

DAVIDSON-DAVIE 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.

Definitions

- A.** Charitable Contribution or Solicitation - a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.
- B.** College Members – students who are currently enrolled at the College and/or individuals currently employed by the College.
- C.** College Space – all outdoor areas on the College campus.
- D.** College Use – use of a College Space by the College for official College business and/or functions.
- E.** Commercial Solicitation - any proposal to sell, or attempt to sell, or the dissemination of information for the purpose of facilitating the sale of goods or services, or any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.
- F.** Designated Area(s)
 - 1.** Davidson Campus Gee Gazebo,
 - 2.** Courtyard Fountain;
 - 3.** Conference Center (right of the building);
 - 4.** Brooks Student Center Lobby;
 - 5.** Love Learning Resources Building walkway (left of the courtyard door when facing it);
 - 6.** Davie Campus Patio area behind Administration Building.

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.

- G. Non-College Members – any individual or group, including political candidates, who are not currently enrolled at the College and/or are not currently employed by the College.

Speech, Distribution of Material and Assembly for College Members (Non-Commercial)

- A. The College is committed to making the majority of its College Space, including the Designated Areas, available to College Members who wish to exercise their rights of speech, distribution of material and assembly. The College maintains the right to reserve any College Space at any time, with or without prior notice, for College Use and such use will take priority over any other use.
- B. All outdoor assemblies conducted on College Space may not be conducted within thirty (30) feet of any building or otherwise interfere with free flow of vehicular, bicycle or pedestrian traffic.
- C. Although registration by College Members to use College Space is not required, it is recommended for planning purposes. Registration ensures that the desired space will be available on the desired date and time. For more information about registration, see Section III (B).

Speech, Distribution of Material and Assembly for Non-College Members (Non-Commercial)

- 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 7:00 p.m. on Mondays through Fridays when the College’s general curriculum classes are in session. The Designated Area is 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; provided, however, that the Designated Area must be open at least one and one-half hours prior to and after the event.

- B. Any Non-College Members will be allowed to use the Designated Area within the time restriction. All Non-College Members must complete a Registration Form

(the "Form") and submit it to the External Affairs Office no earlier or later than three (3) business days prior to their activity on campus. The College does not restrict speech and/or activities based on content or viewpoint. The purpose of the Form is to make sure there is adequate space in the Designated Area for the requested date and time and for safety concerns. Upon request by College officials, Non-College Members will be required to provide proof of registration for use of the Designated Area. Forms will only cover one (1) day at a time. Requests for standing dates (i.e., every Tuesday) will not be honored.

- 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.

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, bicycle or vehicular traffic;
 - 4. Using the public address systems or amplified sound without prior approval from the External Affairs Office. When allowed, 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 are prohibited;
 - 5. Damaging, destroying or stealing College or private property; and
 - 6. 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. Non-College Members are required to remain in the Designated Area while on campus.

- 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 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.

Commercial and Charitable Solicitation by College and Non-College Members

College Members may conduct commercial solicitation in the Designated Area subject to the conditions below. Non-College Members are prohibited from engaging in commercial solicitation unless sponsored by a College Member.

- A. In addition to the regulations in Section IV above, all commercial and charitable solicitation must be conducted under the following conditions:
 - 1. College Members must conduct all commercial and charitable solicitation on behalf of any Non-College Members. A College Member must always be present with any Non-College member during the solicitation.

 - 2. College members must reserve a Designated Area to conduct commercial or charitable solicitations by contacting the External Affairs Office. College Members must request the use of such space at least three (3) days in advance of the activity.

3. Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards and may not be prepared at the place of distribution. Goods and services offered for sale must comply with applicable State and Federal health and safety laws and regulations.
4. All College and Non-College members soliciting must remain in the Designated Area.

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.

City Sidewalks

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

Elected Officials

As set forth in Procedure 2.2.3.1 -*Facility Use*, elected officials at all level of government are allowed to use the Designated Areas and other College facilities for holding public forums or town-hall style events. These events are subject to regular campus operating hours and room availability and must be scheduled accordingly through the External Affairs Office for the desired location.

Adopted: October 2020