

DIVISION III. Student Services	PROCEDURE NUMBER 3.11.00.01 (1)
CATEGORY 3.11.00.01 Free Speech and Expression	DATE Adopted: 4/2018

3.11.00.01 **Procedures Related to Free Speech and Expression**

These Procedures are implemented pursuant 3.11.00 titled Policy on Freedom of Expression. These Procedures shall be interpreted and applied in a manner that is consistent with the Policy. These Procedures apply to the College’s main campus, but can be adopted for use at other facilities operated by the College.

A. The Scope of these Procedures

The Policy authorizes the College to adopt Procedures that address the expressive activity rights and responsibilities of the College community, which consists of students, faculty, administrators and other employees of the College and visitors to the College. These Procedures address the rights of students enrolled in the College and unaffiliated individuals and organizations.

These Procedures do not apply to activities sponsored by the College, including College educational and social activities, college and career fairs, invited speakers, College sponsored academic or social programming, and activities sponsored by student organizations and clubs recognized by the College. The procedures related to activities sponsored by student organizations or clubs recognized by the College are available in the Office of Student Activities.

These Procedures also do not apply to the rights and responsibilities of members of the College faculty. The expressive activities of members of the faculty are addressed in other policies, procedures or guidelines adopted by the College.

These Procedures do not apply to areas the College makes available for rent to individuals or organizations seeking to rent space from the College for meetings, conferences, or other types of business or social events. The use of those facilities is governed by the College’s rental agreements and the terms of its facilities rental program.

B. Expressive Activity on Campus

Subject to these Procedures, individuals may exercise their right of expression on the exterior areas of the campus, and in interior hallways and vestibules. Areas of the campus, such as libraries, classrooms, study areas, cafeterias, automated vending areas, the Event Center, administrative offices, exercise facilities and other areas that are designated for educational, operational or administrative activities, and areas that are available through the College’s rental program, are not available for this purpose. If an individual has any questions about whether a



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particular area of the campus is available for expressive activity, they may contact the Office of Student Rights and Responsibilities for clarification.

The College does not endorse, approve or assume any obligation or responsibility for the content of such expression.

C. Reservation of Designated Free Speech Areas

The College will allow individuals to reserve defined areas of the campus for expressive activity. These areas have been designated as Free Speech Areas that can be reserved in advance for priority use during the reserved period. The designation of a campus location as a Free Speech Area does not prevent individuals from exercising their rights at other locations on the campus or in a Free Speech Area that has not been reserved.

The current list of Free Speech Areas includes the following:

- D Building in front of the Student Center
- Cafeteria Dining Area – Lower Level
- The area in front of the Campus Center at the Bell Tower – A Building
- The picnic grove and concrete pads
- South Bridge Area
- Lower Level of the J Building (old Cafeteria)
- Lower Level Concourse Areas in C, D, E, F, S, T and U Buildings
- J Building Lobby Area

A current list of Free Speech Areas will be maintained on the College’s website and in the Office of Student Rights and Responsibilities.

The College also may approve requests to reserve other areas of the College for expressive activity if, for example, Free Speech Areas are not available or are not suitable for a particular activity.

These Procedures do not limit the authority of the College to reserve Free Speech Areas or other areas of the College for College activities and activities sponsored by student organizations and clubs approved by the College. The College also has the authority to limit reservations of Free Speech Areas and other areas of the College during parts of the school year or large events, such as Discover JJC, Main Street, Examination week, and other College-wide activities.



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If individuals wish to reserve a Free Speech Area they must comply with procedures established by the Office of Student Rights and Responsibilities. Those procedures will honor the following principles:

1. Applications should be submitted at least five (5) business days before the activity. This is an important requirement because reservations for available Free Speech Areas generally are approved in the order in which they are submitted and because the College needs advance notice of requests for tables and chairs. A delay in submitting a request might require the applicant to accept an alternative area or date.
2. If an applicant requests that the College provide tables or chairs for an activity, the applicant must allow sufficient time for the Facilities Department to accommodate the request.
3. Applications to reserve a Free Speech Area will not be rejected if they are submitted less than five (5) business days before the activity, provided that the requested space is available and the College can otherwise accommodate the request.
4. The Office of Student Rights and Responsibilities will prepare an application form to be used for reserving Free Speech Areas. The form may ask applicants to describe the purpose of the activity, the number of tables and chairs they will need, whether they will be using signs or posters and materials they may be distributing during the activity. Applicants are encouraged to provide this information so that the College can anticipate and address circumstances that might interfere with the applicant’s expressive activity.
5. Applicants are required to provide an estimate of the number of individuals who will participate in the activity. This information will assist the College in determining whether the requested Free Speech Area is suitable for the proposed purpose.



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6. For activities involving a large number of participants, as defined in the General Principles, the College may require the applicant to meet with the Office of Student Rights and Responsibilities and campus police personnel so that relevant safety issues can be addressed.
7. Applicants also can request that the College reserve other areas of the campus that are not designated as Free Speech Areas. In such cases, applicants must provide a reasonable description of the area they are seeking to reserve. The College reserves the right to determine the location based on the best interest of the College.

The Office of Student Rights and Responsibilities will determine, on a content neutral basis, the amount of time a Free Speech Area can be reserved. The purpose of defining the time in which a Free Speech Area is reserved is to insure that Free Speech Areas are available to many individuals and organizations in the College community and to define the period in which the applicant has priority use of the Free Speech Area.

Individuals who have reserved Free Speech Areas or other areas of the campus approved by the College will have priority use of those areas, unless they do not use the reserved area at the reserved time. If a Free Speech Area has not been reserved, or the individuals who reserved an area do not use it at the reserved time, the area will be considered an unreserved part of the campus.

Individuals who are applying to reserve Free Speech Areas or other areas of campus are not required to provide copies of materials they intend to distribute at their activity. College administrators will not consider viewpoint when considering an application to reserve a Free Speech Area. If an applicant or administrator is concerned that the proposed use of a Free Speech Area might violate a law or College policy or procedure or pose a substantial risk of harm to the applicant or other members of the College community, they are encouraged to consult with the Vice President of Student Development in advance of the activity. In addressing such concerns, the goal will be to provide the Free Speech Area in a time, place and manner that reasonably balances the concerns expressed by the applicant or administrator and the applicants' right to engage in expressive activity.

Individuals must comply with these Procedures when using a Free Speech Area or other areas of the College.



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D. Methods of Distribution of Non-Commercial Materials on Campus

Non-commercial materials may be distributed by the following manner:

1. hand to hand distribution;
2. in reserved Free Speech Areas;
3. on Free Speech Boards; and
4. at designated tables or counters

Individuals who have reserved a Free Speech Area may distribute informational, non-commercial materials to individuals in that area, subject to the General Principles outlined below. The term “informational, non-commercial materials” means materials that inform others about an issue or a not-for-profit organization or its activities. Materials that advertise for-profit entities or the sale of goods or services are not informational, non-commercial materials. Commercial activities are subject to Board Policy No. 9.01.00 titled “Use of Facilities.”

Individuals also may distribute informational, non-commercial materials to individuals at other locations on the campus, without reserving a Free Speech Area, subject to the General Principles outlined below. Materials may not be attached to buildings, trees or other physical property of the College. Materials also may not be left unattended on furniture, floors, counters, tables, desks, chairs, or other surfaces or placed on vehicles parked on College property. This restriction does not apply to tables or counters set up by the Office of Student Activities. Prior approval before hand-to-hand distribution of informational, non-commercial materials is not required.

E. Posting Materials

The section of Board Policy 11.01 related to “Posting and Distribution of Flyers” (Section 2-103 A (27)) is clarified as follows. The phrase “knowingly post or deliver” prohibits affixing materials to buildings, trees or other physical property of the College or placing materials on motor vehicles parked on College property. The phrase “advertisement or notice” in Policy 11.01 prohibits the distribution of commercial advertisements and notices. Policy 11.01 does not restrict the right to distribute informational, non-commercial materials or to post such materials on designated Free Speech Boards. These Procedures also clarify that the document titled JJC Office of Student Activities Posting Guidelines dated March 20, 2012 is not in effect.

The College currently has established Free Speech Boards at the following locations:

- J Building Lower Level (J-0037)



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D Building
 S/T Building

If the College establishes additional Free Speech Boards, the locations of those Boards will be published on the College’s website and will be available in the Office of Student Rights and Responsibilities.

Individuals may request that the Office of Student Activities post materials for them on Free Speech Boards. Individuals who request this service must comply with procedures developed by the Office of Student Activities. Individuals also may post materials directly on Free Speech Boards without the assistance of the Office of Student Activities.

Materials posted on Free Speech Boards should not be larger than 8 ½ x 11 inches and must not violate federal, state or local law, include commercial advertisements or solicitations, or advertise activities that involve the consumption of alcohol or illegal narcotics. The College periodically will remove materials from the Free Speech Boards if they are out-of-date or to insure that the boards are available for use by other individuals. The College also may remove materials that do not comply with these Procedures.

Individuals are encouraged to provide materials to the Office of Student Activities for posting on Free Speech Boards, but this is not a requirement. Individuals also are encouraged to include the posting date and contact information on the materials they post if they do not wish to provide that information to the Office of Student Activities. If an individual provides contact information on the posted materials or to the Office of Student Activities, and there are issues related to whether those materials comply with these Procedures, the Office of Student Activities will attempt to work with the individual to address those issues. Questions or concerns about the Free Speech Boards should be addressed to the Office of Student Rights and Responsibilities.

If the College determines that allowing individuals to post materials directly to Free Speech Boards without assistance from the Office of Student Activities unreasonably interferes with access to those boards by others, the Office of Student Rights and Responsibilities is authorized to establish a procedure that requires individuals to submit materials to the Office of Student Activities to be posted. If this procedure is implemented, the Office of Student Activities and the Office of Student Rights and Responsibilities will not consider the content of the material to be posted, but may decline to post material that violates federal, state or local law or does not comply with these Procedures.



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The Office of Student Activities also will designate counters or tables so that individuals can place flyers, brochures or other materials for others to access. The Office of Student Activities will maintain these counters or tables in the same manner that it maintains Free Speech Boards.

Other bulletin boards have been reserved for materials posted by the College and student organizations or clubs approved by the College. The use of those bulletin boards is managed by the Office of Student Activities. If students want to form a College club or organization, they are encouraged to contact the Office of Student Activities.

F. General Principles

The designation of Free Speech Areas that can be reserved according to the Procedures addressed in this procedure does not limit the ability individuals to engage in expression at other locations on the campus, or in Free Speech Areas when those areas are not reserved.

This section of the Procedures addresses general principles for the use of the campus for expressive activity, including Free Speech Areas. These principles have been drafted to balance the interests of individuals who wish to engage in expressive activity and the interests of individuals who wish to access College facilities for educational and other College activities.

1. Interference or Obstruction. Individuals may not interfere with or obstruct classes, research, spaces reserved for quiet study such as libraries, and other educational or administrative functions of the College. Individuals also may not interfere with or obstruct efforts by other individuals to exercise their rights to expressive activity.

2. Physical Access. Activities may not impede or obstruct physical access to classrooms, laboratories, libraries, offices or other College facilities. For this reason, individuals may not prevent others from using areas such as sidewalks, hallways, stairs or entryways.

3. Personal Injury. Individuals may not cause physical injury to any person, including members of the College community and individuals visiting the College.



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4. Roadways and Walkways. Individuals may not obstruct campus roadways or parking areas and may not block or interfere with vehicular, bicycle or pedestrian traffic. College parking lots are considered roadways and for the safety of pedestrians and to minimize driver distraction individuals may not distribute literature in parking lots or roadways.

5. Damage to Property. Individuals may not damage College property or the property of individuals. This includes campus buildings, fixtures and landscaping, and the vehicles and personal property of members of the College community and individuals visiting the College.

6. Violence or Force. Acts of violence are not permitted. Likewise, the use of force or the threat of force to interfere with expressive activity or interfere with or force the cancellation of an activity is not permitted. Organizers of activities who believe violence or use of force may occur are encouraged to notify the Office of Student Rights and Responsibilities at least five (5) business days in advance of the activity so that the College can implement appropriate security procedures.

7. Noise. Noise levels may not interfere with classes, meetings, quiet areas reserved for study such as libraries, or other College activities. Noise levels also may not interfere with attempts by others to exercise their right to expressive activity.

8. Amplified Sound. Individuals requesting the use of amplified sound must request authorization from the Office of Student Rights and Responsibilities at least five (5) business days before the activity so that the College can assess the impact of the anticipated noise level and attempt to resolve potential issues before the activity occurs.

9. Signs and Posters. Signs and posters are allowed during an activity but may not be attached to any College property and may not be used in a manner that



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impedes expressive activity by other individuals, impedes attempts by individuals who are attempting to listen to or observe an activity or creates a risk of physical injury. At least one individual involved in the activity must remain with the poster or sign during the period of the activity. This provision does not apply to materials posted on Free Speech Boards.

- 10. Large Groups. Prior to an outdoor activity that reasonably is anticipated to involve an assembly of more than 100 people or an indoor activity that reasonably is anticipated to involve an assembly of more than 25 people, the organizers are encouraged to notify the Office of Student Rights and Responsibilities at least five (5) business days before the activity so that the College can work with the organizers and College personnel to address issues related to the safety of the participants and other members of the College community.

- 11. Spontaneous Demonstrations and Marches. Spontaneous demonstrations or marches are permitted outside of College buildings subject to the General Principles. Individuals seeking to organize demonstrations or marches are encouraged to discuss their plans with the Office of Student Rights and Responsibilities in advance so that the College can address issues related to the safety of the participants and other members of the College community.

- 12. Time. Individuals generally may engage in expressive activity between the hours of 8 a.m. and 8 p.m. during periods of the year when the College is in session. If individuals wish to engage in expressive activity at other times of the year, or other times of the day, they must notify the Office of Student Rights and Responsibilities at least five (5) days prior to the activity so that the College can determine whether the College will have sufficient personnel available to support the activity. Hand-to-hand distribution is permitted any time the college is open.



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13. Sales and Other Commercial Activities. These Procedures do not allow individuals to use College facilities to engage in commercial activities including the advertising or sale of goods or services. The purpose of the Policy and these Procedures is to facilitate the right to engage in expressive activity for informational, non-commercial purposes. Individuals who wish to engage in advertising, sales or other commercial activities must comply with the College’s procedures for allowing individuals and organizations to engage in commercial activities at the College.

14. Petitions. Individuals may solicit signatures for petitions in the same manner as hand to hand distribution of literature is permitted.

15. Compliance with Law. Individuals must comply with applicable federal, state and local laws, including laws that prohibit injury to others or damage to property.

G. Expressive Activity by Unaffiliated Individuals and Organizations

The College values its role as a public college and its relationship with the communities in District 525. Consistent with these values, the College will make parts of its campus available for expression by individuals and organizations that are not affiliated with the College

An unaffiliated individual or organization is an individual, entity or group that is not affiliated with or sponsored by the College. Students enrolled in the College are not unaffiliated individuals.

Unaffiliated individuals and organizations may reserve Free Speech Areas and post materials pursuant to these Procedures, subject to the understanding that priority will be given to College sponsored activities and activities sponsored by student organizations and clubs recognized by the College. Unaffiliated individuals and organizations are subject to all of the General Principles and may not engage in any activities that violate federal, state or local law or the policies or procedures of the College while on College property.

H. Balancing of Interests

Whether an activity impairs the rights of other individuals will depend on the time and place of the activity and the manner in which the expression occurs relative to other activities occurring at the same time or location. For example, whether the noise level created by an activity is excessive



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may depend on the location of the activity, including whether it is occurring in a building or on an exterior area of the campus. It also may depend on whether other activities are occurring at the same time, including classes, study, College sponsored activities, activities sponsored by student organizations approved by the College, academic examinations, or expression or assembly by other individuals.

The College will attempt to strike a reasonable balance between the rights of the speaker and the rights of others when assessing whether an activity is unreasonably disruptive in a particular setting and will work with the individuals involved to resolve the issue, including relocating or rescheduling activities or reducing noise levels. In balancing such interests, the College will not consider the viewpoints of the individuals involved.

Nothing in these Procedures limits the College’s authority to reserve Campus resources for College activities, and activities sponsored by recognized student organizations and clubs, including areas designated as Free Speech Areas.

If anyone, including students, employees of the College, and individuals or organizations that are not affiliated with the College has any questions about these Procedures or how the Procedures apply to a particular situation, they are encouraged to contact the Office of Student Rights and Responsibilities.