

SECTION: Compliance with Federal Law  
SUBJECT: Expressive Activities by the Campus Community  
SOURCE REFERENCE: Board of Trustees Policy 224.01

NUMBER: E/1.8

### **Purpose**

- A. Gadsden State Community College's primary function is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill that function, the College will strive to ensure the fullest degree possible of intellectual freedom and free expression.
- B. It is not the proper role of the 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. The College shall support free association and shall 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 members of the organization affirm and adhere to an organization's sincerely held beliefs, statement of principles, or standard of conduct.
- E. Gadsden State will strive to remain neutral on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the College. The College will not require students, faculty, or staff to publicly express a given view of a public controversy.
- F. The College should prohibit all forms of harassment 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**

- A. For purposes of this policy, the Gadsden State College Community includes students, administrators, faculty, staff, invited guests, and recognized student organizations, including organizations seeking recognition.

- B. Members of the College Community shall be permitted to engage in expressive activities in outdoor areas of the College with general access during regular hours of College operation, subject to limitations. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, 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 areas of restricted access as identified by the College, which may include but are not limited to areas adjacent to classrooms or places of residence; athletic facilities; areas being used as outdoor classrooms or educational training; or areas where access is restricted due to operational or safety protocols.
- D. Except for Section II.H. below, this policy does not apply to expressive activities that take place in indoor areas of College property including, but not limited to, classrooms or classroom buildings; interior hallways and breezeways; administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by College policies related to academic freedom, facilities use, and other applicable policies and protocols.
- E. Members of the College Community who engage in expressive activities in permitted 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 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.

- F. Conduct that may materially and substantially disrupt the functioning of the 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. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
  10. Engaging in expressive activities prohibited or restricted areas.
  11. Any other interference with College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
  12. 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 functions of the College.
- H. The College may employ police and security officers and use other security measures to ensure the safety of all participants.
- I. Individuals or groups from the College Community planning to engage in expressive activity that they anticipate will require the assistance of security, should provide notice at the time of scheduling the event to the President or the President's designee, and to the Director of Physical Plant.
- J. Individuals or groups who engage in expressive activity in outdoor areas on College property are subject to College policies relating to the use and operation of College facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. The College may limit the possession or use of clubs, bats, weapons, open flames, or other material objects on campus property during such events.
- K. Gadsden State will not permit members of the College 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.
- L. Nothing in this policy shall be construed to prevent Gadsden State from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama 1901, including, but not limited to:
  - 1. Violations of state or federal law, including, but not limited to, actions that damage College 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 College operations.
  - 7. Any constitutional time, place, and manner restrictions for outdoor areas 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 by use of the complaint process posted on the College's website.

### **III. Commercial Activity on Campus**

Individuals, organizations and groups, both internal and external to a College, may not conduct commercial transactions or engage in commercial speech on College property unless authorized and approved in accordance with the College policies. 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 is therefore deemed commercial speech under this policy.