

2018 Report on Expressive Activity and Free Speech  
Dabney S. Lancaster Community College



Prepared November 2018

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**Dabney S. Lancaster Community College**

**Policy on Expressive Activity**

**(Adopted from VCCS Policy 6.5.1 and 6.5.2)**

Policy on Expressive Activity

This policy applies to all buildings, grounds, and other spaces owned or controlled by Dabney S. Lancaster Community College (DSLCC). The term “expressive activity” includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

Policy Statement

College property is primarily dedicated to academic, student life and administrative functions. But it also represents the “marketplace of ideas,” and especially for students, many areas of campus represent a public forum for speech and other expressive activities. DSLCC may place restrictions on expressive activities occurring indoors, but especially for students and student organizations, the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

Indoors or outdoors, DSLCC shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, DSLCC may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must be content-neutral, narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

## Procedures

### a. Reserving Campus Facilities:

1. If DSLCC students, student organizations, or employees desire to reserve campus facilities, they shall submit their requests to the Director of Student Services. DSLCC requires at least twenty-four hours advance notice for reservation requests. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.
2. If individuals or organizations who are not members of the DSLCC community (i.e., not students, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or the college to conduct expressive activities or events on campus.
3. DSLCC may designate certain indoor facilities as not available for expressive activity. DSLCC shall make the campus community aware of such areas. Any other restrictions on expressive activities occurring in indoor facilities must (a) apply equally to all individuals and organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
  - a. Areas of the College that are not available for expressive activity include:
    - Administration Offices
    - Classrooms during instructional hours
    - Computer rooms and laboratories
    - DSLCC Library
    - Medical and scientific laboratories
    - All restrooms on campus
    - Student Services waiting area
    - RRC front desk waiting area
4. DSLCC students, student organizations, and employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
  - a. The requested venue is an indoor facility that the college has designated as not available for expressive activity under this policy;
  - b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to this policy;

- c. The venue is already reserved for another event<sup>1</sup>;
  - d. The activity will attract a crowd larger than the venue can safely contain;
  - e. The activity will substantially disrupt another event being held at a neighboring venue<sup>2</sup>;
  - f. The activity will substantially disrupt college operations (including classes);
  - g. The activity is a clear and present threat to public safety, according to the college's Executive Team and security officer;
  - h. The activity will occur during college examination periods; or
  - i. The activity is unlawful.
5. During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.
6. When assessing a request to reserve campus facilities, DSLCC administration will not consider the content or viewpoint of the expression or the possible reaction to that expression. DSLCC administration will not impose restrictions on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's, or college employee's expression, DSLCC officials (including college security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.
- b. Spontaneous Expressive Activity:
- 1. DSLCC is not required to designate any indoor area as available for spontaneous expressive activities. In the event that DSLCC elects to do so, college officials shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities. Any areas so designated must (a) apply equally to all students and student organizations and (b) not

depend upon the content or viewpoint of the expression or the possible reaction to that expression.

2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not (a) block access to campus buildings, (b) obstruct vehicular or pedestrian traffic, (c) substantially disrupt previously scheduled campus events<sup>3</sup>, (d) substantially disrupt college operations, (e) constitute unlawful activity; or (f) create a clear and present threat to public safety, according to the college's police or security department.

No DSLCC personnel may impose restrictions on students, student organizations, or their sponsored guests who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to these activities, DSLCC officials (including college security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.



# New Student Orientation Agenda

## Welcome to DSLCC!

### **Welcome and Overview of Academic Programs**

Dr. John Rainone, President

### **Greetings from Student Services**

Mr. Joe Hagy, Director of Student Services

### **Overview of Agenda/ADA Services**

Ms. Suzanne Ostling, Admissions Coordinator/Disability Services Coordinator

### **Free Speech and Expressive Activity**

Mr. Joe Hagy, Director of Student Services

### **Workforce Programs**

### **Safety and Security/DSLCC Alert/Title IX Presentation**

Mrs. Angie Graham, Vice President of Financial and Administrative Services/Emergency Management Coordinator

### **Safehomes and Project Horizon Information**

### **Financial Aid/Scholarships**

### **Student Activities**

### **Addiction to Technology is Ruining Lives – Simon Sinek**

### **Cookie/CONRED Presentation**

Mr. Chris Shiraki, College Success Coach

### **Interactive Bingo**

### **Technical Services Information**

### **Scavenger Hunt**

### **Question**

## **DSLCC Expressive Activity Policy Frequently Asked Questions**

### **FAQs:**

#### **1. What is expressive activity?<sup>1</sup>**

Expressive activities are speech-related activities, including

- meetings;
- other group events or activities by student organizations or their invited guests;
- speeches;
- performances;
- demonstrations;
- rallies;
- vigils;
- distributions of literature; and
- any other activity protected by the First Amendment.

#### **2. What kind of speech is protected by the First Amendment?**

The U.S. Constitution protects most speech, with very limited exceptions. In outdoor spaces, the college may place reasonable limits only on the time, place, and manner of your expressive activity, and those limits must not depend on the content or viewpoint of the expressive activity. In addition, for outdoor areas, students, student organizations, and their guests are not required to give notice before engaging in expressive activity. In other words, students, student organizations, employees, and guests may engage in spontaneous expressive activities as long as they do not engage in any of the conduct listed in Number 3 below. (There may be exceptions to this general rule; for example, your college may have an outdoor facility that requires a reservation to use.)

Indoors, colleges may place restrictions on expressive activities, as long as any rules apply to everyone equally and are not based on the content or viewpoint of the speech. The college may determine that certain indoor facilities are not available for expressive activity. Common examples of such areas include: (1) administrative offices, (2) libraries, (3) hallways, and (4) classrooms during instructional hours.

#### **3. What kind of actions related to protected speech can be regulated?**

Most speech is protected by the Constitution, but sometimes, the actions that a speaker takes during an expressive activity are disruptive enough to allow a college to intervene, regardless of what is actually being expressed. For outdoor facilities and areas, students, student organizations, and their guests may freely engage in expressive activity as long as they do not also engage in any of the following:

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<sup>1</sup> The words “speech” and “expressive activity” may be used interchangeably.



- block access to campus buildings;
- obstruct traffic (vehicles or pedestrians);
- substantially disrupt previously scheduled campus events;
- substantially disrupt college operations or violate or hinder the rights of others;
- break the law; or
- create a threat to public safety, according to the college's police or security department.

• **How can someone reserve campus facilities for speech activities?**

**a. Request submission**

Contact Joe Hagy, Director of Student Services to reserve campus facilities. Spaces are reserved be on a first-come-first serve basis. The college can state in advance that certain spaces cannot be reserved for speech activities. Common examples include libraries, offices, hallways, and classrooms during instructional hours. Any other restrictions on expressive activities that occur in indoor facilities must apply equally to everyone and not depend on the content or viewpoint of the expression, or the possible reaction to the expression.

**b. Timing**

Colleges usually cannot require more than 24-hour advance notice unless the event requires additional planning to ensure safety and sufficient logistical support. You are encouraged to request the facility as soon as possible.

**c. Denials**

When assessing a request to reserve a facility, the college must not consider the content or viewpoint of the expressive activity, or the possible reaction to the expressive activity. If a facility or space is generally available to be reserved, the college can refuse a reservation by a student, student organization, or employee only for the following reasons:

- The venue is an indoor facility that has been designated as unavailable for reservation.
- The venue is an indoor facility and the request is in conflict with any restrictions the college has placed on the facility. For example, a restriction could be that the indoor facility is unavailable on the weekends.
- The venue has been reserved already at the time requested.
- The size of the anticipated crowd is too large for the space.
- The activity would substantially disrupt another event occurring in close proximity.
- The activity would substantially disrupt college operations.
- The activity is a clear and present threat to campus safety, according to police or security.
- The activity occurs during college exam periods.
- The activity is against the law.

**d. Responsibility for the space**

Anyone who reserves a facility or space is responsible for maintaining the space and will be responsible for any damages, cleaning costs, or other costs.

**4. Is the college required to have indoor areas available for spontaneous expressive activities?**

No. The college is not required to have an indoor area designated for spontaneous speech activities. However, if it chooses to create one or more, college officials must post that the area is available for students, student organizations, employees and guests to engage in expressive activities. The area must be available for all students, student organizations, employees, and guests equally, and not depend on the content or viewpoint of the expression or the possible reaction to it.

**5. What do I do if someone or a group tries to disrupt my, my organization's or invited guest's speech?**

To report a disruption of protected speech, please contact Joe Hagy, Director of Student Services. In cases of emergency, please call 911.

**6. I have additional questions.**

Please contact Joe Hagy, Director of Student Services for more information.



DABNEY S. LANCASTER  
COMMUNITY COLLEGE

Date: November 19, 2019

From: Dr. John J. Rainone, DSLCC President

Subject: Distribution of Expressive Activity Materials

To: Education Committee Chairs

In compliance with Va. Code 23.1-401.1 (hereinafter called “the speech law”), I am certifying that Dabney S. Lancaster, in collaboration with the Virginia Community College System, has developed materials on the speech law and distributed them to 1) employees at DSLCC responsible for student discipline, 2) employees at DSLCC that are responsible for the education of students, and 3) as good practice, distributed this information to all employees at the College. DSLCC’s official policy on free speech and expressive activity has been adopted from VCCS policy 6.5.1, Policy on Expressive Activity.

A handwritten signature in black ink that reads "John J. Rainone". The signature is written in a cursive, flowing style.

John J. Rainone, Ed.D  
President, Dabney S. Lancaster Community College

Attachment: DSLCC Expressive Activity Policy FAQ

## Notification to Campus Community of Expressive Activity Materials 12

**Joseph Hagy**

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**From:** Joseph Hagy  
**Sent:** Friday, November 16, 2018 1:37 PM  
**Cc:** PM Joseph Hagy  
**Subject:** Expressive Activity Policy  
**Attachments:** Student Speech Resources [gds rev 10 16 18.docx](#)  
:

Dear DSLCC Community:

A new speech law (Va. Code 23.1-401.1) went into effect in Virginia on July 1, 2018. This law requires higher education institutions to fulfill several requirements. They are:

1. Establish policies regarding constitutionally protected speech (DSLCC has adopted VCCS policy number 6.5.1, Policy on Expressive Activity).
2. Include expressive activity policy in the student handbook on the college's website and in student orientation programs.
3. Develop materials on the policies and provide the materials to employees who are responsible for the discipline of students. Colleges may share these materials with all employees (see attached FAQ document)
4. Establish a process to allow members of the campus community to report incidents of disruption to protected speech.

Please review the attachment (Student Speech Resources) that helps answer questions about the new law. VCCS policy 6.5.1 will be added as an addendum to the *2018-2019 DSLCC College Catalog and Student Handbook* and a reporting mechanism will be available shortly under the "Student Services" link on our homepage, along with the College's expressive activity policy. As always, non-emergency incidents can be reported to me via email or by phone. For emergency incidents that require a public safety response, call 9-1-1.

Please let me know if you have any questions after reading the attached document. Happy Friday!

**Joseph Hagy, M.A.**

Director of Student Services  
1000 Dabney Drive, Clifton Forge, VA 24422  
[jhagy@dslcc.edu](mailto:jhagy@dslcc.edu)  
(540) 863-2925

## Expressive Activity/Free Speech Reporting Mechanism

To use the Expressive Activity/ Free Speech Reporting Mechanism go to this link:

<http://www.dslcc.edu/expressive-activity/>

Home » Student Services » Protected: Expressive Activity

Protected: Expressive Activity

- Car Pool
- Graduation
- Career Coach
- Achievement Center
- Academic Advising
- Business Office
- Campus Safety & Security
- Career Advising
- Educational Talent Search
- Library
- Official Transcripts & Records
- Student Activities
- Expressive Activity**
- Threat Assessment Team
- Title IX, Clery Act, VAWA (ORG)
- Title IX, Clery Act, VAWA

### Expressive Activity

Dabney S. Lancaster Community College promotes an environment in which the ideals of freedom of inquiry, thought, are respected, sustained, and protected. DSLCC is committed to supporting the exercise of constitutionally protected expression in College facilities and property while maintaining a safe atmosphere that promotes academic engagement and learning.

You may report an incident of disruption of constitutionally protected speech- to include, but not limited to distribution of literature or public speaking under the College's Expressive Activity policy- in the following ways:

For non-emergency incidents, please complete the information below. You may also report non-emergency incidents by phone to the Director of Student Services: 540-863-2925.

For emergency incidents that require a public safety response, call 9-1-1.

DSLCC Expressive Activity Policy

### Expressive Activity Report

First Name:

Last Name:

Contact Number:

Contact Email:

Date of Incident:

Location of Incident:

Description of Incident: