

3.3.15 KCTCS Campus Speech Policy

3.3.15.1 Use of College Property by Non-Affiliated Persons for Free Expression Activities

KCTCS is committed to addressing free expression activities in a way that is neutral toward content and viewpoint. Therefore, the purpose of this policy is to provide a uniform basis on which the Kentucky Community and Technical College System will handle the use of KCTCS property by non-affiliated persons for free expression activities through content and viewpoint-neutral guidelines consistent with and in furtherance of KCTCS's mission of providing education for college and workforce readiness, transfer education and workforce education and training. This policy replaces and supersedes all previous policies, procedures, guidelines, directives and rules concerning free expression activities by non-affiliated persons on KCTCS property.

I. Definitions

The following terms are defined for purposes of this policy:

- A. The term "free expression activities" means expression and/or assemblies generally protected by the First Amendment, including but not limited to distributing printed materials, public speaking, demonstrations, rallies, vigils, parades and marches.
- B. The term "traditional public forum" means property that by tradition or by government fiat is open to assembly and debate by members of the general public, such as city streets, sidewalks and parks.
- C. The term "limited public forum" means property that has not traditionally been regarded as open to free expression activities but which has been intentionally opened by KCTCS for the purpose of free expression activities in a way that is consistent with KCTCS's educational mission and subject to content and viewpoint-neutral time, place and manner restrictions.
- D. The term "non-affiliated person" means any person or entity who is not a KCTCS unit, student, student organization, faculty member, staff member or volunteer.
- E. The term "printed materials" means publications, handbills, posters, leaflets, petitions, fliers and all other types of written matter.
- F. The term "student organization" means a student organization registered with KCTCS in accordance with KCTCS rules for student organizations.
- G. The term "KCTCS" means the colleges, campuses and other units of KCTCS, and all their constituent parts, and the KCTCS administration.

- H. The term “KCTCS unit” means any academic, administrative or auxiliary department, college or division of KCTCS, or any other official entity of KCTCS, functioning through KCTCS employees acting within the scope of their employment.
 - I. The term “KCTCS property” means all land, grounds, structures and any other physical property owned, controlled or operated by KCTCS.
- II. General rules for use of KCTCS buildings, offices and classrooms
- A. Some KCTCS buildings and classrooms may be limited public forums and therefore KCTCS may restrict or prohibit access to those areas on a content and viewpoint-neutral basis.
 - B. In general, KCTCS buildings, offices and classrooms can only be used by KCTCS faculty, students and staff for those facilities’ designated purposes, except as stated in this policy (e.g., when facilities made available for use by non-affiliated persons or groups are rented by such persons or groups pursuant to KCTCS Policy 3.3.16).
 - C. Non-affiliated persons or groups may apply to use space in KCTCS buildings or classrooms pursuant to KCTCS Policy 3.3.16 (Policy and Procedural Guidelines for the Management and Use of Facilities) and the terms of any agreement entered into for purposes of that use.
 - D. Non-affiliated persons may use KCTCS libraries, but use of KCTCS libraries is limited to study, instruction and research and further is subject to rules established by KCTCS for conduct within the libraries.
- III. General rules for open outdoor areas on KCTCS property
- A. Except for traditional public forums such as city sidewalks, open outdoor areas on KCTCS property are limited public forums subject to content and viewpoint-neutral time, place and manner restrictions regarding their use.
 - B. Open outdoor areas on KCTCS property generally are available for free expression activities by non-affiliated persons, regardless of whether planned or spontaneous, and subject to the rules and guidelines set out in this policy.
 - C. KCTCS units, faculty, students, staff and student organizations have priority over non-affiliated persons in the use of open outdoor areas on KCTCS property. Thus, an open outdoor area on KCTCS property that is a limited public forum is not available for use by non-affiliated persons if that area has been reserved by KCTCS units, faculty, students, staff or student organizations.

- D. Use of open outdoor areas by non-affiliated persons is also subject to KCTCS projects and maintenance activities such as construction, planting, seeding and general upkeep.
- E. Non-affiliated persons using KCTCS property for free expression activities must not:
1. block or substantially impede vehicular, bicycle, pedestrian or other traffic;
 2. block or substantially impede entrances or exits to KCTCS property;
 3. substantially disrupt or interfere with KCTCS operations, events or activities;
 4. substantially disrupt or interfere with the ability of a student to study in a KCTCS library or other designated study space;
 5. substantially disrupt or interfere with classes in session or other academic, educational, cultural programs, arts programs or ceremonies;
 6. violate a federal, state, or local law, rule, regulation or ordinance; or
 7. engage in speech that is obscene, defamatory, consists of fighting words, communicates an objectively serious expression of intent to commit an act of unlawful violence to a particular individual or group, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- F. In the interest of safety, overnight camping is not permitted on KCTCS property.
- G. The use of electronic sound amplification by non-affiliated persons in open outdoor areas on KCTCS property is prohibited.
- H. With regard to the use of printed materials by non-affiliated persons:
1. Non-affiliated persons must refrain from littering and may be held responsible for costs incurred as a result of littering.
 2. Non-affiliated persons must not place any signs, banners, posters or other displays on or against, attach them to, or write on any building or feature of KCTCS property, including but not limited to doors, windows, walls, walkway surfaces, fountains, utility poles, lamp posts, waste containers, trees, street signs, benches and railings. Signs, posters and other displays

also must not damage KCTCS property or exceed 24 inches by 36 inches in size.

3. Tables and other temporary means of displaying and distributing information are permitted but must be removed when finished.

IV. Failure to comply with the rules and guidelines set out in this policy may result in a warning, a request to relocate or directive to vacate KCTCS property from the college president/CEO, KCTCS President, or KCTCS Vice President responsible for facilities management.

3.3.15.2 Invited Speakers

In the historical role of a democratic institution of higher learning devoted to the search for truth, KCTCS is dedicated to maintaining on its campuses a spirit of free intellectual inquiry and an open exchange of ideas. It promotes vigorous, uninhibited debate and discussion, as well as critical and objective evaluation of divergent points of view.

KCTCS expects that various speakers who come to the campus will represent different shades of opinion, and that some will express controversial and unpopular views. It is essential to free inquiry and the ultimate discovery of truth that all ideas be freely expressed and freely subjected to critical analysis in the college setting. To this end, KCTCS has reexamined, reaffirms and makes explicit its traditions in this area.

KCTCS encourages its administration, faculty, and students to invite outside speakers to its campus. The appearance of such speakers does not imply approval or disapproval of them or of their views. They are brought to the campus because it is believed that their discussions will further the educational goals of the KCTCS.

Each KCTCS college and the System Office will act responsibly in inviting speakers and guests who are also expected to act responsibly. This policy requires that no law or governing regulation of the KCTCS be violated by the speech or program. KCTCS also requires that meetings on its campuses, at which off-campus speakers appear, be peaceful and orderly, and in no way interfere with the proper functioning of a KCTCS college or the System Office. Further, the KCTCS through the Office of the KCTCS Chancellor may prescribe conditions for the conduct of programs at which off-campus speakers appear. These conditions may include requiring a college official or a senior faculty member to chair the program, requiring opportunity for comments and questions from the floor, or such other practices as may be necessary to preserve order and to insure an atmosphere of open exchange of ideas. In addition, a college president/chief executive officer or the KCTCS Chancellor may take appropriate action to insure that the community is provided with a balanced exposure to divergent opinions on controversial issues.

KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES

The protection of student freedom of discussion on KCTCS college campuses is a necessary facet of the preservation of the spirit of free inquiry to which KCTCS is dedicated. Faculty members must bear the major responsibility for carrying out the mission of disseminating knowledge. The conduct of this mission requires an atmosphere of freedom to examine and discuss all ideas, including the novel and sometimes unpopular. KCTCS expects the examination and discussion of ideas to be conducted in a fashion appropriate to the educational function and dignity of KCTCS in accordance with its policies. Subject to this expectation and their own exercise of responsibility and discretion, faculty members, administrators, and registered student organizations are free to bring speakers to KCTCS college campuses, providing that proper arrangements for the use of the college facilities have been made.

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