



## **Policy: Freedom of Expression and Dissent**

### **1.1 General**

This policy establishes protections for freedom of expression and dissent for all members of Luna Community College – students, faculty, staff, and hosted visitors.

### **Freedom of Expression**

As an academic institution, the College is dedicated to the advancement of knowledge.

The College is dependent upon an unfettered flow of ideas, not only in the classroom, but also in all College activities. Therefore, persons, organizations, or groups have the freedom to present diverse viewpoints, which may expose people to ideas some may find offensive. The manner that ideas are expressed may cause discomfort or distress to those who oppose those ideas. The appropriate response to such speech is speech expressing opposing ideas or thought and continued dialogue, not restriction of speech.

The only limits on free expression are those dictated by law, limits necessary to protect safety, the rights of others to learn, work and conduct business and the normal functioning of the College. Speech activity that unduly interferes with the rights of others or the ability of the College to carry out its mission is not protected by the First Amendment and violates this policy.

## **Dissent**

Dissent, defined as disagreement or a difference of opinion, is integral to the purpose of higher education. A college must be an optimal learning environment and all members of the Luna Community College community have a responsibility to maintain an atmosphere of free inquiry and expression that is orderly, safe and regulated within restrictions of time, location, and method.

### **1.2 Policy Statement**

The College is committed to tolerate all peaceful speech activities carried out upon the campus unless those activities destroy or materially damage property, materially disrupt other legitimate College activities, or create a substantial health or safety hazard. This policy applies to all buildings, grounds, and property owned or controlled by the College.

## **2.0 Activities**

### **2.1 Speech**

Speech Activities protected by this policy include speechmaking, praying, the distribution of written materials, picketing, assembling in groups, demonstrating, sidewalk chalking, erecting symbolic structures, and any other actual or symbolic speech or conduct intended to communicate an idea.

## **2.2 Legitimate College Activities**

Legitimate College activities include teaching and public service; all of the administrative operations supporting those activities; and the performance of all College approved educational, commercial, research, professional or other activities by public or private is contractors, tenants, or permittees. An activity scheduled under **Section 3**, herein a LEGITIMATE College activity.

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## **2.3 Prohibited Materially Disrupting Activities**

A speech activity materially disrupts other legitimate College activities when a reasonable person is unable to effectively perform a legitimate College activity because of the speech activity taking place. The only limits on speech and/or freedom of expression are those dictated by law, limits necessary to protect the safety and rights of others, and limits to ensure the normal functioning of the College. Examples of when a speech activity may materially disrupt other legitimate College activities include, but are not limited to:

- Threaten or endanger the health or safety of any person in the College community;
- Deny or infringe upon the rights of other students, faculty, staff, and guests of the College community;

- Conducting the speech activity at a volume that substantially disrupts the normal use of classrooms, offices, and other College facilities or grounds;
- Physically preventing persons from entering or leaving a building or premises;
- Obstruct pedestrian or vehicular traffic on campus;
- Destroying or materially damaging, or contributing to property damage;

### **3.0 Scheduling**

Scheduling is subject to the exceptions described in Section 3.1 below, scheduling to use College facilities for speech activities is not required. Users, however, should be aware that many facilities, both indoor and outdoor, are used for regular scheduled activities that have priority over other uses. In order to reserve the desired space and avoid conflicts with other users, groups or individuals wanting to use a regularly scheduled College facility for a speech activity are encouraged and recommended to schedule the activity at least twenty-four (24) hours in advance with the College Facilities Department, or the office that schedules the desired site. Users who fail to schedule speech activity that occurs and unduly interferes with a prior scheduled activity are in violation of this policy.

### **3.1 Scheduling Required**

Because of size, safety, logistics, and other considerations, the following types of speech activities must be scheduled in advance:

- Assemblies of events in a College auditorium or similar facility. Users must schedule such events by following the procedures of the appropriate College

department or office that oversees the facility or by contacting the Facilities Department for information regarding the individual facility.

- Planned demonstrations on campus. A planned demonstration is public expression of protest, or approval; taking the form of a mass meeting, procession, picket, or similar activity which is organized and promoted more than twenty-four (24) hours prior to an event. Users must schedule such events with the Facilities Department at least twenty-four (24) hours in advance. This does not apply to unplanned demonstrations for which there was no prior promotion or organization or where events do not allow at least twenty-four (24) hours notice in advance. In such cases, as much prior notice as possible must be provided to the Facilities Department.
- Building a symbolic structure on campus, must be scheduled with the Facilities Department at least twenty-four (24) hours in advance.

Scheduling of a speech event does not operate as a process for prior approval of speech activities based upon content. Speech activities will be scheduled on a first-come, first-served basis for the requested location. Speech events will not be scheduled only if there is a scheduling conflict with an earlier planned event or if the requested event will clearly result in a violation of this policy. The viewpoint to be expressed through the speech activity is not a factor in scheduling. A decision not to schedule a speech event may immediately be appealed to the College President or designee.

## **4.0 Enforcement**

Any person violating this policy may be subject to:

- Institutional disciplinary proceedings under the Student Code of Conduct, if a student. Violations by faculty or staff will be referred to the appropriate department or academic unit.
- An order to leave the premises or property owned or controlled by the College by law enforcement or a person in charge of the property; and/or
- Arrest for violation of state law(s).