

Expressive Activity Policy Frequently Asked Questions

FAQs:

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 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:

¹ The words “speech” and “expressive activity” may be used interchangeably.

- block access to campus buildings;
- obstruct traffic (vehicles or pedestrians);
- substantially disrupt previously scheduled campus events;
- 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.

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

a. Request submission

Contact the Facilities Director to reserve campus facilities. Spaces are reserved be on a first-come-first serve basis. The college has determined that certain spaces such as libraries, offices, hallways, and classrooms during instructional hours cannot be reserved for speech activities. 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 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. The college has not designated any indoor areas 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 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, or to report speech that is disruptive contact campus police or security at 276-732-2406 or the Vice President for Financial & Administrative Services at 276-656-0205. In cases of emergency, please call 911 or number campus police or security.

7. I have additional questions.

Please contact Vice President for Financial & Administrative Services for more information.