

# Procedures for Policy 1106

In general, the college's procedures will provide opportunities for scheduled and unscheduled or spontaneous expressive activity in a manner that does not interfere with the safe, effective, and efficient conduct of the college's business functions or with the rights of other individuals.

## **1. Reserving College Facilities for Expressive Activity**

Students, student organizations, or college employees desiring to reserve college facilities for expressive activities shall submit their requests to the designated college administrator<sup>1</sup>. Normally, twenty-four hours advance notice shall be required when individual students, student organizations, or employees desire to use designated college space or facilities as delineated below. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus or center.

### **1.1 Areas and Facilities Designated for Scheduled Expressive Activity**

The college areas and facilities identified in Appendix A are designated as available, with prior scheduling, for expressive activities, including the expressive activity of individual students and employees.

#### **1.1.1. Requests to Schedule Expressive Activities**

A request to use an area identified in Appendix A must be submitted to the designated college administrator at least twenty-four hours in advance of the desired time of the activity. More notice may be required depending upon the anticipated size of the group, the popularity of the space, and other factors to allow for sufficient logistical support and to ensure the safety and security of the campus. The designated college administrator shall not require any more advance notice than is necessary to make appropriate arrangements to support the activity.

The request shall include the specific location requested, the estimated number of expected attendees/participants, and the name and contact information of at least one person who can be contacted regarding logistics of the event, including at least one person who will be present at the event.

#### **1.1.2. Responding to Requests to Schedule Expressive Activity**

The designated college administrator shall respond to the request to schedule an expressive activity as soon as feasible after its receipt. When assessing a request to reserve campus facilities, the administrator

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<sup>1</sup> The respective campus dean or designee is the "designated college administrator" for TCC's campuses and their associated centers. The Vice President for Workforce Solutions or designee fulfills that role for the college's Suffolk facilities.

must not consider the content or viewpoint of the expression or the possible reaction to that expression. Restrictions may not be imposed on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's, or college employee's expression, college officials (including Department of Public Safety staff) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

Requests to use the designated areas and facilities identified in Appendix A from students, student organizations, or employees shall be approved on a first-come, first-served basis. These requests may be denied only for the following reasons:

- a. the requested venue is an indoor facility that the college has designated as not available for expressive activity under section 4.3 of this policy;
- b. the requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section 4.3 of this policy;
- c. the activity will attract a crowd larger than the venue can safely contain;
- d. the activity will substantially disrupt college operations (including classes);
- e. the venue is already reserved for another event<sup>2</sup>;
- f. the activity will substantially disrupt another event being held at a neighboring venue<sup>3</sup>;
- g. the activity is a clear and present threat to public safety, according to the Department of Public Safety; or
- h. the activity is unlawful.

## **1.2. Spontaneous Expressive Activity**

Students, student organizations, and employees shall be allowed to engage in unscheduled or spontaneous expressive events and activities consistent with the following provisions. No college personnel may impose restrictions on students, student organizations (or their sponsored guests), or employees who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the

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<sup>2</sup> In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official college-sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.

<sup>3</sup> The expression of competing viewpoints or multiple speakers in proximity to each other does not, in and of itself, constitute a substantial disruption.

event that other persons react negatively to these activities, college officials (including Department of Public Safety staff) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

#### **1.2.1. Outdoor Areas**

For outdoor college facilities and areas, students, student organizations, their sponsored guests, and employees may freely engage in spontaneous expressive activities as long as they do not:

- a. block access to campus buildings;
- b. obstruct vehicular or pedestrian traffic;
- c. substantially disrupt previously scheduled campus events;
- d. substantially disrupt college operations;
- e. constitute unlawful activity; or
- f. create a clear and present threat to public safety, according to the TCC Security department.

#### **1.2.2. Indoor Areas**

No indoor areas or facilities of the college are designated as available for spontaneous expressive activities.

#### **1.2.3. Relocation of Expressive Activity**

The designated college administrator may require that a spontaneous expressive activity be relocated if it substantially disrupts college operations, violates or hinders the rights of others, creates a clear and present threat to public safety, substantially disrupts previously scheduled campus events. The administrator may suggest alternative locations for the expressive activity that ceases the disruption and provide ample alternative channels for communication of the information.

### **1.3. Areas Not Available for Expressive Activity**

College and campus administrative offices (including support facilities, such as warehouses and physical plant/facilities maintenance spaces), libraries (other than designated public meeting spaces), and classrooms during their scheduled instructional hours are not available for expressive activity.

College areas under the control of contractors, including spaces designated for food services, child care (including identified outside play areas), bookstore operations, and construction zones are not available for expressive activity.

### **1.4. Responsibility for Damages**

If damage occurs to college property as a result of the expressive activity event, the Director of Facilities Management & Services shall determine the cost to repair or restore the damaged area or infrastructure. The person or

organization responsible for the event will be assessed the cost of the repair/restoration.

#### **4.5 Reporting Disruptions of Protected Speech**

To report a disruption of protected speech, students, staff, or faculty should contact the Department of Public Safety at 757-822-7777. For public safety incidents that require an emergency response, dial 911.

##### **4.5.1 Maintaining records of Disruptions of Protected Speech**

Pursuant to requirements of Virginia Code § 23.1-401.1 as amended in 2018, TCC shall maintain a webpage containing Freedom of Speech policies, procedures, and records of disruptions of protected speech. Any such incidents shall be reported annually to the Virginia Community College System Counsel.