

BAY de Noc COMMUNITY COLLEGE BOARD OF TRUSTEES POLICIES

1000 GENERAL ADMINISTRATION

1075 FREEDOM OF EXPRESSION POLICY

It shall be the policy of the Bay de Noc Community College Board of Trustees, that the College is committed to respecting the First Amendment rights of all individuals, including freedom of speech, freedom of expression, and the right to peaceably assemble. Bay College acknowledges that these freedoms are essential to accomplish the College's primary purpose: Education. Bay College supports the exchange of diverse points of view, which at times may be unwelcome, disagreeable or offensive, in accordance with the College's educational responsibility.

It is Bay College's policy to provide all members of the College Community, including faculty, students, and staff, the broadest possible lawful latitude to speak, write, listen, challenge and learn. No College policy or rule will infringe upon these constitutional rights.

Bay College also recognizes the obligation to preserve and protect its property, students, guests and employees, and to ensure the effective operation of educational, business and related activities of the College.

The purpose of this policy is to establish a civil, tolerant, and open educational climate and atmosphere that is conducive to learning and participation by all, and that welcomes and encourages discussion of diverse issues and viewpoints.

In order to achieve this objective, while at the same time ensuring that Bay College fulfills its educational mission, this policy regulates the time, place, and manner of expression guided by factors that include safety, the rights of others and the normal functioning of the College. Through such regulation, the College can assure equal opportunity for all persons, preserve order within the College community, protect and preserve College property, and provide a secure environment to individuals exercising freedom of expression.

PROCEDURE:

1075.1 This Policy applies to all Bay College campuses.

1075.2 Any person or group is free to engage in expressive activities, orally or in writing or by other symbols, on any topic, in areas open to the public during operating hours (Refer to 1017 Use of Facilities Policy; and 215 Hours of Operation Policy), subject to the regulations contained within this Policy. Advance notification to the Vice President of College Advancement is required prior to the event.

- 1075.3 Bay College will not consider the content or viewpoint of expressive activities when enforcing this Policy.
- 1075.4 Any person or group engaging in expressive activities shall demonstrate civility, concern for the safety of persons and property, respect for College activities, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws.
- 1075.5 No person or group may attempt to coerce, intimidate or badger any other person into viewing, listening to or accepting a copy of any communication.
- 1075.6 No person or group may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
- 1075.7 Any person or group engaging in expressive activities must avoid any unauthorized implication that they are sponsored, endorsed or favored by the College.
- 1075.8 Any person or group holding views different from those presented by persons or groups engaged in expressive activities in accordance with this Policy are also subject to the regulations provided by this Policy.
- 1075.9 No person or group engaging in expressive activities may construct or place on College property any permanent or semi-permanent structures.
- 1075.10 No person or group may engage in expressive activities that:
- threaten or endanger the health or safety of any person in the College community;
 - deny or infringe upon the rights of other students, faculty, staff, and guests of the College community;
 - disrupt or interfere with educational and other activities of the College community;
 - create a volume of sound that prevents members of the College from conducting their normal activities;

1075 FREEDOM OF EXPRESSION POLICY

Policy Origin Date: 11/08/2017

Procedure Origin Date: 11/08/2017

Procedure Revision Date: 03/10/2021

N:\Executive Assistant to the President\Board Policies and Procedures\CURRENT Board Policies and Procedures\General\1075 Freedom of Expression Policy.docx

Edited for Accessibility 03.15.21

- obstruct pedestrian or vehicular traffic on campus;
- obstruct or restrict the free movement of persons in any part of property owned or leased by the College;
- obstruct or interfere with the normal use of offices, classrooms and other facilities by students, faculty, staff and guests of the College;
- obstruct the orderly operations of the College;
- damage College property, or contribute to property damage;
- disrupt or interfere with any signs, tables, exhibits, public assemblies, distribution of literature, guest speakers or use of amplified sound by another person or organization acting under this Policy;
- violate College policies.

1075.11 Any students, faculty member or staff members may present guest speakers on College Property. A "guest speaker" means a speaker or performer who is not a student, faculty member or staff member. Advance notification to the Vice President overseeing the operational activity and then the College Advancement Office is required prior to the presentation of a guest speaker. Guest speakers may distribute literature to persons who attend the event, but not to others who have not chosen to attend the event. The guest speaker may not address potential listeners who have not chosen to attend the event. The guest speaker may not help staff a student organization's table or exhibit. Finally, a guest speaker may not solicit for her or his off-campus business, organization or service, unless contractually agreed to by the college. 1075.11 does not cover guest speakers that are invited to a course by the instructor overseeing a course they are contractually obligated to teach. Please refer to Board Policy 3005: Academic Freedom Policy.

1075.12 Public spaces, including sidewalks, lobbies, courtyards, hallways, and other paths, thoroughfares, and open areas must be maintained to permit safe access and travel for pedestrians, and, where appropriate, bicycles and other vehicles.

1075 FREEDOM OF EXPRESSION POLICY

Policy Origin Date: 11/08/2017

Procedure Origin Date: 11/08/2017

Procedure Revision Date: 03/10/2021

1075.13 Use of College property for overnight camping is generally prohibited absent express permission by the College.

1075.14 For safety and security reasons, buildings and/or grounds may not be occupied after the buildings or offices has closed, except by authorized persons.

1075.15 The following are examples of speech that is not protected by the First Amendment and prohibited by this Policy:

- Fighting words. There is no constitutionally protected right to taunt, bully, insult, provoke, or pick fights through the use of inflammatory words. Taunts or insults are deemed fighting words only when they have a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed. Accordingly, all persons and groups are prohibited from uttering any offensive, derisive or annoying word to any other person who is lawfully on campus or other public place, calling that person by any offensive or derisive name, or making any noise or exclamation in the person's presence and hearing, with the intent to deride, offend or annoy the person or to prevent the person from pursuing their lawful business or occupation. Employees should reference Board Policy 801: Behavior of Employee Policy for employee specific policy on this matter.
- Incitement/Provocation to engage in immediate violence;
- Obscenity. There is no constitutionally protected right to utter words or show images that come within state-law definitions of obscenity. "Obscene" means any material that meets all of the following criteria: (a) The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest; (b) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value; and (c) The material depicts or describes sexual conduct in a patently offensive way.
- Defamation. There is no constitutionally protected right to defame another person; a defamer can be disciplined or punished based solely on the content of the words uttered or written if those words are false and cause injury to reputation. Employees should reference Board Policy 1060: Non-

1075 FREEDOM OF EXPRESSION POLICY

Policy Origin Date: 11/08/2017

Procedure Origin Date: 11/08/2017

Procedure Revision Date: 03/10/2021

N:\Executive Assistant to the President\Board Policies and Procedures\CURRENT Board Policies and Procedures\General\1075 Freedom of Expression Policy.docx

Edited for Accessibility 03.15.21

Discrimination and Anti-Harassment Policy for employee specific policy on this matter

- Insubordination. There is no constitutionally protected right to publicly criticize ones supervisor if by doing so creates discord in the workplace. Employees should reference Board Policy 801: Behavior of Employee Policy for employee specific policy on this matter.

- 1075.16 All persons shall identify himself or herself when asked to do so by Bay College representative while on any property or in any building owned or controlled by the College. A person identifies himself or herself by giving his or her name and complete address, substantiated by a current driver's license, voter registration card or other official documentation; and stating truthfully whether he or she is a student or employee of the College.
- 1075.17 Any person or group engaging in disruptive activities or failing to comply with Bay College policies and applicable local, state and federal laws may face immediate removal from campus and/or other appropriate actions by Bay College.
- 1075.18 No policy can address every possible activity or situation that may occur on Bay College property, and Bay College reserves the right to address such situations as circumstances warrant.
- 1075.19 Annually, a committee will be gathered to review this policy and also evaluate how the policy has been used in the past year to look for improvements to the policy and/or procedure. This committee will include the Vice President of Advancement, Vice President of Student Services, Director of Student Life, and the Director of Human Resources. Other members may be added to this work group as needed.

This committee's review and assessment work will be done in an effort to suggest policy and procedure changes to the Bay College Board of Trustees for implementation. The review and assessment process will take place in March of each year.

1075 FREEDOM OF EXPRESSION POLICY

Policy Origin Date: 11/08/2017

Procedure Origin Date: 11/08/2017

Procedure Revision Date: 03/10/2021

N:\Executive Assistant to the President\Board Policies and Procedures\CURRENT Board Policies and Procedures\General\1075 Freedom of Expression Policy.docx

Edited for Accessibility 03.15.21