

Policy Manual



Title: Campus Free Expression	Number: 6Hx2-2.21
Legal Authority: Fla. Statutes 1001.64 & 1004.097; U.S. Constitution Amendment 1	Page: 1 of 5

GENERAL STATEMENT

The campuses of Broward College (“College”) consist of (1) indoor areas, (2) restricted outdoor areas, and (3) unrestricted outdoor areas. Maps identifying these three different areas are available in the Policy Manual. Members of the campus community and their guests may use each of these areas in accordance with this policy. Persons who are not members of the campus community or guests may use only the unrestricted outdoor areas. This policy does not apply to College sanctioned activities.

A. INDOOR AREAS

Indoor areas, such as classrooms, classroom buildings, administrative buildings, private offices, and other enclosed facilities, may be used solely with the prior permission of the College for those purposes for which those indoor areas have been designated by the College. None of these areas are public fora. Written literature may be distributed in indoor areas such as classrooms, classroom buildings, administrative buildings, private offices, and other enclosed facilities, such as maintenance areas and outdoor learning areas, only with the prior permission of the College and only for those purposes which the College deems appropriate. None of these areas are public fora.

The campus mail, electronic mail, and other electronic forms of communication are for official College business only. Materials may only be distributed through the campus mail by campus organizations for communications with members of the College community who have campus addresses.

This policy does not apply to Broward County Libraries located on College campuses and centers. Broward County Library policies and procedures apply in these facilities.

B. RESTRICTED OUTDOOR AREAS

Restricted outdoor areas, such as maintenance areas, parking lots, and outdoor learning activity areas, may be used solely with the prior permission of the College for those purposes for which those outdoor areas have been designated by the College. These areas are not for expressive activities.

C. UNRESTRICTED OUTDOOR AREAS

Unrestricted outdoor areas of any College campus, such as grassy areas, walkways, or other similar common areas, may be used while the campus is open without prior permission by members of the campus community and by guests of members of the campus community for any activities that are not prohibited by this policy. These areas are considered public fora for individuals, organizations, and guest speakers to engage in expressive activity. Use of these areas are subject, however, to the following reasonable and content-neutral regulations:

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**Approved by the
Board of Trustees**

Date:
06/26/2018

President’s Signature

Date:
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1. Prohibitions on Use of Unrestricted Outdoor Areas

No person on the College campus may engage in any expressive or other activity in any unrestricted outdoor area that is unlawful, causes material and substantial disruption of the functions of the College, infringes upon the rights of other individuals or organizations to engage in expressive activities, is materially disruptive of a previously scheduled or reserved activity, or is unauthorized commercial speech or activity. Examples of expressive and other activity prohibited by this policy are:

- a. Speech that can reasonably be expected to incite individuals to create a clear and present danger to person or property or the likelihood of imminent lawless action.
- b. Littering, defacing or destroying campus property or the property of students, faculty, staff or visitors.
- c. Harassment by engaging in a course of conduct directed at a specific person which causes substantial emotional distress to that person. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time which evidences a continuity of purpose.
- d. Use of sound that causes a disturbance to the learning and quiet enjoyment of the campus and learning environment.
- e. Commercial speech, including advertising or the sale of goods or services, that has not been authorized by the College.
- f. Placing literature on windshields, tables, or at other unattended locations.
- g. Intentionally touching or causing physical contact with another person or a person's occupied vehicle without that person's consent, blocking or interfering with the safe and free passage of pedestrians or vehicles, persisting in following or approaching a person either before, during or after the distribution of literature, or forcing literature upon a person who does not willingly accept it.

2. Regulations of Unrestricted Outdoor Areas

- a. No person in an unrestricted outdoor area shall knowingly approach within eight feet of another person, without that person's consent, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person.
- b. No person in an unrestricted outdoor area shall knowingly engage in expressive activity within 35 feet of an indoor area or a restricted outdoor area.

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- c. Unrestricted outdoor areas shall not be used for expressive activity prior to 6 a.m. or after 10 p.m., or after any announced speech, reading, music program, performance, debate, or similar public gathering at the facilities have concluded, whichever is later.
 - d. In order to facilitate effective and safe events, the College strongly encourages organizers of events reasonably expected to attract or involve more than fifty (50) individuals, to notify the Dean of Business Affairs on the Campus where the event is to take place.
3. Expressive activities are prohibited by the College when closed by the President or designee for reasons including but not limited to health, safety, or emergencies.

D. DEFINITIONS

“Commercial speech” means speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.

“Expressive activity” means speech and conduct that is protected by the First Amendment to the United States Constitution, or article I, section 4 of the Florida Constitution, including, but not limited to, any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the Internet publication of video or audio recorded in outdoor areas of campus. The term does not include commercial speech.

“Material and substantial disruption” means any conduct that significantly hinders a function of the College or another person’s or group’s expressive rights. The term does not include lawful protests and counter-protests or minor, brief, or fleeting nonviolent disruptions that are isolated or brief in duration.

“Members of the campus community” means College administrators, faculty, staff, and students.

“Trespass” means failure to leave any College location after being directed to do so by the College or returning to any College location after being directed to leave.

E. VIOLATION OF POLICY

Any person who does not comply with this policy shall be warned that he or she is violating this policy, asked to stop the violation, and, if appropriate, be asked to leave the College campus. Any person who is asked to leave and who does not leave is trespassing according to College Policy 6Hx2-2.02 and will be subject to arrest by local law enforcement in accordance with applicable laws.

- 1. Students

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Students in violation of this policy may be asked to leave and are subject to trespass in accordance with College Policy 6Hx2-2.02 – Trespass. Students found in violation of this policy are also subject to discipline in accordance with College Policy 6Hx2-5.02 – Student Code of Conduct, up to and including expulsion from the College.

2. Faculty & Staff

Violations of this policy by faculty and staff shall be investigated by the Executive Director, Human Resources and Equity and/or his/her designee and may result in disciplinary action up to and including termination: Faculty and staff may be subject to trespass in accordance with College Policy 6Hx2-2.02 – Trespass. Additionally, Broward College faculty and staff must comply with College Policy 6Hx2-3.48 – Use of College Assets for Political Activity by College Employees.

a. Full-Time Faculty

Additionally, full-time Faculty affected by adverse action pursuant to this policy shall refer to the Collective Bargaining Agreement between The Board of Trustees of Broward College and United Faculty of Florida, Broward College Chapter, Article 2.33, and College Policy 6Hx2-4.15 – Faculty Grievances Other Than Contractual Matters.

b. Non-Represented Staff

Additionally, non-represented staff who are directed to leave the campus may appeal in accordance with the provisions of College Policy 6Hx2-3.28 – Filing of Complaints for Administrative and Non-Represented Technical Staff. Represented Faculty may be heard in accordance with the Collective Bargaining Agreement between the Board of Trustees of Broward College and the United Faculty of Florida.

c. Represented Staff

Additionally, staff represented by the Federation of Public Employees (“FPE”) may refer to the Collective Bargaining Agreement between the College and FPE, Article 2, for any grievance rights.

F. IMPLEMENTATION AND OVERSIGHT

The President has the authority to establish additional procedures to implement this policy. The Vice President, Operations in consultation with Campus Presidents are responsible for oversight of this policy. The Associate Vice President, Safety, Security, and Emergency Preparedness in consultation with the Associate Vice President, Student Life & Ombudsperson and the Executive Director, Human Resources and Equity are responsible for implementation of this policy.

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G. INTERPRETATION

This policy is intended to comply with and shall be interpreted consistently with the Campus Free Expression Act, section 1004.097, Florida Statutes (“the Act”). If any aspect of this policy cannot be interpreted consistently with the Act or otherwise is interpreted as invalid, it shall be severable from all other aspects of the policy so that all valid aspects of the policy shall remain in full force and effect.

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President’s Signature

A handwritten signature in black ink that reads "J. David Anthony Jr." written in a cursive style.

Date:
06/26/2018