
Chapter: Facilities

Modification No. 002

Subject: **Freedom of Expression**

- I. Montgomery College recognizes the rights of the College community to freedom of speech, freedom of the press, freedom of expression, and the right to peaceful assembly. However, these activities must not disrupt the normal operations of the College. Accordingly, the time, place, and manner of exercising speech and advocacy on the campuses are subject to regulations that shall provide for non-interference with College functions and reasonable protections to persons against practices which would make them involuntary audiences. Any persons engaging in expression or advocacy in accordance with this policy shall not do so in the name of the College or any of its organizations unless there has been specific authorization to do so.

- II. The College President or designee is authorized to establish viewpoint-neutral procedures to implement this policy.

Board Approval: May 10, 2004; January 23, 2017.

Chapter: Facilities

Modification No. 004

Subject: **Freedom of Expression**

I. The following guidelines and procedures apply to all persons on College-owned or leased property, including students, employees, College groups, community groups and individuals, and commercial organizations, unless expressly noted otherwise.

A. Demonstrations and Protests

1. Demonstrators are not required to obtain permission to hold a demonstration on any of the campuses or elsewhere on College-owned property, nor to reserve space or notify the College in advance, unless they choose to do so. It is possible that demonstrations will occur spontaneously.
2. Demonstrations shall not take place inside buildings.
3. Demonstrations shall not block stairways, walkways, entrances, and exits from buildings or roadways or otherwise restrict free movement on any of the campuses.
4. College procedures regarding posting and distribution of materials shall be followed at all times. Upon request, these policies and procedures will be provided to demonstrators.
5. All students and employees are encouraged to read and understand the College policy and procedures regarding hate/violence activities and to recognize that some expressions of free speech may be objectionable to some individuals.
6. If a “counter” demonstration occurs at the same time or within close proximity of a demonstration, the Campus Security Office, in consultation with the appropriate vice president/provost, may establish a buffer zone between the two groups.
7. Demonstrations may continue so long as they are in compliance with all applicable state and federal laws and College policies, rules and regulations. Improper actions in violation of this policy and procedures include but are not limited to:
 - a. Disruption of, or interference with instructional activities, other College business and/or campus events;
 - b. Actual or threats of physical violence, or other forms of harassment, or destruction/defacement of property;
 - c. Interference with free entry to or exit from College facilities and free movement by individuals; and
 - d. Interference with the rights of other members of the College community to freedom of speech or assembly or other rights.

8. In the event of any of the foregoing or other improper actions by demonstrators, the campus vice president/provost or designee, in consultation with the campus facilities director and dean of student development, shall make a decision as to whether the demonstration should continue. In making this decision, the vice president/provost or designee shall consider any particular incidents that have occurred, the number of complaints, and the legitimacy of the complaints.
9. If the vice president/provost or designee determines that a demonstration involves unlawful or disruptive activities or is otherwise interfering with the rights of others, the vice president/provost or designee shall make an effort, if possible, to end such activities by speaking directly to those demonstrators who are engaging in the activities and requesting that such activities cease. If unlawful or disruptive activities continue, participants shall be informed that local authorities will be notified. The vice president/provost or designee is authorized to notify local authorities immediately in emergency situations when the safety of individuals appears at risk.

B. Posting of Materials

The general guidelines listed below apply to all non-College individuals and groups and to all College employees, students, groups, and departments. The intent of the guidelines is to help assure the safety of everyone on College grounds and to preserve and protect College buildings and grounds.

College departments may post materials within their units without prior notice to the Campus Facilities Office. If departments want to post materials outside of their units, or want to request an exception to the general guidelines (i.e. directional signs, promotional materials, banners, etc.), unit heads shall notify the appropriate Campus Facilities Office in advance and work with that unit to assure that such materials are mounted, placed, and removed in a timely way.

1. Materials, including but not limited to posters, flyers, pictures, signs, brochures, and all other materials of this nature, may be posted only on "General Use" bulletin boards and outdoor kiosks. Prior approval is not required to post materials at these locations. "General Use" bulletin boards are located in most College buildings and are maintained by the Office of College Facilities.
2. Materials shall not be posted on College structures, including windows, doors, trees, refuse containers, utility poles, fountains, benches, walls, fences, or vehicles.
3. Materials may not be placed on vehicles in accordance with applicable provisions of the Montgomery County Code.
4. All materials must clearly identify the group, organizations, or person responsible for producing and posting the materials, including the name of the contact person and direct contact information, such as email, address, and/or telephone number.

5. Materials designed to promote the consumption of alcoholic beverages or tobacco products are not permitted.
6. Posters/flyers must not exceed 18" x 24" in size and only one poster per group/individual per event may be placed on a single general use bulletin board at any given time. Material must be fastened with tacks or staples (no tape or glue). When posting material, any material already displayed should not be removed or otherwise tampered with or defaced.
7. Painting is not permitted on sidewalks or structures.
8. The hanging (attachment) of banners is prohibited, except in consultation with the Campus Facilities Director.
9. Writing signs, ads, promotions or placing drawings of a non-instructional nature on any classroom chalkboard or dry-erase board is prohibited.

C. Removal of Materials

1. Materials that are posted improperly will be removed promptly by College Facilities staff.
2. Materials posted pursuant to this policy that materially disrupt or interfere with the normal activities of the College shall be removed.
3. The person or organization shall remove each of its signs not later than 30 days after posting or not later than 24 hours after the event to which each sign relates. The person or organization shall clean and remove any litter that results from the posting of its signs.
4. College Facilities staff shall clear all general use bulletin boards once per month, on the date noted on the bulletin board, and materials will be discarded.
5. No person shall remove materials posted in accordance with these rules without the authorization of the College Facilities staff, except as provided in item 3 above. The College is not responsible for material removed by unauthorized individuals.

D. Distribution of Printed Material

Printed materials may be distributed on College-owned or leased property only in accordance with the following procedures:

1. Applicants shall complete a Space Reservation Form at the Campus Office of Facilities to secure a date(s) and location to distribute printed materials. The location shall provide for the free flow of traffic and persons.
2. The Campus Office of Facilities shall provide tables and chairs appropriate to distribute and display the materials.

3. Individuals or groups distributing the materials are responsible for leaving the area clean, including discarded materials. Efforts shall be made to avoid litter.
4. Individuals or groups distributing the materials must remain seated or standing behind the tables. Distribution of printed materials by means of accosting individuals or by hawking is prohibited.
5. No materials may be sold without the approval of the Director of Auxiliary Services, in accordance with Auxiliary Services policy and procedures.

E. Gathering Signatures on Petitions

Signatures may be obtained for petitions on college-owned or leased property only in accordance with the following procedures:

1. Applicants shall obtain a visitor's pass and complete a space reservation form at the campus office of facilities to secure a date(s) during which the applicant may gather signatures on petitions on college-owned or leased property.
2. Applicants collecting signatures on petitions are not required to be seated or standing behind tables at the particular location, so long as they are not distributing materials and they meet the other requirements of this section. An occasional giving of a copy of the petition to a person at their request shall not be considered distributing materials. In the event applicants engage in distribution of materials other than as permitted above, they must meet the requirements of section D above pertaining to distribution of printed materials as they are sources of litter regardless of other signature gathering activities.
3. In addition, applicants for gathering signatures for petitions are subject to the following restrictions and requirements in order to be authorized to obtain signatures under this section:
 - a. The activity of gathering signatures for petitions may not occur inside college buildings.
 - b. The activity of collecting signatures may not block stairways, walkways, entrances, and exits from buildings or roadways or otherwise restrict free movement on any of the campuses.
 - c. The activity of collecting signatures may not involve intrusive activities such as accosting individuals or use of other similar aggressive, harassing, or threatening techniques.
 - d. The activity of collecting signatures may not involve disruption of or interference with college instructional activities, other college business and/or campus events by noise or activity associated with the process used in collecting signatures.

4. This section shall not apply to petition activity under collective bargaining laws and authorized activities of the Office of Student Life.

F. Student Journalism and College-Sponsored Media

1. Subject to the provisions in Section 3 below, a student journalist may exercise freedom of speech and freedom of the press in College-sponsored media.
2. Subject to the provisions in Section 3 below, a student journalist is responsible for determining the news, opinion, feature, and advertising content of College-sponsored media.
3. Nothing in this procedure shall be construed to authorize or protect content of College-sponsored media by a student journalist that:
 - a. Is libelous or slanderous;
 - b. Constitutes an unwarranted invasion of privacy;
 - c. Includes language that has the intent to harass, threaten, or intimidate an individual;
 - d. Violates federal or state law; or
 - e. Incites students to create a clear and present danger of the commission of an unlawful act, the violation of College policy, or the material and substantial disruption of College operations.
4. Any employee serving as a student media advisor may not use their position to influence a student journalist to promote an official position of the College.
5. A student journalist may not be disciplined for acting in accordance with these procedures.
6. Any employee serving as a student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:
 - a. Acting to protect a student journalist engaged in conduct pursuant to these procedures;
 - b. Refusing to infringe on conduct that is protected by these procedures, the First Amendment of the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

II. Enforcement

1. Any student or employee who violates this policy may be disciplined pursuant to applicable College policies and procedures and may be reported to local law enforcement authorities.

2. Non-students and/or non-employees who violate this policy are subject to trespass warning or may be reported to local law enforcement authorities.

Administrative Approval: May 10, 2004; August 13, 2010 (administrative corrections only);
February 4, 2016; January 26, 2017