

# Expressive Activities Policy and Procedure

## I. Statements

In accordance with ACT 2019-396 of the Alabama Legislature and Policy 224.01 of the Alabama Community College Board of Trustees, Wallace State Community College holds the following:

A primary function of the Wallace State Community College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and to fulfill that function, the College will strive to ensure the fullest degree possible of intellectual freedom and free expression. It is not the proper role of the 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. 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 to spontaneously and contemporaneously assemble, speak, and distribute literature. Wallace State Community College supports free association and shall 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. Student organizations must have followed the steps to become an officially recognized club or organization in order to have this benefit.

The College shall 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 College, and the College will not require students, faculty, or staff to publicly express a given view of a public controversy.

The College will prohibit 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.

## II. Speech and Expression in Outdoor Areas

For purposes of this policy, the Campus Community includes the 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.

Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of College property with 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 I, Section 4 of the Alabama Constitution, 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.

Outdoor areas where expressive activities are not allowed include areas of restricted access as identified by the College. They include but are not limited to areas adjacent to classrooms or places of residence; athletic facilities; areas being used as outdoor classrooms or educational training; or areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas. For example, areas that are available include the grassy area between Bailey Building and the Student Center, the grassy area between Bailey Building and Beville Building, the grassy area adjacent to Culinary Arts Building, etc.

Except for Section II.H. below, this policy does not apply to expressive activities that take place in indoor areas of College property including, but not limited to, classrooms or classroom buildings; interior hallways and breezeways;

administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Wallace State policies related to academic freedom, facilities use, and other applicable policies and protocols, subject to the requirement that Wallace State must be open to any speaker whom the institution's student organizations, faculty or staff have invited. These areas may be used for official events sponsored by the College or for non-college use under Board of Trustees Policies [500.01](#) and [507.01](#). An Event Request must be submitted through the appropriate channels to secure the use of buildings, classrooms, etc. This form must be submitted at least (5) business days before the event.

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 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.

Conduct that may materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities may include:

- a. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
- b. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
- c. Violations of a state, federal or local law, regulation, or ordinance;
- d. 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;
- e. Following, badgering, or forcibly detaining individuals;
- f. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
- g. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
- h. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;
- i. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
- j. Engaging in expressive activities in prohibited or restricted areas as defined in Sections II.B. and II.C. above;
- k. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
- l. 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.

Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the functions of an educational institution.

The College may employ police and security officers and use other security measures to ensure the safety of all participants, the Campus Community, and the public. Nothing in the policy shall prohibit the institution 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 or the anticipated reaction to the protected expressive activity.

Additional fees for the use of campus facilities, such as for the use of IT resources or cleanup costs, are not prohibited under this Policy, as long as such fees are not based on the content of the expressive activity.

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 Campus Police should provide sufficient notice to the President or his/her designee, and to the Chief of Police or appropriate campus law enforcement personnel, in advance of the event. Such arrangements enable a College to ensure the event takes place in a safe and constructive manner. Organizers for events of this nature are required to submit an Event Request at least (5) business days before the actual event.

- A. Individuals or groups who engage in expressive activity in outdoor areas on College property are subject to College policies relating to the use and operation of College and campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. The possession or use of clubs, bats, weapons, open flames, or other material objects on campus property during such events is prohibited.
- B. Wallace State shall not permit members of the Campus Community 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 the jurisdiction of the College who violate this subsection shall be handled through existing processes provided for under law and Wallace State Community College policy.
- C. Nothing in this policy shall be construed to prevent Wallace State 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.

Complaints or questions regarding the application of this policy should be addressed by use of the ordinary complaint process at the College for students, faculty, and staff (see Student Handbook and Employee Handbook).

### III. Commercial Activity on Campus

Individuals, organizations and groups, both internal and external to the College, may not conduct commercial transactions or engage in commercial speech on College property unless authorized pursuant to Board of Trustees [Policy 515.01](#) and approved in accordance with the College's policy regarding solicitation on campus.

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 is therefore deemed commercial speech under this policy.