
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

TITLE: SPEECH, EXPRESSION, AND COMMERCIAL ACTIVITY
ON COLLEGE PROPERTY

NUMBER: PRO 2-26

REFERENCE: F.S. 1004.097, F.S. 102.031, F.S. 871.01, F.S 790
PRO 7-16 Internal College Events & Facility Usage

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I. PURPOSE

The College values the freedoms of speech, thought, expression, and assembly as part of its core educational and intellectual mission while also maintaining the integrity of the academic environment and the security of students, employees, visitors, and college property; including those partnership spaces located on college property.

Students and non-students who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. The College reserves the right to establish and enforce reasonable, viewpoint-neutral restrictions on the time, place and manner of expressive activities in outdoor common areas, but any restrictions must be clear, published, and must provide for ample alternative means of expression.

This procedure does not apply to expressive activities that take place in indoor areas of college property including, but not limited to, classrooms or classroom buildings; interior hallways; administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. This procedure also does not prohibit faculty from maintaining academic decorum in the classroom.

II. RESPONSIBILITY

Oversight for this procedure falls under the supervision of the Vice President of Enrollment and Student Affairs and the Vice President of Facilities Planning and Operations.

III. EXPRESSIVE ACTIVITIES

The College acknowledges and upholds protected expressive activities. Expressive activities protected under the First Amendment to the United States Constitution and Article I of the State Constitution include, but are 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; and the recording and publication, including the Internet publication, of video or audio recorded in public outdoor areas of campus.

Demonstrations, assemblies, and dissemination of information are valid expressions, whether in support or dissenting opinions provided they do not materially and substantially disrupt the academic and administrative functions of the College or infringe upon the rights of other individuals or organizations to engage in expressive activities. It is not the role of the College to shield individuals from protected expressive activities, including, without limitation, ideas and opinions they may find unwelcome, disagreeable, or even deeply offensive.

This procedure in no way prohibits individuals from engaging in conversations at the College but rather ensures that:

1. Students and non-students have the freedom to engage in outdoor expressive activities within the limits of reasonable content neutral restrictions on time, place, and manner of expression that are consistent in accordance with the Florida Campus Free Expression Act provided they do not materially disrupt previously scheduled or reserved activities on campus;
2. Students and non-students are permitted to assemble and engage in spontaneous protected outdoor expressive activity, as long as such activity is not unlawful and does not materially and substantially disrupt significant college interests;
3. The College campus and facilities are available to speakers sponsored by student groups or departments/programs pursuant to college procedures;
4. Commercial speech is not protected by law as an expressive activity.

The College affirms its commitment to freedom of speech, assembly, and expression even when the language or ideas of those seeking a venue for free expression may contradict the College's ideals and policies or the personal views of college employees and students. The content of expressive activities will not be considered in regulating speech in outdoor areas, except to the extent permitted by law. The College prohibits free speech zones, but may place reasonable limitations on time, place, and manner of speech. The College does not take a position on the content or viewpoint of the expression, but rather allows for a variety of viewpoints to be expressed.

IV. DEFINITIONS

- a. **Commercial speech** - speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. Fundraising, including political fundraising, is considered solicitation and is therefore deemed commercial speech under this procedure.
- b. **Expressive activities on campus** - activities protected under the First Amendment to the United States Constitution and Article I of the Florida Constitution, including any lawful oral or written communication of ideas, including all lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the Internet publication, or video or audio recorded in outdoor areas of campus.
- c. **Indoor areas of campus** - generally include classrooms or classroom buildings; interior hallways; administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities.
- d. **Material and substantial disruption** - any conduct that intentionally and significantly hinders another person's or group's expressive rights. The term does not include

conduct that is protected under the First Amendment to the United States Constitution and Art. I of the State Constitution, including, but not limited to, lawful protests and counter-protests in the outdoor areas of campus or minor, brief, or fleeting nonviolent disruptions that are isolated or brief in duration.

- e. **Outdoor areas of campus** - generally accessible areas of a campus of a public institution of higher education **in** which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted.
- f. **Student** - any person who has provided LSSC with all the required admission documents and is officially enrolled **in** classes pursuant to LSSC Administrative Procedure 4-13, or who has been enrolled in credit courses at LSSC within any of the last three academic semesters.
- g. **Non-student** - any person other than a student as described above, to include LSSC employees, contract employees and all visitors and guests.

V. EXPRESSIVE ACTIVITIES IN OUTDOOR AREAS

Expressive activities, defined as those activities protected under the First Amendment to the United States Constitution and Article I of the Florida Constitution, including any lawful oral or written communication of ideas, including all lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the Internet publication, or video or audio recorded in outdoor areas of campus, shall be permitted in outdoor areas of college property with general access, subject to the limitations described below:

- a. Students and non-students may reserve and use available outdoor spaces for any legal purpose, including to engage in expressive activities subject to this procedure. Students and non-students may also spontaneously use areas such as sidewalks, walkways, and grassy areas between buildings for expressive activities as long as the conduct is lawful and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities or materially disrupt previously scheduled or reserved activities on campus.
- b. Outdoor areas where expressive activities may not occur include areas of restricted access as identified by the College, which include but are not limited to areas being used as outdoor classrooms or educational training; areas to which access is restricted due to operational or safety protocols, such as energy or maintenance control areas, and outdoor areas of campus that are not open to the community for general use by third parties (for example, recreational and athletic fields).
- c. Expressive activities in indoor areas are governed by college procedures related to academic freedom, facilities use, college events, and other applicable procedures. These areas may be used for official events sponsored by the College under Administrative Procedure 7-16 or for non-college use under Administrative Procedure 7-19.
- d. Information tables hosted by or in conjunction with recognized student clubs and organizations are governed by policies related to college events and student clubs/organizations.
- e. Students and non-students wishing to reserve a specific outdoor space, with or without the use of college owned chairs and tables, may do so through established College

- procedures related to college events. The College does not permit students and non-students to bring and set up their own tables and chairs in outdoor areas of campus.
- f. Students and non-students who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. Conduct that may materially and substantially disrupt the functioning of the 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 law, rule, regulation, or local ordinance;
 4. Threats to passerby or use of "fighting words" which are those 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 ceremonies or events, including memorials or dedications;
 7. Damage to property, including grass, shrubs, trees, or other landscaping;
 8. Utilization of sound amplification, including bullhorns, except as approved in advance from the Director Campus Safety and within sound limits that will not disrupt normal college operations;
 9. Use of placards, banners, or signs that are dangerous or cause obstruction;
 10. Wearing of masks, other types of face covering, or any other type of clothing or costume that conceals an individual's identity and causes the wearer to be difficult to identify.
 11. Any other interference with normal college operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration;
 12. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I of the Florida Constitution. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with schools and the functions of educational institutions, including without limitation Florida Statute Section 871.01.
- g. The College recognizes that a speech, demonstration, or event on college property may potentially invite other forms of protest. When these occasions arise, the expression of all parties is protected by law. When appropriate, a separate area may be designated for counter-protesters, college security officers may be present and other security measures may be employed to ensure the safety of all participants and the College community. The College may provide an alternative space for protesters attending an event if, in the reasonable judgment of the College, it is necessary to preserve order and ensure the physical safety of all participants at the event.
- h. To promote a peaceful and effective event, individuals or groups planning to engage in expressive activity are encouraged, but not required, to make advanced arrangements with designated college staff to enable the College to ensure that the event takes place in a constructive manner.
- i. Individuals or groups who engage in expressive activity in outdoor areas on college property are subject to college policies relating to the use and operation of college and campus facilities, including without limitation policies relating to firearms and weapons, smoking, and trespass. The College reserves the right to limit the possession or use of

clubs, bats, or weapons or firearms, as defined in Florida Statutes Chapter 790. property.

- j. Individuals or groups who engage in expressive activity in outdoor areas on college property may not build structures or barricades, erect unmanned signs, establish any type of camping area, including the use of tents, sleeping bags, pillows, etc.

VI. COMMERCIAL ACTIVITY ON CAMPUS

Individuals, organizations or groups, both internal and external to the College, may not conduct commercial transactions or engage in commercial speech on college property unless directly authorized through specific contracts or arrangements with college officials.

VII. DISSEMINATION OF INFORMATION/PETITIONING

The College encourages the dissemination of non-commercial information and petitioning on college property in a way that is consistent with the educational mission of the College, its orderly operation, cleanliness, aesthetics, and the safety of its students, employees, and visitors.

All entities involved in the dissemination of information on campus are subject to all local, state, and federal laws and regulations that govern a person in the practice of their rights of expression, including those validly limiting the exercise of free speech. The dissemination of information/petitioning must be lawful and does not materially and substantially disrupt the functioning of the College, disrupt previously scheduled or reserved activities on campus, or infringe upon the rights of others to engage in expressive activities.

Persons and/or groups using the College property to disseminate information/petitioning assume full responsibility for their actions and will be held accountable for their individual and collective actions.

VIII. VIOLATIONS OF THIS PROCEDURE

Anyone under the jurisdiction of the College who materially and substantially disrupts the functioning of the College or infringes upon the rights of others to engage in expressive activities will be disciplined up to and including termination if an employee and/or dismissal and expulsion if a student, as deemed appropriate. Students are entitled to a disciplinary hearing as set forth in the College's Student Code of Conduct in all disciplinary cases involving expressive conduct.

Individuals not formally connected to the College who materially and substantially disrupts the functioning of the College or infringes upon the rights of others to engage in expressive activities will be asked to immediately leave college property, may be subject to law enforcement intervention, and could be subject to formal trespass from college property.