

1.9 Free Speech and Public Assembly

POLICY

Brunswick Community College encourages its community to exercise the right to freedom of speech granted by the First Amendment to the Constitution of the United States of America. This policy informs members of the College community and the public of the manner in which they may engage in constitutionally protected speech and expression at Brunswick Community College. It is intended to protect one's right to freedom of speech without interfering with the primary educational purpose of the College.

The College will protect the rights of freedom of speech, petition, and peaceful assembly. Any acts that cause a material and substantial disruption to normal operations of the College including but not limited to instruction, College business, or actions which interfere with the rights of others will not be tolerated. Faculty, staff, and students engaging in material and substantial disruptive activity may be subject to disciplinary action. Any participant actively engaged in a material and substantial disruptive activity may face criminal charges.

PROCEDURES

Use of Designated Free Speech Areas

The College hereby designates that the open and public outdoor areas at the main campus or any of the College's Centers qualify as Free Speech/Expression areas. These areas shall be available for use by both members of the College community and members of the general public. However, events sponsored by members of the College community shall have first priority in using the Free Speech/Expression area of their choice. In the case of disruptive activity, the College reserves the right to suggest a relocation of any assembly to ensure that the activity does not interfere with the normal operation of the College or interfere with the rights of students, employees, or members of the public to engage in studies, work or other activities typical for the college environment. If the college must act on a relocation, the next most prominent open public outdoor area at the same campus or center location will be requested of the group.

Guidelines for Speech and Public Assembly

- (1) **Amplification Systems:** Because amplification systems pose a significant potential for disruption of College operation, public address and amplification systems may not be used. This includes, but is not limited to, megaphones and PA systems.
- (2) **The Right to Dissent:** The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to

communicate his or her message to the audience during his/her allotted time, and the audience is entitled to hear the message and see the speaker during that time.

A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. Likewise the audience must respect the right to dissent.

- (3) **Distribution of Literature:** The distribution of literature (person-to-person) within the free speech area is acceptable. The College reserves the right to assign the distribution of literature to an indoor location if appropriate.
- (4) **Symbolic Protest:** During a presentation, displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible so long as the symbolic protest does not unduly interfere with the ability of the person or entity occupying ~~reserving~~ an area for free speech/expression to express themselves.

Picketing and Marches: Campus marches and picketing are permitted on campus per coordination with the Chief of Police/Director Public Safety. This coordination ensures that traffic pursuant to normal College operations can continue.

In order to ensure the safety of participants and bystanders and to minimize the disruption upon College classes and daily operations, any notice to the Chief of Police/Director of Public Safety to march/picket must specify the desired march route and total/maximum number of participants.

Pickets/marchers must march in single file, not abreast. Minor children may walk abreast or be carried by their parent or guardian.

Pickets shall not at any time nor in any way obstruct, interfere with, or block persons entering or exiting vehicles; persons crossing streets or otherwise using the public way; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.

Conduct and Manner

- (1) Those who exercise free speech as a part of this policy must not:
 - Threaten passers-by with bodily harm.
 - Interfere with, impede, or cause blockage of the flow of vehicular or pedestrian traffic.
 - Interfere with or substantially disrupt any other lawful activity in the same general location at the same time.
 - Commit any act likely to create an imminent safety or health hazard.
 - Post materials on any walls, windows, doors, sidewalks, trees, light poles, etc., or any other College equipment except in areas designated by the Dean of Student Services and Enrollment Management.

- Carry signs or placards that exceed three feet by three feet promoting the objective of the activity. They must not contain legally obscene language or words that would tend to incite violence.
- (2) Public speech or activities likely to incite or produce imminent lawless action or that is, under current legal standards, either defamatory or legally obscene are prohibited. Violations of the BCC Student Code of Conduct are prohibited.
 - (3) Individuals who damage or destroy College property shall be held responsible for such damage or destruction. This includes lawns, shrubs, trees, buildings, vehicles, etc.
 - (4) All applicable College regulations, state, and federal laws and municipal ordinances apply when engaging in activities on College property. Failure to do so may result in immediate removal from College property and other appropriate action by College officials and/or police.

Interference with Free Speech or Public Assembly

Persons shall not physically interfere in the use of the sidewalk or address obscene, indecent, or threatening language to or at individuals to provoke them to fighting or lead to a breach of the peace.

Whenever free passage is obstructed by a crowd, the persons composing such crowd shall disperse when directed by College officials or police. Failure to do so may result in disciplinary action and/or criminal prosecution.

Approved by Brunswick Community College Board of Trustees
September 16, 2009
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