

# Freedom of Expression

In accordance with Alabama Community College System Board of Trustees' Policy 224.01, Coastal Alabama Community College follows the Expressive Activities by the Campus Community as approved:

A primary function of Coastal Alabama Community College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and that to fulfill that function, the College will strive to ensure the fullest degree possible of intellectual freedom and free expression.

It is not the proper role of Coastal Alabama Community College to shield individuals from speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Alabama of 1901, including without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

Students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.

The Coastal Alabama Community College should support free association and shall not deny a student organization any benefit or privilege available to any other organization based on the expression of the organization.

Coastal Alabama Community College shall strive to remain neutral on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the College, and the College will not require students, faculty, or staff to publicly express a given view of a public controversy.

The Colleges should prohibit all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

## II. Speech and Expression in Outdoor Areas

For purposes of this policy, the Campus Community includes the College's students, administrators, faculty, and staff, as well as the invited guests of the College and the College's recognized student organizations (including organizations seeking recognition), administrators, faculty, and staff.

Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of College property with general access during regular hours of College operation, subject to the limitations set by the College. Expressive activities include any lawful verbal, written or electronic communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions.

Outdoor areas where expressive activities are not allowed include areas of restricted access as identified by the College, which include but are not limited to areas adjacent to classrooms or places of residence; athletic facilities; areas being used as outdoor classrooms or educational training; or areas where access is restricted due to operational or safety protocols.

This policy does not apply to expressive activities that take place in indoor areas of College property. Expressive activities in these areas are governed by College policies related to academic freedom, facilities use, and other applicable policies and protocols, subject to the requirement that all Colleges must be open to any speaker whom the institution's student organizations or faculty have invited.

Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on College property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. Conduct that may materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities may include:

1. Obstruction of traffic;
2. Obstruction of entrances or exits and sidewalks to/from buildings or driveways or parking;
3. Violations of a state, federal or local law, regulation, or ordinance;
4. Threats to passersby or the use of fighting words, which are 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 classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
7. Damage to property, including buildings, benches, sidewalks, fixtures, and landscaping;
8. Use of sound amplification, including bullhorns, except within reasonable limits;
9. Use of placards, banners, or signs that are dangerous or cause obstruction;
10. Engaging in expressive activities in prohibited or restricted areas;
11. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
12. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.

A College may employ police and security officers and use other security measures to ensure the safety of all participants, the Campus Community, and the public. Security fee, IT fees, and cleanup fees may be imposed based on expected number of attendees or time duration of events. Fees cannot be imposed or waived based on the expressive activity or expected reaction to the protected expressive activity and will follow the College's established facility usage fee assessments.

To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security should provide written notice to the President or his/her designee, and to the Chief of Police or appropriate campus security personnel, at least 14 calendar days prior to the event.

Individuals or groups who engage in expressive activity in outdoor areas on College property are subject to College policies relating to the use and operation of College and campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. Coastal Alabama will not allow possession or use of clubs, bats, weapons, open flames, or other material objects on campus property or at any College-sponsored event or activity.

Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action.

Complaints or questions regarding the application of this policy should be addressed by use of the ordinary complaint process at the College for students, faculty, and staff.

### III. Commercial Activity on Campus

Individuals, organizations and groups, both internal and external to the College, may not conduct commercial transactions or engage in commercial speech on College property unless approved in accordance with the College's policy regarding solicitation on campus. 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. This includes fundraising.

### IV. Policy Distribution

Coastal Alabama Community College includes this policy in new student, new faculty, and new staff orientation programs. The College also disseminates this policy to all members of the campus community and shall make this policy available in College handbooks and on College websites.

### VI. Reports

The College shall prepare and submit reports to the Chancellor and Board of Trustees by August 15 for the prior 12-month period ending July 31 that include the following:

1. The date and description of each violation of the policy.
2. A description of the administrative handling and discipline relating to each violation.
3. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
4. Any additional assessments, criticism, commendations, or recommendations the Colleges see fit to include.

The Chancellor, on behalf of the Board of Trustees, shall compile this information into a comprehensive report that shall be displayed in a prominent location on the ACCS website by September 1 of each year. In addition, a copy of the report shall be provided to the Alabama Commission on Higher Education