

**ESCC POLICY**  
**Expressive Activity**

**Effective Date:**

**Responsible Office: Finance and Administration/Academics and Student Affairs**

**I. PURPOSE**

To establish Eastern Shore Community College’s policy regarding expressive activity in all ESCC buildings, grounds or other spaces controlled by the college. Issuance serves to notify employees of the policy.

**II. AUTHORITY**

The President has given the Vice-President of Finance & Administration and the Vice-President of Academics & Student Affairs the responsibility and authority to establish and enforce the Expressive Activity Policy.

**III. APPLICABILITY**

This policy does not apply in instances when speakers, performers, groups, etc. are invited by ESCC or to external groups that arrange to use ESCC space through a Facilities Use Agreement.

**IV. DEFINITIONS**

The term “expressive activity” includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leaflets and pamphlets; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

**V. POLICY**

ESCC property is primarily dedicated to academics, student life and administrative functions. It also represents the “marketplace of ideas,” and especially for students, many areas of campus represent a public forum for speech and other expressive activities. ESCC may place restrictions on expressive activities occurring indoors, primarily to prevent disturbances within the learning environment. However, especially for students and student organizations, the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

Indoors or outdoors, ESCC will not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, ESCC may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions will be content-neutral, narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

No event or expressive activity shall be permitted that violates or hinders the rights of others within the campus community or substantially disrupts normal college operations.

**VI. PROCEDURES**

**Reserving Campus Facilities**

**Note:** Anyone reserving campus facilities must work with the Facilities Rental staff of Workforce Development Services and abide by the official Facilities Rental Policy and Procedures.

1. If students, student organizations, or college employees desire to reserve campus facilities, they shall submit their requests to the appropriate college administrator a minimum of 24 hours in advance of the planned activity. For certain types of activities, such as rallies or other gatherings of more than 50 people, etc... more

notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.

2. If individuals or organizations who are not members of the ESCC community (*i.e.*, not students, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or the college itself to conduct expressive activities or events on campus.
3. The following indoor areas are not available for expressive activity: administration offices, library, computer labs, science and technical labs, and classrooms during instructional hours. Any other restrictions on expressive activities occurring in indoor facilities will (a) apply equally to all individuals and organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
4. Students, student organizations, and college employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
  - a. The requested venue is an indoor facility that the college has designated as not available for expressive activity noted in 3 above;
  - b. The venue is already reserved for another event<sup>1</sup>;
  - c. The activity will attract a crowd larger than the venue can safely contain;
  - d. The activity will substantially disrupt another event being held at a neighboring venue<sup>2</sup>;
  - e. The activity is a clear and present threat to public safety, according to the college's police or security department;
  - f. The activity will occur during college examination periods;
  - g. The activity is unlawful; or
  - h. The activity will substantially disrupt college operations (including classes).
5. During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, it (and its officers, if applicable) shall assume responsibility.
6. When assessing a request to reserve campus facilities, ESCC administrators will not consider the content or viewpoint of the expression or the possible reaction to that expression, nor will they impose restrictions 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 organizations, or college employee's expression, college officials (including college police or security) will take all available steps to ensure public safety while allowing the expressive activity to continue.

---

<sup>1</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>2</sup> The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

**VII. Spontaneous Expressive Activity**

1. For indoor campus facilities, areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities are designated by signage indicating such. Areas so designated will (a) apply equally to all students and student organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests 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 college’s police or security department.

No college 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 college police or security) will take all available steps to ensure public safety while allowing the expressive activity to continue.

Approved: \_\_\_\_\_