



**POLICY: 6Hx28:5-02**

**Responsible Executive:**

Vice President, Business Operations and Finance

**Policy Contacts:** Campus Presidents

**Specific Authority:** 1001.64, F.S.

**Law Implemented:** 1001.64, F.S.

1004.097, F.S.

877.13, F.S.

871.01, F.S.

**Effective Date:** 09-12-2018

**Date of Last Policy Review:**

09-12--2018

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## **Speech, Expression, and Commercial Activity on College Property**

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### **Policy**

#### **Statement:**

Valencia values the freedoms of speech, thought, expression, and assembly as part of its core educational and intellectual mission. The College is committed to creating a learning and working environment that supports these values, champions diversity, and encourages the free exchange of ideas, while also maintaining the integrity of the academic environment and the security of students, employees, visitors and college property. The College 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 content of expressive activities will not be considered in regulating speech in outdoor areas, except to the extent permitted by law. The President shall establish procedures implementing this policy with respect to matters including and without limitation; public speaking and expression in outdoor areas, counter-protests, and commercial activity.

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### **Policy**

#### **History:**

Adopted 12-11-74; Amended 12-17-75; Amended 10-17-79; Amended 1-19-83; Amended: 11-18-92; Amended 4-15-08; Amended 09-12-2018; Formerly 6Hx28:4-11; Formerly 6Hx28:11-07

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**Related Documents/Policies:**

None

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**Procedures:**

I. Speech and Expression in Outdoor Areas

- A. Expressive activities, defined as those activities protected under the First Amendment to the United States Constitution and Article I of the Florida Constitution, including 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 the recording and publication, including the Internet publication, or video or audio recorded in outdoor areas of campus, shall be permitted in outdoor areas of College property with general access, subject to the limitations described below.

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

- B. This policy does not apply to expressive activities that take place in indoor areas of College property including, but not limited to, classrooms or classroom buildings; interior hallways; administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by College policies related to academic freedom, facilities use, and other applicable policies and protocols. These areas may be used for official events sponsored by the College or for non-college use under Policy 6Hx28:11-08.2, College Facilities, Non-College Use of. Students, faculty, visitors or staff may not materially disrupt previously scheduled or reserved activities on college property.
- C. Information tables hosted by or in conjunction with recognized student clubs and organizations are organized by the Student Development Office and are governed by policies related to student government and student clubs.
- D. Students, staff, faculty, or visitors who engage in expressive activities in permitted outdoor areas, as defined herein, may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful 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 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 Florida Statute Section 810.095;
4. Threats to 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, including memorials or dedications;
7. Damage to property, including grass, shrubs, trees, or other landscaping;
8. Utilization of sound amplification, including bullhorns, except as approved in advance from the Campus Security 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 subsections i and ii above;
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.

Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with schools and the functions of educational institutions, including without limitation Florida Statute Section 817.13 and Florida Statute Section 871.01.

- E. 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 security officers may be present and other security measures may be employed to ensure the safety of all participants and the college community.

- F. To promote a peaceful and effective event, individuals or groups planning to engage in expressive activity are encouraged, but not required, to make advanced arrangements with Campus Operations on the relevant campus 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 relating to the use and operation of College and 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 hard material objects on campus property.

## II. 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 policy.

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### **Procedure**

### **History:**

Adopted 12-11-74; Amended 12-17-75; Amended 10-17-79; Amended 1-19-83; Amended: 11-18-92; Amended 4-15-08; Amended 7-03-08; Amended: 1-16-09; Amended 4-01-09; Amended 09-12-2018; Formerly 6Hx28: 4-11; Formerly 6Hx28:11-07

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**Date of Last Procedure Review:** 09-12-2018