
Chapter: Facilities

Modification No. 0023

Subject: **Freedom of Expression**

1 I. Montgomery College ~~recognizes~~ supports the rights of the College community to freedom
2 of speech, freedom of the press, freedom of expression, and the right to peaceful
3 assembly. ~~However, t~~
4

5 II. These activities must not disrupt the normal standard operations of the College.
6 Accordingly, the time, place, and manner of exercising speech ~~and advocacy~~ on College
7 property ~~the campuses~~ are subject to viewpoint neutral regulations that shall provide for
8 non-interference with College functions and ~~reasonable protections to~~ shall reasonably
9 protect persons against practices which would make them involuntary audiences.
10

11 ~~I.~~ Any persons engaging in expression or advocacy in accordance with this policy shall not
12 do so in the name of the College or any of its organizations unless there has been
13 specific authorization to do so.
14

15 II. The Board of Trustees authorizes College the P ~~president or designee is authorized~~ to
16 establish ~~viewpoint neutral any~~ procedures necessary to implement this policy.
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19 Board Approval: May 10, 2004; January 23, 2017; DATE.
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Chapter: Facilities

Modification No. 0045

Subject: Freedom of Expression

I. Scope and Applicability

- A. The College is committed to supporting freedom of expression and assembly, provided such activities do not endanger the safety or security of the College community, cause damage to property, or disrupt the educational or operational functions of the College.
- B. These procedures include reasonable rules regarding time, place and manner applicable to all constitutionally protected expressive activities, regardless of content, that are intended to ensure the safe and orderly operation of the College
- C. These policy following guidelines and procedures apply to all persons on College-owned or leased property, including students, employees, College groups, (“Internal Users”), as well as persons present as visitors, licensees or invitees who are not students or employees (“External Users”). ~~community groups and individuals, and commercial organizations, unless expressly noted otherwise.~~
- D. All persons engaging in expressive activities pursuant to this policy and procedures shall comply with directions of College officials acting in the performance of their duty and may be required to provide student, staff, or other form of identification.
- E. All persons engaging in expressive activities are subject to and expected to comply with all applicable College policies and procedures.
- F. Nothing in this policy or procedures is intended, nor shall be construed, to authorize or protect speech or other expressive activities that are not protected by the First Amendment, constitute a violation of College policy or federal, state or local law, or involve a material and substantial disruption to College operations.
- G. The following are expressly prohibited:
 - 1. Disruption of, or interference with, instructional activities (including without limitation where expressive activity can be heard in any building in which a class is in session), other College business and/or campus events, including online/virtual instructional activities and College events;
 - 2. Incitement to violence, fighting words, or displays of obscenity.
 - 3. Actual or threats of physical violence, or other forms of unlawful harassment, or destruction/defacement of property;
 - 4. Interference with free entry to or exit from College facilities and/or the free movement by individuals; and

5. Interference with the rights of other members of the College community to freedom of speech or assembly or other rights.

H. The exercise of any right or activity pursuant to this policy and procedures by any person or group does not constitute an endorsement by the College of the views or opinions expressed therein, and the College reserves its own rights under the First Amendment to speak or act as it deems appropriate to educate members of the College community.

II. A. Demonstrations and Protests

~~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.~~

A. This section applies to all demonstrations, protests, rallies, marches, vigils, and equivalent activities (hereafter collectively referred to as “demonstration(s)” regardless of how characterized or labeled).

B. It is the intent of the College to ensure that all demonstrations on College property occur safely and without disruption to standard College operations through proper planning and scheduling whenever possible.

C. External user planning a demonstration on College property must submit a Community Use Space Reservation Contract indicating the date, time and duration of the proposed activity and the number of participants reasonably expected to attend.

D. Internal users planning a demonstration on College property for which they expect more than 30 persons to attend must submit an On Campus Space Reservation Contract indicating the date, time and duration of the proposed activity and the number of participants reasonably expected to attend.

E. Demonstrations involving 30 or fewer Internal Users that do not otherwise violate these procedures may generally occur at any publicly accessible outside location on College property on a first-come, first-served basis without advance registration, although advance notice can help ensure the health and safety of the participants and the College community and to ensure the standard operations of the College are not disrupted.

F. Occasionally, events occur that lead to immediate public outcry, and these procedures are is not designed to limit persons’ rights to protest such events. Spontaneous demonstrations may occur without advance notice provided these activities do not otherwise violate these procedures. However, planned activities shall not circumvent these procedures by claiming to be spontaneous. Any evidence the demonstration was planned, including but not limited to presence of commercially produced placards, presence of amplification equipment, and advanced social media posts, shall result in the demonstration being disbanded.

G. Demonstrations shall not take place inside buildings, within twenty-five feet of ingress or egress of a building, or in parking lots or garages.

- 119 -
- 120 H. No persons shall be permitted to camp or set up any tent or other permanent or
- 121 semi-permanent structure on College-owned or leased property.
- 122
- 123 I. Demonstrations shall only be conducted between the hours of 7 a.m. and 9 p.m.
- 124
- 125 J. Demonstrations shall not block stairways, walkways, entrances, ~~or and~~ exits from
- 126 buildings or roadways or otherwise interfere with the ~~restrict~~ free movement of n
- 127 vehicular, bicycle, or pedestrian traffic on College property. ~~any of the campuses.~~
- 128
- 129 K. Persons shall not obstruct, disrupt, interrupt, or attempt to force the
- 130 cancellation of any event or activity sponsored by the College or by any users
- 131 authorized to enter use College facilities.
- 132
- 133 L. No use of amplified sound or public address systems over 65 decibels at their
- 134 source is permitted.
- 135
- 136 M. Signs, banners, flags and similar items carried during demonstrations are subject
- 137 to section III of these ~~College~~ procedures, and should be constructed entirely of
- 138 soft material such as cardboard and cloth, and should not be attached to poles,
- 139 sticks or other potentially dangerous material. ~~regarding posting and distribution~~
- 140 ~~of materials shall be followed at all times. Upon request, these policies and~~
- 141 ~~procedures will be provided to demonstrators.~~
- 142 1. _____
- 143 ~~2. All students and employees are encouraged to read and understand the College~~
- 144 ~~policy and procedures regarding hate/violence activities and to recognize that~~
- 145 ~~some expressions of free speech may be objectionable to some individuals.~~
- 146
- 147 N. Torches and open flames are prohibited during demonstrations.
- 148
- 149 O. If a “counter” demonstration occurs at the same time or within close proximity of
- 150 a demonstration, the Campus ~~Security~~ Public Safety Office, ~~in consultation with~~
- 151 ~~the appropriate vice president/provost,~~ may establish a buffer zone between the
- 152 two groups.
- 153
- 154 ~~3. _____ Demonstrations may continue so long as they are in compliance with all~~
- 155 ~~applicable state and federal laws and College policies, rules and~~
- 156 ~~regulations. Improper actions in violation of this policy and procedures~~
- 157 ~~include but are not limited to:~~
- 158
- 159 ~~a. _____ Disruption of, or interference with instructional activities, other~~
- 160 ~~College business and/or campus events;~~
- 161 ~~b.a. _____ Actual or threats of physical violence, or other forms of~~
- 162 ~~harassment, or destruction/defacement of property;~~
- 163 ~~c.a. _____ Interference with free entry to or exit from College facilities and~~
- 164 ~~free movement by individuals; and~~
- 165 ~~d.a. _____ Interference with the rights of other members of the College~~
- 166 ~~community to freedom of speech or assembly or other rights.~~
- 167
- 168 P. In the event of any violations of these procedures, other applicable College policy
- 169 or procedures, or federal, state or local laws ~~of the foregoing or other improper~~
- 170 ~~actions by demonstrators,~~ the ~~C~~ampus Dean ~~vice president/provost~~ (or

designee), shall make a decision as to whether the demonstration may continue. In making this decision, the Campus Dean shall consult ~~in consultation~~ with the Public Safety representative for that campus and for incidents involving students with the ~~e~~Campus Dean of Student Affairs (or designed) ~~facilities director and dean of student development~~, shall make a decision as to whether the demonstration should continue. In making this decision, the Campus Dean ~~vice president/provost or designee~~ shall consider all the relevant facts and circumstances including any particular incidents that have occurred, the number of complaints, and the legitimacy of the complaints.

Q. If the ~~vice president/provost~~Campus Dean (or designee) determines that a demonstration involves unlawful or disruptive activities or is otherwise interfering with the rights of others, they ~~vice president/provost~~ (or their 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~~Campus Dean (or designee) shall ask College Public Safety to intervene. If Public Safety deems it necessary, they are ~~is~~ authorized to notify local authorities, for example in ~~immediately~~ in emergency situations when the safety of individuals appears at risk.

III.B. Posters, Signs, and Banners ~~ing 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 primary intent of this section guidelines is to help assure the safety of everyone on College grounds and to preserve and protect the appearance, cleanliness, and function of College buildings and grounds. Use of College email or social media to disseminate information like that included on posters and signs must comply with 62003: Public Information, Communications, and Marketing and 66001: Acceptable Use of Information Technology.~~

A. 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.

B. 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.

C. Materials shall not be posted on College ~~structures~~property, including computer monitors, electronic message boards, windows, doors, trees, refuse containers, utility poles, fountains, benches, walls, fences, or vehicles.

D. Materials may not be placed on vehicles in accordance with applicable provisions of the Montgomery County Code.

- 223 E. All materials must clearly identify the group, organizations, or person responsible
 224 for producing and posting the materials, including the name of the contact person
 225 and direct contact information, such as email, address, and/or telephone number.
 226
- 227 F. Materials designed to promote the consumption of alcoholic beverages, ~~or~~
 228 tobacco products, or legally controlled substances, are not permitted.
 229
- 230 G. Posters/flyers must not exceed 18" x 24" in size and only one poster per
 231 group/individual per event may be placed on a single general use bulletin board
 232 at any given time. Material must be fastened with tacks or staples (no tape or
 233 glue). When posting material, any material already displayed should not be
 234 removed or otherwise tampered with or defaced.
 235
- 236 H. ~~The P~~ainting ~~is not permitted on~~of sidewalks, landscaping, or structures is
 237 prohibited.
 238
- 239 I. The hanging (attachment) of banners is prohibited, except in consultation with
 240 the Campus Facilities Director.
 241
- 242 J. Writing signs, ads, promotions or placing drawings of a non-instructional nature
 243 on any inside classrooms or on classroom door ~~chalkboard or dry-erase board~~ is
 244 prohibited.
 245
- 246 K. Staked-yard signs are only permissible for College-sponsored events but must
 247 be removed by the sponsoring unit or department within 24-hours of the event.
 248
- 249 L. Political signs are prohibited except on Election Day and during the early voting
 250 period in designated electioneering areas adjacent to the polling locations and
 251 ballot drop boxes. All political signs must be removed by the person who posted
 252 them within 24 hours of the polls closing. Any political signs placed outside the
 253 designated electioneering area will be removed.
 254
- 255 C. ~~Removal of Materials~~
 256
- 257 M. Materials that are posted improperly will be removed promptly by College or
 258 Public Safety Facilities staff.
 259
- 260 ~~1. Materials posted pursuant to this policy that materially disrupt or interfere with the~~
 261 ~~normal activities of the College shall be removed.~~
 262
- 263 N. The person or organization shall remove each of its signs not later than thirty (30)
 264 days after posting or not later than 24 hours after the event to which each sign
 265 relates. The person or organization shall clean and remove any litter that results
 266 from the posting of its signs.
 267
- 268 O. College Facilities staff shall clear all general use bulletin boards once per month,
 269 on the date noted on the bulletin board, and all materials will be discarded,
 270 regardless of when they were posted.
 271
- 272 P. No person shall remove materials posted in accordance with these rules without
 273 the authorization of the College Facilities staff, except as provided in III.N item 3

above. The College is not responsible for material removed by unauthorized individuals.

IV. D. — Distribution of Printed Material

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

A. For purposes of this section, “printed materials” includes newspapers, handbills, leaflets, pamphlets, posters, magazines, and all other printed items of a like nature.

B. Internal users must ~~Applicants shall complete a~~ submit an On Campus Space Reservation ~~Contract 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.~~

C. External users must submit a Community Use Space Reservation Contract to secure a date(s) and location to distribute printed materials.

D. The Campus Office of Facilities may shall provide tables and chairs appropriate to distribute and display the materials as needed and shall designate a location that will provide for the free flow of traffic and persons.

E. Individuals or groups distributing the materials are responsible for leaving the area clean, including discarded materials, and should make ~~Efforts shall be made~~ to avoid litter.

F. Individuals or groups may not leave materials unattended and College Facilities staff may remove and dispose of any such materials.

G. 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.~~

H. No materials may be sold without the approval of the Director of Auxiliary Services, in accordance with ~~Auxiliary Services~~ College policies y and procedures.

V. E. — Gathering Signatures on Petitions

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

A. Anyone wishing to gather signatures on college property is encouraged to notify the Campus Office of Facilities in advance. External users ~~Applicants shall are required to~~ 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.~~

~~1. 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.~~

~~2.1.~~

B. ~~In addition, applicants for Individuals or groups~~ gathering signatures for petitions are subject to the following restrictions and requirements in order to be authorized to obtain signatures under this section:

1. The activity of gathering signatures for petitions may not occur inside college buildings, nor within twenty-five feet of any building in which classes are held, nor during online classes or via the Learning Management System.
2. The activity of collecting signatures may not block stairways, walkways, entrances, and exits from buildings or roadways or otherwise restrict free movement on any College property of the campuses.
3. The activity of collecting signatures may not involve intrusive activities such as accosting individuals or use of other similar aggressive, harassing, or threatening techniques.
4. 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.

C. 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.

~~3. This section shall not apply to petition activity under collective bargaining laws and authorized activities of the Office of Student Life.~~

VI.F. Student Journalism and College-Sponsored Media

- A. Subject to the provisions in ~~Section 3-VII.C~~ below, a student journalist may exercise freedom of speech and freedom of the press in College-sponsored media.
- B. Subject to the provisions in ~~Section 3-VII.C~~ below, a student journalist is responsible for determining the news, opinion, feature, and advertising content of College-sponsored media.
- C. Nothing in this procedure shall be construed to authorize or protect content of College-sponsored media by a student journalist that:

- 377 1. Is libelous or slanderous;
- 378
- 379 2. Constitutes an unwarranted invasion of privacy;
- 380
- 381 3. Includes language that has the intent to harass, threaten, or intimidate an
- 382 individual;
- 383
- 384 4. Violates federal or state law; or
- 385
- 386 5. Incites ~~students to~~ behavior that creates a clear and present danger ~~of~~
- 387 the commission of an unlawful act, the violation of College policy, or the
- 388 material and substantial disruption of College operations.
- 389

390 D. Any~~No~~ 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.

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393 E. A student journalist may not be disciplined for acting in accordance with these

procedures.

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396 F. Any employee serving as a student media advisor may not be dismissed,

suspended, disciplined, reassigned, transferred, or otherwise retaliated against

for:

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400 1. Acting to protect a student journalist engaged in conduct pursuant to

these procedures;

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403 2. 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.

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407 VII. Enforcement

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409 A. Activities that violate this policy or procedures may be subject to modification or

cancellation.

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412 B. Internal users ~~Any student or employee~~ who violates this policy or procedures

may be disciplined pursuant to applicable College policies and procedures and

may be reported to appropriate ~~local~~ law enforcement authorities.

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416 C. External users ~~Non-students and/or non-employees~~ who violate this policy or

procedures are subject to trespass procedures ~~warning or and~~ may be reported to

appropriate ~~local~~ law enforcement authorities.

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420 Administrative Approval: May 10, 2004; August 13, 2010 (administrative corrections only);

421 February 4, 2016; January 26, 2017; DATE.