

Policy Number	Policy Title
BP2.45	Free Speech and Public Assembly

Orange County Community College will protect the rights of freedom of speech, petition and peaceful assembly as set forth in the U.S. Constitution. The College maintains the right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent. Any acts that are disruptive to the normal operations of the College including, but not limited to, classes and College business, or invade the rights of others, will not be tolerated and may result in termination of the assembly.

Faculty, staff, students, and all others engaging in disruptive activity may be subject to disciplinary actions, and may face criminal charges.

Designated Public Forum

The Alumni Green on the Middletown campus and the Larkin Plaza on the Newburgh campus have been identified by the College as designated public forum spaces. Other areas may be designed by the Director of Campus Safety and Security as public forums to accommodate free speech in special circumstances.

Groups wishing to use the designated public forum space for public gatherings, demonstrations or marches should notify the Director of Campus Safety and Security of their intentions. This is to allow an efficient and safe allocation of space, generally to the first group to request it for a particular time. College sponsored events have first priority on the use of campus grounds. The College reserves the right to relocate any assembly to ensure that the activity does not interfere with the normal operation of the College or interfere with the rights of others.

Guidelines for Speech and Public Assembly

No student, faculty, or other staff member or authorized visitor shall be subject to ~~any limitation or~~ punishment or penalty solely for the expression of their views, nor for having lawfully assembled with others for such purpose.

Speakers: In *view* of the desire of the College to promote free speech, the Designated Public Forum area is open to everyone who follows the provisions of this policy.

The right to dissent: The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate his or her message to the audience and the audience is entitled to hear the message and see the speaker. A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. Likewise, the audience must respect the right to dissent.

Symbolic Protest: During a presentation, displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting is acceptable, to the extent it is not a disruptive activity and does not impede access, including, but not limited to blocking the audience's view or preventing the audience from being able to pay attention.

Marches: Marches are acceptable on campus with the appropriate notification to Safety and Security to allow the College to prepare for the march and provide for the necessary safety of the participants and bystanders, as well as to assure adequate parking and maintain the flow of vehicle and pedestrian traffic. The notification should outline expected attendance, and the anticipated parade/march route.

Prohibited Conduct

The policies and procedures of the College, especially those related to the safety and security of persons and property, must be observed at all times. In addition, no person, either singly or in concert with others, shall:

- Threaten passers-by;
- Interfere with, impede, or cause blockage of the flow of vehicular or pedestrian traffic;
- Commit any act likely to create imminent safety or health hazards;
- Interfere with or disrupt any other lawful or permitted activity by anyone in the same general location at the same time;
- Post any materials on any buildings, walls, windows, doors, sidewalks, trees, light poles, or any other College owned equipment except in designated areas;
- Carry signs or other transportable displays that are affixed to metal poles, wooden sticks or other items that could be deemed a dangerous weapon
- Conduct speech that includes words that by their very nature tend to incite an immediate breach of the peace;
- Engage in any speech or action that is not allowed by law;
- Engage in any speech that is likely to incite or produce immediate lawless action or that is, under current legal standards, either defamatory or indecent;
- Incite others to commit any of the acts prohibited.

Assembly Security

Orange County Community College reserves the right to charge individuals wishing to use the Designated Public Forum for additional security at a rate determined by the Director of Safety and Security. The Director of Safety and Security will determine the need for and the number of additional Safety and Security personnel to perform security functions during any public assembly event.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Adopted: March 11, 2020