



POLICY TITLE

Free Expression

POLICY NUMBER

5-591

Responsible Office: <i>Office of the Vice Chancellor for Academic and Student Affairs</i>	Effective Date: <i>09/01/2022</i>
Responsible Official: <i>Assistant Vice Chancellor for Student Development</i>	Last Reviewed Date: <i>06/01/2020</i>
Policy Classification: <i>Student Affairs</i>	Origination Date: <i>04/01/2014</i>

I. POLICY STATEMENT

Baton Rouge Community College (BRCC or the College) deems the free and open inquiry into all matters fundamental to the mission of higher education and is committed to the preservation of the lawful, free expression of ideas, subject only to reasonable time, place, and manner restrictions. As a postsecondary institution under the management of the LCTCS Board of Supervisors, BRCC shall allow and protect non-commercial expressive activities by any person lawfully present on campus property in accordance with all applicable laws and this Policy.

Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity in any location reserved for that expressive activity shall not be permitted. No conduct shall be deemed a material and substantial disruption that is protected under the First Amendment to the United States Constitution or Article I, Section 7 of the Constitution of Louisiana. Protected conduct includes but is not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to members of the public except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

In accordance with Act 666 of the 2018 Regular Session and Act 727 of the 2022 Regular Legislative Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37 ("Louisiana Campus Free Expression Law"), BRCC hereby adopts this policy on Campus Free Expression (Policy 5-591). BRCC encourages civil dialogue and expression and sharing of opinions and beliefs that do not pose a threat of physical harm to any student, faculty, staff, or visitor.

II. POLICY RATIONALE AND SCOPE

BRCC exists to educate its students; to advance, preserve, and disseminate knowledge through research and scholarship; and to advance the public interest and the welfare of society as a whole. Essential to such purposes is an orderly climate of academic integrity, of rational and critical inquiry, of intellectual freedom, and of freedom of individual thought and expression consistent with the rights of others. To establish and maintain such a climate, the College as an institution and each member of the College community have reciprocal rights and obligations. It is the obligation of the College as an institution to ensure orderly operation, to preserve academic freedom, to protect the rights of all members of the College community, to prohibit acts that materially and substantially interfere with legitimate educational objectives or interfere with the rights of others, and to institute disciplinary action where conduct adversely affects the College community's pursuit of its educational objectives.

III. POLICY AUDIENCE

This policy is applicable to and enforceable against all faculty, administrators, staff, students, visitors, and individuals affiliated with the College by contract or otherwise (including, but not limited to, non-employees, such as vendors and independent contractors, volunteers, student organization advisors, and retirees).

All sites and campuses of BRCC shall allow and protect non-commercial expressive activities by students, administrators, faculty members, staff members, and invited guests in accordance with all applicable laws and this policy.

IV. POLICY COMPLIANCE

Failure to comply with any applicable laws and regulations, including those listed above, shall constitute a failure to comply with this policy. Each member of the College shall make all due diligence and efforts to comply with applicable laws and regulations, including those listed above. While the provisions of the laws listed above are mandatory components of BRCC policy, the College may supplement the provisions of this policy as necessary, but any such supplemental provision shall comply with the laws of this policy. This policy and the provisions therein shall supersede and control to the extent of any conflict with any other provision of law and shall govern BRCC's obligation to address all forms of discriminatory harassment perpetrated by one student on another, including sexual harassment.

Students found in violation of this policy shall be referred to the Office of the Dean of Students for disciplinary proceedings. Faculty and/or staff found in violation of this policy shall be referred to their immediate supervisor. Visitors found in violation of this policy shall be referred to BRCC Campus Police or the Baton Rouge Police Department.

V. POLICY DEFINITIONS

For the purposes of this policy, the definition of key terms and other mandatory provisions shall remain consistent with those in Act 666 of 2018 and Act 727 of 2022, codified at R.S. 17:3399:31 through 3399:37. Baton Rouge Community College will amend this policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions shall

supersede any such inconsistent provision in this policy. The statutory provisions and LCTCS' Policy shall supersede any inconsistent provision in BRCC's Policy.

Expressive activities – include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

Free Speech – the right, guaranteed by the First Amendment to the U.S. Constitution, to express beliefs and ideas without unwarranted government restriction.

Free Speech Law – the Constitutional and statutory requirements addressed by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, as well as other applicable laws, which protect the freedom of speech.

Louisiana Campus Free Expression Law – the statutory requirements addressed in Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at La. R.S. 17:3399.31 through 3399.37, together with the requirements of this Policy, which protects the freedom of expression on college campuses in Louisiana.

Material and substantial disruption – when a person with the intent and knowledge of doing so, significantly hinders expressive activity, prevents the communication of the message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following:

- a) Engaging in fighting, violence, or similar unlawful behavior.
- b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

Outdoor areas – outside areas that are generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

Student – any person who is enrolled on a full-time or part-time basis in a public postsecondary education institution.

Student-on-student discriminatory harassment – unwelcome conduct that targets its victim on the basis of a class protected under federal, state, or local law and that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities.

Student organization – an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of admitted enrolled students.

VI. POLICY IMPLEMENTATION PROCEDURES

The following restrictions to time, place, and manner of free expression apply:

1. Persons can engage in free expression on BRCC property within the published operating hours of the College.
2. Persons engaged in free expression are not allowed to impede the free flow of pedestrian traffic or interfere with the ingress/egress of individuals moving to and from buildings on campus.
3. Persons engaged in free expression are not allowed to pose a health or safety threat to the College, the College community, College organizations, or the general public.
4. Interruption of classes or other college activities is strictly prohibited.
5. Disruptive behavior and persistent defiance of this policy is strictly prohibited.
6. Interfering with or precluding a scheduled speaker from being heard is prohibited.
7. Damaging College property, including facilities, equipment, signage, lawns, shrubs, or trees is prohibited.
8. Sound amplification devices are strictly prohibited.
9. The Baton Rouge Community College name and logo can only be used in any form of free expression with the written approval of the Chief Marketing and Public Relations Officer.

VII. POLICY RELATED INFORMATION

In accordance with Louisiana Revised Statutes 17:3399.31 through 3399.37, relative to free expression on college campuses, BRCC will uphold the following provisions:

1. BRCC will strive to ensure the fullest degree of intellectual freedom and free expression, allowing for all forms of expression that are protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7, of the Constitution of Louisiana. Neither the First Amendment of the Constitution of the United States of America nor Article I, Section 7, of the Constitution of Louisiana protects harassment or threats or expressions directed to provoke and likely to produce imminent lawless actions.
2. It is not the proper role of BRCC to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Baton Rouge Community College shall not deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization affirm, adhere to, comply with, or further the organization's beliefs, standards of conduct, mission, or purpose, as defined by the organization.
3. Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws within the limits on time, place, and manner of expression.
4. Any limitations on time, place, and manner shall be those that are necessary to achieve a significant institutional interest only (i.e. protection of person, property, educational quality, etc.).

5. Students and faculty may assemble and engage in spontaneous and contemporaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution, subject to any required permit procedures.
6. Any person lawfully present on a campus may protest or demonstrate there, subject to any required permit procedures.
7. The public areas of all campuses of BRCC are traditional public forums that are open on the same terms to any speaker.
8. BRCC shall prohibit student-on-student discriminatory harassment. BRCC is prohibited from sanctioning/disciplining a student's expression as a student-on-student discriminatory harassment unless the expression meets the definition above.
9. BRCC can still prohibit/limit/restrict unprotected expression such as true threats or expressions directed to provoke and likely produce imminent lawless actions.
10. BRCC is not prevented from responding, through non-punitive actions, to student expression that does not meet the definition of student-on-student discriminatory harassment.
11. BRCC will uphold other policies prohibiting stalking or other criminal activity.
12. BRCC will provide instructions on whether or not a permit is required and may require a permit from an individual or groups as a condition of being granted the exclusive control of a location for an expressive activity at a reserved time.
- A. **Published permit processes:**
 - i. Must not be overly burdensome;
 - ii. Must be evaluated solely based on published content-neutral and viewpoint-neutral criteria;
 - iii. Should provide written reason for permit denial within two (2) business days and allow the applicant to appeal;
 - iv. Should indicate if there is a required security fee based on the content of the expression of the student or student organization/invited guest or anticipated reaction to the content. The determination of whether or not to charge a security fee must be solely based on content-neutral and viewpoint-neutral criteria such as the time/location/anticipated size of the event and whether or not alcohol will be served. The criteria used by BRCC to assess the need for a security fee will be published.
13. BRCC will provide information regarding the procedures whereby a person aggrieved by a violation of the institutional policy on free expression may seek relief.

Publication and Dissemination

BRCC's policy on campus free expression will be made public in the College's catalogue, on the website, and through student orientation programs. This policy will be incorporated in materials, programs, and procedures provided to all employees and students.

Reporting Requirements

BRCC shall submit an annual report on the implementation of the new free expression policy to the LCTCS by August 1. Annual reports will include any barriers to or incidents against free expression that occurred at the institution during the previous year. The report shall detail the barrier or incident as well as actions taken in response to the barrier or incident.

VIII. POLICY HISTORY AND REVIEW CYCLE


This policy is a standing policy at BRCC and is reviewed and revised, as needed, within three years of the effective date by the College’s administration.

This policy shall be forwarded to the LCTCS and the Louisiana Board of Regents (BoR).

IX. POLICY URL

https://www.mybrcc.edu/about_brcc/policy_index/student_affairs/policies/freeexpressionpolicy20160718.pdf

X. POLICY APPROVAL - SIGNATURE, NAME, TITLE, AND DATE OF OFFICIAL



Willie E. Smith, Sr. Ed.D.
Chancellor

9/20/2022
Date
Effective Date of Policy