



SECTION 1 Introduction

PART 7 Expressive Activity

Section 1 – Part VII

Purpose

The purpose of the policy is to promote the free exchange of ideas and the safe and efficient operation of the College by:

- Fostering free speech, assembly, and other expressive activities at publicly accessible outdoor areas of any College campus, regardless of the viewpoint being expressed;
- Maintaining an appropriate educational and work environment for all persons present on College property; and
- Protecting and maintaining the security of College property, students, employees and visitors.

In developing and administering this policy, the College recognizes the freedoms guaranteed by the United States and Michigan constitutions, including freedom of speech and assembly. The College also recognizes the need to preserve and protect its property, students, guests and employees, to prevent impermissible disruption of College functions, and to ensure the effective operation of educational, business and related activities of the College.

Expressive activities on the College's campus may be subject to reasonable regulation with regard to the time, place and manner of the activities. College employees will not consider the content or viewpoint of expressive activities when enforcing this policy, including by restricting students' expression based on concerns about other person(s)' negative reaction to the expression. The College reserves all rights afforded to it by law to prohibit or terminate certain speech or expression, including, by way of example only, that which may materially disrupt classwork or involves substantial disorder, involves invasion of the rights of others, incites actions that would harm others, incites violence, is obscene, and/or advocates illegal activities. No policy can address every possible activity or situation that may occur on College property, and the College reserves the right to address such situations as circumstances warrant.

Expressive activities carried out under this policy are not speech made by, on behalf of, or endorsed by the College.

Scope

This policy applies on all College campuses. This policy does not apply to use of any area of any College campus by College employees who are acting in the course of their job responsibilities. This policy does not apply to use of College facilities or grounds for official events sponsored by the College. This policy shall not apply to any person or organization desiring to advertise or sell merchandise or services for commercial purposes on campus[ckh1]

[/sites/AdministrativeServices/VPofAdmin/Policy%20Manual/EXPRESSIVE%20ACTIVITY%20POLICY%20-%2001%2010%202018.DOCX#_msocom_1]

. Any person or organization desiring to sell or advertise merchandise or services on campus should contact Administrative Services.

Policy

I. Expressive Activity Defined. "Expressive Activity" is defined as the carrying or displaying of signs or placards, leafleting, campaigning, marches, rallies, parades, demonstrations, protests, assemblies, speeches, circulation of petitions, and/or any public demonstration on College grounds.

II. Expressive Activity for Enrolled Students and Registered Student Groups

A. General Access: Registered students and student groups may use, without prior notification or permission, any publicly accessible outdoor area of any College campus except parking lots, garages and driveways. Federal, state and local laws as well as all applicable College policies will be enforced. The use of walkways or other common areas may not block the free passage of others nor impede the regular operation of the College.

Use of the publicly accessible outdoor area may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions. There is no limit to the number of times a month a person or group may access these areas, provided that access is limited to hours when the College is open to the public.

During work and class hours, or if the area is currently in use for an official College event, amplification will be restricted if it interferes with College operations or violates noise ordinances.

B. Large groups: Except in the circumstances described below, any person or group whose use of an outdoor area for demonstration, protest or distribution or literature is expected or reasonably likely to have more than fifty (50) people in attendance shall notify the Vice President for Administrative Services, Student Services, or his/her designee at least two (2) business days before the day of the activity. Notification may be submitted in person at the Administration office. Notification shall include information as to the specific location requested to be used for the event and the estimated expected number of persons, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one

person who will be personally present.

Prior notice is necessary to help ensure that there is sufficient space for the large group event, that the large group event does not conflict with any another College event or use, and that sufficient College resources are available for crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group must provide the College with as much advance notice as circumstances reasonably permit.

The College may require groups that exceed 50 individuals to engage in expressive activity in specified areas that do not interfere with College operations, public safety, the educational process, and allow unobstructed access to the College for its students, faculty, employees and occupants.

C. Reserved Space: In addition to the general right of access to outdoor areas of campus described above, any registered student or student organization may seek to reserve the use of specific outdoor areas by contacting room.reservations@montcalm.edu. Requests by a registered student or student organization to reserve such area or space shall be made at least 14 business days before the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity, violates College policy or interferes with College operations, public safety, the educational process, or unobstructed access to the College for its students, faculty, employees and occupants.

A student or student organization that has reserved a specific area or space under this policy will have priority over any other persons seeking to use the area or space during the scheduled time period. Any decision denying a request will be promptly communicated (within 48 hours of receiving the request) in writing to the requester and will set forth the basis for the denial.

The content of the anticipated speech or other expressive activity will not form the basis for a denial. However, the College reserves all rights afforded to it by law to prohibit or terminate certain speech or expression, including, by way of example only, that which may materially disrupt classwork or involves substantial disorder, involves invasion of the rights of others, incites actions that would harm others, incites violence, is obscene, and/or advocates illegal activities.

III. Expressive Activity by College Visitors.

A. Requests to Engage in Expressive Activity. Members of the public who are not registered students or student organizations must receive a permit before engaging in Expressive Activity on any College campus. Requests to schedule Expressive Activity on the College grounds shall be made to the Vice President for Administrative Services or his/her designee (hereinafter, Vice President).

Requests may be submitted in person at the Administration office, or by email at room.reservation@montcalm.edu.

B. Process. Requests must be made in writing to the Vice President during regular business hours at least 48 hours prior to any Expressive Activity on a form supplied by the College. Each request shall be in writing and shall contain the following information:

1. Name/address/telephone number(s) of contact person(s).
2. Name/address/telephone number(s) of back-up contact person(s).
3. Date and hours requested for the expressive activity and duration of the expressive activity.
4. Area requested for use.
5. Number of anticipated participants.
6. Structures to be used in the expressive activity.

In order to assure the reasonable conduct of public business, the educational process, unobstructed access to the College for its students, faculty, employees, occupants and the public, and to maintain public safety and College grounds, the Vice President has been delegated the authority to approve, modify or deny an application for expressive activity. The Vice President, will not take the content of the speech into consideration when approving, modifying or denying an application. However, the College reserves all rights afforded to it by law to prohibit or terminate certain speech or expression, including, by way of example only, that which may materially disrupt classwork or involves substantial disorder, involves invasion of the rights of others, incites actions that would harm others, incites violence, is obscene, and/or advocates illegal activities. All decisions by the Vice President required under these procedures shall be made promptly, but no later than 24 hours after receiving the written request.

C. Appeal. If a person or organization is aggrieved by a decision of the Vice President, an appeal may be taken to the College President within three College business days of that decision. The appeal shall be in writing, stating the basis therefore, and the relief sought. The College President shall promptly announce their decision.

IV. Rules. Use of College grounds is subject to the following:

A. In order to maintain the security, safety and aesthetic appearance of the College and College grounds, and to provide for regular maintenance, improvements or alterations, Expressive Activity on the College grounds may

occur only between the hours of 8:00 a.m. and 8:00 p.m. and shall at no time block any entrance or exit of the buildings, or impede free access to the buildings or parking lots by its students, faculty, employees, occupants or the public.

B. No activity shall substantially impede or interfere with College business, the educational process, or public access to College grounds.

C. To provide for regular maintenance, improvements or alterations of the College grounds and in order to maintain the security, safety and aesthetic appearance of the College and College grounds, equipment, signs, banners or structures of any kind that are placed on the College grounds shall be free standing and shall not be affixed to any building, tree, monument, fixture or other College structure. The equipment, signs, banners or structures shall be entirely removed at the conclusion of the expressive activity, or no later than 8:00 p.m. on any day of any Expressive Activity. Structures (whether for shelter or for any other purpose) must be pre-approved by the Vice President.

D. Due to the presence of underground utility, electrical and drainage lines, signs, banners or other objects shall not be driven into the ground; nor shall they be supported in or by any tree, monument or other structure affixed to the College grounds. Signs, banners or objects supported by freestanding devices may not be left unattended, i.e., an individual must be stationed within six feet of a freestanding sign or banner at all times to prevent damage to the property and injury to individuals.

E. Defacing or damaging the College grounds, including but not limited to trees, shrubbery, flowers, lawns, sidewalks, parking lots, fences, lighting fixtures, light wells, fire hydrants, benches, statues, monuments, plaques, and such subterranean features as are necessary for the maintenance and operation of the College (such as lawn sprinkler systems, sewer and water mains, electrical conduit, etc.), or any other feature is not allowed. Likewise, defacing or damaging the buildings, including the exterior walls and surfaces of the building, entrances, porches and staircases, is not allowed.

F. Stepping or climbing upon statues, monuments, fences, lighting fixtures, light wells, trees, or parts of the College building not intended for such purposes is not allowed.

G. No sign located within 50 feet of a roadway, entrance or exit shall be larger than 3' x 3', and no sign shall block the sight lines of drivers entering or exiting the College grounds or traveling on a public roadway around the College.

H. Vehicles are not allowed on the College grounds, except in areas designated for vehicular use.

I. Camping or sleeping overnight on the College grounds is not allowed.

J. Alcoholic beverages or any other controlled substance shall not be possessed,

dispensed, or consumed on the College grounds without President pre-approval.

K. Individuals distributing literature shall remove all discarded items from the general area(s) of distribution at the conclusion of their activity.

L. Firearms, or other weapons are not allowed on campus.

M. All persons must comply with all College policies, Campus Rules and Regulations, and local, state and federal ordinances and statutes.

N. Expressive Activity inside College buildings is prohibited.

O. Distribution/solicitation by placing any material on vehicles in the parking lots or garages is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.

V. Enforcement. The College reserves the right to stop any activity that substantially interferes with or disrupts the normal activities of the College; interferes with the educational process; or violates any of the conditions covering expressive activity under this policy. Any person or organization may report a complaint of violation of this policy to the Vice President for Administrative Services by providing a written statement to the college. Once received, the VPAS or their designee, will begin an investigation regarding the incident/activity. Any person that is found to have violated this policy may be subject to an order to leave College property. Employees in violation of this policy may be subject to discipline, up to and including termination. Students in violation of this policy may be subject to discipline under the applicable Code of Conduct.

Added 1/10/2018

Updated 7/7/2022