

FREE SPEECH AND EXPRESSIVE ACTIVITY

I. Policy Section

3.0 College Operations

II. Policy Subsection

3.9 Free Speech and Expressive Activity Policy

III. Policy Statement

Freedom of thought and expression is essential to any institution of higher education. In developing and administering this policy, Grand Rapids Community College (“GRCC” or “College”) recognizes the freedoms guaranteed by the United States Constitution and Michigan Constitution. GRCC also recognizes the need to preserve and protect its students, employees, guests and property, and to ensure the effective operation of educational, business and related activities of the College.

IV. Reason for the Policy

The purpose of this policy is to promote the free exchange of ideas and the safe and efficient operation of the College by fostering free speech, assembly and other expressive activities while maintaining a safe, secure and appropriate education and work environment for the College’s students, faculty, employees, occupants and the public.

GRCC may reasonably regulate the time, place and manner of free speech, expressive activities and commercial solicitation on its property to prevent unreasonable interference with, or disruption of, the College’s official activities or the safety and welfare of the College community.

College employees will not consider the expression or viewpoint of expressive activities when enforcing this policy, but GRCC does recognize that expressive activities do not include the right to unlawfully harass, injure or silence others; and the College may prohibit certain forms of speech or expressive activities that have the effect of reasonably denying participation in the educational process so long as. regulation conforms to the requirements of the First Amendment to the United States Constitution and Section 5 of Article I of the Michigan Constitution. Where appropriate, College students, employees or visitors may be subject to sanctions, including discipline, for speech or expressive activities that have the effect of reasonably denying participation in the educational process, unless such speech or expression is determined to be constitutionally protected.

V. Entities Affected by this Policy

This policy applies to all of the following individuals and entities when on property owned or controlled by GRCC: College students, employees and visitors; all GRCC organizations, including but not limited to, athletic organizations and organizations recognized by Student Life and Conduct; and external and/or community-based organizations, including private and not-for profit organizations.

VI. Who Should Read this Policy

All GRCC students, employees, visitors to campus, members of the Board of Trustees, GRCC organizational leaders and advisors, and external organizations.

VII. Related Documents

3.2 Non-Discrimination on the Basis of Disability
3.3 Ethics Reporting
6.1 Transgender Equal Opportunity
6.2 Equal Opportunity and Non-Discrimination
6.3 Unlawful Harassment Policy
6.21 Administrator Ethics Code
6.22 APSS Code of Ethics
6.23 Misconduct Policy
7.12 Faculty Ethics Policy
8.30 Student Code of Conduct Policy
12.8 Events on Campus and Amplified Sound
12.9 Facility and Grounds Use

VIII. Contacts

General Counsel (Policy Owner)
Director of Equal Opportunity Compliance
Executive Director of Operational Planning
Executive Director of Facilities
Director of Student Life and Conduct
Vice President for Finance and Administration
Executive Director of Human Resources
Chief of GRCC Police

IX. Definitions

Commercial Solicitation: Commercial solicitation is defined as a person, group of persons or other entity: (a) peddling, selling, demonstrating or offering goods or services for sale, gift or purchase; (b) distributing

advertising materials, circulars or product samples; or (c) engaging in any other conduct related to any outside business interests for profit or personal economic benefit on College grounds.

Designated Limited Public Forum: Designated public forums are areas designated by the College to allow access by the College community or to create limited forums for the discussion of certain topics or subject matter by certain speakers, without discrimination as to content or viewpoint, each at times when the area is not being used for official activities of the College.

Expressive Activity: Expressive activity is defined as the carrying or displaying of signs or placards, leafleting, campaigning, marches, rallies, parades, demonstrations, protests, assemblies, speeches, circulation of petitions and/or any public demonstration on College property.

Non-Public Forums: Areas of the College that are non-public forums specifically include the interior of any College building or premises and any other area, as determined by the College, that are not designated as space open for public communication, speech or expressive activity, and are instead reserved for the College's official activities.

Open Public Forums: All publicly accessible, outdoor areas on property owned or controlled by GRCC are considered to be open public forums for speech expressive activities that are lawful and do not otherwise violate this policy.

X. Procedures

A. Scope

This policy applies on all GRCC campuses and property. This policy does not apply to the use of any area of any College campus or property by GRCC employees who are acting in the course of their job duties or responsibilities. This policy does not apply to any recognized campus organization, including organizations recognized by Student Life and Conduct, when engaged in any activity or function associated with the organization to the extent that those activities or functions do not disrupt the educational or business operations of the College.

B. Speech

GRCC values the freedom of expression as a vital component of any learning community, while recognizing the need to preserve and protect students, employees, visitors and College property by prohibiting speech and activities that are disruptive to College operations, activities or other

authorized non-College activities which occur on property owned or controlled by GRCC. Examples of prohibited speech include:

1. Speech that is illegal under Michigan law;
2. Harassing speech that is not protected under the U.S. or Michigan Constitutions;
3. Speech that is not protected because it constitutes a threat because a reasonable person would interpret the speech as a serious expression of intent to inflict bodily harm upon specific individuals; and
4. Any speech or expression prohibited in other sections of this policy.

No policy can address every possible activity or situation that may occur on College property, and GRCC reserves the right to address such situations as they arise.

C. Distribution of Materials

Students, employees, recognized campus organizations or members of the public may post, circulate or distribute literature, including printed political or advocacy materials in those areas designated as public forums on GRCC campuses in accordance with existing laws and regulations. Advertising or distribution of drug- or alcohol-related literature is prohibited.

Distribution of materials that are defamatory or obscene as defined by state law is prohibited. GRCC also prohibits the distribution of materials that incite individuals to create a clear and present danger of:

- the commission of unlawful acts on College premises;
- the violation of GRCC policies; or
- the substantial disruption of the orderly operation of the College.

Parties who wish to utilize tables and chairs to distribute literature must obtain prior approval from the College, and should follow GRCC's Facility and Grounds Use Policy.

D. Other Expressive Activities

Expressive activities are permitted in areas designated as open public forums by GRCC, and in accordance with any other applicable GRCC Policies, including policies related to grounds use and amplification. For planned expressive activities involving large groups (i.e., fifty (50) or more people), prior notification is required, and permission must be obtained from GRCC at least twenty-one (21) days in advance of the planned expressive activity. However, these requirements shall not apply to spontaneous

demonstrations or expressive activities where there is no prior planning or promotion.

Individuals or organizations seeking permission for large groups to engage in expressive activities on campus should follow GRCC's Facility and Grounds Use Policy.

Expressive activities are also permitted in designated limited public forums in accordance with any other applicable GRCC policies (and in accordance with any regulations imposed on the time, place and manner of speech or expressive activities associated with the College's designation of any designated limited public forum).

E. Commercial Solicitation Guidelines

In order to promote an education rather than commercial atmosphere, to promote safety and security and to prevent commercial exploitation on College property, commercial solicitation on College property is prohibited except as authorized by these guidelines or other College policy.

Any exceptions must be approved by the Executive Director of Operational Planning (or designee) in writing.

1. These guidelines apply to students, employees, volunteers, vendors and other non-College individuals, as well as entities organizations and their representatives. These guidelines do not prohibit normal activity by authorized or contracted vendor representatives engaging in business with the College as long as they are in compliance with other College policies.

2. Nothing in these guidelines shall be deemed to affect the activities of College-sponsored departments, groups or organizations whose activities may include selling or promoting the sale of goods or services, by their members on behalf of the College department, group or other organization exclusively (and not, directly or indirectly, for the benefit of a non-College related individual or entity), taking surveys or sponsoring planned expressive activities.

3. Commercial solicitation shall be approved for an exception where the provision of such goods or services: (1) enhance the mission of the College; (2) are of high quality and offered at a fair and reasonable price; (3) result in a savings to the College or its student body, faculty and staff; or (4) represent a special convenience to all faculty, staff, students and other members of the College community.

4. Requests for an exception to this Policy's commercial solicitation prohibition shall be made in writing at least twenty-one (21) days in advance

to the Executive Director of Operational Planning, or their designee. Requests for an exception shall include a complete description of the proposed commercial solicitation (including, but not limited to, any supporting documents requested by the Executive Director of Operational Planning or their designee).

5. Commercial solicitation activities may not compete with any College programs, units, departments or commercial enterprises, and may not compete with or interfere with any current College contract obligations or agreements unless approved by the Executive Director of Operational Planning or their designee.

6. Commercial solicitation activities shall be limited to days, times and areas that are approved by the Executive Director of Operational Planning or their designee, and may be permitted upon payment of a fee based upon the scope of the commercial solicitation activity (size and duration).

7. The College reserves the right to require any individuals or entities approved to conduct commercial solicitation activities to provide both insurance and indemnification sufficient to protect the College, its community and members of the public from property damage and personal injury. The College may further require individuals or entities approved to conduct commercial solicitation activities to affirm that they have obtained any and all licenses, permits, etc., as required by all applicable federal, state and/or local laws, rules, regulations and ordinances.

8. Violations of these commercial solicitation guidelines or any College policies by anyone not a member of the College community may result in removal from College property, as well as limits on, or prohibitions of, future commercial solicitation activities.

E. Non-Retaliation

GRCC prohibits any form of discipline, harassment, reprisal, intimidation or retaliation for engaging in expressive activity or for reporting a violation of this policy.

F. Violations

1. Reporting Violations.

In order to take appropriate action, the College must be made aware of violations of this policy. Any individual who becomes aware of a violation of this policy should promptly report such behavior to their immediate supervisor or the Office of General Counsel.

Any individual who believes they have experienced retaliation for engaging in activity protected by this policy or for reporting a violation of this policy should promptly report such behavior to their immediate supervisor or the Office of General Counsel.

2. Investigations

All allegations regarding violations of this policy, including allegations of retaliation for engaging in expressive activity or for reporting a violation of this policy, will be investigated by the Office of General Counsel. Investigations will be conducted as expeditiously as possible and will follow the process set forth for investigating complaints of discrimination or retaliation set forth in GRCC’s Non-Discrimination and Equal Opportunity Policy.

3. Sanctions for Violations.

GRCC reserves the right to stop any activity that substantially interferes with or disrupts the normal activities of the College, interferes with the educational process or violates any other provision of this policy. Any person(s) or organization(s) found to have violated this policy will be advised of the violation and may be removed from GRCC property by the GRCC Police Department or any other appropriate law enforcement agency.

Students or employees found to have violated this policy may be subject to discipline, subject to the processes and/or requirements set forth in GRCC’s Student Code of Conduct and/or any applicable collective bargaining agreement or handbook.

XI. Forms

N/A

XII. Effective Date

December, 2021

XIII. Policy History

December, 2021: Policy Implemented.
April, 2024

XIV. Next Review/Revision Date

April, 2027