

Subject:
Freedom of Expression

Policy Number:
2197

Date Adopted: 02/22

Revised:

This policy is meant to comply with Arkansas Act 184 of 2019 as well as the First Amendment of the United States Constitution.

Definitions

This Operating Procedure adopts and incorporates the terms and definitions set forth in Section 6-60-1003 of Act 184 of 2019.

“Member or Member of the Campus Community” means an enrolled student, an administrator, faculty member, staff member, registered student organization, a group seeking official recognition as a registered student organization and any invited guest of any of the foregoing persons.

“Non-Member of the Campus Community” or “Non-Member” means all persons, groups, clubs, or other organizations that do not come within the definition of “Member.”

A “Registered Student Organization” or “RSO” means an organization (including a club) comprised of BRTC students that is registered with the BRTC Student Affairs Division.

Freedom of Expression

Expressive activities are allowed on all outdoor areas of campus subject to the reasonable time, place, and manner restrictions set forth in this policy as well as all applicable state and federal laws. The campus shall not utilize free speech zones or other designated outdoor areas of campus outside of which expressive activities are prohibited. The campus maintains a position of neutrality as to the content of any protected speech.

Outdoor Areas of Campus – Public Forums

All outdoor areas of campus shall be deemed a public forum for members of the campus community. This does not include outdoor areas where access by a majority of members of the campus community is restricted.

Expressive Activities

Expressive Activities are those enumerated by Act 184 as well as all forms of expression protected by the First Amendment to the United States Constitution. Expressive activity may include peaceful assemblies, speeches, protests, picketing, leafleting, circulating petitions, distributing literature, and similar expressive communications and activities.

Lawful Limitations on Expressive Activities

Members of the campus community who want to engage in noncommercial expressive activities may do so freely in the outdoor areas of campus so long as that member's conduct is 1) not unlawful, 2) does not materially and substantially disrupt the functioning of a state supported institution, 3) does not materially and substantially disrupt another person's expressive activity and 4) does not materially and substantially interfere with an employee's assigned job duties or responsibilities.

Freedom of Association

The campus shall not deny a student organization any benefit or privilege that is available to another student organization or otherwise discriminate against an organization based on the expression of that organization.

Use of Campus Property for College Sponsored Activities and Events

All outdoor areas, owned and operated by the campus, shall be made available for use by the college for college sponsored activities and events. Official college activities and events on campus have precedence over all other events and activities taking place on campus. Any expressive activity that occurs at a location reserved for a college sponsored activity or event shall be accommodated at another outdoor area of campus so long as the accommodation is consistent with this policy.

Prohibited Activities

The right to engage in expressive activities under this operating procedure does not include the right to engage in the following:

Obstructing vehicular or pedestrian traffic.

Engaging in unlawful activity.

Engaging in activities that create a clear and present threat to public safety.

Engaging in true threats and expression directed to provoke imminent lawless actions and likely to produce imminent lawless actions.

Engaging in unlawful harassment.

Utilizing sound amplification devices.

Posting materials on unauthorized BRTC property.

Obstruction of entrances or exits to buildings, driveways, parking lots, or other campus locations.

Sound Amplification Devices

Amplification equipment such as loudspeakers are allowed only with prior permission from the Vice President for Student Affairs or designee. Such requests will be evaluated for the potential disruption of regular campus activities or processes.

Damage to Property owned by the Campus

Any damage to campus property caused by individuals and/or groups engaging in expressive activity are the financial responsibility of the individuals and/or groups who caused the damage to the property.

Commercial Speech

This policy does not apply to commercial speech. Non-member / off-campus individuals and organizations are not allowed to conduct or solicit commercial sales or distribute commercial pamphlets, handbills, circulars, newspaper, magazine and other written material on campus. Parties having a contract with the campus authorizing commercial advertising shall be allowed to distribute or post commercial material in accordance with the terms of their contract.

Act 184 of 2019:

<http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act184.pdf>