

***Policies and Procedures***

**Date: June 29, 2020**

**Subject: Expressive Activity**

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[Appendix A: Areas & Facilities That May Be Reserved for Scheduled Expressive Activity](#)

**1. Purpose**

This policy promotes the free exchange of ideas while maintaining the safe, effective, and efficient operation of the college. It applies to all buildings, grounds, and other spaces owned or controlled by Tidewater Community College.

The policy provides for expressive activities by all students, student organizations, and employees of Tidewater Community College. The policy extends to individuals or organizations who are not members of the college community (i.e., not students, student organizations, or college employees) who are sponsored by a college-

recognized student organization. It does not provide privileges to employees of contractors or vendors assigned to work at a college location. Nor does it provide opportunities for commercial activities, i.e., the offering of or promotion of goods and services for sale or other consideration.

This policy does not apply in instances when speakers, performers, groups, etc. are invited by the college. Nor does it apply to external groups that arrange to use college space through a Facilities Use Agreement.

## **2. Policy**

Tidewater Community 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. The college 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, TCC 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. The college shall establish reasonable time, place, and manner restrictions on expressive activity in the procedures associated with this policy. 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. Door-to-door activities, such as solicitation and distribution of literature, are prohibited in college buildings.

While the college is obligated to provide opportunities for expressive activities, TCC shall be under no obligation to require or promote attendance at such events or to provide ancillary services, such as sound amplification or other audio-visual services to enhance the presentation of the expressive activity. Students, student organizations, and employees will not be charged for routine services, such as Security or Custodial Services for an expressive activity event. However, in the event that the venue requested for the expressive activity normally has other service charges for its use, such as the Roper Theater, the student, student organization, or employee requesting the venue shall be responsible for paying for those services.

College-sponsored activities and events shall take precedence over all extracurricular activities and events, including expressive activities.

During an expressive activity event, the student, student organization, or college employee using an interior facility shall be responsible for preserving and maintaining the facility. If the event results in any damage to the facility, the person(s) or organization (and its officers, if applicable) conducting the expressive activity shall

assume responsibility for the damage. This responsibility shall also extend to those conducting an expressive activity event in an exterior area of the college when the event results in damage to college structures or infrastructure (e.g., sidewalks and other hardscapes, underground utilities, etc.).

### **3. Responsibilities**

The Vice President for Student Affairs shall be responsible for developing and maintaining procedures that are consistent with this policy and that comply with applicable regulations, policies, and procedures of the Virginia Community College System and the laws and regulations of the Commonwealth of Virginia. The Vice President for Student Affairs shall be responsible for implementing this policy at campuses and other associated locations. The Vice President for Workforce Solutions shall be responsible for implementing this policy at the college's location in Suffolk as well as other locations under TCC's control where college activities are conducted by their division. The Director of Public Safety shall be responsible for maintaining reports of disruptions of protected speech. The Vice President for Communications and Marketing shall be responsible for maintaining a searchable "Freedom of Speech" web page that archives reports of disruptions of protected speech and for reporting such incidents annually to the Virginia Community College System Counsel.

### **4. Procedures**

In general, the college's procedures will provide opportunities for scheduled and unscheduled or spontaneous expressive activity in a manner that does not interfere with the safe, effective, and efficient conduct of the college's business functions or with the rights of other individuals.

#### **4.1. Reserving College Facilities for Expressive Activity**

Students, student organizations, or college employees desiring to reserve college facilities for expressive activities shall submit their requests to the designated college administrator<sup>1</sup>. Normally, twenty-four hours advance notice shall be required when individual students, student organizations, or employees desire to use designated college space or facilities as delineated below. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus or center.

##### **4.1.1. Areas and Facilities Designated for Scheduled Expressive Activity**

The college areas and facilities identified in Appendix A are designated as available, with prior scheduling, for expressive activities, including the expressive activity of individual students and employees.

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<sup>1</sup> The respective campus dean or designee is the "designated college administrator" for TCC's campuses and their associated centers. The Vice President for Workforce Solutions or designee fulfills that role for the college's Suffolk facilities.

#### **4.1.2. Requests to Schedule Expressive Activities**

A request to use an area identified in Appendix A must be submitted to the designated college administrator at least twenty-four hours in advance of the desired time of the activity. More notice may be required depending upon the anticipated size of the group, the popularity of the space, and other factors to allow for sufficient logistical support and to ensure the safety and security of the campus. The designated college administrator shall not require any more advance notice than is necessary to make appropriate arrangements to support the activity.

The request shall include the specific location requested, the estimated number of expected attendees/participants, and the name and contact information of at least one person who can be contacted regarding logistics of the event, including at least one person who will be present at the event.

#### **4.1.3. Responding to Requests to Schedule Expressive Activity**

The designated college administrator shall respond to the request to schedule an expressive activity as soon as feasible after its receipt. When assessing a request to reserve campus facilities, the administrator must not consider the content or viewpoint of the expression or the possible reaction to that expression. Restrictions may not be imposed 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 organization's, or college employee's expression, college officials (including TCC Security staff) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

Requests to use the designated areas and facilities identified in Appendix A from students, student organizations, or employees shall be approved on a first-come, first-served basis. These requests may be denied only for the following reasons:

- a. the requested venue is an indoor facility that the college has designated as not available for expressive activity under section 4.3 of this policy;
- b. the requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section 4.3 of this policy;
- c. the activity will attract a crowd larger than the venue can safely contain;
- d. the activity will substantially disrupt college operations (including classes);

- e. the venue is already reserved for another event<sup>2</sup>;
- f. the activity will substantially disrupt another event being held at a neighboring venue<sup>3</sup>;
- g. the activity is a clear and present threat to public safety, according to the TCC Security department; or
- h. the activity is unlawful.

## **4.2. Spontaneous Expressive Activity**

Students, student organizations, and employees shall be allowed to engage in unscheduled or spontaneous expressive events and activities consistent with the following provisions. No college personnel may impose restrictions on students, student organizations (or their sponsored guests), or employees 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 TCC Security staff) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

### **4.2.1. Outdoor Areas**

For outdoor college facilities and areas, students, student organizations, their sponsored guests, and employees 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<sup>3</sup>;
- d. substantially disrupt college operations;
- e. constitute unlawful activity; or
- f. create a clear and present threat to public safety, according to the TCC Security department.

### **4.2.2. Indoor Areas**

No indoor areas or facilities of the college are designated as available for spontaneous expressive activities.

### **4.2.3. Relocation of Expressive Activity**

The designated college administrator may require that a spontaneous expressive activity be relocated if it substantially disrupts college operations, violates or hinders the rights of others, creates a clear and present threat to public safety, substantially disrupts previously scheduled

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<sup>2</sup> 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.

<sup>3</sup> The expression of competing viewpoints or multiple speakers in proximity to each other does not, in and of itself, constitute a substantial disruption.

campus events. The administrator may suggest alternative locations for the expressive activity that ceases the disruption and provide ample alternative channels for communication of the information.

#### **4.3. Areas Not Available for Expressive Activity**

College and campus administrative offices (including support facilities, such as warehouses and physical plant/facilities maintenance spaces); libraries (other than designated public meeting spaces); computer rooms and labs; restrooms and waiting areas, and all other areas similarly designated by the Dean of Student Life and Student Conduct for each campus; and classrooms during their scheduled instructional hours are not available for expressive activity.

College areas under the control of contractors, including spaces designated for food services, bookstore operations, and construction zones are not available for expressive activity.

#### **4.4. Responsibility for Damages**

If damage occurs to college property as a result of the expressive activity event, the Director of Facilities Management & Services shall determine the cost to repair or restore the damaged area or infrastructure. The person or organization responsible for the event will be assessed the cost of the repair/restoration.

#### **4.5. Reporting Disruptions of Protected Speech**

To report a disruption of protected speech, students, staff, or faculty should contact Campus Security at 757-822-7777. For public safety incidents that require an emergency response, dial 911.

##### **4.5.1 Maintaining Records of Disruptions of Protected Speech**

Pursuant to requirements of Va. Code § 23.1-401.1 as amended in 2018, TCC shall maintain a web page containing Freedom of Speech policies, procedures, and records of disruptions of protected speech. Any such incidents shall be reported annually to the Virginia Community College System Counsel.

## **5. Definitions**

**Employee.** Any person employed by Tidewater Community College, including wage staff and adjunct faculty. This category includes staff of the Joint-Use Library, Advanced Technology Center who are employed by the City of Virginia Beach or its school system and the Portsmouth Public Schools employees who work at the Portsmouth Campus consistent with the respective employer's policies. It does not include employees of contractors or vendors who are assigned to work at TCC.

**Expressive Activity.** The term "expressive activity" includes:

- meetings and other group activities of students, student organizations, and employees;
- speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, outside groups invited by student

- organizations, and employees;
- distributions of literature, such as leafleting and pamphleting; and
- any other expression protected by the First Amendment to the U.S. Constitution.

**Student.** Any person who is enrolled in a Tidewater Community College credit or non-credit course in the current term or in the immediately following term during periods when classes are not in session.

**Student Organization.** A student group that has applied for and been recognized as a college-sponsored club or organization through the college's process for establishing and chartering student organizations. This status does not apply to student "Interest Groups" until they have completed the process for recognition as a Student Organization.

## **6. References**

[VCCS Policy 6.5.1](#)

Code of Virginia § [23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report.](#)

## **7. Review Periodicity and Responsibility**

The Vice President for Student Affairs shall review this policy annually on the anniversary of its approval and, if necessary, recommend revisions.

## **8. Effective Date and Approval**

This policy is effective upon its approval by the College President and approval by the Virginia Community College System Counsel on June 29, 2020.

Policy Approved:

Marcia Conston, Ph.D.  
President

Procedure Developed:

Karen Campbell, Ph.D.  
Interim Vice President for Student  
Affairs

## **9. Review and Revision History**

This is the first revision of this policy. It reflects requirements for reporting and maintaining records of incidents where constitutionally protected speech is disrupted, as required by Virginia statute amended in 2018. It also updates responsible parties.

## APPENDIX A

### AREAS & FACILITIES THAT MAY BE RESERVED FOR SCHEDULED EXPRESSIVE ACTIVITY

The following areas/facilities are may be reserved for scheduled expressive activity by students, college-recognized student organizations (and their guests), and employees on a first-come, first-served basis without regard to the content or viewpoint of the expression or the possible reaction to that expression.

#### A. District Administration

1. Green District Administration Building
  - i. Room 501 – Conference Room
  - ii. Room 502 – Conference Room
  - iii. Room 602 – Conference Room
2. Roper Performing Arts Center Theater (costs for services may be assessed)
3. Regional Workforce Solutions Center
  - i. Classrooms during non-instructional hours
  - ii. Room 105 – Conference Room

#### B. Chesapeake Campus

1. Exterior Areas\*:
  - i. Academic Building Theater Patio
  - ii. Student Center Breezeway
  - iii. Student Center Dining Patio
2. Classrooms throughout the campus during non-instructional hours
3. Pass Building – Room 188 – Provost’s Conference Room
4. Whitehurst Building – Room 2057 – Conference Room (sub-divides into two smaller rooms)
5. Academic Building:
  - i. Room 4102 – Theater/Multi-Purpose Assembly Space
  - ii. Room 4100 – Lobby outside Theater/Multi-Purpose Assembly Space
6. Student Center:
  - i. Room 3100 – Chesapeake Bay Room (sub-divides into two smaller rooms)
  - ii. Room 3106 – Potomac
  - iii. Room 3H11C – Commons Lounge
  - iv. Room 3H41A – Gallery Lounge

\* Being identified for scheduling does not preclude an exterior area from being used for unscheduled expressive activity. All outdoor areas are available for students’ expressive activity.

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- v. Room 3H21D – Veterans Lounge
  - vi. Room 3214 – Chickahominy
  - vii. Room 3300 – Big Otter (sub-divides into three smaller spaces)
  - viii. Room 3304 – Rappahannock
  - ix. Room 3310 – Little Otter (sub-divides into two smaller spaces)
  - x. Room 3H31E – Balcony
7. Regional Automotive Center – Room 101 – Student Lounge
- C. Norfolk Campus
- 1. Exterior Area\*: Andrews Building lawn & plaza
  - 2. Classrooms throughout the campus during non-instructional hours
  - 3. Student Center:
    - i. Room 5509 – Multi-Purpose Meeting Room (sub-divides into three smaller spaces)
    - ii. Room 5211 – Study Room
- D. Portsmouth Campus
- 1. Exterior Areas\*:
    - i. Student Center: Front Patio
    - ii. Student Center: Lakeside Patio
    - iii. Campus Quad at Beazley Statue
  - 2. Classrooms throughout the campus during non-instructional hours
  - 3. Student Center:
    - i. Room 126 – Multi-Purpose Meeting Room (sub-divides into three smaller spaces)
    - ii. Room 108 – Large Study Room
- E. Virginia Beach Campus
- 1. Exterior Lawn Areas\*:
    - i. between Bayside and Blackwater buildings;
    - ii. between Lynnhaven and Blackwater buildings;
    - iii. between Kempsville and Virginia Beach buildings; and
    - iv. south of the Regional Health Professions Center.

\* Being identified for scheduling does not preclude an exterior area from being used for unscheduled expressive activity. All outdoor areas are available for students' expressive activity.

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2. Classrooms throughout the campus during non-instructional hours
3. Pungo Building – Room F-133 – Auditorium
4. Student Center:
  - i. Room K-320 – Multi-Purpose Meeting Room
  - ii. Room K-302 – Seminar Room
  - iii. Room K-304 – Seminar Room
  - iv. Room K-311 – Seminar Room
  - v. Room K-313 – Seminar Room
5. Advanced Technology Center – Room H270 – Theater
6. Joint-Use Library – Rooms L102 & L103 – Meeting Rooms

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