

Policy 224.01 Expressive Activities by the Campus Community

In accordance with Act 2019-396 of the Alabama Legislature and the ACCS Board of Trustees' Policy 224.01: Expressive Activities by the Campus Community, effective December 9, 2020, Reid State Technical College's implementing policy on Expressive Activities by the Campus Community is as follows: **I. Findings.**

The Reid State Technical College finds the following:

A. A primary function of Reid State Technical College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and that to fulfill that function, Reid State Technical College will strive to ensure the fullest degree possible of intellectual freedom and free expression.

B. It is not the proper role of Reid State Technical College to shield individuals from speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Alabama of 1901, including without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

C. Students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.

D. Reid State Technical College supports free association and will not deny a student organization any benefit or privilege available to any other organization based on the expression of the organization, including any requirement of the organization that the leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.

E. Reid State Technical College will strive to remain neutral, as an institution, on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the institution, and Reid State Technical College will not require students, faculty, or staff to publicly express a given view of a public controversy.

F. Reid State Technical College prohibits all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

II. Speech and Expression in Outdoor Areas, Invited Speakers, and Security.

A. For purposes of this policy, the "Campus Community" includes Reid State Technical College's students, administrators, faculty, and staff as well as the invited guests of the College and the College's recognized student organizations (including organizations seeking recognition), administrators, faculty and staff.

- B. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of Reid State Technical College's campus which enjoy general access during regular hours of College operation, subject to the limitations described below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, including any lawful verbal, written or electronic communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions.
- C. Outdoor areas where expressive activities are not allowed include:
1. Areas within 150 feet of classrooms or places of buildings; and at our instructional site centers, standing in the doorways, hallways, and classroom areas in any building;
 2. Athletic facilities;
 3. Outdoor classrooms;
 4. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
- D. Except for II.H. below, this policy does not apply to expressive activities that take place in indoor areas of Reid State Technical College property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Reid State Technical College Facilities Reservation Contract subject to the requirement that Reid State Technical College must be open to any speaker whom Reid State Technical College's student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
- E. Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on Reid State Technical College property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. All members of Reid State Technical College (RSTC) and community shall comply with this Expressive Activities by the Campus Community Policy. This Policy is considered part of the conditions of employment and participation in Reid State Technical College sponsored events or programs.

This Policy applies to speech and expression that takes place on RSTC Campus and Instructional

Site Centers. This policy also applies to speech and expression that occurs on any electronic resources such as RSTC computers, email accounts, social media platform such as Facebook, Twitter and any devices owned, maintained, or controlled by Reid State Technical College.

The standards set forth in this policy do not replace the requirements of applicable local, state, or federal law. All members of the RSTC Community are expected to comply with applicable laws pertaining to their conduct including but not limited to the laws restricting rights to free speech and expression. The attached policy of 224.01 incorporates the procedures of Expressive Activities by the Campus Community.

All forms of Expressive Activities by the Campus Community shall be subject to Time, Place, and Manner restrictions that is referenced in the Expressive Activities by the Campus Community Policy. In addition, the Time, Place, and Manner restrictions are Reid State Technical College rules which are intended to identify when, where, and how Expressive Activities by the Campus Community Policy can be exercised under this Policy. Also, the Time, Place, and Manner restrictions shall be content and viewpoint neutral of RSTC and allow for the expression of Protected Speech. The Time, Place and Manner restrictions must be publicized by the college and will be reviewed on a regular basis by the Responsible Office for this Policy. Reid State Technical College recognizes the importance of providing an environment rich in educational and cultural opportunities that stimulate learning. Outdoor events help to foster a greater sense of community among students and offer learning situations outside of the traditional classroom setting. It is recognized that some outdoor events may have the potential to be disruptive to the educational process and interfere with learning or place the college, students, or staff at risk. The purpose of this procedure is to establish guidelines for hosting outdoor events that are a positive experience for the entire college community. All outdoor events will be held behind the RSTC Student Center. There will be no clean up or damage fee but individual using the outdoor areas will have to pay for security. The Security fee will be first 50 people \$50.00 per hour. Please contact Mrs. Mary Ray at mray@rstc.edu for additional information.

Procedures

- Student-sponsored outdoor events should be requested at least one-month prior to the date of the event.
- Dates for the outdoor events will be selected at a location that will be least disruptive, and must consider and/or reconcile any other requests received for the same date.
- Events requested will be reviewed for appropriateness by the Student Services Specialist/Student Activities Coordinator. The Student Services Specialist/Student Activities Coordinator will determine the need of a risk assessment approval and if appropriate release forms are necessary. If the Student Services Specialist/Student Activities Coordinator disagrees with the request, the Dean of Students will have final authority for selection of the events. Event planners must consult with Mary Ray to complete the necessary paperwork and the Campus Police Officer.

- Requests from non-chartered student organizations must schedule through the Mary Ray's office and follow college policies.

The office responsible for the Expressive Activities by the Campus Community is Mary Ray. You may reach the Mary Ray at 251-578-1313.

Please submit any complaint to the following Mary Ray or the following offices listed below: All individuals may be contacted at 251-578-1313.

- Students, please contact the Dean of Students
- Faculty or staff, please contact the appropriate office
- Safety concerns, please contact the Chief of Campus Police

F. Conduct that may materially and substantially disrupt the functioning of Reid State Technical College or infringe upon the rights of others to engage in expressive activities may include:

1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
3. Violations of a state, federal or local law, regulation, or ordinance;
4. Threats to passersby or the use of fighting words, which are words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
5. Following, badgering, or forcibly detaining individuals;
6. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
7. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
8. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;

9. Any student or group of students engaging in or sponsoring any college activity on or off the campus that represents a clear and present danger to the normal educational process of the College.
10. Any activity on the part of any individual or group which causes disruption or interference with the regular operation of the College including the occupation of any building or campus areas for the purpose of disruption or interference, prevention or attempting to prevent the entrance or exit of students, faculty, administration, staff, or authorized visitors to and from the campus or building, or failure to obey directions of faculty, administrators, or security officers in situations relating to the regular operation of the College.
11. The display of any inflammatory or incendiary signs, posters or banners, or the distribution of literature proposing any actions to disrupt the educational process.
12. Defacing, damaging, or maliciously destroying any college, faculty or student property or the attempt to do such destruction. Violators may be required to make appropriate financial restitution.
13. Violating College policies or regulations concerning the use of College facilities, or the time, place, and manner of public expression.
14. The use of profanity and other derogatory language toward and in the presence of another person is unacceptable behavior.
15. Loudness and other disruptive behavior in and around the classroom(s) is unacceptable behavior.
16. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
17. Engaging in expressive activities in prohibited or restricted areas as defined in Sections II.B. and II.C. above;

18. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
19. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.

G. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.

H. Reid State Technical College will provide police and security officers and use other security measures to ensure the safety of all participants, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity. If the organizer of the event or the College determines that security is needed for an event, beyond what security is typically provided by the College during regular hours of operation, the organizers of the event will be charged a fee based on the number of expected attendees. The fee schedule for security is first 50 people will be \$50.00 per hour and for every 50 people in attendance additional security must be provided at \$50.00 per hour to cover additional security cost. Any additional information will be provided by Mary Ray upon request.

The President may waive this security fee, but may not base the decision on the basis of the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the campus community or to the public.

Reid State Technical College may also charge a fee for the use of campus facilities, such as for the use of IT resources or cleanup costs. These fees will not be based on the content of the expressive activity. Please contact Mary Ray regarding information on requesting reservation contract and fees for utilizing an indoor or outdoor area for Expressive Activities at 251-578-1313 or by email at mray@rstc.edu

I. To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security are expected to provide sufficient notice to the Campus Police Officer at least one week, but no less than 48 hours in advance of the event. Such arrangements enable Reid State Technical College to ensure the event takes place in a safe and constructive manner.

J. Individuals and groups who engage in expressive activity in outdoor areas on Reid State Technical College property are subject to Reid State Technical College

policies relating to the use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. Reid State Technical College prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events. Possession of firearms or weapons (including hunting guns, bows, crossbows, etc.), ammunition, explosives, fireworks, or any other dangerous instruments. The Gun Free Schools Act of 1994 and the Alabama Community College System Board of Trustees Policy Number 511.01 issued December 1994 prohibits firearms on the campus of public schools or any other facility operated by the College. Any violation of this policy can result in the referral to law enforcement officials for arrest or prosecution. Reid State Technical College has “Zero Tolerance” for weapons of any kind on its campus, whether student, faculty, staff or visitors (other than law enforcement officers legally authorized to carry such weapons and acting in the performance of their duties of an instructional program in which firearms are required equipment). Disciplinary sanctions for members of the Campus Community under the jurisdiction of the College who violate this subsection shall be handled through existing processes provided under law and Reid State Technical College Student Code of Conduct. Reid State Technical College Student Code of Conduct can be found in the Student Handbook on our website under Student Services.

K. Reid State Technical College shall not permit members of the Campus Community to engage in conduct that materially and substantially disrupts protected expressive activity or infringes on the right to engage in expressive activity. Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action. Disciplinary sanctions for members of the Campus Community under the jurisdiction of Reid State Technical College who violate this subsection shall be handled through Student Code of Conduct and the College Policy Manual.

L. Nothing in this policy shall be construed to prevent Reid State Technical College from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:

1. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
2. Expressions that a court has deemed unprotected defamation.
3. Harassment.

4. True threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
5. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
6. An action that unlawfully disrupts the function or security of the institution.
7. Any constitutional time, place, and manner restrictions for outdoor areas of campus when they are narrowly tailored to serve a significant institutional interest and when the restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria, and provide for ample alternative means of expression.

M. Complaints or questions regarding the application of this policy should be addressed to Mary Ray. Grievances for students will be given to the Dean of Students who will follow RSTC grievance procedures that is outline in the Student Handbook and for grievances concerning Faculty and Staff will be given to Human Resources and grievances will follow the College Policy Manual.

III. Commercial Activity on Campus

Individuals, organizations and groups, both internal and external to Reid State Technical College, may not conduct commercial transactions or engage in commercial speech on Reid State Technical College property unless authorized pursuant to ACCS Board of Trustees Policy 515.01 and approved by the President in advance. Please contact Mary Ray regarding information on requesting reservation contract and fees for utilizing an indoor or outdoor area for Expressive Activities at 251-578-1313 or by email at mray@rstc.edu

Commercial speech means speech in which the speaker is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. Fundraising, including political fundraising, is considered solicitation and therefore deemed commercial speech under this policy.

IV. Policy Distribution.

This policy will be included in new student, new faculty, and new staff orientation programs. Reid State Technical College shall disseminate this policy to all members of the Campus Community and make this policy available in Student Handbook, ON-TRAC, Orientation Class and our Website.

V. Relationship to Other Policies.

This policy shall supersede and nullify any previous Reid State Technical College policies that could regulate speech on Reid State Technical College campus. However, this policy is not intended to supersede, nullify, or amend any Reid State Technical College policy that regulates the reservations and use of interior spaces on campus, or that charge incidental fees for the use of such spaces.

VI. Annual Report.

Reid State Technical College will submit an annual report to the Chancellor and Board of Trustees by August 15 for the prior 12-month period ending July 31 that includes the following:

1. The date and description of each violation of this policy.
2. A description of the administrative handling and discipline relating to each violation.
3. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
4. Any additional assessments, criticism, commendations, or recommendations Reid State Technical College sees fit to include.