

Expressive Activity Policy

This policy applies to all buildings, grounds, and other spaces owned or controlled by Hagerstown Community College (the “College”). The term “expressive activity” includes:

- Meetings and other group activities;
- Speeches, performances, demonstrations, rallies, vigils, and other events;
- Distributions of literature, such as leaflets and pamphlets; and
- Any other expression protected by the First Amendment to the United States Constitution.

A. Policy Statement

College property is primarily dedicated to academic, student life and administrative functions. But it also represents the “marketplace of ideas.” The College shall not interfere with the rights of Active Students and Student Organizations (as those terms are defined in the Student Organization Policy) to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, the College may establish reasonable time, place, and manner restrictions on expressive activity. 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 inside or outside of buildings.

B. Procedures

1. Spontaneous Expressive Activity:

- a. For outdoor campus facilities and areas, Active Students and Student Organizations may freely engage in spontaneous expressive activities as long as the activities do not (1) block access to campus buildings, (2) obstruct vehicular or pedestrian traffic, (3) substantially disrupt previously scheduled campus events,¹ (4) substantially disrupt College operations, (5) constitute unlawful activity; or (6) create a clear and present threat to public safety, according to the College’s police or security department.
- b. No College personnel may impose restrictions on Active Students or Student Organizations 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 College police or security) shall use their best efforts to ensure public safety while allowing the expressive activity to continue.

¹ The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

- c. The outdoor areas and facilities are available, on a first-come, first-served basis, for rallies, assemblies, demonstrations, vigils and other outdoor expressive activities without prior approval or scheduling, unless previously reserved pursuant to this policy.
- d. Active Students or Student Organizations 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.

2. Reserving Campus Facilities:

- a. If Active Students, Student Organizations, or College employees desire to reserve campus facilities, they shall submit their requests to the Office of the Dean of Student Affairs at least four days prior to the event. Any requests not received at least four days prior to the event, may be denied for that reason.
- b. Individuals and/or groups who are not Active Students, Student Organizations, or College employees (“Outside Individuals or Groups”) shall not be permitted to use or reserve campus facilities unless (1) they are invited and sponsored by a Student Organization or the College to conduct expressive activities and/or events on campus, (2) the College agrees to rent the facility to them pursuant to paragraph 3.b. below, or (3) comply with the requirements of paragraphs 3.c. and 3.d. below.
- c. Active 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:
 - (1) The venue is already reserved for another event;²
 - (2) The activity will attract a crowd larger than the venue can safely contain;
 - (3) The activity will substantially disrupt another event being held at a neighboring venue;³
 - (4) The activity will substantially disrupt college operations (including classes);
 - (5) The activity is a clear and present threat to public safety, according to the

² In the event that multiple Active Students, Student Organizations or College employees 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) Active Student activities and events; and (4) all other activities and events.

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

College police or security department;

- (6) The activity will occur during College examination periods; or
 - (7) The activity is unlawful.
- d. When assessing a request to reserve campus facilities, the College and its administrators must not consider the content or viewpoint of the expression or the possible reaction to that expression. The College shall not impose restrictions on Active Students, Student Organizations, or College employees 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 an Active Student's, Student Organization's, or College employee's expression, College officials (including College police or other security personnel) shall use their best efforts to ensure public safety while allowing the expressive activity to continue.
 - e. 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.
 - f. During an event, the Active Student, Student Organization, or College employee 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.

3. Outside Individuals or Groups:

- a. The College reserves the right to deny the use of its facilities to Outside Individuals or Groups 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 Outside Individuals or Groups.
- 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. Except as permitted by rental under paragraph 3.b., Outside Individuals or Groups are permitted to engage in expressive activity on campus only subject to the requirements in paragraph 3.d below and only in designated outdoor areas ("Free Speech Areas"). A list of the Free Speech Areas is available from the Office of the Dean of Student Affairs. Before engaging in expressive activity on campus, Outside Individuals or Groups must 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. Reservations will not be denied based on the content or viewpoint of the proposed expressive activity. Reservations will be denied only based on one or more of the following reasons:

- i. The requested Free Speech 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 3.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 Outside Individual or Group has previously engaged in violent, destructive or unlawful activity on campus.
- d. Any expressive activity by Outside Individuals or Groups on campus within the Free Speech Areas shall be subject to the following reasonable requirements:
- i. The activity must not substantially disrupt previously scheduled campus events.⁴
 - 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 the College's police or 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 the creation of an audio or video recording of any person without such person's permission.

⁴ The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

- x. The activity must not involve conduct that would constitute sexual harassment as defined in the College's Sexual Harassment Policy.
 - xi. The activity must not use sound amplification devices.
 - 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.
 - xv. The activity must not occur during College examination periods.
 - xvi. The activity must not last more than three hours.
 - xvii. The Outside Individuals or Group must not have engaged in expressive activity in Free Speech Areas on campus within the previous seven (7) days.
- e. This policy does not prohibit individuals who are not Active Students, Student Organizations, or College employees from engaging in one-on-one conversations in the outdoor areas of campus, so long as such individuals comply with the requirements listed in paragraphs 3.d.i. through 3.d.xiv. above and do not engage in leafleting or public speaking.
- f. Nothing in this policy is intended to circumvent rights afforded to employee organizations or employees under the Maryland Public Employee Relations Act.

4. Questions:

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