

ADMINISTRATIVE PROCEDURES

Title: FREE EXPRESSION, SPEECH AND COMMERCIAL ACTIVITY	Identification: 5.08
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	Effective Date: 04/17/19
Authority: FS 810.095; 871.01; 877.13; 1001.64; 1001.65; 1004.097; 1006.61	Signature/Approval: Dr. Ken Atwater

PURPOSE

The purpose of this procedure is to outline guidelines concerning free expression and speech on Hillsborough Community College (HCC) campuses and other locations.

PROCEDURE

As part of our mission, HCC values freedoms of expression, speech and assembly. HCC recognizes that our faculty, staff, students and the community have the right to express their thoughts and views. HCC is committed to foster an environment that promotes open, intellectually engaging and diverse debate. The College will not prohibit a speaker from coming to a campus or college location because HCC or our surrounding community disagree with the speaker, their presentation or opinion. HCC reserves the right to establish and enforce reasonable viewpoint neutral restrictions on the time, place and manner of expressive activities in outdoor common areas to achieve these goals. The College will not consider the content of expressive activity in regulating speech in outdoor areas except to the extent permitted by law. Students, faculty, staff and the community may freely express their views in outdoor areas of a campus or college site as long as their conduct is lawful and does not disrupt College operations or infringe on the rights of other individuals or organizations.

I. **SPEECH AND FREE EXPRESSION IN OUTDOOR AREAS OF THE COLLEGE**—Both the Florida and U.S. Constitutions include as protected activities:

- any lawful oral or written communication of ideas, including all lawful forms of peaceful assembly, protests, and speeches;
- distributing literature;
- carrying signs;
- circulating petitions; and
- recording and publication, including the Internet publication, or video or audio recorded in outdoor areas of campus.

These protected activities will be permitted in outdoor areas of College property with general access during regular hours of college operation, subject to the limitations described in this procedure.

Outdoor areas of the campus are considered traditional public forums for individuals and organizations.

HCC does not designate any area of any campus as a free-speech zone or restrict expressive activities to a specific area of a campus with the following exceptions:

- Speech cannot disrupt classrooms, labs, offices or any area within College facilities.
- Activities cannot create a safety risk that is a serious threat of imminent harm.
- Restriction will be clear, made available and will provide for alternative means of expression.

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Expressive activities may not occur in outdoor areas with restricted access as identified by the College, which include but are not limited to the following:

- areas adjacent to places of residence, which includes Hawks Landing;
- areas being used as outdoor classrooms or for educational training;
- areas where access is restricted due to operational or safety protocols, such as maintenance areas.

Students, staff, faculty, and visitors may engage in expressive activities in permitted outdoor areas and may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on the College's property including, without limitation, Sections 871.01, 877.13 and 1006.61, Florida Statutes.

In addition, these expressive activities cannot materially and substantially disrupt the functioning of the college or infringe upon the rights of others to engage in expressive activities. Examples of when expressive activities may be disruptive to campus operations or the rights of others to participate in expressive activities include but are not limited to the following:

1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
3. Violations of a law, rule, regulation, or ordinance, including but not limited to Sections 871.01 (Instigation of Litigation), 877.13 (Disruption of Educational Institution) or 810.095 (Trespass with Firearm/Weapon), Florida Statutes;
4. Threats to a passerby or use of fighting words, which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
5. Following, badgering, or forcibly detaining individuals;
6. Interference with scheduled College ceremonies or events;
7. Damage to property, including grass, shrubs, trees, or other landscaping;
8. Using sound amplification, including bullhorns, except as approved in advance from the Campus Public Safety Office and within sound limits that will not disrupt normal College operations;
9. Use of placards, banners, or signs that are dangerous or cause obstruction as described in this procedure;
10. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
11. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I of the Florida Constitution.

HCC has policies and procedures related to use of a campus that place reasonable restrictions on the time, place, and manner of use of outdoor areas of campus to prevent disruption to college operations and other events. Nothing in this procedure will limit the application of laws related to

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disruptions, disturbances, or interference with schools and the functions of educational institutions, including without limitation Sections 871.01 and 877.13, Florida Statutes.

II. **INDOOR AREAS**—This procedure does not apply to expressive activities that take place in indoor areas of College property including, but not limited to the following:

- classrooms or classroom buildings;
- interior hallways and breezeways;
- administrative buildings or offices;
- auditoriums;
- performing arts venues, theatres and event centers; and
- recreational facilities.

Expressive activities in these areas are governed by College policies and procedures related to academic freedom, facilities use, and other applicable policies and procedures. Students, faculty, visitors or staff may not materially disrupt previously scheduled or reserved activities on college property.

III. **STUDENT TABLES**—Information tables hosted by or in conjunction with recognized student clubs and organizations are organized and governed by policies related to student government and student clubs.

IV. **PROTESTS**—The College recognizes that a speech, demonstration, or event on college property may invite another form of protest. When these occasions arise, the expression of all parties is important. When appropriate, a separate area may be designated for counter-protesters, College Public Safety Officers may be present and other security measures may be employed to ensure the safety of all participants and the College community.

V. **ADVANCED ARRANGEMENTS**—To promote a safe and effective event, individuals or groups planning to engage in expressive activity in an outdoor area are encouraged, but not required, to make advanced arrangements with Campus Facility Use departments to enable the College to ensure that the event takes place in a constructive and approachable manner. Individuals or groups who engage in expressive activity in outdoor areas on college property are subject to College policies and procedures relating to the use of College campus facilities, including without limitation policies relating to firearms and weapons, smoking, and trespass. The College reserves the right to limit the possession or use of clubs, bats or other material objects on campus property during such events.

VI. **COMMERCIAL ACTIVITY ON CAMPUS**—Individuals, organizations or groups, both internal and external to the college, may not conduct commercial transactions or engage in commercial speech on college property unless directly authorized through specific contracts or arrangements with College officials. Commercial speech means speech in which the speaker is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. Fundraising, including political fundraising, is considered solicitation and is therefore deemed commercial speech under this procedure.