

## I. POLICY:

Salt Lake Community College values academic freedom and supports and encourages the exchange of ideas within the college community, including ideas that may be unpopular or controversial. At the same time, the college encourages civility and has the obligation to address issues of safety and illegal acts.

This policy shall be interpreted in accord with the requirements of the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accord with generally accepted concepts of academic freedom as followed nationally and at Salt Lake Community College.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals or groups may say whatever they wish, whenever they wish, and wherever they wish. Public expression in the form of speech and advocacy may be exercised at such times and places and in such a manner as to assure orderly conduct, the least possible interference with college responsibilities as an educational institution, protection of the rights of individuals in the use of college facilities, and reasonable protection of persons against practices that would make them involuntary audiences. The college may restrict expression that violates the law, falsely defames a specific individual, constitutes a genuine threat or unlawful discrimination, or unjustifiably invades substantial privacy or confidentiality interests. These are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner inconsistent with the college's commitment to a free and open discussion of ideas.

All persons on the campuses of Salt Lake Community College, whether administrators, faculty, employees, students or guests, are subject to the applicable federal and state laws and applicable regulations of the college. Those who violate the law or the college's policies while on campus do so at the risk of prosecution in the courts by appropriate government officials or proceedings authorized by college regulations. By virtue of the exercise of free speech on the campuses, the college does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

## **II. REFERENCES**

- A. Campus Individual Rights Act, Utah Code Ann. §§ 53B-27-101–303.
- B. Campus Speakers, Utah State Bd. of Regents r. 251.

## **III. DEFINITIONS**

- A. **College Community:** College faculty, staff, trustees of the college, members of boards of various college entities, students, registered student organizations, and college organizations.
- B. **College Organization:** College administrative divisions and departments, and academic schools/colleges, centers, or departments.
- C. **Distribution:** Handing out or otherwise disseminating flyers, pamphlets, leaflets, or similar items on property owned or controlled by Salt Lake Community College.
- D. **Event Scheduling Office:** The college department responsible for receiving, reviewing and approving applications to use college facilities. These departments are identified in the SLCC Facilities Use Policy.
- E. **Expressive Activity:** Any event, meeting, rally, gathering, protest, parade, procession, demonstration or picketing that is open to the public.
- F. **Material:** All printed, written, painted, photographic, or other material conveying ideas by whatever means produced or reproduced.
- G. **Posting:** The attaching, hanging, or displaying in any manner whatsoever material on property owned or controlled by Salt Lake Community College.
- H. **Student Organization:** A group of SLCC students who are established and organized for religious, political, educational, economic, social or other lawful purpose which is registered, approved and compliant pursuant to the college's Thayne Center office requirements.
- I. **Traditional Public Forum:** The college's public streets, sidewalks, parks, and similar common areas.

## **IV. PROCEDURES:**

- A. Freedom of Speech and Assembly

1. Not all areas of campus are suitable for expressive activities. Areas on campus that have been designated as private offices, classrooms, seminar rooms, or meeting rooms; are fenced or blocked to exclude all public access, or are otherwise distinguished for use by the college are not open for expressive activities.
2. No activities may be held which render a space unsatisfactory for use in its normal or primary function or which interfere with an activity previously scheduled according to this policy or with normal or scheduled college activities.
3. Nothing in this section shall be interpreted as limiting the rights of individuals to engage in expressive activity elsewhere on the campus.
4. The college provides reasonably appropriate facilities to engage in expressive activity during regular hours as set forth by the appropriate Event Scheduling office. These facilities are available in accordance with the SLCC Facilities Services Policy.
5. In accordance with Utah law, individuals may engage in expressive activity in traditional public forums that do not substantially disrupt the essential functions of the college. Such expressive activities are subject to appropriate regulation concerning time, place, and manner so long as the restrictions:
  - a. are narrowly tailored to serve a significant institutional interest;
  - b. are based on published, content- neutral, and viewpoint-neutral criteria;
  - c. leave alternative channels for communication;
  - d. do not restrict spontaneous and contemporaneous assembling in outdoor areas of the college campus; or
  - e. do not restrict a person from freely engaging in lawful, noncommercial expressive activity in traditional public forums of the college campus.
6. Reasonable time, place and manner restrictions for expressive activity may include but are not limited to the following:

Expressive activity must not:

- a. violate any federal, state, local, or other applicable law;
  - b. interfere unreasonably with the activities or rights of other persons;
  - c. interfere unreasonably with the general operations of the college;
  - d. endanger the health or safety of persons;
  - e. knowingly interfere with unimpeded movement in a college location  
Examples include preventing access to a building or blocking any entrances or exits in a way that causes safety concerns;
  - f. cause injury to persons or property or threaten to cause such injury;
  - g. use or threaten violence or force, or encourage others to use or threaten violence or force;
  - h. cause harassment, defined as conduct so severe, pervasive, and objectively offensive that the conduct effectively bars the victim's access to an educational opportunity or benefit; or
  - i. violate reasonable noise levels, such as but not limited to county noise ordinances.
7. The college encourages individuals seeking to engage in expressive activity to notify the college by submitting a [Request for Expressive Activity Form](#).

## B. Academic Freedom

Academic freedom in the pursuit and dissemination of knowledge through all mediums shall be maintained at Salt Lake Community College in accordance with the college's Academic Freedom, Professional Responsibility and Tenure Policy.

## C. Freedom of the Press

1. Members of the college community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press.
2. Reasonable and nondiscriminatory rules and regulations, consistent with these regulations, may be adopted regarding the operations of student and

faculty publications, broadcasts, posting of signs and notices, the distribution of commercial advertising materials intended in whole or in part for the personal profit of the person, organization, or institution engaged in the speech, and the solicitation of funds. See the Advertising and Posting Policy.

#### **D. Conduct of Classes**

Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn.

#### **E. Speaker Policy**

- 1. Members of the college community and college organizations shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), subject only to reasonable and nondiscriminatory regulations governing the use of college facilities.**
- 2. The rights of speakers to freedom of expression under the constitution of the United States and the constitution of the State of Utah shall be protected.**
- 3. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.**
- 4. Members of the college community and college organizations who invite speakers to address audiences on or off the campus, except college organizations designated by the college or any college or department as an official organization of the college, may not use the name of the college to imply official college sponsorship of the speaker in advertising or publicizing the event, except to identify the specific location of the event.**

#### **F. Unlawful, Defamatory or Obscene Speech**

- 1. Nothing in these procedures shall be construed as authorizing or condoning unlawful, defamatory, or obscene exercises of the speech rights defined under these procedures.**
- 2. Any person engaging in such conduct or using college facilities or grounds to do so shall be subject to the laws governing unlawful, defamatory, or**

obscene speech, including the authority of the college to remove signs, posters, handbills, structures, or other unlawful, defamatory, or obscene speech or publications.

#### **G. Enforcement Procedures**

- 1. The college community shall work with individuals or groups to identify ways to continue the expressive activity with modifications to avoid future violations.**
- 2. The college reserves its right to work with anyone whose behavior is violating or threatens to violate these procedures to modify or terminate such behavior.**
- 3. Termination of expressive activity or any arrests is the option of last resort.**
- 4. Avoidance of injury to persons by the continuation of expressive activity is a key factor in determining whether expressive activity should be forcibly terminated.**

5. Cases involving students or student organizations may be referred to the Dean of Students, who will determine what disciplinary proceedings, if any, to pursue.
6. Cases involving faculty may be referred to the appropriate associate dean, dean, or to the provost.
7. Cases involving college staff or administrators may be referred to that individual's supervisor or Human Resources.
8. The college reserves the right to notify SLCC Public Safety and/or any appropriate law enforcement agency for expressive activity that is in violation of these procedures.

#### H. Posting and Distribution of Material on Campus

All posting and distribution of material on campus shall be governed by the college's Advertising and Posting Policy.

#### I. Reservation and Use of College Facilities

All reservation and use of college facilities shall be governed by the college's Facilities Use Policy.

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Date of last cabinet review: May 1, 2018

The originator of this policy & procedure is the Dean of Students. Questions regarding this policy may be directed to the originator by calling 801-957-5027.