

Polk State College Procedure

Subject	Reference	Date	Number
Distribution of Literature, Solicitation on Campus & Campus Free Speech	FS1001.64 FS 1004.085 FS 1004.097	9/26/2022	6057

I. Purpose

The purpose of this document is to establish guidelines and procedures regarding the distribution of literature, solicitation on campus, and exercises of Free Speech Events on Polk State College campuses and centers for individuals and/or groups, while also preserving freedom of speech and supporting the free exchange of ideas. Students, staff, faculty, and visitors may engage in free speech events in permitted outdoor areas and may do so freely, spontaneously, and contemporaneously. The College reserves the right to restrict solicitation, the distribution of literature, the collection of signatures, or any exercise of Free Speech Event if the act is potentially illegal or unethical; interferes with the mission of the College; disturbs the educational or administrative process of the College; or conflicts with the rights of other students, faculty, or staff members. The College does not review any literature prior to distribution from outside sources.

II. Definitions

Free Speech Event - This refers to, but is not limited to, any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; faculty research, lectures, writings, and commentary, whether published or unpublished; and the recording and publication, including the Internet publication, of video or audio recorded in outdoor areas of campus. Expressive activities do not include defamatory or commercial speech.

Literature – This refers to materials designed to inform. For the purposes of this procedure, literature is assumed to be in the form of printed papers, pamphlets, or books that are handed from one person to another. It does not refer to commercial advertising for profit-making purposes.

Solicitation – This refers to actions such as asking to purchase textbooks, seeking information, or requesting signatures, except when the activity or solicitor represents a commercial, for-profit agent that is otherwise authorized by the *Polk State College Rules and Procedures*.

Trespass – This means failure to leave any College location after being directed to do so by the College or returning to any College location after being directed to leave.

III. Procedure

General Use Guidelines: Any individual, group or organization desiring to exercise free speech and assembly on College grounds may do so under the following conditions:

- A. No campus buildings, other indoor facilities, or athletic or recreational facilities may be used
- B. for demonstrations or assemblies unless specifically permitted in writing by the campus authority responsible for the building or facility.
- C. Organizations and persons may organize, conduct, or participate in Free Speech Events on College grounds, except:
 - i. Athletic and recreational fields, including any facilities operated by Campus Recreation;
 - ii. Grounds immediately adjacent to College buildings where such use could impair entrance to or exit from the building or interfere with activities within the buildings;
 - iii. Grounds within 200 feet of the College operated high schools; and College streets and roadways.
 - iv. Areas being used as outdoor classrooms for educational training.
 - v. Areas where access is restricted due to operational or safety protocols, such as maintenance areas.
- D. All organizations and persons organizing or conducting a Free Speech Event on College grounds, or otherwise conducting activities or events in College facilities, must abide by the general requirement that such activities must be lawful and may not materially and substantially disrupt the functioning of the College or infringe on the rights of others. All organizations and persons organizing or conducting a Free Speech Event shall comply with the directions of a College official acting in the performance of his or her duty. In order that Free Speech Events do not materially and substantially disrupt the operation of the College or the rights of others, any person or organization organizing, conducting, leading, or participating in a Free Speech Event using College grounds or other facilities shall not:
 - i. Obstruct vehicular, bicycle, pedestrian traffic;
 - ii. Obstruct entrances or exits to buildings or driveways or impede entry to or exit from any building or parking lot or vehicular path;
 - iii. Interfere with educational, research, or administrative activities inside or outside any building;
 - iv. Violate a law, rule, regulation, ordinance, policy, or College procedure;
 - v. Engage in physically abusive or threatening conduct towards any person;
 - vi. Obstruct, disrupt, or attempt or physically force the cancellation or continuance of a speaker;
 - vii. Interfere with scheduled College ceremonies or events;
 - viii. Damage property;

- ix. Utilize sound amplification;
- x. Occupy space overnight;
- xi. Occupy any gated or limited access areas after permitted access hours;
- xii. Erect permanent or semi-permanent structures; or
- xiii. Create a safety hazard.

IV. Disruptive Action

If a Free Speech Event is materially and substantially disrupting normal College operations or infringing on the rights of other members of the College community contrary to the requirements of this procedure and related regulations and policies, the Senior Vice President for Student Services and Campus Operations, or his designee(s), may:

- A. Request that the violation cease which may include relocation of the activity; and
- B. Enlist the assistance of Campus Security in restoring order and enforcing the law.
As necessary, Campus Security may:

- i. Declare a demonstration or assembly to be disruptive, disorderly, or in violation of law and request all participants cease and desist and clear the area; and/or
- ii. Warn a person or persons that they are in violation of this procedure, ask them to stop violation, and, if appropriate, be asked to leave the college campus.
- iii. Any person or persons asked to leave and does not leave is trespassing and will be subject to arrest by local law enforcement in accordance with applicable laws, FSS 810.09.

Faculty or staff members found in violation of this procedure are subject to College disciplinary procedures.

Students found in violation of this procedure are subject to discipline pursuant to the Student Code of Conduct.

Guests found in violation of this procedure are subject to being arrested by Law Enforcement.

History

Adopted: June 18, 1990

Revised: September 1, 2009, September 20, 2013, October 4, 2016, April 5, 2022,
and September 26, 2022

<i>Reginald T. Well</i>	9/26/22	<i>Reginald T. Well</i>	9/26/22
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
<i>Angela M. Galionetti</i>			9/26/22
President's Approval			Date