Virginia's Community Colleges

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POLICY ON EXPRESSIVE ACTIVITY

6.5.1 Policy on Expressive Activity

This policy applies to all buildings, grounds, and other spaces owned or controlled by a college. The term "expressive activity" includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

6.5.2 Policy Statement

College property is primarily dedicated to academic, student life and administrative functions. But it also represents the "marketplace of ideas," and especially for students, many areas of campus represent a public forum for speech and other expressive activities. Colleges may place restrictions on expressive activities occurring indoors, but especially for students and student organizations, the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

Indoors or outdoors, colleges shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, colleges may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must be content-neutral, narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

6.5.2.0 Procedures

a. Reserving Campus Facilities:

1. If students, student organizations, or college employees desire to reserve campus facilities, they shall submit their requests to the appropriate college administrator. Colleges normally may not require more than twenty-four hours advance notice for reservation requests. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.

2. If individuals or organizations who are not members of the college community (i.e., not students, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or the college to conduct expressive activities or events on campus.

3. Colleges may designate certain indoor facilities as not available for expressive activity, such as administration offices, libraries, and (during instructional hours) classrooms. Colleges shall make the campus community aware of such areas. Any other restrictions on expressive activities occurring in indoor facilities must (a) apply equally to all individuals and organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.

4. Students, student organizations, and college employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:

    a. The requested venue is an indoor facility that the college has designated as not available for expressive activity under section 6.5.2.0(a)(3) of this policy;

    b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section 6.5.2.0(a)(3) of this policy;

c. The venue is already reserved for another event;[1]

d. The activity will attract a crowd larger than the venue can safely contain;

e. The activity will substantially disrupt another event being held at a neighboring venue;[2]

f. The activity will substantially disrupt college operations (including classes);

g. The activity is a clear and present threat to public safety, according to the college's police or security department;

h. The activity will occur during college examination periods; or

i. The activity is unlawful.

5. During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.

6. When assessing a request to reserve campus facilities, colleges and their administrators must not consider the content or viewpoint of the expression or the possible reaction to that expression. Colleges and their administrators may not impose restrictions on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's, or college employee's expression, college officials (including college police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

[1] In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official college sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.

[2] The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

b. Spontaneous Expressive Activity:

1. Colleges are not required to designate any indoor area as available for spontaneous expressive activities. In the event that colleges elect to do so, college officials shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities. Any areas so designated must (a) apply equally to all students and student organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.

2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not (a) block access to campus buildings, (b) obstruct vehicular or pedestrian traffic, (c) substantially disrupt previously scheduled campus events,[3] (d) substantially disrupt college operations, (e) constitute unlawful activity; or (f) create a clear and present threat to public safety, according to the college's police or security department.

3. No college personnel may impose restrictions on students, student organizations, or their sponsored guests who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to these activities, college officials (including college police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

[3] The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

c. Implementation; Report:

1. Each college must include this policy in its student handbook, on its website, and in its student orientation programs.

2. Each college must develop a process for members of the campus community and invited guests to report incidents of disruption of constitutionally protected speech. Such a process may include, but is not limited to, providing online incident reporting, providing contact information for a designated college official, and in cases of emergency, contact information for campus or local police or campus security.

3. All colleges must maintain materials on the policy and provide such materials to any employee responsible for the discipline or education of enrolled students. Colleges may provide such materials to other employees if so desired.

4. All college policies and materials on expressive activities must have prior approval from the Office of System Counsel.

5. Colleges must develop policies and procedures to comply with the requirements of Va. Code 23.1-401.1, and notify the Office System Counsel as soon as practicable, but no later than 20 days after being served with a complaint that alleges a violation of the First Amendment.