

***Administrative Procedures Manual***

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| Title:  **Expressive Activity** | NO:  **12.15** |
| VCCS Policy Manual Reference: 6.5.1 and 6.5.2 (<http://cdn.vccs.edu/wp-content/uploads/2014/04/Sec6.pdf>)  Pages: 6-17 through 6-20 | Page  1 of 2 |

**Office of Primary Responsibility: Vice President for Student Affairs**

A. Purpose: The purpose of this policy is to set out the policy and procedures that will govern all expressive activities on campus.

B. Policy on Expressive Activity:

1. This policy applies to all buildings, grounds, and other spaces owned or controlled by Thomas Nelson Community College. The term “expressive activity” includes:

* Meetings and other group activities of students and student organizations;
* Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
* Distributions of literature, such as leafleting and pamphleting; and
* Any other expression protected by the First Amendment to the U.S. Constitution.

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| **Kris Rarig** |  |
| Responsible Area Vice President | Date: June 24,2019 |
| **Ellen Davenport** | **Dr. John T. Dever** |
| Interim Vice President for Finance and Administration: | President: |
| Date: June 24, 2019 | Date: |

B. Policy Statement:

1. Thomas Nelson property is primarily dedicated to academic, student life and administrative functions. As an institution of higher learning, Thomas Nelson also represents the “marketplace of ideas,” and especially for students, many areas of campus represent a public forum for speech and other expressive activities. Thomas Nelson places restrictions on expressive activities occurring indoors, but especially for students and student organizations, outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

2. Indoors or outdoors, Thomas Nelson shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, colleges may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must be content-neutral, narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

3. No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

C. Office Responsible. The office of the Vice President for Student Affairs has overall responsibility for this policy.

D. Procedures for Reserving Campus Facilities:

1. If students, student organizations, or college employees desire to reserve campus facilities, they shall submit their requests to the Dean of Student Services or designee. The Dean of Student Services, Historic Triangle Campus, Room 117 phone: 757.253.4881. Requests must be made with at least 24 hours’ notice. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.

2. If individuals or organizations who are not members of the Thomas Nelson community (i.e., not student, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or Thomas Nelson to conduct expressive activities or events on campus. These individuals or organizations should contact the Dean of Student Services if interested in being sponsored by Thomas Nelson. (Dean of Student Services, Historic Triangle Campus, Room 117 phone: 757.253.4881.)

3. Thomas Nelson will assess appropriate fees for equipment and facility use to users who are not members of the College community. Security fees may be assessed to defray the actual costs of providing security when the size of the audience may pose a risk to safety. At no time shall Thomas Nelson assess a security fee based on the anticipated reaction to the expressive activity. Refer to [APM 10.1](https://thomasnelsoncommunityc.sharepoint.com/Policies/APM%2010.1.pdf) for a schedule of the equipment and facility use fees.

4. Administrative offices, libraries, and (during instructional hours) classrooms are not available for expressive activity. Students may access a list of indoor spaces that may be reserved for expressive activity through the Office of Student Life and Leadership. Any indoor restrictions on expressive activity will be applied equally to all individuals and organizations and not depend on the content or viewpoint of the expression or the possible reaction to that expression.

5. Students, student organizations, and college employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:

a. The requested venue is an indoor facility that Thomas Nelson has designated as not available for expressive activity under section F of this policy;

b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section D(4) of this policy;

c. The venue is already reserved for another event. In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official college-sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events;

d. The activity will attract a crowd larger than the venue can safely contain;

e. The activity will substantially disrupt another event being held at a neighboring venue. The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption;

f. The activity will substantially disrupt college operations (including classes);

g. The activity is a clear and present threat to public safety, according to Thomas Nelson’s Campus Law Enforcement;

h. The activity will occur during college examination periods; or

i. The activity is unlawful.

6. During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility reserved. If the event causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.

7. When assessing a request to reserve campus facilities, Thomas Nelson and its administrators must not consider the content or viewpoint of the expression or the possible reaction to that expression. Thomas Nelson and its administrators may not impose restrictions on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student’s, student organizations, or college employee’s expression, Thomas Nelson officials (including Thomas Nelson’s Campus Law Enforcement) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

E. Spontaneous Expressive Activity:

1. Thomas Nelson does not permit spontaneous expressive activity in any indoor area.

2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not:

a) block access to campus buildings;

b) obstruct vehicular or pedestrian traffic;

c) substantially disrupt previously schedule campus events (the expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption);

d) substantially disrupt college operations;

e) constitute unlawful activity; or

f) create a clear and present threat to public safety, according to the Thomas Nelson’s Campus Law Enforcement.

3. No college personnel may impose restrictions on students, student organizations, or their sponsored guests who are engaging in spontaneous expressive activities due to 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, Thomas Nelson officials (including Campus Police) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

F. Areas Not Available for Expressive Activity. The following indoor areas/facilities are not available for expressive activity:

* Administrative offices
* Classrooms, computer rooms, laboratories, and other places during instructional hours
* Libraries

G. Banners and Distribution of Commercial Materials:

1. Banners used in expressing speech should comply with the provisions of this policy and cannot be used to block, obstruct or otherwise deny access to any pedestrian or to block or obstruct vehicular traffic.

2. Distribution of commercial advertising or the placement of commercial material is prohibited in the following areas:

* Administrative offices
* Classrooms, computer rooms, laboratories, and other places where instruction takes place
* Libraries
* College affixed bulletin boards except as identified below:
* Hampton campus: located in the Student Activities hallway in Griffin/Wythe Halls
* Historic Triangle campus: located on the east wall of the Student Commons

3. Any member of the campus community or guest of the College may report  
incidents of disruption of constitutionally protected speech. Reports may be made using the College’s Conduct Management Tool “Report an Incident” located on the College website. Or, reports may be made to the Vice President for Student Affairs or the Dean of Student Services.   
Vice President for Student Affairs, Griffin Hall Room 200A, 757.825.3810.

Dean of Students, Historic Triangle Campus, Room 117 757.253.4881.

In cases of emergency, call Campus Police at 757.825.2732.

4. This policy will be maintained on the shared drive and is readily available to the campus community.

5. Should a complaint be served on the college alleging a violation of the First Amendment, the Vice President for Student Affairs would, in collaboration with the President, notify the Office of System Council as soon as possible, and not more than 20 days after being served with a complaint.