

MANUAL OF PROCEDURE

PROCEDURE NUMBER: 1409

PROCEDURE TITLE: CAMPUS FREE EXPRESSION

STATUTORY REFERENCE: § 1001.64, Fla. Stat., § 1001.61, Fla. Stat., § 1004.0497, Fla. Stat., and § 1012.855, Fla. Stat.

BASED ON POLICY: I-1 Administration and Organization of Miami Dade College
Policy Manual Approval

EFFECTIVE DATE: June 30, 1978

LAST REVISION DATE: November 5, 2019

LAST REVIEW DATE: November 5, 2019

I. PURPOSE

To provide guidelines for the expression of free speech at Miami Dade College.

II. PROCEDURE

In accordance with its full support for academic freedom, Miami Dade College values an exchange of ideas and the dissemination of knowledge. It respects the First Amendment rights of its students and employees, which include the right to free speech and the right to free, lawful and peaceful assembly. The College reserves the right to establish and enforce reasonable, viewpoint-neutral restrictions on the time, place, and manner of expressive activities occurring on its campuses. In order to enable the exercise of these important Constitutional rights, while at the same time protecting the rights of non-participants and the core function of the institution, the College has established the process set out below for the expression of free speech in unrestricted outdoor areas, restricted outdoor areas, and indoor areas.

1. Campus Areas.

- a. **Unrestricted Outdoor Areas:** Outdoor areas of each campus such as the grassy areas, walkways, and other common areas which are not otherwise restricted.
- b. **Restricted Outdoor Areas:** Residences, offices, and classrooms with doors opening to any outdoor area, outdoor classrooms and training areas, maintenance areas, parking lots, and outdoor areas to which access is restricted due to operational or safety considerations. Restricted Outdoor areas also includes any outdoor area within 35 feet of any of the above described areas and the area within 35 feet of any Indoor Area.
- c. **Indoor Areas:** include interior portions of any buildings, classrooms, interior hallways, administrative buildings, office spaces, auditoriums, libraries, parking garages, event centers, and recreational facilities.

2. Expressive Activities include those activities protected under the First Amendment to the United States Constitution and Article I of the Florida Constitution, including any lawful oral or written communication of ideas, including all lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the Internet publication, or video or audio recorded in Unrestricted Outdoor Areas of each campus. Expressive Activities do not include any activity constituting commercial speech.
3. Students, staff, faculty, or visitors may engage in Expressive Activities in Unrestricted Outdoor Areas of the College which do not disrupt the functioning of the College or infringe upon the rights of others to engage in Expressive Activities.
4. Expressive Activities in the Restricted Outdoor Areas or Indoor Areas must have prior College written authorization and subject to College Procedure 4095.
5. Conduct that may materially and substantially disrupt, as defined by law, another person's or group's rights to engage in expressive activities, or the functioning of the College shall include, but not limited to:
 - a. Disruption of College functions, activities, ceremonies, or events.
 - b. Obstruction of traffic of any type, including vehicular, pedestrian, or bicycle traffic.
 - c. Obstruction of entrances, exits, or movement within buildings, parking lots (especially disabled parking spaces), road ways, driveways, classrooms, stairways or other similar areas.
 - d. Interference with educational activities, College activities, ceremonies or events, including those occurring inside and outside of buildings.
 - e. Interference with other individuals' rights of freedom of speech and academic freedom.
 - f. Harassment of, threats of violence against, and use of fighting words towards other individuals.
 - g. Causing harm to persons or property, or endangering life or property.
 - h. Making threats to or using fighting words against any other person. Fighting words include those words which are by their mere utterance would tend to incite a reasonable person to violence or other breach of the peace.
 - i. Littering, damaging, or defacing College or personal property, Interference with the movement of students, employees or guests of the College.
 - j. Following, badgering, or forcibly detaining any individual.
 - k. Use of sound amplification devices, including bullhorns, without prior written authorization and that disrupts or interferes with the administration or the educational functions of the College.
 - l. Use of placards, signs, or banners which are dangerous or cause any obstruction of traffic of any type, including vehicular, pedestrian, or bicycle traffic, or of entrances, exits, or movement within buildings, parking lots

- (especially disabled parking spaces), road ways, driveways, classrooms, stairways or other similar areas.
- m. Incitement of others to engage in any of the prohibited conduct enumerated herein, or any other unlawful conduct.
 - n. Violation of applicable state or federal laws, rules, regulations, ordinances, or College policies and procedures.
 - o. Any and all other conduct not protected by the First Amendment to the United States Constitution and Article I of the Florida Constitution.
6. Expressive Activities in Unrestricted Outdoor Areas are permitted from 6:00 a.m. until 10:00 p.m., Monday through Friday, and from 7:00 a.m. until 7:00 p.m. on Saturdays. Expressive Activities in Unrestricted Outdoor Areas shall not occur at any other times, including Sunday, holidays, or any other day or time the College or a campus is closed by the College President or designee for any reason, including emergencies, or for health or safety reasons.
 7. In the event an expression of free speech occurring lawfully and in compliance with this Procedure invites another person or group to engage in their own expression of free speech, the College may designate a separate area to accommodate the second person or group to ensure all parties are able to lawfully engage in the expression of free speech.
 8. Although not required, any person or group seeking to engage in lawful, expressive activities is encouraged to notify in advance the Student Life Office on the respective campus.
 9. This Procedure shall not apply to:
 - a. Use of College Facilities by External Organizations which is governed by College Procedure 3908.
 - b. Use of College facilities by the College or registered student organizations.
 - c. Any activity constituting commercial speech. Commercial speech includes, but is not limited to, any speech or activity in which the individual is engaged in commerce, where the intended audience is commercial or may be actual or potential consumers, and the content is commercial. Fundraising, including political fundraising, is considered solicitation and is therefore deemed commercial speech. Commercial speech in any area requires the College's prior written authorization.

III. ENFORCEMENT

1. Any person or group found in non-compliance with this Procedure shall be warned that they are in violation of this Procedure, asked to immediately discontinue the violation, and, when appropriate, asked to leave the College property. If a person or group fails to leave the College property when requested shall be deemed to be trespassing and may be subject to removal and/or arrest by a law enforcement officer in accordance with applicable laws.

- a. Students – In addition to the above actions in above Section III.1., students who are found in violation of this Procedure may be in violation of the Student Code of Conduct and may be subject to disciplinary proceedings as provided for in College Procedure.
- b. Faculty covered by a Collective Bargaining Agreement - In addition to the above actions in above Section III.1., faculty covered by a collective bargaining agreement may be in violation of the terms of the collective bargaining agreement and/or College procedure, and may be subject to discipline as provided under the collective bargaining agreement and/or College procedure.
- c. Faculty and staff not covered by a collective bargaining agreement - In addition to the above actions in above Section III.1., faculty and staff not covered by a collective bargaining agreement may be in violation of College procedure, and may be subject to discipline as provided under College procedure.

	
11/5/2019	
PRESIDENT	DATE