

COLLEGE of CHARLESTON

OFFICIAL POLICY

12.6.4 **Free Speech, Expression, and Assembly of Students, Faculty and Staff** **07/20/2020**

Policy Statement

The College supports the rights of students, faculty, and staff (the “College Community”) to discuss, express, advocate or examine issues or ideas within constitutionally valid limitations. Expressive activities and inquiry are fundamental to the academic endeavor. The College also recognizes the need to accommodate the rights of all members of the College Community. As a result, expressive activities, such as speaking, non-verbal expressive activity, holding signage, handing out literature, and similar activity must be conducted by members of the College Community in accordance with the content-neutral time, place, and manner restrictions listed below and in other College policies.

Policy Manager and Responsible Department or Office

President’s Office in association with the Office of Student Affairs

Policy

Members of the College Community may conduct expressive activity in the publicly accessible outdoor portions of campus, excluding parking lots, parking garages, driveways, and entrances to buildings. Expressive activity may not impede the free flow of pedestrian or vehicular traffic through campus, nor may it impede access to buildings or the regular operation of the College. Some outdoor spaces are available for advance reservation through the Office of Student Affairs (e.g. Stern Center Garden) in accordance with their Facility Use Policy. Once reserved, those areas are for the exclusive use of the groups that reserved them during the time period of the reservation. The administration of the College further reserves the right to conduct College-sponsored events in any outdoor space at the College (e.g., Commencement in the Cistern Yard) and to prohibit activity that materially interferes with such events.

It is strongly recommended that members of the College Community planning expressive activity likely to include 50 or more people, or likely to require security regardless of size, give as much advance notice as possible to the Executive Vice President for Student Affairs—and preferably notice of at least one week. Please know that all expressive activity is conducted at the participants’ own risk and that the College cannot guarantee a particular level of security. This is all the more true when the College is not given reasonable advance notice of the activity. The College will, however, work with groups who provide reasonable advance notice and discuss the availability of and arrangements for security services.

Nothing in this policy is intended to infringe upon any legal rights regarding freedom of speech. Application of the policy shall not be arbitrary or capricious and shall not be based upon the content of the proposed speech and nothing in this policy shall be interpreted in such a way as to discriminate on the basis of viewpoint or content of the expression, including but not limited to political, religious, social or other content.

If any expressive activity or other event is planned in an area requiring reservation under the Facilities Use Policy, the members of the College Community must comply with all aspects of that policy.

All expressive activity under this policy is subject to reasonable, content-neutral time, place, and manner restrictions, including the following¹:

- (1) Participants may not block any entrances to any buildings;
- (2) Participants may not interrupt the flow of traffic (pedestrian or vehicular);
- (3) Participants may not materially disturb the orderly conduct of the College business;
- (4) The use of sound amplification must comply with the Sound Amplification Policy;
- (5) Participants may not use any language or conduct that is obscene, defamatory, incites the imminent violation of law, or creates a clear and present threat to public safety;
- (6) Participants may not engage in behavior or activity prohibited in this policy and must comply with the lawful instructions / directions of any law enforcement officers;
- (7) Participants may not use, brandish, or otherwise display weapons or anything that would reasonably be perceived to be a weapon, including but not limited to, clubs, knives, firearms, toy guns, etc., which could be used to threaten or injure persons or property;
- (8) Participants may not engage in expressive activity during the “dark period” defined as the time from 12:01 a.m. on Reading Day until the last day of final exams.

Moreover, no member of the College Community shall reserve any space under the Facilities Use Policy or otherwise sponsor or host any expressive activity on behalf of or for the use of an outside organization so that the organization can use the space at a reduced rate or under less restrictive terms. This conduct, known as “fronting,” is prohibited. If a member of the College Community participates in fronting, that member may be denied permission to the use Facility, and may be subject to discipline for participating in fronting, if it is determined that the use of the Facility or the expressive activity is not primarily for the benefit of the member in organizing the expressive activity or reserving the Facility.

Notwithstanding this policy or any other policy of the College, any member of the College Community who participates in any expressive activity that violates any local, state, or federal law, or any College Policy may be subject to discipline. The College may disband or require that individuals disperse from any activity or

¹ The College reserves the right to alter or add to these reasonable, content-neutral time, place, and manner restrictions for the benefit of the health and safety of the College Community and / or the public at any time, provided that the restrictions are not altered so as to become unreasonably restrictive of free speech.

event that violates any such policy or law, and failure to follow the directives of campus police or any other law enforcement agency may result in discipline.

Departments/Offices Affected by the Policy

Campus - Wide

Procedures Related to the Policy

Related Policies, Documents or Forms

Issue Date:07/20/20 Date of Policy Revision:07/20/20	Next Review Date:06/20/25
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POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 12.6.4

President or
Chairman, Board of Trustees



Date: 7/15/2020