

Policy Procedure: Speech and Expression

Procedure Number: 109P

Contact Information: osrr@nvcc.edu

Forms:

Last Reviewed Date: 06/02/2022

1. Access to Indoor Campus Facilities
 - a. If students, student organizations, or College employees desire to reserve campus facilities for expressive activities, they shall submit their requests to Campus Dean of Student Success or designee. NOVA normally may not require more than two business days advance notice for reservation requests. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.
 - b. If visitors desire to reserve campus facilities for expressive activities, they must be sponsored by a recognized student organization or NOVA to conduct expressive activities or events on campus.
 - c. NOVA has not designated any indoor area as available for spontaneous expressive activities.
 - d. Any other restrictions on expressive activities occurring in indoor facilities must:
 - i. apply equally to all individuals and organizations and
 - ii. not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
 - e. Students, student organizations, and College employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
 - i. the requested venue is an indoor facility that the College has designated as not available for expressive activity;
 - ii. the venue is already reserved for another event;
 - iii. the activity will attract a crowd larger than the venue can safely contain;
 - iv. the activity will substantially disrupt another event being held at a neighboring venue;
 - v. the activity will substantially disrupt College operations (including classes);
 - vi. the activity is a clear and present threat to public safety, according to the NOVA police;
 - vii. the activity will occur during College examination periods; or
 - viii. the activity is unlawful.
 - f. During an event, the student, student organization, or College employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it

causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.

- g. When assessing a request to reserve campus facilities, the office of the Campus Dean of Student Success must not consider, or impose restrictions based on, the content or viewpoint of the expression or the possible reaction to that expression. If multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern:
 - i. official college sponsored activities and events;
 - ii. recognized student organization activities and events;
 - iii. student activities and events; and
 - iv. all other activities and events.

2. Access to Outdoor College Property

- a. For outdoor campus facilities and areas, students, student organizations and their sponsored guests may freely engage in spontaneous expressive activities if they do not:
 - i. block access to campus buildings,
 - ii. obstruct vehicular or pedestrian traffic,
 - iii. substantially disrupt* previously scheduled campus events,
 - iv. substantially disrupt College operations,
 - v. constitute unlawful activity or
 - vi. create a clear and present threat to public safety, according to NOVA police.

*The expression of competing viewpoints or multiple speakers in proximity to each other does not necessarily constitute a substantial disruption.

- b. Visitors wishing to engage in public speaking or distribution of literature on outdoor college property may do so in designated locations on each campus by contacting the Director of Campus Operations.
- c. No College employee may impose restrictions on students, student organizations or their sponsored guests who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. If other persons react negatively to these activities, College officials (including NOVA police) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue. The expression of competing viewpoints or multiple speakers in proximity to each other does not constitute a substantial disruption.
- d. If expressive activities cause a substantial disruption to College operations, the speaker(s) may be asked by the Director of Campus Operations, Campus Dean of Student Success, College Police, or other College official to modify their behavior or leave College property. The expression of competing viewpoints or multiple speakers in proximity to each other does not necessarily constitute a substantial disruption.

3. Areas and Facilities Not Available For Use

- a. Certain areas of the College are not available for expressive activity; to include:
 - i. administration offices,
 - ii. classrooms during instructional hours,
 - iii. computer rooms and laboratories,

- iv. libraries,
 - v. medical and scientific laboratories,
 - vi. restrooms and waiting areas and all other areas similarly designated by the Campus Dean of Student Success or designee / Director of Student Services or designee for each NOVA campus.
4. Non-Operating Hours Expression, Erection of Structures and Camping
- a. No expressive activity shall occur outside of College operating hours.
 - b. The construction of shelters and other temporary structures or camping on College property is prohibited.
5. Reporting Incidents
- a. If other persons react negatively to expressive activity, the Campus Dean of Student Success and/or College Police shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.
 - b. Anyone who believes their rights to express themselves under this policy have been violated may submit a report to the College Dean for Student Rights and Responsibilities at osrr@nvcc.edu or online at the [Free Speech webpage](#). In case of emergency, contact College Police at 703.764.5000.
 - c. If a complaint is filed in a court of law to initiate a lawsuit against the College or an employee of the College in his official capacity for an alleged violation of the First Amendment to the United States Constitution, the College shall submit a copy of the complaint to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health within thirty days of receiving the complaint.
 - d. By December 1 of each year the College shall develop a report on its compliance with the provisions of this policy. The report shall be available on the College website and submitted to the Governor, the Chairmen of the House Committee on Education and the Senate Committee on Education and Health.

Definitions:

College Property: Any land, building or other property that is owned, leased or under the control of Northern Virginia Community College.

Expressive Activity includes:

- a. Meetings and other group activities of students and student organizations;
- b. Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and visitors;
- c. Distributions of literature, such as leaflets and pamphlets; and
- d. Any other expression protected by the First Amendment to the U.S. Constitution.

Facilities Use Rules

- A. All events must have an institution-affiliated sponsor or be pursuant to a signed facility use and/or rental agreement with an external third-party user that obligates the third-party user to comply with the College's use rules. Both institution-affiliated and external third-party users must designate someone onsite or immediately available throughout the event who is responsible for ensuring compliance with use rules.
- B. Certain locations are altogether prohibited from usage for events, including designated student housing, administrative buildings, and academic buildings during instructional time.
- C. An advance reservation process with a written agreement is required. The agreement must include specified times and identified locations for the reserved use. Such reservation must include an agreement to follow College facility use rules and to comply with all federal, state, and local laws. The reserving individual must acknowledge these obligations and agree to comply.
- D. Groups and individuals participating in the facility use activities are accountable for compliance with the provisions of this policy. Violations of this policy may be grounds for disciplinary action against students and employees. Violations of this policy also constitute grounds for revocation of the user's facility use permit. Individuals or groups who invite non-College participants may be held accountable for such participants' compliance with this policy.
- E. No illegal activity is permitted at events.
- F. Disrupting or obstructing the normal learning, living, or work environments of other members of the College community or the functions or activities of the College (as well as activities conducted on the College's property with its permission) is prohibited. Examples include: blocking entrances, corridors or exits; interfering with ongoing educational activities, cultural events, or recreational, extracurricular or athletic programs; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; creating unsanitary conditions; and interfering with any other effort to protect the health and safety of members of the College community or larger public.
- G. The construction or occupation of a Camping Tent is prohibited.
 - 1. "Camping Tent" means any collapsible tent or structure, typically having as its basic components a flexible material supported by a framework, designed, intended, or used as temporary shelter while camping or on recreational outdoor outings. Camping Tents may include tents known as "pup tents," "dome tents," "cabin tents," "hiker tents," and "backpacking tents."
 - 2. A "Camping Tent" does not include a tent with all sides entirely open and where there is an unobstructed view into such tent from the outside at all angles.
 - 3. All tents require advance approval through the facility use approval process. Only Event Tents shall be permitted to remain on the property overnight. All other tents of any type must be removed no later than 11:00 p.m.
 - a. "Event Tent" is a non-Camping Tent and is not less than 400 square feet or a tent that requires skilled or professional installation and removal.
 - i. Event Tents must comply with all other College Facility Use Rules.
 - ii. Event Tents may not be occupied or used during the hours of 6:00 am until 11:00 pm.
 - 4. Camping is prohibited on property owned, leased, or operated by the College, Virginia Community College System, or their foundations.
 - a. "Camping" means the act of using any part of the property or facilities for living accommodation purposes, such as establishment of temporary or permanent living quarters, sleeping outdoors overnight or making preparations for overnight sleeping (including the laying down of bedding), storing personal belongings, using any tent, shelter, or similar structure regardless of size for

sleeping; sleeping in, on, or under parked vehicles, or setting up temporary or permanent sleeping areas outdoors or in structures not designated for human occupancy.

- b. "Camping" does not include the use of College, VCCS, or their foundations' property that has been wholly or partially designated as sleeping or relaxation areas; a tailgating activity in conjunction with a College, VCCS, or foundation event; or the use of temporary hammocks or lounge furniture on College, VCCS, or foundation owned property for recreation or studying activities outdoors during the hours of 6:00 am until 11:00 pm.
5. These prohibitions shall not apply to the College, the Virginia Community College System Office, or the College or System foundations or to Non-Camping Tents erected for their use.
6. These prohibitions shall not apply to federal, state, or local governments or their agencies or to Non-Camping Tents erected for their use.