

**CATAWBA VALLEY
COMMUNITY COLLEGE** **ADMINISTRATIVE
CAMPUS FREE SPEECH,
DISTRIBUTION OF MATERIAL
AND ASSEMBLY** **PROCEDURE
2.3.5.1**

The College is a limited public forum that does not regulate speech or activities based on content or viewpoint. All individuals using College Space must comply with the following Procedures. These Procedures only apply to the use of College Space and not to the use of facilities on campus. For more information regarding facility use, see Policy 2.2.3 – Facilities Use.

Nothing in these Procedures prohibits College Members from engaging in conversations with others on the College campus nor does it prohibit any College-sponsored activity.

I. Definitions

- A. College Members – students who are currently enrolled at the College, registered student organizations, and/or individuals currently employed by the College.
- B. College Space – all outdoor areas on the College campus.
- C. College Use – use of a College Space by the College for official College business and/or functions.
- D. Designated Area(s)¹ – areas on campus in which the College permits noncommercial expressive activities of College Members and Non-Members on a first come first-served basis, unless the use of such area(s) have been previously scheduled pursuant to other provisions of this Policy. The President, or designee, is authorized to designate other areas on campus as Temporary Designated Areas when needed dependent on the location and size of a specific event or activity. Temporary Designated Areas are not permanent and will end after the specific event or activity. The following locations are the College’s designated areas:
- E. Non-College Members – any individuals who are not currently enrolled at the College and/or are not currently employed by the College.

II. Use of Designated Areas by College Members

- A. The College is committed to making the majority of its outdoor College Space, including the Designated Areas, available to College Members who wish to exercise their rights of speech, distribution of material, and assembly.

- B. Except for assemblies, activities, or other use where 30 or more people are expected to attend, reservations to use Designated Areas by College Members are not required but are recommended for planning purposes. Reservations ensure that the desired space will be available on the desired date and time. For more information about reservations, see Section IV (B).
- C. For assemblies, activities, or other use where 30 or more people are expected to attend, reservations of the Designated Area are required and should be made at least two (2) business days prior to the start of the activity. Where an event was not initially expected to have more than 30 people but evolves to exceed 30 people, the College Member in charge of planning the event shall make reasonable efforts to inform a designated administrator of the activity with as much time as possible under the circumstances.
- D. The College maintains the right to reserve any Designated Area at any time, with or without prior notice, for College Use and such use will take priority over any other use.
- E. All outdoor assemblies or events in Designated Areas may not be conducted within thirty (30) feet of any building or otherwise interfere with free flow of vehicular, bicycle, or pedestrian traffic.

III. Use of Designated Areas by Non-College Members

- A. Except as stated herein, Non-College Members shall be allowed to use the Designated Areas between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Thursdays when the College's general curriculum classes are in session. The Designated Areas are not available on weekends or when the College is closed. The College maintains the right to use the Designated Area at any time, with or without prior notice, for College Use and such use will take priority over any other use.

If on the weekends the College is having an official College event or if a speaker or group is hosting an event that is open to the general public and/or is a matter of public concern, the Designated Area, or Temporary Designated Area, if so established, will be open to Non-College Members at times established by the President or designee.

- B. Any Non-College Members will be allowed to use the Designated Areas within the time restriction. All Non-College Members must complete a Reservation Form (the "Form") no later than two (2) business days prior to the start of the activity.
- C. The College will assign use of a Designated Area on a first come, first serve basis; however, the College may regulate hours to fairly accommodate multiple groups.

IV. Use of College Spaces other than Designated Areas

- A. Reservations of College Spaces that are not Designated Areas are required for any use by individuals or groups, whether College Members or Non-College Members. Use of any College Spaces may be denied when such use may disturb the conduct of regular College activities. Reservations must be made at least three (3) business days prior to the activity. For activities in which 30 or more people are expected to attend, it is recommended that reservations are made as soon as possible, but no later than three (3) days in advance.
- B. College Space must be capable of accommodating the event as determined by the nature of the activity, staging requirements, and the anticipated audience. All activities must be in compliance with College health and safety policies, the North Carolina Fire Prevention Code, and local fire and life safety regulations.

V. General Rules and Regulations for Both College and Non-College Members

- A. While expressing speech, distributing material, or assembling, both College and Non-College Members are prohibited from doing the following:
 - 1. Engaging in non-protected speech such as obscenity, speech inciting criminal conduct, speech that constitutes a clear and present danger, or speech that constitutes defamation;
 - 2. Touching, striking, approaching, or impeding the progress of pedestrians in any way, except for incidental or accidental contact;
 - 3. Obstructing the free flow of pedestrian or vehicular traffic;
 - 4. Using sound amplification or creating noise levels that are reasonably likely to or do cause a material and substantial disruption to the College educational environment and/or operations;
 - 5. Damaging, destroying, or stealing College or private property;
 - 6. Endangering the health or safety of persons; and
 - 7. Possessing or using firearms, explosives, dangerous weapons, or substances not allowed on campus by law or by College policy (e.g., drugs, alcohol, tobacco, non-service animals, etc.).

Any acts that are disruptive to the College's normal operations will not be tolerated and may result in an immediate termination of the activity.

- B. Individuals may distribute pamphlets, booklets, brochures, and other forms of printed materials on the condition that such material is designed for informational (not commercial) purposes. Individuals distributing materials must provide a

receptacle for the disposal of such materials. The College does not assume any obligation or liability for the content of such distributed material. Any signs used may not be larger than three (3) feet by four (4) feet in size. Signs must either be held by participants or be freestanding signs that do not stick into the ground. No signs may be mounted on buildings, trees, or other College property.

- C. Individuals are responsible for the cleanliness and order of the area they use. Individuals shall leave the area in the same condition it was in before the activity. Individuals who damage or destroy College property shall be held responsible for such damage or destruction. This includes the campus buildings, sidewalks, lawns, shrubs, and trees.
- D. Individuals are subject to sanctions for failing to comply with these procedures or other College policies. Such sanctions may include, but are not limited to: repairing, cleaning, painting, replacement costs, restitution (by order of a court), and being banned from future use. College Members may also be subject to College disciplinary action as outlined in the College policies and procedures. Individuals who violate these procedures may be issued a trespass warning and denied future access to College premises. Violations that require police intervention will be reported to the College's security forces.

VI. Requesting Reservations for Use of Designated Areas and Other College Spaces.

- A. The College does not restrict assemblies, speech, or other activities based on the content or viewpoint. The purpose of reservations is to ensure there is adequate space at the requested date and time and to ensure the health and safety of those on the College campus.
- B. All reservation requests should be submitted on the appropriate form to the Office of Auxiliary Services.² Reservations will cover only one (1) day at a time. Requests for standing dates (e.g. every Tuesday) will not be honored.
- C. The Office of Auxiliary Services may deny a request to reserve space for an activity if:
 - 1. the applicant has not completed a reservation request form as required under this policy;
 - 2. the reservation request contains a material misrepresentation or materially false statement;
 - 3. the reservation request is not submitted within the required time frame;
 - 4. the applicant has been notified of damage to College property from use in the past and has not paid for repairs;
 - 5. the reservation request is for a time that conflicts with the time of another preexisting reservation and there will not be sufficient room for the requested reservation;

6. the request to use College Space is scheduled at a time that conflicts with another preexisting reservation or the use of College Space at the requested time will interfere with a regularly scheduled College Activity; or
7. the use or activity would present an unreasonable health or safety danger.

The denial to use a College Space or Designated Area may be appealed through the College's grievance and complaint policies.

VII. Polling Places on Campus

If campus buildings are used as public polling places, all activity must be in accordance with statutory and state/local Board of Elections requirements.

VIII. City Sidewalks

City sidewalks that run along the borders of or within the College's campus are public forums and are available to all members of the public. Use of city sidewalks must comply with federal and state laws as well as city ordinances.

Adopted: August 26, 2022