
Chapter: Public Safety, Health, & Emergency Management

Modification No. 003

Subject: **Freedom of Expression**

- I. Montgomery College supports the rights of the College community to exercise their First Amendment right to freedom of speech, freedom of the press, freedom of expression, and the right to peaceful assembly.
- II. These activities must not disrupt the operations of the College. Accordingly, the time, place, and manner of exercising speech on College property are subject to regulations that shall provide for non-interference with College functions, reasonably protect individuals against practices which would make them involuntary audiences, and respect each person's right to choose whether or not to participate. All expressive activities shall be treated equally and therefore regulations to time, place, and manner shall be established and enforced without regard to the content or viewpoint of the expressive activity.
- III. Persons engaged in expression shall make it clear that their actions are an expression of their own individual viewpoint and do not represent the College's position as an institution.
- IV. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Effective Date: May 10, 2004.

Modification Date(s): January 23, 2017, December 9, 2024.

Last Review Date: December 9, 2024.

Chapter: Public Safety, Health, & Emergency Management

Modification No. 005

Subject: **Freedom of Expression**

I. Scope and Applicability

- A. The College is committed to supporting freedom of expression and assembly by members of the College Community, provided such activities do not endanger the safety or security of the College community, cause damage to property, or disrupt the educational or operational functions of the College.
- B. These procedures include neutral, reasonable rules regarding time, place and manner applicable to all constitutionally protected expressive activities, that are intended to ensure the safe and orderly operation of the College. The College shall treat all viewpoints equally when seeking to regulate the time, place, or manner of expressive activities.
- C. This policy and procedures apply to all persons on College-owned or leased property, including students, employees, College groups ("Internal Users"), as well as persons present as visitors, licensees or invitees who are not students or employees ("External Users"). External Users may not use College-owned or leased property, except where explicitly permitted.
- D. All persons engaging in expressive activities pursuant to this policy and procedures shall comply with directions of College officials acting in the performance of their duty and may be required to provide student, staff, or other form of identification.
- E. All persons engaging in expressive activities are subject to and expected to comply with all applicable College policies and procedures, including but not limited to 10001 - Code of Ethics and Employee Conduct and 42001: Student Code of Conduct.
- F. Nothing in this policy or procedures is intended, nor shall be construed, to authorize or protect speech or other expressive activities that are not protected by the First Amendment, constitute a violation of College policy or federal, state or local law, or involve a material and substantial disruption to College operations.
- G. The following are expressly prohibited:
 - 1. Disruption of, or interference with, instruction or other College business and/or campus events, including online/virtual instructional activities and College events;
 - 2. Categories of speech that are not protected by the First Amendment: incitement to violence, fighting words, or displays of obscenity;
 - 3. Actual or threats of physical violence, or other forms of unlawful harassment, or destruction/defacement of property;

- 4. Interference with free entry to or exit from College facilities and/or the free movement by individuals;
 - 5. Interference with the rights of other members of the College community to freedom of speech or assembly or other rights.
- H. The exercise of any right or activity pursuant to this policy and procedures by any person or group does not constitute an endorsement by the College of the views or opinions expressed therein, and the College reserves its own rights under the First Amendment to speak or act as it deems appropriate to educate members of the College community.
- I. Nothing in this policy or procedures shall limit or interfere with any employee rights under Title 16, Subtitle 7 of the Maryland Education Article or the terms of any applicable collective bargaining agreement.

II. Demonstrations and Protests

- A. This section applies to all demonstrations, protests, rallies, marches, vigils, and equivalent activities (hereafter collectively referred to as “demonstration(s)” regardless of how characterized or labeled).
- B. It is the intent of the College to ensure that all demonstrations on College property occur safely and without disruption to standard College operations through proper planning and scheduling whenever possible.
- C. Demonstrations involving 30 or fewer Internal Users that do not otherwise violate these procedures may generally occur at any publicly accessible outside location on College property on a first-come, first-served basis without advance registration. The College encourages Internal Users to provide prior notice of all demonstrations.
- D. Internal users planning a demonstration on College property for which they expect more than 30 persons to attend are strongly encouraged to submit an On Campus Space Reservation Contract indicating the date, time and duration of the proposed activity, and the number of participants reasonably expected to attend. This will help to ensure sufficient Public Safety Officers can be present to maintain safety.
- E. External users planning a demonstration on College property must submit a Community Use Space Reservation Contract indicating the date, time and duration of the proposed activity, and the number of participants reasonably expected to attend. Internal Users have priority as to the use of all College property.
- F. Space Reservation Contracts should be submitted to the Campus Dean as soon as possible and at least three business days in advance of a planned demonstration. The Campus Dean or their designee will consult with public safety and respond to the request within two business days.
- G. Space availability and College operations (not content or viewpoint of the event) will be the driving forces behind limitations on time or place. In the event that a

request is denied, an appeal may be made to the Vice President of Facilities Management, Capital Planning, and Sustainability, who shall respond promptly.

- H. Occasionally, events occur that lead to immediate public outcry, and these procedures are not designed to limit persons' rights to protest such events. Spontaneous demonstrations may occur without advance notice provided these activities do not otherwise violate these procedures. However, planned activities shall not circumvent these procedures by claiming to be spontaneous. In assessing whether a demonstration was planned or spontaneous, the College will consider the totality of circumstances.
- I. Demonstrations shall not take place inside buildings, within twenty-five feet of ingress or egress of a building, or in parking lots or garages.
- J. No persons shall be permitted to camp or set up any tent or other permanent or semi-permanent structure on College-owned or leased property.
- K. Demonstrations shall only be conducted between the hours of 7 a.m. and 9 p.m.
- L. Demonstrations shall not block stairways, walkways, entrances, or exits from buildings or roadways or otherwise interfere with the free movement of vehicular, bicycle, or pedestrian traffic on College property.
- M. Persons shall not obstruct, disrupt, interrupt, or attempt to force the cancellation of any event or activity sponsored by the College or by any users authorized to enter use College facilities.
- N. No use of amplified sound or public address systems over 65 decibels at their source is permitted.
- O. Signs, banners, flags and similar items carried during demonstrations are subject to section III of these procedures, and should be constructed entirely of soft material such as cardboard and cloth, and should not be attached to poles, sticks, or other potentially dangerous material.
- P. Torches and open flames are prohibited during demonstrations.
- Q. If a "counter" demonstration occurs at the same time or within close proximity of a demonstration, the Campus Public Safety Office may establish a buffer zone between the two groups.
- R. Demonstrations may continue so long as they are in compliance with all applicable federal, state, and local laws and College policies, rules, and regulations.
- S. In the event of any violations of these procedures, other applicable College policy or procedures, or federal, state or local laws the Campus Dean (or designee), shall make a decision as to whether the demonstration may continue. In making this decision, the Campus Dean shall consult with the Public Safety representative for that campus and for incidents involving students with the Campus Dean of Student Affairs (or designee). In making this decision, the Campus Dean shall consider all the relevant facts and circumstances including

any particular incidents that have occurred, the number of complaints, and the legitimacy of the complaints.

- T. If the Campus Dean (or designee) determines that a demonstration involves unlawful or disruptive activities or is otherwise interfering with the rights of others, they (or their designee) shall make an effort, if possible, to end such activities by speaking directly to those demonstrators and requesting that such activities cease. If unlawful or disruptive activities continue, participants shall be informed that local authorities will be notified. The Campus Dean (or designee) shall ask College Public Safety to intervene. If Public Safety deems it necessary, they are authorized to notify local authorities, for example in emergency situations when the safety of individuals appears at risk.

III. Posters, Signs, and Banners

The primary intent of this section is to help assure the safety of everyone on College grounds and to preserve and protect the appearance, cleanliness, and function of College buildings and grounds. The purpose is also to restrict College property (here, bulletin boards) to Internal Users. Use of College email or social media to disseminate information like that included on posters and signs is not covered by this Procedure, but must comply with 22003: Public Information, Communications, and Marketing and 76001: Acceptable Use of Information Technology.

- A. College departments may post materials within their units without prior notice to the Campus Facilities Office. If departments want to post materials outside of their units or want to request an exception to the general guidelines, unit heads shall notify the appropriate Campus Facilities Office in advance and work with that unit to assure that such materials are mounted, placed, and removed in a timely way.
- B. Materials, including but not limited to posters, flyers, pictures, signs, brochures, and all other materials of this nature, may be posted only on “General Use” bulletin boards and outdoor kiosks by Internal Users. Prior approval is not required to post materials at these locations. “General Use” bulletin boards are located in most College buildings and are maintained by the Office of College Facilities.
- C. Materials shall not be posted on College property, including computer monitors, electronic message boards, windows, doors, trees, refuse containers, utility poles, fountains, benches, walls, fences, or vehicles.
- D. All materials must clearly identify the group(s), organization(s), or person(s) responsible for producing and posting the materials, including the name of the contact person and direct contact information, such as email, address, and/or telephone number, except that an alternative bulletin board space will be made available for any Internal User wishing to preserve anonymity. There shall be at least one such bulletin board available in each student center that is clearly identifiable as allowing materials to be posted by Internal Users on an anonymous basis.
- E. Materials designed to promote the consumption of alcoholic beverages, tobacco products, or legally controlled substances, are not permitted.

- F. Posters/flyers must not exceed 18" x 24" in size and only one poster per group/individual per event may be placed on a single general-use bulletin board at any given time. Material must be fastened with tacks or staples (no tape or glue). When posting material, any material already displayed should not be removed or otherwise tampered with or defaced.
 - G. The painting of sidewalks, landscaping, or structures is prohibited.
 - H. The hanging (attachment) of banners is prohibited, except in consultation with the Campus Facilities Director.
 - I. Writing signs, ads, promotions or placing drawings of a non-instructional nature inside classrooms or on classroom doors is prohibited.
 - J. Staked-yard signs are only permissible for College-sponsored events but must be removed by the sponsoring unit or department within 24-hours of the event.
 - K. Political signs are prohibited except on Election Day and during the early voting period in designated electioneering areas adjacent to the polling locations and ballot drop boxes. All political signs must be removed by the person who posted them within 24 hours of the polls closing. Any political signs placed outside the designated electioneering area will be removed.
 - L. Materials that are posted improperly will be removed promptly by Public Safety, Facilities, or other College staff.
 - M. The person or organization shall remove each of its signs not later than thirty (30) days after posting or not later than 24 hours after the event to which each sign relates. The person or organization shall clean and remove any litter that results from the posting of its signs.
 - N. College Facilities staff shall clear all general use bulletin boards once per month, on the date noted on the bulletin board, and all materials will be discarded, regardless of when they were posted.
 - O. No person shall remove materials posted in accordance with these rules without the authorization of the College Facilities staff, except as provided in III.M above. The College is not responsible for material removed by unauthorized individuals.
- IV. Distribution of Printed Material

Non-commercial printed materials may be distributed on College-owned or leased property only in accordance with the following procedures:

- A. For purposes of this section, "printed materials" includes newspapers, handbills, leaflets, pamphlets, posters, magazines, and all other printed items of a like nature. "Distribution" means the unsolicited offering or handing of printed materials to passersby.
- B. This section shall not apply to distribution of material related to authorized activities of the Office of Student Life or collective bargaining laws.

- C. Internal users must submit an On Campus Space Reservation Contract to secure a date(s) and location to distribute printed materials and provide all required information. The Office of Facilities shall grant approval on a first-come, first-served basis, provided the requested location will allow for the free flow of traffic and persons. Internal Users may, but are not required to, submit printed materials to the Office of Facilities.
- D. External users must submit a Community Use Space Reservation Contract to secure a date(s) and location to distribute printed materials.
- E. The Campus Office of Facilities may provide tables and chairs appropriate to distribute and display the materials as needed and shall designate a location that will provide for the free flow of traffic and persons.
- F. Individuals or groups distributing the materials are responsible for leaving the area clean, including discarded materials, and should make efforts to avoid litter.
- G. Individuals or groups may not leave materials unattended and College Facilities staff may remove and dispose of any such materials.
- H. Distribution of printed materials by means of accosting individuals or by hawking is prohibited. It is a violation of this policy to hand printed materials to or throw them at an individual who has communicated that they do not wish to receive such materials.
- I. Materials may not be placed on vehicles without the owner's permission in accordance with applicable provisions of the Montgomery County Code.
- J. No materials may be sold without the approval of the Director of Auxiliary Services, in accordance with College policies and procedures.

V. Gathering Signatures on Petitions

Signatures may be obtained for petitions only in accordance with the following procedures:

- A. This section shall not apply to authorized activities of the Office of Student Life or petition activity under collective bargaining law.
- B. Internal Users wishing to gather signatures on college property are encouraged to notify the Campus Office of Facilities in advance. External users are required to obtain a visitor's pass.
- C. Individuals or groups gathering signatures for petitions are subject to the following restrictions and requirements in order to be authorized to obtain signatures under this section:
 - 1. The activity of gathering signatures for petitions may not occur inside college buildings, nor within twenty-five feet of any building in which classes are held, nor during online classes or via the Learning Management System.

2. The activity of collecting signatures may not block stairways, walkways, entrances, and exits from buildings or roadways or otherwise restrict free movement on any College property.
 3. The activity of collecting signatures may not involve intrusive activities such as accosting individuals or use of other similar aggressive, harassing, or threatening techniques.
 4. The activity of collecting signatures may not involve disruption of or interference with college instructional activities, other college business, and/or campus events by noise or activity associated with the process used in collecting signatures.
- D. If the request for signatures on a petition includes distribution of printed material, compliance with the procedures applicable to distribution of printed material is required. An occasional giving of a copy of the petition to a person at their request shall not be considered distribution of printed materials.

VI. Student Journalism and College-Sponsored Media

- A. Subject to the provisions in VI.C below, a student journalist may exercise freedom of speech and freedom of the press in College-sponsored media.
- B. Subject to the provisions in VI.C below, a student journalist is responsible for determining the news, opinion, feature, and advertising content of College-sponsored media.
- C. Nothing in this procedure shall be construed to authorize or protect content of College-sponsored media by a student journalist that:
 1. Is libelous or slanderous;
 2. Constitutes an unwarranted invasion of privacy;
 3. Includes language that has the intent to harass, threaten, or intimidate an individual;
 4. Violates federal, state, or local law; or
 5. Incites behavior that creates a clear and present danger or the commission of an unlawful act, the violation of College policy, or the material and substantial disruption of College operations.
- D. No employee may use their position to influence a student journalist to promote an official position of the College.
- E. A student journalist may not be disciplined for acting in accordance with these procedures.
- F. Any employee serving as a student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

1. Acting to protect a student journalist engaged in conduct pursuant to these procedures;
2. Refusing to infringe on conduct that is protected by these procedures, the First Amendment of the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

VII. Enforcement

- A. Activities that violate this policy or procedures may be subject to modification or cancellation.
- B. Internal users who violate this policy or procedures may be disciplined pursuant to applicable College policies and procedures and may be reported to appropriate law enforcement authorities.
- C. External users who violate this policy or procedures are subject to trespass procedures and may be reported to appropriate law enforcement authorities.

Administrative Approval: May 10, 2004; August 13, 2010 (administrative corrections only); February 4, 2016; January 26, 2017' January 21, 2025.