



## Expressive Activities Policy

### Policy 224.01 Expressive Activities by the Campus Community

In accordance with Act 2019-396 of the Alabama Legislature and the ACCS Board of Trustees' Policy 224.01: Expressive Activities by the Campus Community, effective December 9, 2020, Wallace Community College's implementing policy on Expressive Activities by the Campus Community is as follows:

#### I. Findings.

##### The Wallace Community College finds the following:

- A. A primary function of Wallace Community College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and to fulfill that function, Wallace Community College will strive to ensure the fullest degree possible of intellectual freedom and free expression.
- B. It is not the proper role of Wallace Community 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 spontaneously and contemporaneously assemble, speak, and distribute literature.
- D. Wallace Community College supports free association and will 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 leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.
- E. Wallace Community College will strive to remain neutral, as an institution, on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the institution, and Wallace Community College will not require students, faculty, or staff to publicly express a given view of a public controversy.
- F. Wallace Community College prohibits all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

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**II. Speech and Expression in Outdoor Areas, Invited Speakers, and Security.**

- A. For purposes of this policy, the "Campus Community" includes Wallace Community College's students, administrators, faculty, and staff as well as the invited guests of the College and the College's recognized student organizations (including organizations seeking recognition), administrators, faculty and staff.
- B. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of Wallace Community College's campus that enjoy general access during regular hours of College operation, subject to the limitations described below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, 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:
1. Areas within 25 feet of classrooms and Athletic facilities;
  2. Areas being used as outdoor classrooms,
  3. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
- D. This policy does not apply to expressive activities that take place in indoor areas of Wallace Community College property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Wallace Community College policies and ACCS Board of Trustees Policy 507.01, subject to the requirement that Wallace Community College must be open to any speaker whom Wallace Community College's student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
- E. Members of the Campus Community who engage in expressive activities in permitted outdoor 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 Wallace Community 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. A member of the Campus Community or a Student Organization can sponsor an outdoor expressive activity by completing the Expressive Activity Request form by clicking this link ([Expressive Activity Request](#)). The Director of Student and Campus Services on the Wallace Campus or Coordinator of Student Services on the Sparks Campus serve as the approval authority for outdoor Expressive Activities.

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- F. To appeal any denial of the Expressive Activities, the sponsor must appeal in writing to the Dean of Student Affairs and Sparks Campus. The Dean will investigate the rationale for the denial and provide a ruling on the appeal within ten business days. If the sponsor disagrees with the Dean's ruling, the sponsor can make a final appeal to the President or his/her designee in writing. This written appeal must expressly state the grounds of such an appeal based on the Dean's ruling within seven working days of receiving this ruling. Appealing to the President or his/her designee is the final step of the Expressive Activities appeal process.
- G. Outdoor expressive activities must be approved by completing the Expressive Activity Request form which will designate the area for this activity. After the expressive activity's approval, the Student Life Coordinator will coordinate these activities with the sponsor by completing the **Internal Use of Campus Facilities** form.
- H. Conduct that may materially and substantially disrupt the functioning of Wallace Community 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 in prohibited or restricted areas as defined in the, Speech and Expression in Outdoor Areas, Invited Speakers, and Security section C;
  11. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or

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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.
- I. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.
  - J. Wallace Community College will provide police and/or security officers and use other security measures to ensure all participants' safety, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity. Please know that these customary fees for security at the College are subject to change.
    1. If the organizer of the event or the College determines that security is needed for an event, beyond what the College typically provides during regular hours of operation, the organizers of the event will be charged a fee based on the number of expected attendees.
    2. An updated fee schedule for security will be provided by the Police Chief's office at Wallace Community College upon request. The President may waive this security fee, but may not base the decision based on the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the Campus Community or to the public.
  - K. Wallace Community College may also charge a fee for the use of campus facilities, such as for the use of ITS resources or cleanup costs. These fees will not be based on the content of the expressive activity. ITS fees are notated on the Use of the Facility Application form.
  - L. To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security are expected to provide sufficient notice to the Wallace Community College, Chief of Police at (334) 983-3521, at least one week in advance of the event. Such arrangements enable Wallace Community College to ensure the event takes place in a safe and constructive manner.
  - M. Individuals and groups who engage in expressive activity in outdoor areas on Wallace Community College property are subject to Wallace Community College policies relating to use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, tobacco, and trespass. Wallace Community College prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events. Refer to the Student Handbook, College Catalog, or the Personnel Handbook for more information.

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- N. Wallace Community College shall not permit the Campus Community members 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. Disciplinary sanctions for members of the Campus Community under Wallace Community College's jurisdiction who violate this subsection shall be handled through the Judiciary Committee.
- O. Nothing in this policy shall be construed to prevent Wallace Community College from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:
1. Violations of state or federal law, including, but not limited to, actions that damage institutional 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 the institution.
  7. Any constitutional time, place, and manner restrictions for outdoor areas of campus 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.
- P. Complaints and questions regarding the application of this policy should be addressed in accordance with [General Complaint and Grievance Procedures](#) outlined in College Catalog.

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

Individuals, organizations, and groups, both internal and external to Wallace Community College, may not conduct commercial transactions or engage in commercial speech on Wallace Community College property unless authorized pursuant to [ACCS Board of Trustees Policy 515.01](#) and approved by the President in advance.

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 therefore deemed commercial speech under this policy.

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**IV. Policy Distribution.**

This policy will be included in new student, new faculty, and new staff orientation programs. Wallace Community College shall disseminate this policy to all campus community members and make this policy available in handbooks and our website.

**V. Relationship to Other Policies.**

This policy shall supersede and nullify any previous Wallace Community College policies that could regulate speech on Wallace Community College campuses. However, this policy is not intended to supersede, nullify, or amend any Wallace Community College policy that regulates the reservations and use of interior spaces on campus or charge incidental fees for the use of such spaces.

**VI. Annual Report.**

Wallace Community College will submit an annual report to the Chancellor and Board of Trustees by August 15 for the prior 12-month period ending July 31 that includes the following:

1. The date and description of each violation of this policy.
2. A description of the administrative handling and discipline relating to each violation.
3. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
4. Any additional assessments, criticism, commendations, or recommendations Wallace Community College sees fit to include.