



## Free Speech and Public Assembly

### Free Speech and Public Assembly Policy

*Approved by and date:*

*Board of Trustees* 12/11/2017

*Executive Leadership Team* 11/16/2017

#### **Policy:**

Kilgore College (KC) fully supports lawful freedom of expression by all members of the academic community, including students. This policy informs members of the College community and the public of the manner in which they may engage in constitutionally protected speech and expression at KC. It is intended to protect one's rights without interfering with the primary educational purpose of the College. The right to reasonably and without regard to content restrict the time, place, and manner of expression is specifically reserved for the College.

#### **Procedures:**

*Approved by and date:*

*Executive Leadership Team* 11/16/2017

Kilgore College encourages its community to exercise the right to freedom of speech granted by the First Amendment to the Constitution of the United States of America. Any acts that are disruptive to normal operations of the College, including but not limited to instruction or college business, or actions that interfere with the rights of others will not be tolerated. The use of Kilgore College's space for public assemblies or demonstrations is available to current academic community members only (faculty, staff and students). Individuals who are not current faculty, staff, or students may not use the College's property for demonstrations, but may apply for a demonstration permit through the city of Kilgore or Longview. Such demonstrations will be limited to city sidewalks immediately adjacent to city streets.

Separate and apart from public assemblies or demonstrations, the College does make specific areas of the campus available to any individual or group through its facility rental procedures.

#### Application for Assemblies/Demonstrations

Generally, the College allows for the spontaneous speech, expression, or assembly of small groups (less than 25 individuals) without pre-approval, subject to the "General Assembly/Demonstrations/Expressive Activities Restrictions" and "Prohibitions of Disrupting College Activities" addressed herein.

Based upon federal law, the College can put reasonable, viewpoint neutral, time, place, and manner of expression restrictions on assemblies to ensure the ongoing safety of the campus community while protecting from any disruption of institutional activities. Therefore, should a large group (25 or more individuals) pre-plan an assembly or demonstration to take place on College property, pre-approval from the College is required. An *Application for Assembly* must be completed in the coordinator of student activities office at least 48 hours in advance and all rules and regulations pertaining to the

application and this policy must be followed. The College will have the authority to decide if overtime police protection is required and, if so, the applicant will be charged such a fee. No fee will be charged based on the content of the speaker/assembly. Application approval will generally be determined on a first come, first served basis if competing applications for the same time or location are received by the College. A student is ineligible to apply if he/she is under disciplinary sanction, suspended, expelled, or owes fines or fees to the College under this policy. An employee is ineligible to apply if he/she has been terminated, or is on leave.

The *Application for Assembly* is designed to ensure that space utilization conflicts and violations of assembly/demonstration restrictions do not occur and that proper crowd control/safety measures are in place. The *Application for Assembly* is subject to viewpoint neutral review and may be denied for the following reasons:

- a. Applicant failed to sign the application, supply all necessary information, or included a misrepresentation
- b. Requested space is not available
- c. The date falls during final examinations
- d. Planned assembly would be disruptive or otherwise violate the rules set forth herein
- e. Applicant is ineligible
- f. Proposed use is not suitable for location
- g. Proposed activity is commercial in nature
- h. Off campus individual or group is actually a sponsor or co-sponsor
- i. Any other viewpoint neutral reason that applies to all groups/speakers and furthers the College's significant interest(s)

All denial decisions will be reviewed and approved by the vice president of student development prior to being communicated to the applicant.

#### General Assembly/Demonstration/Expressive Activities Restrictions

Expressive activities or conduct are subject to the following restrictions:

- a. Kilgore College space for public assemblies or demonstrations is available to current academic community members only (faculty, staff, and students). This right is extended to recognized campus groups, organizations, and clubs whose membership is made up of members of the academic community.
- b. Public assemblies or demonstrations may occur between the hours of 8:00 a.m. and 9:00 p.m. only.
- c. To protect the rights and freedoms of all campus community members, speakers will refrain from the use of obscenities, fighting words, words used to incite violence or lawless action, and defamatory speech. Any signs, literature or written materials may not be obscene, incite others, or be defamatory.
- d. The use of amplified sound must be pre-approved to ensure there is no disruption to college functions.
- e. Any literature, signs, pamphlets, etc. displayed or distributed at public assemblies must also comply with the restrictions listed herein. No litter is permitted.
- f. Assemblies and/or demonstrations that are materially disruptive to Kilgore College's educational environment or the College's activities, that are non-peaceful, and/or that involve substantial disorder or invasion of the rights of others on the property of Kilgore College are prohibited.
- g. The activity or conduct may not promote commercial products or services.

- h. The activity must not interfere with the free flow of vehicular or pedestrian traffic on sidewalks, on streets, at entrances/exits to buildings, or otherwise.
- i. The activity must not involve conduct that does, or is likely to, result in damage or destruction of property.
- j. No one may threaten or endanger the physical safety of any person on the College campus.
- k. The use of fire or fireworks is prohibited.

#### Appeal Procedure for Assembly Applications

Based upon federal law, the College can put reasonable, viewpoint neutral, time, place, and manner of expression restrictions on assemblies. While the college will work with assembly/ demonstration organizers to meet their requests, the College may deny an application for assembly for the reasons set forth herein. Should the event organizers and College staff not be able to agree on mutually agreeable logistics or the *Application for Assembly* is denied, the following appeal process is available.

- a. Applicants aggrieved by the refusal of an application are entitled to appeal to the director of human resources by giving written notice to the vice president of student development on or before the fifth class/business day after the decision is received by the applicant.
- b. The notice is informal, but will contain the applicant's name and College email address, a concise description of the decision complained of, reasons for disagreeing with the decision, and the date the decision was received.
- c. When appeal is received, according to the prescribed deadlines, the vice president of student development will prepare and send to the director of human resources a written statement of reason(s) for refusal and a copy of the application along with copies of any printed material submitted with the application. The director of human resources may meet with the applicant to obtain more information, if desired. The director of human resources will render a decision to uphold, modify, or overturn the coordinator of student activities decision as soon as practicable but no later than five class/business days after receiving the appeal.
- d. The decision of the director of human resources is final.

#### Prohibition of Disrupting College Activities

It is unlawful for any person, on College property or on public property within five hundred feet of College property, alone or in concert with others, to willfully disrupt the conduct of classes or other College activities. In doing so, the person will be guilty of a misdemeanor and upon conviction may be punished by a fine or by confinement for not less than 10 days or more than six months or both, fine and confinement

Conduct that disrupts the educational activities of a College includes emission by any means of noise of an intensity which prevents or hinders classroom instruction and enticement or attempted enticement of students away from classes or other college activities which students are required to attend. (Texas House Bill # 186, 62 Legislature, Regular Session, 1971).

The State law prohibiting disruptive activities defines "disruptive activity" as meaning:

- a. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the college.
- b. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, education, research, or other authorized activity.

- c. Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration.
- d. Disrupting by force or violence or the threat of force or violence any lawful assembly in progress; or
- e. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school. The law further states that a "lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur."

#### College Response to Assemblies that Violate this Policy

In the event of any expressive activity that violates this policy or any non-peaceful or disruptive activities on the property of Kilgore College, the College may take action to stop or minimize same. When responding to such activity, the College administration and/or law enforcement will not consider the viewpoint of the individuals or group involved. The College will generally follow these procedures in such instances:

- a. The President of the College, or his/her designee, will determine whether or not negotiation will take place with those involved in the demonstration or disruption.
- b. The College officials will temporarily revoke any and all privileges related to assemblies and take steps to end disruptive or non-peaceful protests.
- c. The President, or his/her designee, will also determine the actions to be taken (if any) including, but not limited to, discipline, interim suspension, or arrest. The President of the College, or his/her designee, may place students on interim suspension for violating this policy and will adjudicate complaints and make final decisions about alleged violations of conduct, apart from those decisions made by a court of law.
- d. Cases of disruption or non-peaceful action normally will be treated as a violation of the Code of Student Conduct and will be adjudicated by the normal conduct process at the College. The President of the College, or his/her designee, may put disruptive or non-peaceful students on notice that they are in violation of this policy and file charges against them. Nothing in this paragraph limits the President's or his/her designee's authority to place a student on interim suspension for violating this policy as set forth above.
- e. All individuals who are engaged in disruptive or non-peaceful action may be notified that they are trespassing. Persons who continue to trespass after notification are subject to arrest.
- f. Kilgore College may bill students or file civil suits to recover damages and costs resulting from non-peaceful or disruptive protests or other violations of this policy.
- g. Any violation of this policy that involves literature, signs, pamphlets or other written materials will generally involve a warning and, if not followed, the College official may confiscate the material and take any other necessary steps as outlined herein or otherwise.