



Southwestern Michigan College

Board Policy – Freedom of Expression

Last Reviewed	Last Updated	Effective Date
01/28/2020	01/12/2022	01/12/2022

DIVISION I – GENERAL

I.18 FREEDOM OF EXPRESSION

Southwestern Michigan College is a public institution of higher education whose property and resources are primarily dedicated to academic, administrative and related functions. As an institution that highly regards the freedom of speech, freedom of expression and right to peaceably assemble, Southwestern Michigan College affords groups and individuals the ability 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.

For anyone lawfully present on the College’s campuses, the outdoor and indoor common areas (as defined below) 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 Facilities Use and Commercial Solicitation policies.

For purposes of this policy, the term “expressive activity” includes such activities as:

- Meetings and other group activities;
- Speeches, performances, demonstrations, parades, marches, rallies, vigils and other events;
- Distributions of informational materials, such as circulars, newspapers, leaflets and pamphlets;
- Any other expression, including spontaneous expression, protected by the First Amendment to the U.S. Constitution.

While Southwestern Michigan 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 persons’ negative reaction to that expression. When expressive activities occur, Southwestern Michigan 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 Southwestern Michigan 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. For purposes of this policy, the terms “outdoor common” and “indoor common” refer to such areas as:

- Lawns, sidewalks, benches and other outdoor areas that are not otherwise reserved for use;
- Student gathering areas not immediately adjacent to classrooms and other indoor areas designated for social interactions that are not otherwise reserved for use. Buildings with restricted access, such as residence halls or the Student Activity Center, will remain available only to those with pre-approved access.

For purposes of this policy, the peaceful one-to-one distribution of informational materials in the indoor and outdoor common areas does not represent a substantial or material disruption to the learning environment at the College.

Expressive activities, as defined by this policy, are allowed on Southwestern Michigan College campuses during the periods that College facilities are open to the general public.

No expressive activity at Southwestern Michigan College shall be permitted to:

- Violate or infringe upon the rights of others;
- Defame any individual;
- Constitute a genuine threat or harassment;
- Invade privacy or confidentiality interests;
- Block access to campus buildings;
- Impede ingress or egress to the College or any College property, pedestrian pathway, parking lot, building, facility or event, including hallways, stairwells or offices;
- Disrupt classes in session;
- Obstruct the vision or other physical senses of other individuals in any manner including signs, props, noise or similar methods;
- Obstruct vehicular or pedestrian traffic;
- Include the use of audio amplification devices, unless specifically authorized in advance by the College;
- Include the use of fire or pyrotechnics, unless specifically authorized in advance by the College;
- Affix materials to College buildings, equipment, fences, trees or property, unless specifically authorized in advance by the College.

Southwestern Michigan College does not assume any obligation or responsibility for the content of expressive activities or materials distributed. People engaging in expressive activities assume financial 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.

Organizers anticipating large groups (over 25 people) or requiring advance approval of amplification, pyrotechnics or affixment of materials on College property as set forth above shall make a request in writing to the Vice President, Campus Life, or designee, via the Freedom of Expression Request Form during regular business hours at least 48 business hours prior to commencement of any expressive activity. Each request shall contain the following information:

- Name, address and telephone number(s) of contact person(s)
- Name, address and telephone number(s) of back-up contact person(s)
- Date and hours requested for and duration of the expressive activity
- Area requested for use
- Number of anticipated participants
- Structures to be used in the expressive activity

In order to assure the reasonable conduct of public business, the educational process, unobstructed access to the College for its students, faculty, employees, occupants and the public, and to maintain public safety and College grounds, the Vice President, Campus Life, or designee, has been delegated the authority to approve, modify or deny an application for expressive activity. The Vice President, Campus Life, or designee, will not

take the content of the speech into consideration when approving, modifying or denying an application. All decisions by the Vice President, Campus Life required under these procedures shall be made promptly, no later than 24 business hours after receiving the written request.

If a person or organization is aggrieved by a decision of the Vice President, or designee, an appeal may be taken to the President, or designee, within three College business days of that decision. The appeal shall be in writing stating the basis for the appeal and the relief sought. The President or designee shall promptly announce their decision, which will be final.

This policy was designed to meet the needs of students, SMC employees and the community. Progressive disciplinary action will be enforced for those in violation of this policy, up to and including possible criminal prosecution.