

8.12 Free Speech and Public Assembly

Last Revised: March 2022

Policy: Piedmont Community College (PCC) encourages its community to exercise the right to freedom of speech, petition, and peaceable assembly granted by the First Amendment to the Constitution of the United States of America.

Purpose/Definitions:

Purpose

This policy informs members of the College community and the public of the way they may engage in constitutionally protected speech, petition, assembly, and expression at PCC. It is intended to protect one's right to freedom of speech without interfering with the primary educational purpose of the College.

Definitions

Image—A photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction that is made by electronic, mechanical, or other means.

Solicitor—Any private or non-college individual, organization, agency, or group desiring to distribute literature or other items, recruit volunteers, employees or members, seek donations, or express social, political, religious or other views on any property owned, leased, or operated under the jurisdiction of PCC.

Approval Authority/Monitoring Authority: PCC's Board of Trustees has approval authority for this policy. The College's Executive Council has monitoring authority for this policy.

Procedure:

Section 1: General Provisions

- 1.1. The College will protect the rights of freedom of speech, petition, and peaceful assembly.

- 1.1.1. Faculty, staff, students, and visitors should note that some forms of expression (e.g., obscenity, defamation, fighting words, harassment, incitement to imminent lawless action) are not constitutionally protected.
- 1.2. Note that images involving voluntary participation in public or commercial settings are allowed by N.C.G.S. 14-190.5A.
- 1.3. Any acts that cause a material and substantial disruption to normal operations of the College including but not limited to instruction, college business, or actions which interfere with the rights of others will not be tolerated.
 - 1.3.1. Faculty, staff, and students engaging in material and substantial disruptive activity may be subject to disciplinary action.
 - 1.3.2. Any participant actively engaged in a material and substantial disruptive activity may face criminal charges.

Section 2: Acquiring Permission

- 2.1. A written request must be submitted to the Executive Assistant to the Vice President, Administrative Services/CFO at least five (5) business days prior to the requested date of solicitation. (See Exhibit 8.12 Solicitation or Gatherings by Private Individuals or Non-College Groups Form.)
 - 2.1.1. Information on the form is used to permit proper planning and will not be grounds for denying or abridging the right to engage in expressive activities in the designated areas.
 - 2.1.2. In acting on requests, individuals/groups who are sponsored by members of the College community will be preferred.
 - 2.1.3. All approved solicitation events will be allowed in accordance with posted college hours and the College's calendar.
- 2.2. Request forms are available in the H. James Owen Administrative Building on PCC's Person County Campus and in the Office of the Director, Caswell County Campus Operations, and electronically in a shared, central location.
- 2.3. Once the request has been received, the Vice President, Administrative Services/CFO or designee will have three (3) business days to provide a response to the primary contact person listed on the form.
 - 2.3.1. Decisions will take into account:

- 2.3.1.1. Any special circumstances that may relate to college activities.
- 2.3.1.2. Availability of the designated public speaking areas.
- 2.3.2. Decisions will be content-neutral.
- 2.4. Access will be granted on a first-come, first-served, space-available basis.
- 2.5. Access to the designated public speaking areas will be limited to one-and-a-half hours at a time and not more than once a month per campus unless unforeseen circumstances arise that require immediate disbandment due to safety precautions.

Section 3: Designated Free Speech Areas

- 3.1. The College hereby creates on its property a limited public forum for use by individuals or groups not invited by or associated with the college. The following areas, and other areas as approved upon request, are designated for this purpose.
 - 3.1.1. Person County Campus
 - 3.1.1.1. In front of the main entrance to the Timberlake Art Gallery
 - 3.1.1.2. In front of Building S
 - 3.1.1.3. Lobby in Building E (Student lounge/dining area)
 - 3.1.2. Caswell County Campus
 - 3.1.2.1. Lower Patio in front of Building K
 - 3.1.2.2. Lobby in Building K
- 3.2. Individuals and groups are expected to leave the area clean and litter-free following their event.

Section 4: Guidelines for Speech and Public Assembly

- 4.1. Amplification Systems
 - 4.1.1. Amplification systems pose a significant potential for disruption of college operations. Therefore, public address and amplification systems may not be used without prior approval. This includes, but is not limited to, megaphones, bullhorns, and PA systems.

4.2. The Right to Dissent

- 4.2.1. 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.
- 4.2.2. The speaker is entitled to communicate their message to the audience during their allotted time, and the audience is entitled to hear the message and see the speaker during that time.
 - 4.2.2.1. A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.
 - 4.2.2.2. The audience must respect the right to dissent.

4.3. Distribution of Written Material and Other Items

- 4.3.1. The distribution of literature within the free speech area is acceptable. The College reserves the right to assign the distribution of literature to an indoor location if appropriate.
 - 4.3.1.1. PCC prohibits any non-College individual, agency, organization, or group from using any surface such as internal or external walls, glass surfaces, trees, lamp posts, or the like located on any property owned, leased, or operated under the jurisdiction of the College to display any written or otherwise visual materials.
- 4.3.2. Pamphlets, publications, advertisements, and any other such materials may not be distributed through any non-approved form of the College's internal mail or email system.
 - 4.3.2.1. Such materials may, however, be distributed by hand pursuant to an approved request in compliance with the provisions of this policy.
 - 4.3.2.2. Distribution of lawful written materials or items will not be denied based solely on the content or the viewpoints expressed in the materials or items.

4.4. Symbolic Protest

- 4.4.1. During a presentation, displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible so long as the symbolic protest does

not unduly interfere with the ability of the person or entity occupying an area for free speech/expression to express themselves.

4.5. Picketing and Marches

4.5.1. Campus marches and picketing are permitted in the approved designated area.

4.5.1.1. Requests to picket or march should follow the procedure outlined in Section 2 of this policy.

4.5.2. Picketers/marchers must march in an orderly fashion.

4.5.2.1. Picketers shall not at any time nor in any way obstruct, interfere with, or block persons entering or exiting vehicles; persons crossing streets or otherwise using the public way; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.

Section 5: Interference with Free Speech or Public Assembly

5.1. No person shall physically interfere in the use of the sidewalk or address obscene, indecent, or threatening language to or at individuals to provoke them to fighting or lead to a breach of the peace.

5.2. Whenever free passage is obstructed by a crowd, the persons composing such crowd shall disperse when directed by college officials or law enforcement.

5.2.1. Failure to do so may result in disciplinary action and/or criminal prosecution.

Section 6: Grounds for Denial of Access or Removal from PCC Property

6.1. The following actions may result in the denial of future requests to assemble and/or removal from PCC property:

6.1.1. failure to comply with this policy

6.1.2. substantially or materially interfering with or disrupting any other lawful activity

6.1.3. committing any act likely to create an imminent safety or health hazard

Legal Citation: [U.S. Const. amend I](#); [N.C.G.S. 14-190.5A](#)

History: Effective November 2021—Exhibit is shared by PCC Policy 8.6 Solicitation by Private or Non-College Individuals or Groups; Revised March 2022

Exhibit 8.12

Solicitation or Gatherings by Private Individuals or Non-College Groups Form

Piedmont Community College is committed to supporting freedom of speech and recognizes that free speech is the best means for arriving at truth and mutual understanding. The College also recognizes that the rights to assemble peaceably and to petition the government for redress of grievances are important components of free speech. Therefore, the College will protect the rights of free speech, petition, and peaceable assembly as set forth in the U.S. Constitution. However, it is also the responsibility of the College to provide a suitable environment for its students, faculty and staff to study, conduct research, and perform other activities without undue interference or disturbance.

Before completing this form, please read PCC Policy 8.6 and Policy 8.12 in their entirety to ensure compliance with college policy. This form shall be completed and submitted to the Executive Assistant to the VP, Administrative Services/CFO at least five (5) business days in advance.

Requesting organization or person _____

Describe primary topic or purpose of planned activity _____

Primary contact person _____
Phone number _____
Mailing address _____
Email address _____

Contact person, day of event _____
Phone number _____
Mailing address _____
Email address _____

Today's date _____

Proposed date* of solicitation or public assembly _____
Proposed time* of solicitation or public assembly _____

*Approved registrations are good for 1 ½ hour appearance in one month. Refer to policy as to time restrictions.

Campus and location ** at which solicitation or public assembly is to be held _____

**Refer to policy for designated areas allowed for solicitation or public assembly. PCC does not provide equipment or materials of any kind.

Your signature below acknowledges that you:

- **Have read and agree to abide by PCC Policy 8.6 – Solicitation by Private Individuals or Non-College Groups and PCC Policy 8.12 Free Speech. (Particular attention should be paid to the policies in regards to Distribution of Written Material and signage.)**
- **Agree to be responsible for any damages to college facilities as a result of your event & agree to ensure that the area is clean upon your departure.**

Signature of Applicant _____ Date _____

Signature of VP, Admin. Services/CFO _____ Date _____