**Free Speech and Expression**

**Scope**: This policy applies to students, faculty and staff, as well as any visitor, licensee, or invitee on any college owned, leased or rented facility and to all persons attending any college sponsored activity at any other location.

**Definitions:**

1. **Expressive Activity**: protected speech and assembly including, demonstrations, marches, picketing, leafleting and protesting.
2. **Registered Student Group**: a group of CSM students which is recognized by, sponsored by, or affiliated with the College, in accordance with College procedures.
3. **Non-Registered Student Group**: a group of CSM students which is not recognized by, sponsored by, or affiliated with the College, in accordance with College procedures.
4. **Student**: a person who is enrolled in or registered for a credit or continuing education course at CSM.
5. **Public Areas**: sidewalks and open areas traditionally used by the College community for large gatherings and Expressive Activity.
6. **Non-public Areas**: areas necessary to conduct College operations, including offices, lobbies, classrooms, and the corridors and hallways leading thereto, and areas that must be reserved pursuant to College procedures, including conference and meeting rooms and space controlled by campus scheduling services.
7. **College Facilities**: land, buildings and physical space owned, leased, or operated by CSM.
8. **College Operations**: all operations necessary to carry out the College’s educational, safety and administrative functions.

**Policy**:

The College of Southern Maryland (CSM) is committed to fostering a learning environment where free inquiry and expression are encouraged. The college encourages analytical thought and informed dialogue to nurture productive rather than divisive debate.  The College expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for College activities, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws.

CSM maintains its right to place reasonable time, place, and manner restrictions on expressive activities. Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the College including classes and College business activities will not be tolerated. Groups or individuals engaging in disruptive activities or failing to comply with College policies and applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by College officials and local law enforcement authorities.

While the College supports constructive dialogue and dissent, there are established limits to safeguard the right of all students to pursue an education in a climate conducive to learning.  Therefore, the following activities are prohibited:

* acts of violence and intimidation;
* other acts that inhibit students, faculty or staff from exercising their right of free speech;
* destruction of property;
* disruption of classes;
* takeover of buildings;
* interference with, disruption of, or damage to campus communication/data networks; and
* any activity that creates a safety hazard or interferes with the ability of students, faculty, or staff to do their work.

Expressive Activity must comply with applicable College policies, federal, state and local laws, regulations established by the State Fire Marshal, traffic laws, and ordinances regarding sound amplification systems.

**Procedures**

**Guidelines for Expressive Activity in Public Areas**

1. Public Areas will be available for Expressive Activity on a first-come, first-serve basis. The preferred location for Expressive Activity on each campus is as follows:
   1. La Plata Campus: the lawn between the LR Building and the College Store
   2. Leonardtown Campus: the area adjacent to the gazebo
   3. Prince Frederick Campus: the area adjacent to the gazebo
   4. Regional Hughesville Campus: the south lawn
2. Students, student groups, faculty or staff planning Expressive Activity must contact the following offices in advance of any planned Expressive Activity: Student Life (students and student groups) or the campus scheduling office (faculty and staff).
3. The purpose of the advance contact is to determine the availability of space and to discuss time, place and manner concerns. The persons or groups interested in using Public Areas for Expressive Activity must provide the date, time and duration of the proposed activity and the number of participants reasonably expected to attend.
4. Groups or individuals wishing to use sound amplification must notify Student Life prior to use.
5. Signs, banners, flags and similar items that are carried should be constructed entirely of soft material such as cardboard or cloth, and should not be attached to rigid sticks or poles.
6. Student organizations and College departments/offices may not reserve space on behalf of an individual, group, business or organization. For purposes of this type of activity, outside entities cannot be co-sponsored.
7. Outside entities wishing to use a public space on campus for Expressive Activity must contact the appropriate campus scheduling office. Requests must be received at least five business days prior to the planned activity.
8. Requests for use may be denied for the following reasons:
   1. The requested venue is an indoor facility that the College has designated as not available for Expressive Activity;
   2. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to this policy;
   3. The venue is already reserved for another event;
   4. The activity will attract a crowd larger than the venue can safely contain;
   5. The activity will substantially disrupt another event being held at a nearby venue;
   6. The activity will substantially disrupt College operations (including classes);
   7. The activity is a clear and present threat to public safety, according to CSM Public Safety;
   8. The activity will occur during College examination periods; or
   9. The activity is unlawful.

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.

1. If a request is denied, the applicant will be informed of the reason in writing no later than the three business day following the request. If a request is denied because of a failure to comply with this policy, the applicant may (where feasible) have the opportunity to propose measures to correct the failure to comply with the policy. If a request is denied because space is not available, reasonable accommodations may be offered.

**Conditions of Use**

1. Expressive Activity must comply with applicable federal, state and local law, this policy, other applicable College policies, regulations established by the State Fire Marshal, traffic laws, and ordinances regarding sound amplification systems. In addition, such activities may not:
2. disrupt the College’s teaching, research, administrative or service activities, or obstruct or disrupt other authorized or approved activities on the College’s campus;
3. block entrances to or otherwise interfere with the free flow of vehicular and/or pedestrian traffic into and out of College Facilities or parking lots or into or out of the campus itself;
4. include construction of any permanent or semi-permanent structures, without prior approval;
5. include camping or lodging, except in authorized facilities;
6. include any discriminatory, harassing or threatening conduct toward any person, obscene or lewd conduct, disturbance of the peace or unlawful assembly;
7. include theft, misuse, or destruction of College property or equipment;
8. include sound amplification greater than 95dBA (within five feet of amplification source) or sound amplification from handheld units greater than 90dBA;
9. include commercial solicitation (e.g., advertisements, solicitations or testimonials for goods or services offered for sale; distribution of commercial leaflets, fliers, handbills and/or circulars).
10. Speakers shall not be subject to harassment, nor shall others’ right to hear the speaker be infringed. At the same time, members of the College community shall have the right to peacefully protest any such activity.
11. Activities that violate this policy may be stopped or moved to another location by College officials.
12. Individuals who damage or destroy College property will be held responsible for such damage or destruction (including but not limited to damage caused by posting on walls or windows or staking items in the ground).
13. The College reserves the right to provide security when appropriate to uphold the rights and/or to protect the safety of speakers and members of the College community.
14. Participants in such activities shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other non-commercial printed matter only within the Public Areas or in the Campus Center on the La Plata Campus and the student lounges on the Prince Frederick and Leonardtown campuses. Any such materials which are discarded or dropped in or around the activity areas(s), other than in an appropriate receptacle, must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated activity area(s). If College staff is called to clean the area after an event, the group will be charged for the cost of their services.

**Reserving Campus Facilities**

Reservation of space at CSM is governed by the Facility Use Policy. Space may be reserved by contacting the campus scheduler at the desired campus location. The scheduling of space for credit and continuing education classes and regularly scheduled college events receive first priority on any CSM campus. Assemblies or other activities, which in the judgment of the President will present a clear and present danger to members of the college community, campus visitors, college property, or may reasonably disrupt the orderly conduct of the affairs of the college, may not be scheduled. Requests for college facilities from outside organizations and businesses are considered on a first-come, first-served basis. The college reserves the right to choose facilities and relocate events as needed.

**Spontaneous Expressive Activity**

CSM has not designated any indoor area as available for spontaneous expressive activities. In the event that CSM elects to do so, the College shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities.

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

1. block access to College buildings,
2. obstruct vehicular or pedestrian traffic,
3. substantially disrupt previously scheduled College events,
4. substantially disrupt College operations,
5. include any discriminatory, harassing or threatening conduct toward any person, or obscene or lewd conduct,
6. constitute unlawful activity; or
7. create a clear and present threat to public safety.

No CSM personnel may impose restrictions on students, student organizations, or their sponsored guests 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 event that other persons react negatively to these activities, College officials (including CSM Public Safety) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

**Violations**

Employees and students who violate this policy are subject to disciplinary sanctions under any applicable policy or law. Employees on contracts may have their contracts terminated or non-renewed. Violations of this policy by employees must be reported to the division head and the Executive Director of Public Safety, both of whom shall consult with the Associate Vice President of Human Resources and the employee’s supervisor regarding disciplinary sanctions. Violations of this policy by students must be reported to the Executive Director of Public Safety and the Vice President of Student and Instructional Support Services, who shall consider the matter in conjunction with the Student Code of Conduct.

Other members of the public who violate this policy may be removed from the facility and restricted or barred from college facilities. Violations of this policy by other persons must be reported to the Executive Director of Public Safety and the Vice President and General Counsel who shall consult with the President regarding potential restrictions from college facilities.

Violations that may constitute unlawful activity may be reported to local law enforcement by the Executive Director of Public Safety or other college personnel.

**References:**

* ADM: 307 – State of Emergency
* GA: 3008 – Facility Use
* GEN: 1002 – Petition, Handbill and Literature Distribution
* HR: 4130 – Protection from Discrimination, Sexual and Other Harassment, and Retaliation
* HR: 4195 – Workplace Violence Prevention Policy
* PP: 6080 – Weapons
* Student Code of Conduct

**For more information contact:** Executive Director of Public Safety, extension 7955

(Approved: 10-4-17)