

FREEDOM OF EXPRESSION

DRAFTED BY FOE TASK FORCE

Revisions completed 8-2-11

Southwestern Community College District (hereafter referred to as the “College District”) hereby establishes the following procedures, pursuant to Education Code Section 76120 and College District Policy No. 3900.

The College District celebrates the right of free expression and believes that the ability to exchange, challenge and explore ideas is an important part of the College District’s educational mission. This Procedure reaffirms the right to free expression and clarifies the allocation of campus resources for purposes of expressive activities. This Procedure further intends that expressive activities on College District property shall occur in harmony with College District operations.

Students, faculty, and staff are free to exercise the rights to assemble and engage in expressive activity in a constitutionally-protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligations of the College District, preserve the rights and safety of others, coordinate multiple uses of limited space, assure preservation of facilities and grounds, and assure financial accountability for any damage caused by these activities.

Displaying signs, gesturing, wearing symbolic clothing, or otherwise protesting silently are protected expressive activities unless the result is disruptive activity as defined by applicable law.

Expressive activity may not create a vehicular or other safety hazard nor constitute disruptive activity, defamation, riotous conduct or obscenity as those terms are defined by applicable law, and may not impede access to other expressive activity, such as blocking the audience’s view or preventing the audience from hearing a speaker.

I. Campus Use

Students and employees may engage in expressive activity on College District property without the need for prior reservation or registration except as set out in this Procedure.

The College District has identified a number of areas for expressive activities which may be used without a reservation. However, these identified specific areas may be reserved on a first-come, first-served basis, using the Campus Use Request Form. Those who have reserved a specific area will have use of the area during the reserved period. Priority consideration will be given for use of College District grounds and facilities as follows:

1. instructional and administrative activities of the College District;
2. activities sponsored by an academic or administrative department of the College District;

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3. activities by students or employees, including student or employee organizations; the Associated Student Organization (ASO) retains priority for the student amphitheater area during college hour;
4. activities by individuals or groups not affiliated with or sponsored by the College District ("Visitors").

❖ Reservations/Campus Use Request Form

The Campus Use Request Form is available from the Office of Student Activities on the Chula Vista campus or appropriate office at the Higher Education Centers listed on the form, or at the College District's website (<http://www.swccd.edu>). The Request Form is to be completed in full and submitted via fax or delivered in person to the appropriate office within five (5) working days of the proposed expressive activity. If the request includes amplified sound, equipment or special set up, the request must be submitted at least seven (7) working days of the proposed expressive activity. The completed Request Form shall be submitted via fax or delivered in person to the appropriate office at the location where the expressive activity will take place.

The purpose of the Campus Use Request Form is to:

- establish priority use of an identified area within the College District;
- request tables, chairs, and/or a podium;
- notify the College District of the use of amplified sound;
- notify the College District of a planned parade, march, or rally route; and/or
- notify the College District of campus use by Visitors.

- **Tables, Chairs, and/or Podium Use:** The College District may provide tables, chairs, and/or podiums as available, on a first-come, first-served basis. Specific location, set up, and needs must be clearly indicated on the Campus Use Request Form. The Campus Use Request Form must be submitted via fax or delivered in person to the Office of Student Activities on the Chula Vista campus or appropriate office at the Higher Education Centers at least seven (7) working days in advance of the planned event to allow for processing by the Facilities & Maintenance Office.

- **Amplified Sound:** A Campus Use Request Form is required to use amplified sound. Amplified sound may be used only at the locations, areas and times as identified on the Campus Use Request Form. The College District will not provide sound equipment; it will provide only the power source.

- **Parades, Rallies, or Marches:** A Campus Use Request Form must be submitted to obtain approval prior to conducting all parades, rallies, or marches, including silent protests, that will cross or use vehicular or pedestrian thoroughfares, or are likely to

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stop or slow traffic. Routes for parades, rallies, and marches must be clearly designated to avoid substantial disruption of the orderly movement of pedestrian and vehicular traffic and may not impede emergency services access.

II. Campus Use Oversight

The Office of Student Activities in the Student Center on the Chula Vista campus (or the appropriate office at the Higher Education Centers) is responsible for:

- providing access to and managing Campus Use Request Forms; and
- approval and/or denial of Campus Use Request Forms.

The Dean of Student Services, or designee, is responsible for:

- identifying locations and establishing times for use as areas for priority reservation and for the use of amplified sound; and
- relocating expressive activities when necessary to ensure the rights of those involved in expressive activities are protected and the College District maintains effective and safe operations.

III. Approval or Denial of Campus Use Request Forms

All Campus Use Request Forms will be responded to within five (5) working days of submission. Completed Request Forms shall be submitted via fax or delivered in person to the appropriate office at the location where the expressive activity will take place. Requests shall not be denied based on the content of the proposed expressive activity.

Requests may be denied if:

- an earlier request to reserve the same location and time has been made;
- the area requested will conflict with an official College District function;
- an area cannot be identified where the use of amplified sound would not interfere substantially with a previously established event or operation;
- the requested expressive activity will endanger the health and safety of participants or others;
- the number of the requests for specific locations precludes equal access by others requesting use; and/or
- the Campus Use Request Form has not been completely filled out and/or properly submitted.

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A Campus Use Request Form for a parade, rally, march or silent protest will be denied for the following reasons:

- The expressive activity will substantially interfere with an earlier submitted and approved expressive activity;
- The expressive activity will substantially interfere with instruction or College District operations; or
- The location of the expressive activity will endanger the health and safety of participants.

In the event that a Campus Use Request Form is not approved, the appropriate office will provide the reason and will, where feasible, suggest an alternative to facilitate the request.

IV. Relocation of Expressive Activities

Individuals or groups engaged in expressive activity may be relocated by the Dean of Student Services, or designee, and/or the Campus Police, under any of the following circumstances:

- the area has been previously reserved by another Campus Use Request Form;
- the noise generated by the activity, either by amplified or ambient sound, substantially disrupts an official College District function or operation;
- the location does not safely accommodate the number of participants; creates unsafe conditions for vehicular or pedestrian traffic or parking; or blocks ingress or egress to buildings or official College District activities;
- the area has been reserved for an official College District function, or is needed to adequately permit College District business;
- the activity creates a health, welfare, or safety hazard; or
- the activity creates a substantial probability of interference with fire, police or other emergency services.

V. Distribution of Non-Commercial Literature, Signs, Banners, Postings

Literature may be distributed on College District grounds or facilities. The manner of distribution shall not hinder safety or access to College District grounds or facilities. Literature to be distributed on College District grounds that conveys to a reasonable person a reference of affiliation with the College District shall include the statement that it is not official College District literature and does not necessarily represent the view or official position of the College District. Students, employees, organizations, and/or others who

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distribute literature are encouraged to be considerate in removing litter caused by recipients who do not appropriately dispose of unwanted literature.

Individuals shall display signs and banners only on designated public bulletin board areas and kiosks, and/or by holding them. Signs and banners posted on designated public bulletin board areas must receive a date-limit stamp from the appropriate office. Please contact the Office of Student Activities on the Chula Vista campus or appropriate office at the Higher Education Centers, or refer to the College District website. Postings must be removed by the distributor by the date limit.

The College District reserves the right to remove signs, banners, or postings that are not in compliance with this Procedure.

VI. Disruption by Visitors

Any person who is not a student or employee of the College District and who is not required by his or her employment to be in areas owned, operated or controlled by the College District will be directed to vacate the premises if it reasonably appears that such person is committing any act that substantially disrupts the orderly operation and/or educational processes of the College District.

VII. Commercial Activity

This Procedure does not pertain to commercial activity. A Commercial Vendor Contract must be submitted to the Office of Student Activities in the Student Center on the Chula Vista campus or the appropriate office at the Higher Education Centers.

VIII. Definitions:

Ambient Sound: sound generated by individuals or groups.

Amplified Sound: sound that is increased or enhanced by any electric, electronic, or mechanical means.

Campus: all areas and facilities owned, leased, or controlled by the College District.

Commercial Activity: activities for the purpose of selling or marketing goods or services.

Disruptive Activity: expression that by its manner substantially disrupts the orderly operation and/or educational processes of the College District.

Employees: individuals who are employed in any capacity by the College District.

Expressive Activity: the oral or symbolic expression of an idea, thought, or opinion for purposes of communicating the idea, thought, or opinion to an in-person public audience greater than 10 persons who are physically present on College District property. Includes speech, assembly, marches, parades, rallies, picketing,

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distribution of literature, graphic or pictorial displays, and other similar activities intended to communicate an idea or opinion. Expressive activities do not include speech that is intended to incite or produce and, in fact, likely to incite or produce imminent lawless action; expression that consists of “fighting words” or threats of physical harm; or expression that is defamatory, obscene, or commercial in nature.

Official College District Function: activities, events, and programs sponsored by an academic or administrative unit of the College District or by student or employee organizations.

Students: individuals currently enrolled at any educational facility of the College District

Visitor: an individual or group who is not a student or employee of the College District.

Working Day: Monday through Friday, excluding holidays and other days when the College District is not open for business.