSO two (2) business days prior to scheduled display date.
3. Banners must be picked up two (2) days after scheduled display date from CSO unless special arrangements have been made. **Banners will be disposed of if not picked up on the designated date.**

NOTE: Any deviation from the above Banner Instructions must be approved in advance in writing by CSO.

The University of Cincinnati assumes no responsibility for the condition of a banner after its use. Banners will be held two (2) business days after the event, after which they will be discarded, unless special arrangements have been made in advance.

BICYCLES, SKATEBOARDS and IN-LINE SKATES

Bicycles, Skateboards and In-Line Skates are permitted only as a means of transportation on UC campuses. No “trick riding” is permitted. The use of such devices in areas other than roadways and sidewalks, including inside buildings, is strictly prohibited.

University campuses are primarily pedestrian environments and pedestrians have the right of way.

All regulations and laws applicable to the use of such devices on city streets and state highways also apply on campus.

Violators will be cited to municipal court for traffic violations, referred to the University Judicial Officer for violation of the Student Code of Conduct, and/or asked to leave University property. Continued activities prohibited by this policy may result in a charge of Criminal Trespassing.

CHALKING

Chalking by a registered university group is permitted on the McMicken Commons’ concrete sidewalks ONLY for no more than 5 consecutive days. Only water soluble chalk can be used. To obtain approval an official representative from a registered student organization must reserve the space through the Campus Scheduling Office (556-2442) located in Suite 205 Tangeman University Center. Chalking anywhere else on campus or without a reservation is prohibited and will incur fees for clean-up. Offensive chalking is prohibited and will incur fees for clean-up.

UNIVERSITY of CINCINNATI STUDENT DANCE POLICY

All student organizations registered with the Office of Student Activities and Leadership Development are eligible to use approved University of Cincinnati facilities for scheduled dances. All dances in University facilities shall be conducted using the following rules. Each student group must adhere to them to insure continued use of these facilities:

METAL DETECTORS AND VIDEOCAMERAS WILL BE USED AT SCHEDULED DANCES.

A. SCHEDULING REQUIREMENTS

1. Each registered student organization (RSO) must submit an '*Application to Schedule Facilities*' to the University Campus Scheduling Office. All dances must be scheduled ten (10) working days prior to the event. Officer (s) of the RSO sponsoring the dance must meet with staff from the University Campus Scheduling Office at least five (5) working days prior to the dance to review policies and procedures. This meeting must take place during university business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Failure to meet this requirement will result in cancellation of the event.
2. Dances in approved University facilities sponsored by RSO's must have an approved beginning and end time.
3. RSO's are permitted to schedule one dance per week, a maximum of 2 dances per quarter unless otherwise approved by the Student Activities and Leadership Development Office in consultation with the University Campus Scheduling Office.
4. If admission is charged, the admission cost must remain the same for the entire event.

B. CONTACT PERSON

1. The RSO sponsoring the dance must designate a contact person for its group. The contact person is responsible for overseeing the operation of the RSO's dance, from the pre-dance meeting until the conclusion of the debriefing at the end of it. This includes assisting with crowd control. Any problems that arise should be reported to the Department of Public Safety officers on duty as soon as possible.
2. Each RSO is responsible for any damage to the facility occurring during its scheduled time and will be billed accordingly.
3. An advisor who is a full-time faculty or staff member, or a designated graduate member of the alumni chapter of the sponsoring organization must be present for the entire event.

- a. NPHC dances must be represented by a member of the staff of the Office of Student Activities and Leadership Development serving in an advisory capacity.

C. CANCELLATIONS

1. Cancellations must be made in writing to University Campus Scheduling Office at least 48 hours prior to the scheduled date of the dance. For example, dances that are scheduled on Friday evenings must be cancelled by noon on the preceding Wednesday and Saturday evening dances must be cancelled by noon on the preceding Thursday. If the RSO fails to notify the University Campus Scheduling Office of a dance cancellation, in writing, the student organization will lose its privilege for holding dances for a ten week period. Additionally they will be assessed the cost for two hours of security fees, \$100 for failure to cancel through Campus Scheduling and other associated costs. Charges will be placed on the organization's account, which may result in organizational officers being held accountable for the delinquent charges associated with the dance.
2. The Office of Campus Scheduling management will consider acts of God and/or inclement weather in the enforcement of the cancellation provisions.

D. SECURITY

1. Any activity that can be interpreted as a dance will require Public Safety officers to be in attendance. It is the responsibility of the RSO to coordinate security arrangements with the Campus Scheduling Office.
2. Public Safety officers are present for security purposes only.
3. The RSO will be responsible for checking ID's and Public Safety officers will be responsible for operating metal detectors and video cameras at all student dances.
4. Members of the RSO are expected to assist in crowd management throughout the event.
5. Public Safety officers may refuse admission to, or dismiss from, an event, anyone who is disruptive, intoxicated, disorderly, or jeopardizes public safety. Signs will be posted at the dance entrance stating this policy.
6. Public Safety officers will determine whether an event should be terminated for cause. It will be the responsibility of the student ambassadors, attending advisor, or student organization leadership to announce the decision.

7. The RSO sponsoring the dance is responsible for selecting student ambassadors. These individuals will be responsible for helping monitor the event for policy violations and will immediately report such observations of disorderly or suspicious conduct to the advisor and/or Public Safety officers in attendance. Student ambassadors and advisors are not intended to replace or act in the capacity of Public Safety officers. At least one ambassador must be present at the entrance to the dance at all times. Ambassadors must be identifiable in some manner (name tag, t-shirt, hat, armband etc.). At the conclusion of the event, student ambassadors must assist Public Safety Officers, Faculty/Staff Advisors and/or the University Management representatives in assuring the smooth exit of all patrons from the facility.
8. The student ambassadors, faculty/staff advisor, and University Management representative are required to meet with Public Safety officers 15 minutes prior to the start of the dance to review safety and security procedures. They will also meet at the conclusion of the dance to debrief and to determine if any damage occurred during the event.
9. Articles which may cause injury are prohibited at dance.
10. In all facilities, the maximum posted capacity for the type of event will be strictly enforced. Members of the sponsoring RSO, D.J. and/or band members are included in this number. It is the responsibility of the Public Safety Officers to assure that the maximum capacity is not violated.
11. The lighting level in the facilities is pre-determined and lights are to remain on at all times.

E. INDIVIDUAL RESPONSIBILITY

1. All individuals (UC students and guests) who attend the dance must show a valid picture college ID at the door. Any individuals without proper identification (college ID) will not be permitted to enter the dance. Listed below are the requirements for admission to the dance:
 - a. UC students must present a valid UC student ID.
 - b. Only UC students may bring guests to the dance. Guests must present a college ID. Guests must be signed in by a UC student and the UC student will be held responsible for the behavior of their guests and will be held accountable for any violations listed under the UC Student Code of Conduct by their guests.
 - c. A UC student may bring up to 2 guests to the dance. Requests for exceptions to this policy must be made in writing to the RSO at least one week (five working days) prior to the scheduled dance. The RSO's decision is forwarded to the office of Student Activities and Leadership Development for approval.

- d. University Departments may make special arrangements for guests under the age of 18 to attend.
2. A guest sign-in roster must be kept and retained for review by the RSO and Public Safety at the conclusion of the dance.
3. **Alcoholic beverages are prohibited.**
4. Any behaviors that may escalate to violence, or may cause injury are prohibited. These include, but are not limited to, pushing, shoving, or fighting.

F. LIABILITY

1. The RSO agrees to reimburse UC for all damages to facilities and/or equipment and to indemnify and hold harmless UC, its officers, agents and employees against all claims of loss, injury or damage to persons or property arising out of the RSO event or the preparation for the same. UC shall not be liable for the loss of or damage to any property of the RSO and participants or attendees of the RSO event or activity which has been held on the UC premises.

FAILURE TO FOLLOW ESTABLISHED POLICIES and PROCEDURES

Student groups and organizations may be accountable to both civil authorities and to the University for infractions of these policies and procedures. Officers and members of the RSO and other students accused of not following established policies and procedures are subject to the University's disciplinary process regardless of the status of any criminal or civil proceedings, or of any other University proceeding, regarding the same conduct. In addition, failure to comply with these dance policies can result in the sponsoring student organization losing its privilege to use University facilities for further group related events and/or loss of recognition as an approved student organization.

This document supersedes any previous dance policy.

NOTE: *The Dance Policy Committee reserves the right to alter this policy or any portion of this policy as necessary, on a case by case basis.*

Revised/Effective 10/01/2007

GRAFFITI POLICY

Individuals and groups using the University's facilities must respect and use the property in the manner in which they are intended to be used. It is against University policy to deface by either permanent or temporary markings, any property owned by the University. Any person who

defaces University property will be subject to disciplinary action as imposed by the University's Judicial Affairs Officer and may be subject to criminal charges. In addition, the cost of removing the graffiti will be charged to the individual found to be guilty of defacing University property.

GRILL POLICY

Must have person in charge of grill.

Must be on grass, not black top. No closer than 50 feet from any structure.

Must have fire extinguisher, (minimum 5lb. ABC Dry Chemical or 2 ½ gallon pressurized water extinguisher) placed no more than 5 feet away from the charcoal grill and ready for immediate use.

Minimum 5 gallon metal bucket to be filled with water to completely submerge hot coals in after use. Hot coals are to remain completely submersed in the water for a minimum of 30 minutes.

The Campus Scheduling Office will send a copy of the application to the Department of Public Safety, M.L. 215.

NAUTILUS PLAZA

Groups wishing to conduct activities on Nautilus Plaza must file a written application for approval with the Campus Scheduling Office. Amplification is permitted only by University organizations with the following time limitation:

Friday's 5:00 p.m. – 11:00 p.m.

Saturday's 12:00 Noon – 11:00 p.m.

Sunday's and Holiday's 12:00 Noon – 6:00 p.m.

A rain location is available in Zimmer Lobby based on availability, usually on weekends and evenings only.

Events involving alcohol may be scheduled on Nautilus Plaza (see ALCOHOL POLICY).

Each group is responsible for any damage that may occur as a result of their event, and all cleanups associated with their activity. Any electrical needs must be arranged by the sponsoring organization in advance by calling 556-6404 (Work Control). Each group may schedule in advance only two amplification dates per quarter. Groups may obtain an additional amplification date if there is an opening forty-eight hours before the desired date. The maximum sound level is to be 90 decibels. The sponsoring organization and/or Public Safety are responsible for maintaining allowable sound levels.

Individuals may distribute printed material (only) to the University community on Nautilus Plaza. Distribution must be done in an orderly manner and must not interrupt traffic on campus or otherwise interfere with the normal use of the area. Material distributed must have the name of the sponsoring person or group clearly indicated on the material. Individuals distributing printed materials are responsible for cleaning up debris in the areas affected. Non-University literature may be distributed to University employees only during the employees' non-working time and in non-working areas.

Advertising promotional literature of events sponsored or co-sponsored by a University group must identify the specific University department or organization. All such material must be approved by the sponsor or co-sponsor prior to publication. Non-University groups may not use

the University name, seal, logo, or other University identification in any advertising or promotional literature, except to note location of event.
Groups may order tables and chairs through Campus Scheduling with a minimum of five working days notice. The fee for table and chair rental does vary, so please check with a member of Camps Scheduling for the current rates (556-2442).

POSTING POLICY

Outside Campus Buildings

1. The posting of handbills/flyers is limited to the following areas.
 - A. The stairwell retaining wall leading from the Stadium Drive to the driveway between the Utility Building and the Service Building.
 - B. The stairwell leading from the North-East corner of Zimmer Auditorium, near Brodie Plaza. The outside North wall of the Bridge Lobby of Tangeman University Center, near the handicap entrance.
 - C. The stairwell and courtyard behind Siddall Residence Hall.
 - D. The safety wall on the East end of Rhodes Hall. Posting permitted only on surface facing toward the building.
 - E. The nine(9) support columns under Dabney Residence Hall.
2. There may be no more than five (5) posters/handbills/flyers displayed by any one student group or student in the areas designated above.
3. All previous rules and policies concerning the adhesion of material to concrete and brick surfaces must be respected.
4. The maximum size for materials to be posted in 18"x24".
5. All posting must take place within the posting designation signs in each posting area.
6. All material posted not meeting standards will be removed. If necessary, charges will be levied for removal costs.

No student or any registered organization affiliated with the University shall post communications or materials on any of the following areas:

- A. Glass
- B. Painted Surfaces
- C. Utility Poles
- D. All University Construction Walls and Materials
- E. Trees
- F. Paved Surfaces
- G. Earth Surfaces

- Nor shall gummed labels or any other pastes or glues be used to post on any surface.
- Failure to comply with this policy will result in suspension of funding and/or suspension of privileges or registration, payment of costs incurred in removing said communication materials, or punitive fines.

Note: All groups are responsible for removing all materials after said event is over.

Fine Schedule

Outside Campus Buildings

The following is the most current fine policy. It can be changed at any regular meeting of Student Activities Board (SAB) pending approval of Senate. Questions related to the fine schedule may be brought to SAB, P.O. Box 210136, North Pavilion, Cincinnati, OH 45221-0136.

FIRST OFFENSE: A fine of \$0 to \$15 (or 0% to 20% of group's budget if funded by UFB) per violation.

SECOND OFFENSE: A fine of \$15 to \$30 (or 0% to 20% of group's funds if funded by UFB) per violation.

After a total of three offenses your group will be automatically suspended.

A hearing will be scheduled if a posting violation occurs. At this time your group will be given the opportunity to present its case.

PUBLICATIONS POLICY

Effective September 2002, all newspapers, magazines and other publications must be approved by the Campus Scheduling Office to be placed in University of Cincinnati facilities. Once approved, these items must be placed in the uniform wooden storage cabinets that are located in entry ways, general public areas and lounges of University buildings. All publications that are not approved will be removed from the premises. Newspaper and magazine vendor publication racks are no longer permitted in University of Cincinnati facilities and will be removed at the vendors' expense.

Newspaper Box Locations (2-3 cubes at each location unless otherwise stated)

Administration at Main entrance
Alumni Center East entrance
Blegen Library Main entrance near CCM
CBA Southwest entrance
CCM Café
CECE French Hall at East entrance
CECE French Hall at Main entrance
College of Applied Health Science/French Hall east
DAAP Café East entrance
Edwards 1 Lobby
Edwards 2 Lobby
Edwards 3 Safety Lobby
Engineering Research Center
Health Science Library
Kresge
Langsam Library 14-7
Laurence Hall inside North door

Law School Southeast entrance -3
McMicken Lobby outside Advising Center 102-7
Nursing North entrance
Old Chemistry -6
Pharmacy Main entrance
Physics Main entrance -3
Teacher's College North entrance -6
University Hall Front Door
University Hall outside snack bar
Zimmer entrance from Library Square -6

SIGMA SIGMA COMMONS and CAMPUS GREEN USAGE POLICY

Groups wishing to conduct activities on Sigma Sigma commons must file a written application for approval with the Campus Scheduling Office.

Amplification is permitted only by University organizations with the following time limitations:

Friday	5:00pm-11:00pm
Saturday	12:00 noon –11:00pm
Sunday	12:00 noon-6:00pm

Alcohol **is not** permitted on Sigma Sigma Commons.

Groups are responsible for damage occurring as a result of their event and all cleanup associated with their activity. Electrical needs must be arranged by the sponsoring organization in advance with Facilities Management. Each group may schedule in advance only two amplification dates

per quarter. Groups may schedule an additional amplification date if there is an opening seventy two hours before the desired date. The maximum sound level is 90 decibels. The sponsoring organization and/or Campus Security is responsible for maintaining allowable sound levels. Dependent upon the size and nature of the event, charges may be incurred for Security and Facilities Management personnel.

Individuals may distribute printed material (only) to the University community on Sigma Sigma Commons. Distribution must be done in an orderly manner and must not interfere with the normal use of the area. The name of the sponsoring person or group must be clearly indicated on the distributed material. Individuals distributing printed material are responsible for cleaning up debris (dropped flyers, etc.) in the area. Non-University groups may not use the University name, seal, logo or other University identification in any advertising promotional literature, except to note location of the event.

Groups may order tables and chairs through the Campus Scheduling Office with a minimum of 5 working days notice. Groups may check the current rental fee structure with the Campus Scheduling Office.

TEMPORARY OUTDOOR SIGN POLICY

All temporary outdoor signs shall comply with the following guidelines and the university's Signage Policy and Standard.

Definition: A Temporary Outdoor Sign is any sign not permanently affixed to a building exterior, permanent column, permanent pole, or any other permanent structural element unless that structure was erected by the university for the purpose of posting temporary signage. Temporary Outdoor Signs are installed for the purpose of notifying the campus community of a future one time event or program or to aid in directing visitors to campus to the on-campus location of any one time event or program.

Allowable Messages: Temporary Outdoor Signs may be posted for the following purposes.

- Candidate signs for student government elections
- Notification of authorized student activities and programs
- Notification of special events or programs sponsored by university colleges or departments
- Signs intended to give directions to campus visitors to special on-campus events or activities.

Allowable Locations: With the exception of temporary directional signs, all temporary signs shall be posted on freestanding or wall mounted posting boards provided by the university for such purposes. These posting boards are located across campus in high traffic areas for high visibility.

Temporary directional signs for special campus events and activities shall be located according to a pre-approved plan prepared and submitted by sponsoring college, department or university organization and posted on mobile boards or portable day-event boards as outlined in the university's Signage Policy and Standard.

Allowable Sizes: Temporary signs for posting on approved signboards and kiosks shall be a maximum size of 20" x 30". Temporary directional signs shall be a maximum size of 30" x 40".

Allowable Materials: Temporary signs shall be constructed of weather-resistant material. Waterproof paints or inks must be used. Wire frame supports shall not be allowed.

Allowable Posting Time: Temporary signs located on signboards and kiosks may be posted one week prior to the event or program advertised in the sign and must be removed within five calendar days following the event.

Temporary directional signs shall be put in place the first day of the relative event or program and removed no later than the day following the event or program.

Procedure for Temporary Sign Approval: No prior approval for freestanding or wall mounted posting board signs complying with the guidelines noted above will be required. Temporary directional signs using mobile boards or portable day-event boards must be requested at least two weeks in advance of the specific event along with a site location plan for the requested signs. Requests should be submitted to the Campus Scheduling Office.

TENT AND CANOPY USE ON CAMPUS

General:

Groups desiring to erect a tent or canopy on campus for an event need to be aware that various fire and building code requirements apply to these structures. In general, permits from the state

are NOT required for tents which are 200 square feet (10' x 20') or smaller. A tent is a fabric structure with more than two side walls.

State permits are NOT required for canopies which are 400 square feet (20' x 20'). A canopy is a fabric structure with up to two sides. In the case of a canopy with no side walls, it may have a maximum size of 700 square feet (20' x 35') without a permit being required. If multiple canopies are used, they must be at least 12 feet apart.

In all cases, a clearance of at least 12 feet must be maintained from buildings. Also groups should keep in mind that many grass areas on campus have buried utilities and sprinkler lines. Placement of poles or stakes into the ground must avoid these locations.

While UC will endeavor to obtain the necessary permits, it is the ultimate responsibility of the event organizer to have the permits prior to the day of the event. Should the permits not be obtained, the event may not occur.

Request to erect a tent or canopy:

Whenever tents and canopies are going to be erected, notice must be given to Public Safety at least ten business days in advance. The Fire Prevention Unit will review the plan and assist the sponsoring group with any required state permits. Whenever possible we will assist you in designing your event to avoid or minimize the required state permits and costs. Send completed tent/canopy request forms to the Fire Prevention Unit at Mail Location 180. If you have questions or need assistance please call us at 556-4934.

Signage and Safety Equipment:

Each tent or canopy erected must have a fire extinguisher mounted in a visible location. The extinguisher must be a 5 or 10 pound dry chemical, type ABC. The company renting the tent should be able to provide this extinguisher and a stand to mount it on.

Each tent or canopy erected must have one or more no smoking signs posted so that they are visible throughout the structure. The no smoking signs must be at least 8" x 10" in size, with at least 2" lettering.

Cooking Equipment and Open Flame:

The use of cooking equipment, grills, and any open flame is not permitted inside a tent or canopy. Please be aware that if you are planning on using this type of equipment outside the tent or canopy, a separate permit and inspection process is involved, although this is also coordinated through the Fire Prevention unit.

Sound and Lighting Equipment:

The use of public address systems inside a tent or canopy is permitted as long as they electrical supply is protected by a Ground Fault Interrupter. The use of any lighting equipment requires a permit and inspection from the state Industrial Compliance office (see Permit Fees below). Electrical service must be requested from Facilities Management.

Permit Fees:

When the use of tents or canopies requires state permits, the State Fire Marshall and the State Industrial Compliance office both charge user fees. UC is not exempt from these fees, and the group sponsoring the event must pay the fees. The State Fire Marshall's office charges a fee of

\$75.00 per event for inspecting tents, regardless of the number involved. If your event uses one tent or twenty, the fee is always \$75.00.

The industrial Compliance fee schedule is considerably more complicated. The base fee is \$228.25 for EACH tent or canopy. If the tent/canopy is wired for electricity there is an additional fee of \$175.00 and if the tent/canopy has a mechanical system to provide ventilation (fans/Heat/air conditioning) there is another fee of \$175.00. So if you intend to use a single tent with lights and fans, the Industrial Compliance fee for that tent is \$578.25.

Inspections:

In all cases where a tent or canopy is being used on campus, an inspection is required. Where a permit is required from the State Fire Marshall or from Industrial Compliance, those offices will inspect the installation. Where no state permit is required then the University of Cincinnati's Fire Prevention unit will inspect the installation. If this inspection can be completed during normal business hours, there is no charge for the inspection. If it must be done after hours, then the sponsoring organization must pay the overtime costs.



★ Office of Admissions
University Pavilion, 3rd fl.
(513) 556-1100

- University Buildings
- P Parking Garages/Lots
- Ⓢ Shuttle Stops
- Ⓢ Bicycle Racks
- Ⓢ Wireless Locations
- Ⓢ ATM/VTS

- Ⓢ Help Phones
- Ⓢ Wall Mounted Help Phones
- Ⓢ Libraries
- Ⓢ Dining
- Ⓢ Shopping

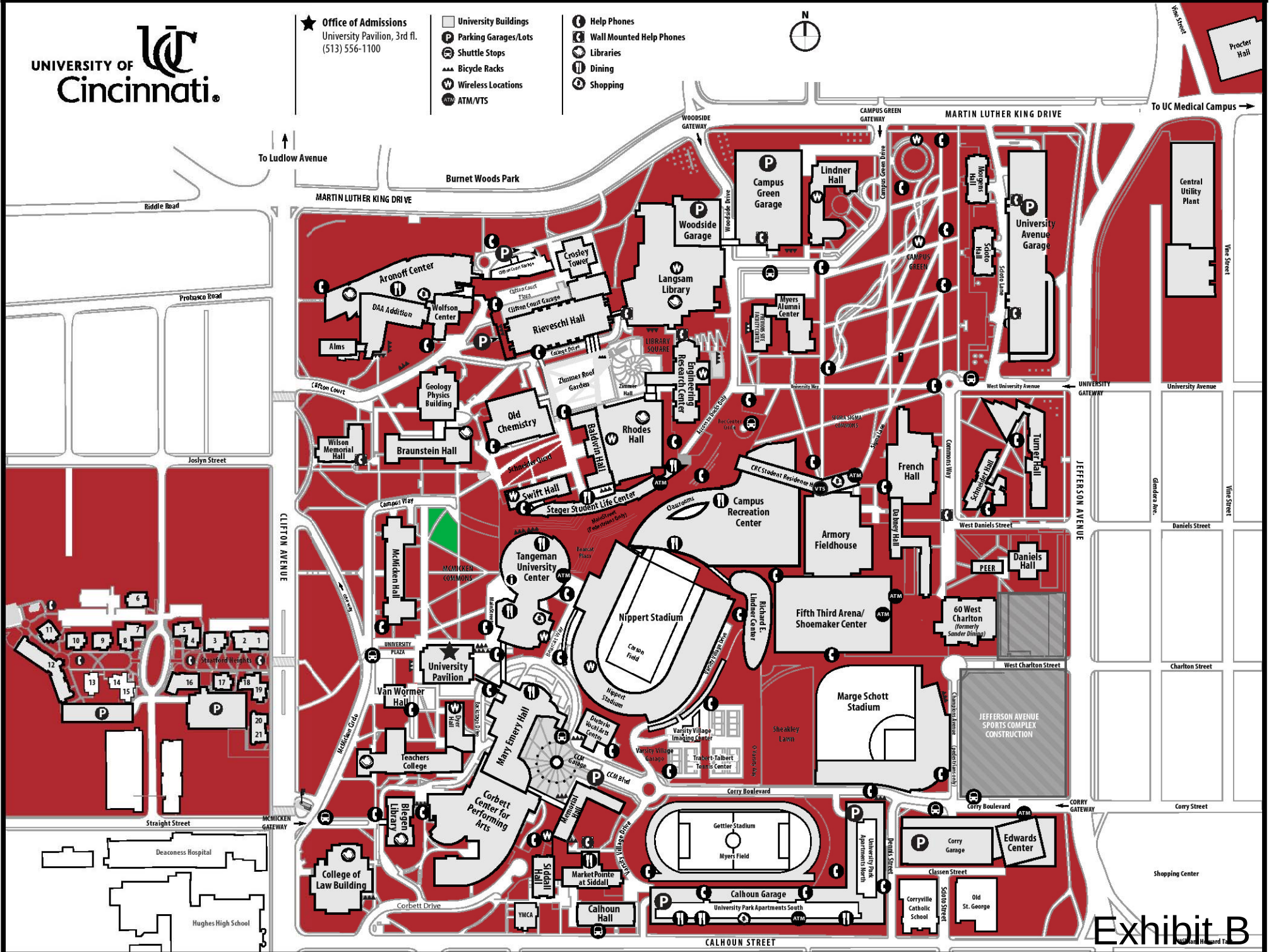


Exhibit B



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

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December 8, 2008

President Nancy L. Zimpher
Office of the President
University of Cincinnati
P.O. Box 210063
Cincinnati, Ohio 45221-0063

Sent by U.S. Mail and Facsimile (513-556-3010)

Dear President Zimpher:

As you can see from the list of our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, academic freedom, due process, and, as in this case, freedom of speech and expression on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to free speech posed by the Free Speech Area policy at the University of Cincinnati. The policy—which designates only one small area of campus for “free speech” activities—chills expression on Cincinnati's campus and ignores constitutional guarantees of freedom of speech that Cincinnati, as a state-supported institution, is obligated to protect. Cincinnati's implementation of a “free speech zone” violates the First Amendment to the United States Constitution and has no place at an institution presumptively committed to intellectual rigor, robust debate, and a free and vibrant community. It is for these reasons that FIRE named Cincinnati's Free Speech Area policy our “Speech Code of the Month” for December 2007.

This is our understanding of the facts. Please inform us if you believe we are in error. The Free Speech Area policy in the *University of Cincinnati Use of Facilities Policy Manual* designates just one area as a “Free Speech Area”: the “northwest section...of McMicken Commons immediately east of McMicken Hall on the West Campus.” In addition to restricting expressive activity to this small area, the policy also requires students to reserve the area in advance. Moreover, the policy appears to *threaten legal action* against students who exercise their free speech rights elsewhere on campus, providing that “anyone violating this policy may be charged with trespassing.”

Cincinnati's Free Speech Area raises numerous constitutional concerns. First, on its face, the policy limits all expressive activities to the northwest section of McMicken Commons. A map of the university's West Campus reveals both that this is a very small area of campus and that there are numerous other greens, commons, lawn areas, and sidewalks where students should be able to exercise their expressive rights. The only possible defense of Cincinnati's policy is that it is a "reasonable time, place and manner" restriction as allowed by cases like *Ward v. Rock Against Racism*, 491 U.S. 781 (1989). There is nothing "reasonable," however, about transforming the vast majority of the university's property—indeed, *public* property—into a "censorship area," and in maintaining a system of onerous requirements by which students must abide in order to exercise their fundamental rights. Federal case law regarding freedom of expression simply does not support the transformation of public institutions of higher education into places where constitutional protections are the exception rather than the rule. Time and again, courts have determined that to be considered legal, "time, place and manner" restrictions must be "narrowly tailored" to serve substantial governmental interests. The generalized concern for order that underlies the establishment of free speech zone policies is neither specific enough nor substantial enough to justify such restrictions.

Second, Cincinnati's regulations regarding facilities use are impermissibly vague. The Free Speech Area policy threatens anyone who exercises their expressive rights outside of the Free Speech Area with a charge of trespassing. However, the next policy, on amplified sound, appears to permit sound amplification on other areas of campus. Since the Free Speech Area policy explicitly limits expressive activities to the northwest section of McMicken Commons, does this mean that the amplified sound activities that may be scheduled for other facilities must be non-expressive in nature? Or do the policies simply contradict one another? As an attorney with expertise in constitutional law, I cannot understand precisely when and where assembly and speech are permitted on Cincinnati's campus. How, then, are Cincinnati students supposed to figure out what is permitted?

As a federal judge recently wrote in striking down a university's speech code:

We must assess regulatory language in the real world context in which the persons being regulated will encounter that language. The persons being regulated here are college students, not scholars of First Amendment law.... What path is a college student who faces this regulatory situation most likely to follow? Is she more likely to feel that she should heed the relatively specific proscriptions of the Code that are set forth in words she thinks she understands, or is she more likely to feel that she can engage in conduct that violates those proscriptions (and thus is risky and likely controversial) in the hope that the powers-that-be will agree, after the fact, that the course of action she chose was protected by the First Amendment?

College Republicans at San Francisco State University v. Reed, 523 F. Supp. 2d 1005 (N.D. Cal. 2007).

Based on the plain language of the policy, students reading Cincinnati's Free Speech Area policy may reasonably believe that all assemblies and demonstrations may take place only in the Free Speech Area, and that they may be charged with trespassing for demonstrating elsewhere on

campus. Thus, even if the policy was not intended to restrict all assembly in this manner, it likely is having precisely such a chilling effect on campus expression. This result is unacceptable.

FIRE has challenged the establishment of free speech zones at universities across the nation, including at Citrus College in California, Colorado State University, Seminole Community College in Florida, Texas Tech University, University of Nevada–Reno, University of North Carolina–Greensboro, Valdosta State University, West Virginia University, and Winston Salem State University. In all of these cases the institutions challenged have either decided on their own to open up their campuses to expressive activities or have been forced by a court to do so. For instance, in FIRE’s case at Texas Tech, a federal court determined that Texas Tech’s policy must be interpreted to allow free speech for students on “park areas, sidewalks, streets, or other similar common areas...irrespective of whether the University has so designated them or not.” See *Roberts v. Haragan*, 346 F. Supp. 2d 853 (N.D. Tex. 2004). Cincinnati would be well advised to take this into account in considering its own policy.

Moreover, Cincinnati’s strict regulations on speech are tragic in light of the fact that the special function of the university as a whole, in any free society, is to serve as the ultimate “free speech area.” Cincinnati affirms this sentiment in its Code of Student Conduct, which provides that “[a]s members of society, students have the same responsibilities as other members of society and enjoy the same freedom of speech and peaceful assembly, and the right of petition that other members of society enjoy.” Cincinnati’s Free Speech Area policy runs afoul of both the First Amendment and Cincinnati’s own commitments to free speech by restricting speech and assembly to just one small area of its large campus.

It is imperative that Cincinnati immediately revise its illegal and immoral “Free Speech Area” policy. We offer you the following guidelines to help you revise your speech policies:

1. The default position of any policy should be that free speech is the norm all over the campus. In general, policies should describe what a university *cannot* do in specific language and, to a lesser extent, what restrictions are permissible and when. A truly progressive policy would mirror the Bill of Rights.
2. Schools cannot restrict speech to a small portion of campus, nor to inaccessible or sparsely used/populated areas of the campus only. The speech must be generally accessible to the population at large—and especially to the target audience.
3. Speech may not be unduly restricted by pre-registration regulations, onerous monetary deposit requirements, or expensive insurance requirements. No rule that allows the school substantial discretion to impose conditions on speech for groups or individuals is allowable. Discretionary decisions must be “content and viewpoint neutral,” meaning they involve factors such as noise or interference with traffic flow but nothing relating to the substance of the speech.
4. Speech activities should not be unduly restricted by “neatness” and “cleanliness” considerations. A school may require that students clean up after a rally or a leafleting. A school may not prohibit leafleting because of a general fear that students might not clean up afterwards. Of course, if a particular group has a demonstrated history of not cleaning up its own mess, then modest restrictions might be in order—such as a monetary bond to cover the

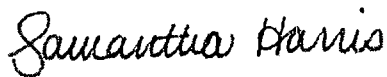
cost of a clean-up service. Only in light of past failures should a group be saddled with such preconditions.

5. Demonstrative activities should not be restricted in the name of aesthetics. It is reasonable to ask students to restore the campus area to its original condition after a large demonstration or leafleting (beyond normal wear and tear, which is a normal cost of operations for a university), but it is unreasonable to prohibit an expressive activity in advance for fear that it will make a mess or be unaesthetic. (This is related to No. 4, above.)
6. Virtually all universities already have the power, through existing rules, to prevent the type of disruptive conduct they might fear would take place. They can stop demonstrations that substantially impede the function of the university, block traffic flow, or prevent students from sleeping or studying. They can punish students who engage in vandalism or violence. The university also has increased power to regulate the presence of those speakers who have not been invited to campus and who are otherwise unaffiliated with the university. The university should not simply assume before the fact that student or faculty expression will be impermissibly disruptive. Rather, the university should accept its role as the ultimate free speech zone.

Please spare the University of Cincinnati the embarrassment of fighting against the Bill of Rights—a statement of both law and principle by which the university is legally and morally bound. We urge Cincinnati to undo this unjust policy, thus making clear that free speech at Cincinnati is celebrated, honored, and embraced—not feared, restrained, and hidden. Let your students exercise their basic legal, moral, and human rights; let them speak, assemble, and protest as their consciences dictate.

FIRE is committed to using all of its resources to abolish the unconstitutional limits on freedom of expression at the University of Cincinnati. We request a response on this matter by December 22, 2008.

Sincerely,



Samantha K. Harris
Director, Spotlight: The Campus Freedom Resource

cc:

Anthony J. Perzigian, Senior Vice President for Academic Affairs and Provost, University of Cincinnati

Mitchel D. Livingston, Vice President for Student Affairs and Chief Diversity Officer, University of Cincinnati

Frank Bowen, Associate Vice President and Dean of Students, University of Cincinnati
Mitchell D. McCrate, General Counsel, University of Cincinnati



Office of General Counsel
University of Cincinnati
PO Box 210623
Cincinnati OH 45221-0623
650 University Pavilion
2618 McMicken Circle
Phone (513) 556-3483
Fax (513) 556-3232

December 22, 2008

Samantha K. Harris
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, Pennsylvania 19106
Sent by U.S. Mail and Facsimile (215) 717-3440

Re: Free Speech

Dear Ms. Harris:

Your letter of December 8, 2008 has been referred to me for response. Please direct future correspondence regarding this matter to my attention.

In your letter you invite the University to correct your understanding of the facts concerning the University's free speech zone. I am assuming that you gleaned your information in large measure from policies, maps and other information on our website. I am also assuming that you have never been to our campus and thus have an incomplete understanding of the adequacy of our free speech area. That area is indeed in the northwest section of McMicken commons which I think it is fair to say is at the very heart of our uptown campus. The commons is surrounded by the student union, the central administration building and various academic buildings. While speakers are limited to the northwest corner, their potential audience can and does fill the entire commons. Thus your apparent conclusion that free speech is limited to an inaccessible part of the campus is not correct. McMicken commons, because of its central location and campus traffic patterns offers students and outside groups superb access to the University community. In fact, it has been our experience that when in the past the University has offered other venues in lieu of McMicken groups have complained that we are engaging in precisely the type of conduct that you condemn in your bullet point #2: limiting speech "to inaccessible or sparsely used/populated areas of the campus."

Needless to say, I disagree with your conclusion that our establishment of a free speech area is unconstitutional or otherwise illegal. At least in this federal circuit the courts have rejected the notion that simply because a University is public, its common areas are necessarily unlimited public fora subject only to time, place and manner restrictions. Thus in a recent case involving Miami University of Ohio in which the establishment of free speech zones was challenged, the Sixth Circuit Court of Appeals concluded:

Plaintiff has failed to persuade us to depart from the *great weight of authority*, which has rejected the notion that open areas on a public university campus are traditional public fora. Accordingly, we find no error in the district court's determination that the subject open areas at Miami University represent limited public fora.

Gilles v. Garland, 281 Fed.Appx. 501, 511 (C.A.6 2008)(emphasis added) Your suggestion that the entire University should be considered a traditional public forum for all persons to talk about all topics at all times is not the law, and as a practical matter does not strike the appropriate balance between individual free speech on the one hand and the University's obligations to its student body as a whole and the potential for disruption to the University's educational mission on the other.

I have reviewed the six bulleted and recommended guidelines for speech policies at the end of your letter. As far as I can discern, except for our disagreement over whether the entire campus is a traditional public forum, the University's policy on use of facilities is entirely consistent with your recommendations. We have no speech code and do not place undue or burdensome restrictions on the use of the free speech area.

I hope you have found these clarifications helpful. If you have further questions or suggestions please do not hesitate to direct them to my attention.

Sincerely,



Mitchell McCrate
General Counsel

MDM

Monica Rimai
Anthony Perzigian
Mitchel Livingston
Frank Bowen



From: **Chris Morbitzer** <morbitcb@mail.uc.edu>
Date: Thu, Feb 9, 2012 at 5:33 PM
Subject: Scheduling Request
To: campusscheduling@uc.edu

Hello,

Our student group, Young Americans for Liberty, would like to gather signatures and demonstrate our support for an initiative (the Ohio Workplace Freedom Amendment). Given the extremely time-sensitive nature of the signature-gathering process (we need to get approximately 385,000 signatures by July 9) we need to begin gathering signatures, demonstrating our support of the initiative, and discussing the initiative's merits with our fellow students on UC's campus immediately.

We will need to gather signatures, talk to fellow students, and express our support for the initiative, both inside the Free Speech Area within McMicken Commons and also on sidewalks and open outdoor spaces beyond the Free Speech Area. We plan on doing this continuously, on a weekly basis, in order to help meet the signature requirements by the deadline. We will not block access to UC buildings or sidewalks, use amplified sound, impede vehicular or pedestrian traffic, or in any way substantially disrupt the operations of campus or UC's educational functions.

We need to begin immediately. Is this something we need approval ahead of time for? In other words, is signature gathering considered a "demonstration, picket, or rally" of the type that requires pre-approval, and is limited, as on page 15 of the Use of Facilities Policy Manual, or can we start immediately, in the places

described above?

Thanks,

Chris Morbitzer

From: Campus Scheduling (campsched) <campsched@ucmail.uc.edu>
Date: Fri, Feb 10, 2012 at 8:05 AM
Subject: RE: Scheduling Request
To: "BOL-Morbitzer, Christopher (morbitcb)" <morbitcb@mail.uc.edu>
Cc: "Shemak, Corinn (gembolcm)" <gembolcm@ucmail.uc.edu>, "Krumpelbeck, Cathy (krumpecl)" <KRUMPECL@ucmail.uc.edu>

Hello Chris,

Please use the online form to request use of the McMicken Commons Northwest Corner. Per Use of Facilities, you are not permitted to walk around campus, if we are informed that you are, Public Safety will be contacted.

To request a space, please use our online form available at: uc.edu/eventservices. Access the form by clicking on the "Reserve Event Space" button in the navigation bar on the left. Then click on "UC Faculty, Staff and Students - **Request Space Here**." Use your Central Login and Password to log in to the system.

The form will walk you through the process of requesting event space. If the space you would like does not appear, it is not available. Please select the option to have our office contact you.

Once the form is completed, you will receive an email with your event reference number. This ONLY means that the application was received by Conference & Event Services, but does not mean the space you have requested is confirmed. You will receive an email confirmation in about 3 business days, sometimes less, stating that your space request has been confirmed.

Thank you,

Conference & Event Services

uc.edu/eventservices

event.services@uc.edu

[\(513\) 556-2442](tel:(513)556-2442)

CONFIDENTIAL

CONFIDENTIAL

From: Chris Morbitzer [mailto:morbitcb@mail.uc.edu]

Sent: Thursday, February 09, 2012 5:33 PM

To: Campus Scheduling (campsched)

Subject: Scheduling Request

Hello,

Our student group, Young Americans for Liberty, would like to gather signatures and demonstrate our support for an initiative (the Ohio Workplace Freedom Amendment). Given the extremely time-sensitive nature of the signature-gathering process (we need to get approximately 385,000 signatures by July 9) we need to begin gathering signatures, demonstrating our support of the initiative, and discussing the initiative's merits with our fellow students on UC's campus immediately.

We will need to gather signatures, talk to fellow students, and express our support for the initiative, both inside the Free Speech Area within McMicken Commons and also on sidewalks and open outdoor spaces beyond the Free Speech Area. We plan on doing this continuously, on a weekly basis, in order to help meet the signature requirements by the deadline. We will not block access to UC buildings or sidewalks, use amplified sound, impede vehicular or pedestrian traffic, or in any way substantially disrupt the operations of campus or UC's educational functions.

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Thanks,

Chris Morbitzer



image001.jpg
3K



University of Cincinnati Event Request System

[Quick Schedule a New Event](#)
[View My Events](#)

[Logout](#)

Room Assignment

Items marked with * are required

Available Rooms		
Room Name	Status	Capacity
Baldwin Hall 661	Available	42 Details/Request
Baldwin Hall 748	Available	16 Details/Request
Blegen Library 219	Available	15 Details/Request
Edwards Center 6130	Available	48 Details/Request
Edwards Center 6144	Available	40 Details/Request
Teachers College 126	Available	16 Details/Request
Teachers College 229G	Available	20 Details/Request

Why can't I find the room I want?

There are several reasons why a room (or outdoor space) might not appear in the list

- ▶ The room is already reserved for another event
 - ☐ Show/Hide 132 additional rooms already reserved for other events
- ▶ It may be too early to request the room (in the case of many of our classrooms and other academic spaces)
 - ☐ Show/Hide 10 additional rooms held for academic reasons
- ▶ Rooms controlled by Campus Scheduling must be requested at least 5 days in advance of the event
- ▶ Outdoor spaces must be requested at least 15 days in advance of the event
- ▶ The room may be closed for maintenance

To request a room that is not shown as available for scheduling, please select the "I was unable to find the room I want" option at the bottom of the screen.

Please Note

No rooms have been assigned to this reservation.

The rooms shown above are only those that are available, not reserved for academic use, and open for all the dates you have selected. Rooms are assigned through this form on a first come, first served basis.

- ☒ I was unable to find the room I want -- or an acceptable replacement -- in the list above. I would like to be contacted by Campus Scheduling to discuss my room needs.
- ☐ I do not need a room to be assigned for this event

Exhibit H

From: **Sisko, Brittany** <campusscheduling@uc.edu>
Date: Fri, Feb 10, 2012 at 1:53 PM
Subject: R25: Ohio Workplace Freedom Amendment [2012-ABFRNG]
To: morbitcb@email.uc.edu
Cc: corinn.shemak@uc.edu, cathy.krumpelbeck@uc.edu

Hello Christopher,

Please see your event confirmation below. You have been assigned the North-West corner of McMicken Commons, however you are not permitted to walk around.

Also note, that your event was approved despite our 5 Day Business Policy. In the future, this will not be allowed. Therefore, make sure you put your event request in 5 Business Days before your desired date.

Review the Event Guide and Policies link below for important policies and processes involved with your scheduled space.

<http://www.uc.edu/content/dam/uc/eventservices/docs/Confirmation%20Notice.Policy%20and%20Process.pdf>

If you have any questions please contact Conference & Event Services at 556-

2442.

Thank you,
 Conference & Event Services
event.services@uc.edu
 Ohio Workplace Freedom Amendment

2012-ABFRNG

Event Type: Demonstration
 Event State: Confirmed
 Description: >Our student group, Young Americans for Liberty, would like to gather signatures and demonstrate our support for an initiative
>
>the Ohio Workplace Freedom Amendment>. Given the extremely time-sensitive nature of the signature-gathering process (we need to get approximately 385,000 signatures by July 9) we need to begin gathering signatures, demonstrating our support of the initiative, and discussing the initiative's merits with our fellow students on UC's campus immediately.>
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>We will need to gather signatures, talk to fellow students, and express our support for the initiative, both inside the Free Speech Area within McMicken Commons and also on sidewalks and open outdoor spaces beyond the Free Speech Area. We plan on doing this continuously, on a weekly basis, in order to help meet the signature requirements by the deadline. We will not block access to UC buildings or sidewalks, use amplified sound, impede vehicular or pedestrian traffic, or in any way substantially disrupt the operations of campus or UC's educational functions.

Confirmation: Outdoor Events Sponsoring organizations are responsible for all fees resulting from outdoor events. These may including but are not limited to; Security, Electric, Grounds, and citations. Grounds: The Grounds department is responsible for the cleaning of campus for all events taking place on campus that are scheduled through Conference & Event Services. Grounds will determine and supply the amount of trash cans needed for events based on the estimated number of attendees for that event. Grounds will also estimate the

number of hours required to clean up after the event based on the numbers and the type of event being held. The expense amount estimated for events is the maximum that can be charged without a change order, and if less time is involved, the charges will be less. If a group does police the area prior to our arrival for a clean-up, it will reduce the actual expenses incurred. Bagging and placing trash in one area for pickup will reduce costs. Grounds' does not handle the set-up for your event. Grounds will leave the trash cans with liners installed in a staging area for groups to disperse as needed based on the set-up. Vehicles: Vehicles are no longer permitted on the pavers on TUC Plaza or Bearcat Plaza; this includes any loading or unloading. If vehicles are driven onto the pavers without permission they may be subject to a citation. Vehicles are also not permitted to drive on any lawn. This includes any vendors your organization has contracted with. Tents: If a tent is being erected, you are required to obtain a tent permit. Groups are responsible to obtain a dig permit if the tent is being staked into the ground. Please see the attached policy for details. Groups need to coordinate placement of the tent with Harland Clark in Grounds at 513-556-3606. If the tent is not coordinated in advance, and damage occurs as a result of your event, the organization sponsoring the event will be charged for repairs. Please note: If tents are being used we request that they not be staked into the ground if at all possible. Electric: Groups are responsible to place their own work order, see attached, if electric is needed for the event. If a work order has not been placed in advance electric will not be supplied. Fire/Grills: If grills are being used you are responsible to obtain a grill permit in advance by calling Fire Prevention at 513-556-4992. If a permit is not obtained you may be subject to a citation. Amplification: Groups are not permitted to amplify unless a permit has been obtained from Conference & Event Services in advance. If a permit is not obtained you may be subject to a citation. Security: Please contact Public Safety, at 513-556-4923, to determine if security is necessary for your event. If security is deemed necessary, you will be billed afterwards based on how many officers are assigned. You may request a cost estimate for security at http://www.uc.edu/publicsafety/special_events/EventSecurityCostEstimate.html Please note: If a vendor, group member, or participant in the event cause damage to the lawn or property, the sponsoring group will be charged for repairs.

Organization: GENERIC STUDENT GROUP -
ONLINE REQUEST

Organization: YOUNG AMERICANS FOR
LIBERTY

Requested By: Morbitzer, Christopher

Phone 555-1234

Fax

E-mail morbitcb@email.uc.edu

Category(s): Audience - Student
Event Speaker - No Speaker
Publish To Web
Aessweb Event Request

Ohio Workplace Freedom Amendment

Expected Head Count: 5

Event Start	End	Reservation Start	End	Comments
Wed Feb 15 2012 12:00PM	1:00PM	12:00PM	1:00PM	
Space Assignment(s):	MCMICKEN COMMONS NW	5		

Resource Assignment(s):

1 Acknowledgement -
Student Code

The attached file(s) are from the University of Cincinnati Academic and Event Scheduling System.

General Information

Case Name	University of Cincinnati Chapter of Young Americans for Liberty et al v. University of Cincinnati et al
Docket Number	1:12-cv-00155
Court	United States District Court for the Southern District of Ohio
Nature of Suit	Civil Rights: Other
Related Opinion(s)	2012 BL 124140 2012 BL 145493 2012 BL 162598 2012 BL 216073 2012 BL 216662 2012 BL 220030 2012 BL 212983