

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 by Active Students and Student Organizations, as those terms are defined in the Student Organization Policy;
- Speeches, performances, demonstrations, rallies, vigils, and other events by Active Students, Student Organizations, and outside individuals and/or organizations invited by Student Organizations;
- 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 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

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

to ensure public safety while allowing the expressive activity to continue.

- 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 organizations who are not Active Students, Student Organizations, or College employees 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, or (2) the College agrees to rent the facility to them pursuant to paragraph 3 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 and Groups:

- a. The College reserves the right to deny the use of its facilities to any non-College organization or individual seeking to rent or use College space. Rental fees will be charged, and additional contractual obligations will apply. Only designated facilities are available for such use and rental.

4. Questions:

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