49 ADM - Freedom of Expression

I. Purpose

This procedure addresses organized and spontaneous expressive activities of person(s), groups or organizations on College property. Expressive activities on College property may be subject to reasonable regulation with regard to the time, place and manner of the activities. College employees will not consider the content or viewpoint of expressive activities when enforcing this procedure including restricting students’ expression based on concerns about other person(s)’ negative reaction to the expression.

No procedure can address every possible activity or situation that may occur, and the College reserves the right to address such situations as circumstances warrant.

II. Authority

Board Policy 5008

III. Scope

This procedure applies to all College Facilities.

IV. Definitions

Expressive Activity, as used in this procedure, includes speeches, demonstrations, assemblies, rallies and vigils; distribution of literature and circulation of petitions; and any other expression protected under the First Amendment. This procedure does not apply to speech in the context of the academic learning setting, including classroom communications and speakers properly engaged by the College.

College Facility - buildings, grounds and other spaces owned by the College.

Content Discrimination: discrimination against the subject matter of the speech that is not otherwise permitted to be restricted by law.

Designated Public Forum: areas of College facilities that may become temporarily available for expressive activity as designated by the College. Such space is not necessarily limited to facilities designated to be used exclusively for public speech or expression.
Designated Public Forums –

<table>
<thead>
<tr>
<th>Building/Area</th>
<th>Room/Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Conference Building</td>
<td>North and/or South Lounge</td>
</tr>
<tr>
<td></td>
<td>ACB Dining Room</td>
</tr>
<tr>
<td>Arts and Science Center</td>
<td>Indoor Commons</td>
</tr>
<tr>
<td></td>
<td>Theater</td>
</tr>
<tr>
<td>All College Facilities</td>
<td>Outdoor Commons</td>
</tr>
<tr>
<td>Schoenherr Campus Center</td>
<td>Indoor Commons</td>
</tr>
<tr>
<td>Technical Center</td>
<td>Indoor Commons</td>
</tr>
</tbody>
</table>

**Indoor Commons**: indoor areas designated for social interactions that are not already reserved for use.

**Outdoor Commons**: any publicly accessible outdoor area (except parking lots, garages and driveways) of any College facility not already reserved for use.

**Viewpoint Discrimination**: an unconstitutional form of discrimination against a speaker’s viewpoint.

**V. Procedure**

A. **Spontaneous Expressive Activity**

1. **Students and Student Organizations** –
   Registered students and registered student organizations may use, without prior notification or permission, any outdoor or indoor commons area of any College facility.

2. **Public** –
   Members of the public who are not registered students or student groups may use, without prior notification or permission, any outdoor commons area of any College facility.

A reservation for use of the space will take precedence over a spontaneous expressive activity. Regulations in section E must be followed.
Should the activity grow to exceed fifty (50) or more persons, the College may redirect large groups to areas that do not interfere with College operations, public safety and allow unobstructed access to the College for its students, employees and guests.

B. Organized Expressive Activity – Reserving College Facilities

Any registered student, registered student organization, or members of the public must request to reserve the use of designated public forum areas for Expressive Activity. Regulations in section E must be followed.

1. Requests must be made at least two (2) business days prior to planned activity. Submit requests in writing, during normal business hours at the College Relations Office located in the Administrative and Conference Building, or online at https://www.westshore.edu/reporting/policies-and-procedures/ and include:
   - specific location to be used;
   - date and hours requested for the expressive activity;
   - estimated number of persons attending; and
   - name and contact information of at least one person who can be contacted regarding the logistics of the event, which should include at least one person who will be personally present.

2. The College Relations Office or designee will respond to received requests by the following business day after the request is submitted.

3. The request will be granted unless it would conflict or interfere with a previously scheduled event or activity, violate College procedure, attract a crowd larger than the venue can safely contain, conflict with the College’s right and obligation to protect the rights of others due to a material disruption of a College function or creation of a substantial disorder, or is unlawful.

C. Appeal

If a person or organization aggrieved by a decision concerning their request/permit for expressive activity an appeal may be taken to the Office of the President within five (5) College business days of that decision. The appeal shall be in writing, stating the basis thereof and the relief sought.

D. Response to Violations of this Policy

The College reserves the right to stop any activity that substantially interferes with or disrupts the normal activities of the College, constitutes an invasion of the rights of others, or violates any condition of this procedure. Violations may result in removal from College facilities and legal prosecution. Employees in violation of this policy may be subject to discipline up to and including termination. Students in violation will be subject to discipline under the applicable code of conduct.
E. Regulations

The following is a list of Regulations, in addition to all other applicable College policies and procedures, that apply to all Expressive Activities on College property:

1. The activity shall not impede or interfere with the College’s education process, activities, or public access to the grounds, including but not limited to:
   a. The activity may not endanger the safety of the College community or destroy and/or deface College property.
   b. The person(s), group or organization may not verbally attack or physically intimidate any person on College property.
   c. The activity may not obstruct traffic, whether pedestrian or vehicular.
   d. Noise levels are not to interfere with College classes, activities and operations which may limit the use of amplification equipment.
   e. The location used for the activity must be left in its original condition at conclusion of the activity.

2. The activity may not violate local ordinances and/or State or Federal laws.

3. Outdoor activity must take place at least 50 feet from any building.

4. Expressive activity on College property may occur only between the hours of 8:00 am and 8:00 pm, during the days the College is open to the public.

5. The person(s), or organization engaging in an expressive activity on College property must agree to pay for any damage caused to the property.

6. Signs, banners, or structures of any kind shall be free standing and not affixed to any building, tree or fixture of the College nor staked into the ground.

7. Pamphlets, brochures, and other documentation shall be handed out in person and may not be placed on car windows or attached to any College building or fixture.

8. At the conclusion of the expressive activity the person(s), group or organization shall remove all discarded literature, signs, banners, or structures remaining in the area of the expressive activity.

9. Alcoholic beverages or any other controlled substance are not allowed.

10. Stepping or climbing upon College structures such as statues, monuments, fences, lighting fixtures, or trees is not allowed.

11. Camping or sleeping overnight on the College grounds is not allowed.

12. Open fires such as bonfires or campfires are not allowed.

Original Approval: 10/29/18
Revision:
Last Reviewed: 05/15/23