



Operating Policy and Procedure

OP 16.001 Freedom of Expression

DATE: March 15, 2023

PURPOSE: As an institution that highly regards the freedom of speech, freedom of expression and right to peaceably assemble, Kellogg Community College affords groups and individuals an invitation to exercise such freedoms on its grounds. The purpose of this policy is to facilitate expressive activities while ensuring that such activities do not interfere with College operations and the learning environment.

REVIEW: This OP will be reviewed in odd-numbered years by the Vice President for Communications and Advancement, with revisions forwarded to the Board of Trustees through President's Council by the Office of the President.

POLICY/PROCEDURE

1. General Policy

- a. Kellogg Community College is a public institution of higher education whose authority is derived from the Michigan Constitution of 1963 and whose property and resources are primarily dedicated to academic, administrative and related functions.
- b. For anyone lawfully present on the College's campuses, the outdoor common and indoor common areas are designated as venues for free expression, including spontaneous expression, speeches, demonstrations and the distribution of information. Anyone who wishes to engage in commercial solicitation is required to reserve time and space for such activities following the terms of the College's Facility & Grounds Usage and Commercial Solicitation policies.
- c. While Kellogg Community College maintains its authority to regulate the time, place and manner of expressive activities, it shall not consider or regulate the content or viewpoint of expressive activities when enforcing this policy, including by restricting students' expression based on concerns about other person(s)' negative reaction to that expression. When expressive activities occur, Kellogg Community College will work to ensure that such activities transpire without interference by the College, provided the learning environment is not substantially and materially disrupted and campus safety is not compromised by said expressive activities. If persons react negatively to expressive activities occurring on the campus of Kellogg Community College, the College will take necessary steps to ensure campus safety while allowing the expressive activity to continue, unless the College's operations are materially and substantially disrupted.
- d. Kellogg Community College does not assume any obligation or responsibility for the content of expressive activities or materials distributed. People engaging in expressive activities assume responsibility for damages to College property, for the cleanup of materials immediately following the conclusion of expressive activities and for remaining in compliance with applicable local, state and federal laws.

2. Scope

- a. This policy applies to anyone lawfully present on the campuses of Kellogg Community College.

3. Definitions

- a. *Expressive activity*: Activities such as meetings; group activities; speeches; performances; demonstrations; parades; marches; rallies; vigils and other events; distributions of materials such as circulars, newspapers, leaflets and pamphlets; any other expression, including spontaneous expression, protected by the First Amendment to the U.S. Constitution.
- b. *Time*: Expressive activities, as defined by this policy, are allowed on Kellogg Community College campuses during the periods that College facilities are open to the general public.
- c. *Place*: For purposes of this policy, the terms “outdoor common” and “indoor common” refer to such areas as:
 - i. Lawns, sidewalks, benches and other outdoor areas that are not otherwise reserved for use. These outdoor common areas are defined by KCC as a traditional public forum.
 - ii. The indoor seating/dining area of the Student Center, located at KCC’s North Avenue campus in Battle Creek, unless it is otherwise reserved for use. This indoor common area is defined by KCC as a limited public forum. This indoor common area does not include the Kellogg Room and Bruin Bistro.
 - iii. For purposes of this policy, the peaceful distribution of informational materials in the indoor and outdoor common areas does not, without more, represent a substantial or material disruption to the learning environment at the College.
- d. *Manner*: No expressive activity at Kellogg Community College shall be permitted to:
 - i. Falsely defame an individual;
 - ii. Constitute a genuine threat or harassment;
 - iii. Block access to campus buildings;
 - iv. Impede ingress or egress to the College or any College property, pedestrian pathway, parking lot, building, facility or event;
 - v. Obstruct vehicular or pedestrian traffic;
 - vi. Include the use of audio amplification devices, unless specifically authorized by the College;
 - vii. Include the use of fire or pyrotechnics, unless specifically authorized by the College;
 - viii. Affix materials to College buildings, equipment, fences, trees or property, unless specifically authorized by the College.

4. Observation and Interaction

- a. Because expressive activities take many forms and sometimes occur spontaneously, KCC personnel, including campus police officers, may observe and interact with participants and attendees. We always will strive to treat people with dignity and respect. We also are concerned with:
 - i. The safety of all persons, including people engaged in expressive activities;
 - ii. Averting disruptions to the learning environment;
 - iii. Protecting KCC property and ensuring that operations are not adversely impacted;

- iv. Ensuring compliance with all applicable local, state and federal laws. Violations of such laws may subject individuals to warnings, citations, arrests or criminal prosecutions.

5. Resources and Contacts

- a. For questions or concerns about expressive activities as they are occurring, contact Campus Security.
- b. For more information about the Freedom of Expression Operating Policy, contact the Office of the Vice President for Communications and Advancement or the Office of Public Safety.

6. Forms

- a. "Freedom of Expression at KCC" brochure

7. Roles and Responsibilities

- a. Office of the Vice President for Communications and Advancement is involved in interpreting the policy for participants and campus personnel.
- b. Office of Public Safety is involved in implementing the policy during expressive activities.
- c. Office of Student Life and Office of Institutional Facilities are involved in monitoring expressive activities as needed.

8. Persons/Departments Affected

All departments and persons at Kellogg Community College are affected by this policy. The following departments and individuals are directly involved in its implementation:

- a. Office of the Vice President for Communications and Advancement
- b. Public Safety
- c. Institutional Facilities
- d. Student Life

9. Authoritative References

- a. U.S. Constitution
- b. Michigan Constitution
- c. Bird, L., Mackin, M., & Schuster, S. (2006). *The First Amendment on Campus: A Handbook for College and University Administrators*. National Association of Student Personnel Administrators.

10. Right to Change Policy. The College reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice.

11. Approval Date: March 15, 2023

12. Past Revisions.

- a. Aug. 15, 2018
- b. Jan. 17, 2018
- c. Aug. 16, 2017