

Rappahannock Community College is committed to supporting the exercise of constitutionally protected expression. College property is primarily dedicated to academic, student life and administrative functions. But 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. Indoors or outdoors, RCC 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. However, the College has established reasonable time, place, and manner restrictions on expressive activity. No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations. Rappahannock Policy F20 contains the policy and procedures for expressive activity. For more information about expressive activities and protected speech, see the FAQs. To report an incident of disruption to protected speech, please complete the [Incident Form](#).

Disclaimer

All opinions expressed by individuals purporting to be a current or former student, faculty, or staff member of this institution, on websites not affiliated with Rappahannock Community College, social media channels, blogs or other online or traditional publications, are solely their opinions and do not necessarily reflect the opinions or values of Rappahannock Community College, the Virginia Community College System, or the State Board for Community Colleges, which do not endorse and are not responsible or liable for any such content.

RCC Policy F20 Expressive Activities

1. Expressive Activities

This policy applies to all buildings, grounds, and other spaces owned or controlled by the College. 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 leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

2. Policy Statement

College property is primarily dedicated to academic, student life and administrative functions. But 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. Colleges may place restrictions on expressive activities occurring indoors, but 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, colleges shall 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, colleges may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must 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 to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

3. Procedures

a. Reserving Campus Facilities:

1. If students, student organizations, or College employees desire to reserve campus facilities, they shall submit their requests to the Campus Scheduler. The College normally will not require more than twenty-four hours advance notice for reservation requests. However, 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 College 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 to conduct expressive activities or events on campus.

3. The College has designated the following areas as not available for expressive activities:

- **Glenns Campus**
 - Library
 - Computer Labs
 - Administrative Office Suite
 - Administrative/Business Offices
 - Classrooms and labs (during instructional hours)
 - Hallways
 - Student and faculty lounge areas
 - Admissions Area
 - Financial Aid Office
- **Warsaw Campus**
 - Library
 - Computer Labs
 - Administrative Office Suite
 - Administrative/Business Offices
 - Classrooms and labs (during instructional hours)

- Hallways
- Student and faculty lounge areas
- Admissions Area
- Financial Aid Office

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 under section F20(a)(3) of this policy;

b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section F20(a)(3) of this policy;

c. The venue is already reserved for another event¹;

d. The activity will attract a crowd larger than the venue can safely contain;

e. The activity will substantially disrupt another event being held at a neighboring venue²;

f. The activity will substantially disrupt College operations (including classes);

g. The activity is a clear and present threat to public safety, according to the college's safety and security department or local public law enforcement agencies;

h. The activity will occur during college examination periods; or

i. The activity is unlawful.

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, the person(s) or organization (and its officers, if applicable) shall assume responsibility.

6. When assessing a request to reserve campus facilities, the College and our administrators cannot consider the content or viewpoint of the expression or the possible reaction to that expression. The College and our administrators may not 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) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

7. Reasonable security fees will be assessed to defray the actual costs of providing security when the size of the audience may pose a risk to safety. Security fees shall not be assessed based on the anticipated reaction to the expressive activity.

8. Banners and Distribution of Commercial Materials

- a. Banners used in expressing speech should be stand-alone, should comply with the provisions of this policy, and cannot be used to block, obstruct, or otherwise deny access to any pedestrian, block or obstruct vehicular traffic, deface any college or private property, create safety hazards, or require employees to assist with their deployment.
- b. Distribution of commercial as well as non-commercial advocacy advertising or the placement of commercial and non-commercial material must follow RCC Policies and is prohibited in the following areas:
 - i. Administrative offices
 - ii. Classrooms, computer rooms, laboratories, and all other places where instruction take place
 - iii. Libraries
 - iv. Bulletin Boards that are not listed as open bulletin boards

b. Spontaneous Expressive Activity:

1. Colleges are not required to designate any indoor area as available for spontaneous expressive activities. In the event that colleges elect to do so, college officials shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities. Any areas so designated must (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,² (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 Safety and Security Department or local public law enforcement agencies.
3. 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 Safety and Security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

c. Implementation; Report:

The college will include this policy in its student handbook, on its website, and in its student orientation programs.

1. Members of the campus community and invited guests can report incidents of disruption of constitutionally protected speech on the Campus Expressive Activities Policy and Reports website.
2. The College will maintain materials on the policy and provide such materials to any employee responsible for the discipline or education of enrolled students.
3. All College policies and materials on expressive activities must have prior approval from the Office of System Counsel.
4. The College will comply with the requirements of Va. Code 23.1-401.1, and notify the Office System Counsel as soon as practicable, but no later than 20 days after being served with a complaint that alleges a violation of the First Amendment.

POLICY ON EXPRESSIVE ACTIVITY

Frequently Asked Questions for Students

1. What is expressive activity?³

Expressive activities are speech-related activities, including:

- meetings
- other group events or activities by student organizations or their invited guests;
- speeches
- performances
- demonstrations
- rallies
- vigils
- distributions of literature; and
- any other activity protected by the First Amendment.

2. What kind of speech is protected by the First Amendment?

The U.S. Constitution protects most speech, with very limited exceptions. In outdoor spaces, the college may place reasonable limits only on the time, place, and, manner of your expressive activity, and those limits must not depend on the content or viewpoint of the expressive activity. In addition, for outdoor areas, students, student organizations, and their guests are not required to give notice before engaging in expressive activity. In other words, students, student

organizations, employees, and guests may engage in spontaneous expressive activities as long as they do not engage in any of the conduct listed in Number 3 below. (There may be exceptions to this general rule; for example, your college may have an outdoor facility that requires a reservation to use.)

Indoors, colleges may place restrictions on expressive activities, as long as any rules apply to everyone equally and are not based on the content or viewpoint of the speech. The college may determine those certain indoor facilities are not available for expressive activity. Common examples of such areas include: (1) administrative offices, (2) libraries, (3) hallways, and (4) classrooms during instructional hours.

3. What kind of actions related to protected speech can be regulated?

Most speech is protected by the Constitution, but sometimes, the actions that a speaker takes during an expressive activity are disruptive enough to allow a college to intervene, regardless of what is actually being expressed. For outdoor facilities and areas, students, student organizations, and their guests may freely engage in expressive activity as long as they do not also engage in any of the following:

- block access to campus buildings;
- obstruct traffic (vehicles or pedestrians);
- substantially disrupt previously scheduled campus events;
- substantially disrupt college operations or violate or hinder the rights of others;
- break the law; or
- create a threat to public safety, according to the college's police or security department.

Additionally, the First Amendment does not protect speech that is designed to incite or produce imminent lawless action, and that is likely to incite or produce such action. Other types of unprotected speech include true threats and harassment in limited circumstances. A true threat is a serious expression of an intent to commit an act of unlawful violence against a particular individual or group of individuals. Unprotected harassment is behavior that is extreme and pervasive and so serious that it prevents a reasonable person from receiving his or her education.

4. How can someone reserve campus facilities for speech activities?

a. Request submission

Contact Rappahannock Community College's College Scheduler, Pamela Bareford at 804-758-6743 to reserve campus facilities. Spaces are reserved on a first-come-first served basis. The college can state in advance that certain spaces cannot be reserved for speech activities. Common examples include libraries, offices, hallways, and classrooms during instructional hours. Any other restrictions on expressive activities that occur in indoor facilities must apply equally to everyone and not depend on the content or viewpoint of the expression, or the possible reaction to the expression. The Vice President of Finance and Administration is both the approving authority for facility rentals and space use requests, as well as the enforcement of the policy and procedures

b. Timing

Colleges usually cannot require more than 24-hour advance notice unless the event requires additional planning to ensure safety and sufficient logistical support. You are encouraged to request the facility as soon as possible.

c. Denials

When assessing a request to reserve a facility, the college must not consider the content (unless the facility is used only for certain purposes, for example, only for the college's administration use) or viewpoint of the expressive activity, or the possible reaction to the expressive activity. If a facility or space is generally available to be reserved, the college can refuse a reservation by a student, student organization, or employee only for the following reasons:

- The venue is an indoor facility that has been designated as unavailable for reservation.
- The venue is an indoor facility and the request is in conflict with any restrictions the college has placed on the facility. For example, a restriction could be that the indoor facility is unavailable on the weekends.
- The venue has been reserved already at the time requested.
- The size of the anticipated crowd is too large for the space.
- The activity would substantially disrupt another event occurring in close proximity.
- The activity would substantially disrupt college operations.
- The activity is a clear and present threat to campus safety, according to police or security.
- The activity occurs during college exam periods.
- The activity would take place during a time outside of normal operating hours.
- The activity is against the law.

d. Responsibility for the space

Anyone who reserves a facility or space is responsible for maintaining the space and will be responsible for any damages, cleaning costs, or other costs. The Vice President of Finance and Administration is the approving authority for facility space use requests and rentals and the enforcement of the related policy and procedures.

5. Is the college required to have indoor areas available for spontaneous expressive activities?

No. The college is not required to have an indoor area designated for spontaneous speech activities. However, if it chooses to create one or more, college officials must post that the area is available for students, student organizations, employees and their guests to engage in expressive activities. The area must be available for all students, student organizations, employees, and guests equally, and not depend on the content or viewpoint of the expression or the possible reaction to it.

6. What do I do if someone or a group tries to disrupt my, my organization's or invited guest's speech?

To report a disruption of protected speech, complete an **Incident Report** on the Campus Expressive Activities Policy and Reports website. In cases of emergency, please call 911 or campus security at (804)239-6481 (Glenns) or (804)298-5937 (Warsaw)

7. I have additional questions.

Please contact the Dean of Student Services, Dr. David Keel at 804-758-6731 for more information.

¹ 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.

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

³ The words “speech” and “expressive activity” may be used interchangeably.