

Freedom of Expression on Campus

(Revised title from “Expressive Activity Policy”)

I. Philosophy:

Hagerstown Community College believes in the free exchange of differing viewpoints, deliberation and debate and recognizes a college is an academic community where individuals are to have the freedom to discover, research, and grow in knowledge by exposure to contrasting ideas and beliefs. Cultivating the ability of members of the college community to engage with one another in an effective, robust, safe and responsible manner is essential to the College’s mission and core values.¹

II. Policy Statement:

Hagerstown Community College, in recognition of the rights to freedom of speech and peaceable assembly as guaranteed by the First Amendment of the Constitution², supports the rights of individuals and groups to assemble, demonstrate and express their views for or against actions and opinions.

The College also recognizes a concurrent obligation to maintain and provide a safe and secure campus environment conducive to ensuring the core mission of educating students is not disrupted, individuals are not threatened or harmed, and legal rights are not violated. As a limited public forum, content neutral time, place and manner guidelines are established to preserve free speech and assembly to the greatest extent possible while meeting the goals and philosophy established in this Policy.

III. Definitions:

Disruption - conduct by any person that advocates violence, intentionally obstructs, impairs or interferes with teaching, studying, or an individual’s access to their educational pursuits, administration of the College’s permissible use of its facilities, or creates matters of public safety. Other factors which may be used to evaluate disruption may be vehicular/pedestrian traffic is impeded; entrances/exits are obstructed; harassment of individuals is occurring; interference with the speaker from being heard; damage to property.

¹ HCC ensures equitable access to affordable, high-quality educational programs, while fostering workforce development and cultural vitality in the region. **Values:** Excellence, Integrity, Diversity and Inclusion, Stewardship, Civic Engagement, Student Centered.

² U.S. Constitution, Amendment I.

Expressive Activity -verbal or non-verbal expression and assembly protected by the First Amendment, including but not limited to public speaking, leafletting, demonstrations, rallies, picketing, vigils, parades, and marches.

External User - a group or individual that is not associated with a college academic or administrative department, a Student Organization, a college employee or employees acting within the scope of their employment, or a registered college student.

Internal User - a college academic or administrative department, a Student Organization, a college employee or employees acting within the scope of their employment, or an individual or group of registered college students.

Leafletting -the distribution of non-commercial, non-college sponsored announcements, statements, handbills, leaflets, pamphlets, magazines, books or other materials to individuals, who may accept or decline to accept the materials.

Student Organization - a student group that is registered and recognized by the Dean of Students.

Time, Place and Manner -refers to content neutral restrictions legally allowable regarding protected activity to ensure safety and avoid disruption of the College's operations.

IV. Spontaneous Expressive Activity- Internal Users

- a. For outdoor campus facilities and areas, internal users may freely engage in spontaneous expressive activities as long as the activities do not: block access to campus buildings, obstruct vehicular or pedestrian traffic, cause disruption, constitute unlawful activity; or create a clear and present threat to public safety, according to the Campus Police and Security department.
- b. No college personnel may impose restrictions on internal users who are engaging in spontaneous expressive activities because of 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 Campus police or security) shall use their best efforts to ensure public safety while allowing the expressive activity to continue to the extent possible.
- c. If outdoor areas and facilities are available and not previously reserved, internal users may use such areas on a first-come, first-served basis, for rallies, assemblies, demonstrations, vigils and other outdoor expressive activities without prior approval

or scheduling.

- d. Internal users shall not be permitted to engage in spontaneous speeches, performances, demonstrations, rallies, vigils, literature distribution, meetings or events in the indoor campus facilities and areas.

V. Spontaneous Expressive Activity- External Users

If an external user is on campus engaging in spontaneous expressive activities, such activity may be allowed in outdoor areas of campus provided a disruption or safety concern is not occurring. Campus security shall respond if a concern is reported and will evaluate matters of public safety.

In accordance with Maryland Code Ann., Educ. §26-102, individuals on college property may be required to provide identification and evidence of qualification for being on premises and access may be denied to an individual who is not a currently registered student, or employee of the college and who does not have lawful business to pursue at the College or acts in a manner that disrupts or disturbs the normal educational functions of the College.

VI. Reserving Campus Facilities for Expressive Activity: Internal Users

- a. If internal users desire to reserve campus facilities, they shall submit their requests to the Office of the Dean of Students at least five days prior to the event. Any requests not received at least five days prior to the event, may be denied for that reason.
- b. External Users may be permitted to use or reserve campus facilities if: they are invited and sponsored by a Student Organization or the College to conduct expressive activities and/or events on campus, or the College agrees to rent the facility (see Policy 7060 Facilities Rental and Usage by Outside Organizations and VII below)

Denial may include, but not limited to the following reasons:

- The venue is already reserved for another event;
- The activity will attract a crowd larger than the venue can safely contain;
- The activity will substantially disrupt another event being held at a neighboring venue;
- The activity will substantially disrupt college operations (including classes);
- The activity is a clear and present threat to public safety, according to the College Police and Security department;
- The activity will occur during College examination periods; or
- The activity is unlawful.

Multiple Requests for Reserving the Facility

In the event that multiple internal users submit conflicting reservation requests, the following order of precedence shall govern:

- (1) official College sponsored activities and events;
- (2) student organization activities and events;
- (3) currently enrolled student activities and events; and
- (4) all other activities and events.

For each event or activity, College officials will consider the anticipated size, required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant facts and circumstances to determine (a) whether a suitable location exists and (b) whether health and safety concerns require special precautions or arrangements.

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

VII. Reserving Campus Facilities: External Users

- a. The College reserves the right to deny the use of its facilities to External Users seeking to rent or use College space. Any such denial shall be based on objective criteria set forth below and not the viewpoint of the External User.
- b. Rental fees will be charged, and additional contractual obligations will apply. Only designated facilities are available for such use and rental. A list of the designated facilities available for rental is available from The Office of the President.
- c. In addition to use permitted under VI b, External Users are permitted to engage in expressive activity on campus subject to the requirements in paragraph V. A list of the designated areas is available from the Office of the Dean of Students. External Users are required to make a reservation no more than fifteen (15) and no less than seven (7) days in advance with the Office of the Dean of Student Affairs using the Reservation Form provided. Denial may include, but not limited to the following reasons:
 - i. The requested designated area has already been reserved for the date and time requested.
 - ii. The proposed expressive activity would violate one or more of the requirements listed in paragraph (d) below.
 - iii. The Reservation Form contains material misrepresentations.
 - iv. The request was not submitted within the required timeframe set forth above.

- v. The requesting external user has previously engaged in violent, destructive or unlawful activity on campus.
- d. Any expressive activity by the external user on campus within the designated areas shall be subject to the following reasonable requirements:
- i. The activity must not substantially disrupt previously scheduled campus events.³
 - ii. The activity must not block access to campus buildings.
 - iii. The activity must not obstruct vehicular or pedestrian traffic.
 - iv. The activity must not substantially disrupt College operations.
 - v. The activity must not constitute unlawful activity.
 - vi. The activity must not create a clear and present threat to public safety, according to Campus Police and Security department.
 - vii. The activity must not involve violence against persons, threats of violence against persons, or damage to property.
 - viii. The activity must not involve the sale or promotion of commercial goods and services.
 - ix. The Outside Individuals or Group must not continue to engage in conversation with individuals after being informed that such individuals do not want to participate in conversation.
 - x. The activity must not involve conduct that would constitute sexual harassment as defined in the College's Sexual Harassment Policy.
 - xi. Use of sound amplification devices must not be disruptive to classroom instruction.
 - xii. The activity must not use signage or posters larger than 11 inches by 17 inches.
 - xiii. The activity must occur during the normal hours of operation for the campus, which are available from the Office of the Dean of Student Affairs.
 - xiv. The activity must not attract a crowd larger than the venue can safely contain.

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

- xv. The activity must not occur during College examination periods.
- e. This policy does not prohibit individuals from engaging in one-on-one conversations in the outdoor areas of campus, with the expectation individuals comply with the requirements listed in paragraphs d.i. through d.xv.
- f. Nothing in this policy is intended to circumvent rights afforded to employee organizations or employees under the Maryland Public Employee Relations Act.

VIII. Protests

Where an invited speaker is the object of protest, individuals may engage in expressive activity outside the building where the speech is scheduled to take place. Individuals who wish to enter the building must do so as members of the audience and must give the speaker a respectful hearing.

Failure to grant the speaker a respectful hearing may result in the offending individual(s) being asked to leave. Any signs, banners, or similar items carried into the building must be constructed of materials that do not present a safety hazard. The College reserves the right to prohibit or restrict the carrying of such items into a building when there is a reasonable expectation that it will compromise safety, interfere with ingress or egress, or deprive others of their rights such as by interfering with others' ability to see, hear, or participate in the event.

Campus Police and Security will consider necessary and available measures to protect both sides of expressive speech such as offering available security presence and erecting space and proximity barriers if possible.

IX. Leafletting

Individuals may engage in Leafletting in accordance with provisions of this Policy and subject to the following:

1. With approval from Office of Dean of Students, individuals may set up their own tables for Leafletting and are responsible for disassembly of the tables and general clean-up.
2. Leafletting does not include littering. All individuals are expected to refrain from littering and may be held responsible for costs incurred as a result of littering. Leaving materials unattended on a surface to be picked up is considered littering.
3. Individuals providing materials are to indicate on the materials or on the display area that such materials are not sponsored or endorsed by the College.

X. Viewpoint Neutral

The College will not render a decision to allow speech or rent its facilities based on the content or viewpoint of the expression or the possible reaction to that expression. In the event that other persons react negatively to the protected expressive speech, Campus Police and Security shall use their best efforts to ensure public safety while allowing the expressive activity to continue.

XI. Questions:

- a. Any questions concerning this Policy on Expressive Activity should be directed to the Office of the Dean of Students.