

# Speech and Expression in Outdoor Areas, Invited Speakers, and Security

1. For purposes of this policy, the “Campus Community” includes Southern Union State Community College’s students, administrators, faculty, and staff as well as the invited guests of the College and the College’s recognized student organizations (including organizations seeking recognition), administrators, faculty and staff.
2. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of Southern Union State Community College’s campus which enjoy general access during regular hours of College operation, subject to the limitations described below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabama Constitution of 1901, including any lawful verbal, written or electronic communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions.
3. Outdoor areas where expressive activities are not allowed include:
  1. Areas within 25 feet of classrooms or residential area;
  2. Athletic facilities;
  3. Outdoor classrooms;
  4. Areas where access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
4. Except for item seven (7) below, this policy does not apply to expressive activities that take place in indoor areas of Southern Union State Community College property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by Southern Union State Community College policies, subject to the requirement that Southern Union State Community College must be open to any speaker whom Southern Union State Community College’s student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
5. Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on Southern Union State Community College property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. To reserve outdoor spaces, individuals should contact the Office of the President.
6. Conduct that may materially and substantially disrupt the functioning of Southern Union State Community College or infringe upon the rights of others to engage in expressive activities may include:
  1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
  2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
  3. Violations of a state, federal or local law, regulation, or ordinance;
  4. Threats to passersby or the use of fighting words, which are words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
  5. Following, badgering, or forcibly detaining individuals;
  6. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
  7. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping;
  8. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations;

9. Violation to any of Southern Union State Community College's Code of Conduct rules.
  10. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
  11. Engaging in expressive activities in prohibited or restricted areas as defined in Sections II.B. and II.C. above;
  12. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
  13. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.
7. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.
  8. Southern Union State Community College will provide police officers and security officers as well as other security measures to ensure the safety of all participants, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity.

If the organizer of the event or the College determines that security is needed for an event, beyond what security is typically provided by the College during regular hours of operation, the organizers of the event will be charged a fee based on the number of expected attendees. The fee schedule for security will be provided by the Office of the President upon request.

The President may waive this security fee, but may not base the decision on the basis of the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the campus community or to the public.

Southern Union State Community College may also charge a fee for the use of campus facilities, such as for the use of IT resources or cleanup costs. These fees will not be based on the content of the expressive activity. Information regarding fees can be obtained from the Office of the President.

9. To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security are expected to provide sufficient notice to the Southern Union State Community College Chief of Police at least one week, but no less than 48 hours in advance of the event. Such arrangements enable Southern Union State Community College to ensure the event takes place in a safe and constructive manner.
10. Individuals and groups who engage in expressive activity in outdoor areas on Southern Union State Community College property are subject to Southern Union State Community College policies relating to the use and operation of campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. Southern Union State Community College prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events.
11. Southern Union State Community College shall not permit members of the Campus Community to engage in conduct that materially and substantially disrupts protected expressive activity or infringes on the right to engage in expressive activity. Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action. Disciplinary sanctions for members of the Campus Community under the jurisdiction of Southern Union State Community College who violate this subsection shall be handled through established disciplinary procedures for students and staff.
12. Nothing in this policy shall be construed to prevent Southern Union State Community College from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:

1. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
  2. Expressions that a court has deemed unprotected defamation.
  3. Harassment.
  4. True threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
  5. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
  6. An action that unlawfully disrupts the function or security of the institution.
  7. Any constitutional time, place, and manner restrictions for outdoor areas of campus when they are narrowly tailored to serve a significant institutional interest and when the restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria, and provide for ample alternative means of expression.
13. Complaints or questions regarding the application of this policy should follow the complaint policies and procedures of the College.