Virginia's Community Colleges

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POLICY ON EXPRESSIVE ACTIVITY
Frequently Asked Questions for Students

1. What is expressive activity?[1]

Expressive activities are speech-related activities, including:

- meetings;
- other group events or activities by student organizations or their invited guests;
- speeches;
- performances;
- demonstrations;
- rallies;
- vigils;
- distributions of literature; and
- any other activity protected by the First Amendment.

2. What kind of speech is protected by the First Amendment?

The U.S. Constitution protects most speech, with very limited exceptions. In outdoor spaces, the college may place reasonable limits only on the time, place, and manner of your expressive activity, and those limits must not depend on the content or viewpoint of the expressive activity. In addition, for outdoor areas, students, student organizations, and their guests are not required to give notice before engaging in expressive activity. In other words, students, student organizations, employees, and guests may engage in spontaneous expressive activities as long as they do not engage in any of the conduct listed in Number 3 below. (There may be exceptions to this general rule; for example, your college may have an outdoor facility that requires a reservation to use.)

Indoors, colleges may place restrictions on expressive activities, as long as any rules apply to everyone equally and are not based on the content or viewpoint of the speech. The college may determine that certain indoor facilities are not available for expressive activity. Common examples

[1] The words "speech" and "expressive activity" may be used interchangeably.

of such areas include: (1) administrative offices, (2) libraries, (3) hallways, and (4) classrooms during instructional hours.

3. What kind of actions related to protected speech can be regulated?

Most speech is protected by the Constitution, but sometimes, the actions that a speaker takes during an expressive activity are disruptive enough to allow a college to intervene, regardless of what is actually being expressed. For outdoor facilities and areas, students, student organizations, and their guests may freely engage in expressive activity as long as they do not also engage in any of the following:

- block access to campus buildings or otherwise interfere with the learning or work environment;
- obstruct traffic (vehicles or pedestrians);
- construct or occupy camping tents;
- substantially disrupt previously scheduled campus events;
- disrupt or physically interfere with the speech by any speaker or the observation thereof;
- create unsanitary conditions;
- remain on campus after the college or campus is closed;
- substantially disrupt college operations or violate or hinder the rights of others;
- break the law; or
- create a threat to public safety, according to the college's police or security department.

Additionally, the First Amendment does not protect speech that is designed to incite or produce imminent lawless action, and that is likely to incite or produce such action. Other types of unprotected speech include true threats and harassment in limited circumstances. A true threat is a serious expression of an intent to commit an act of unlawful violence against a particular individual or group of individuals. Unprotected harassment is behavior that is so severe, pervasive, and objectively offensive that it hinders the student's access to an educational opportunity or benefit.

4. How can someone reserve campus facilities for speech activities?

a. Request submission

Contact Student Activities Coordinator to reserve campus facilities. Spaces are reserved on a first-come-first served basis. The college can state in advance that certain spaces cannot be reserved for speech activities. Common examples include libraries, offices, hallways, and classrooms during instructional hours. Any other restrictions on expressive activities that occur in indoor facilities must apply equally to everyone and not depend on the content or viewpoint of the expression or the possible reaction to the expression.

b. Timing

Colleges usually cannot require more than 24-hour advance notice unless the event requires additional planning to ensure safety and sufficient logistical support. You are encouraged to request the facility as soon as possible.

c. Denials

When assessing a request to reserve a facility, the college must not consider the content (unless the facility is used only for certain purposes, for example, only for the college's administration use) or viewpoint of the expressive activity, or the possible reaction to the expressive activity. If a facility or space is generally available to be reserved, the college can refuse a reservation by a student, student organization, or employee only for the following reasons:

- The venue is an indoor facility that has been designated as unavailable for reservation.
- The venue is an indoor facility and the request is in conflict with any restrictions the college has placed on the facility. For example, a restriction could be that the indoor facility is unavailable on the weekends.
- The venue has been reserved already at the time requested.
- The size of the anticipated crowd is too large for the space.
- The activity would substantially disrupt another event occurring in close proximity.
- The activity would substantially disrupt college operations.
- The activity is a clear and present threat to campus safety, according to police or security.
- The activity occurs during college exam periods.

- The activity is against the law.

d. Responsibility for the space

Anyone who reserves a facility or space is responsible for maintaining the space and will be responsible for any damages, cleaning costs, or other costs.

5. Is the college required to have indoor areas available for spontaneous expressive activities?

No. The college is not required to have an indoor area designated for spontaneous speech activities. However, if it chooses to create one or more, college officials must post that the area is available for students, student organizations, employees and their guests to engage in expressive activities. The area must be available for all students, student organizations, employees, and guests equally, and not depend on the content or viewpoint of the expression or the possible reaction to it.

6. What do I do if someone or a group tries to disrupt my, my organization's, or invited guest's speech?

To report a disruption of protected speech, Send an email to the Student Activities Coordinator at nlee@virgniaiwestern.edu. In cases of emergency, please call 911.

7. I have additional questions.

Please contact Student Activities Coordinator for more information.