



AP 3900 Speech: Time, Place and Manner

References:

NWCCU 2020 Standard 2.B.2

Purpose

To establish content neutral parameters of time, place, and manner for the diverse forms of free expression.

Statement

The College reserves the right to manage the time, place, and manner of expression in order to fulfill the educational purpose of the College. Upholding this interest means that we may define the use of campus-controlled spaces, establish the time our spaces are used for a particular purpose, and we may designate the types of allowable activities in a specific space. Faculty instructional expression is governed by policy and rules defining academic freedom including but not limited to Board Policy 4030 and Administrative Procedure 4030.

This procedure ensures that we value and respect the rights of students, employees and guests to share their views and be able to choose what perspectives they engage with in areas beyond the classroom. The Vice President of Student Affairs and the Director of Risk Management, have responsibility for the administration and implementation of reasonable time, place, and manner rules, consistent with RCC's policies pertaining to free expression. This rule attempts to create a complete guide of the times, places, and manner of free expression permitted at RCC.

The inclusion of specific forms of expression in this rule intentionally excludes those forms of expression not described here. If an individual or group desires to use college resources at a time or in a manner not listed here, that expression is not permitted. In allowing for innovation and new means of communicating, individuals or groups may consult with the Vice President of Student Affairs and the Director of Risk Management for an "exception ruling" to approve a form of expression not described or anticipated in this rule. The decision of that office shall be final and not subject to appeal.

Regardless of the type or location of an expressive activity, all individuals and organizations are to ensure that:

Activities in all spaces must follow institutional policies and rules; and local, state, and federal laws, including laws regarding fire prevention and safety, accessibility, harassment and unlawful discrimination.



Activities must allow for the uninterrupted flow of people in areas designed to facilitate the movement of people along walkways, aisles, or through doorways.

Activities must be conducted in a manner that does not disrupt or unreasonably interfere with the educational or operational functions of the College.

Noise levels are to be maintained at a level that does not disrupt other activities.

In general, sounds at conversational level shall be presumptively acceptable in Open Public Forum absent clear evidence of disruption. RCC libraries, testing areas, and similar areas may establish a reduced volume standard appropriate to the study and purpose of those spaces. If College employees allege an expressive event is disruptive to learning or College operations, they may contact the **Director of Risk Management** to assess the decibel level of the impacting expression and to determine in a content-neutral manner whether disruption to learning and/or College business is occurring.

Sounds or expressive events must work through the **Director of Risk Management**. Amplifying devices, such as speakers or microphones, are not allowed. The College respects the individual's power of choice regarding what expression to engage with in non-instructional environments.

The College will use time, place, and manner rules to protect free expression and to show regard for personal choice to engage or not to engage and to protect minors from any content which it is unlawful to show them.

The College reserves the right to add warnings to any place on our property to assist individuals in navigating campus and exercising their personal choice regarding their experience on campus and to comply with city, state or federal laws.

Designated public spaces may be reserved for a single purpose or event.

Events and activities are to adhere to campus rules that maintain a physically safe environment designed to be accessible to all.

Activities are in spaces RCC has designated for the particular type of activity.

Expressive activity which is intended to protest and which does not prevent another speaker from delivering a message is protected



expression. However, no person may stop or prevent another person or group's lawful free expression in an Open Public Forum.

Failure to meet the above expectations and guidelines of this rule may result in the cancellation of an activity by the College, in advance or while in progress, and may have consequences enforced based on the student conduct code, other College rules, or legal actions.

The Vice President of Student Affairs and the Director of Risk Management are available for planning, consulting, and assistance in ensuring an activity will meet these and other requirements.

Forum Types

Open Public Forums

RCC has many public spaces where free expression will be protected to our greatest ability during the time the property is not otherwise being used for scheduled College purposes. These spaces include and are not limited to the College owned or rented fields, exterior walkways, exterior corridors, and designated community bulletin boards. They are Open Public Forum because an individual, group, or organization may use these spaces with or without reservation in accordance with this rule. The amount of space to be used will be dependent on the nature of the activity. Students and guests are not restricted in what content or messages they may express in Open Public Forums, except as otherwise noted in this rule.

Where there are competing interests in a particular space, the College will first honor activities sponsored by the College. Once College interests have been satisfied, individuals or organizations not affiliated with the College will be granted space on a first-come, first-served basis. The College will make every attempt to provide individuals or organizations access to an Open Public Forum space that supports their activity.

Limited Public Forums

Limited Public Forums are spaces which have a specific designated purpose of conducting College-related business or educational events at certain times, but which may be made available for other expressive activities at other times. Limited Public Forums include but are not limited to RCC art galleries, gymnasiums, libraries, learning centers, the Student Center, the Rogue Auditorium, reception areas in academic buildings or Centers, the Café and Cafeteria, parking lots, conference and meeting rooms, and classrooms (when class is not in session). On specific dates



and times, these spaces may be made available for reservation. These Limited Public Forums may have written space-use guidelines, usage requirements, and usage fees on file with the Office of Vice President of Student Affairs or the Director of Risk Management and published on the RCC website.

Non-Public Forums

Non-Public Forums are spaces that serve a designated College function and are not available for any use by the public. These spaces are dedicated either to specific educational activities or to other College business purposes. These spaces include and are not limited to offices, staff work areas, staff desks, bathrooms, mechanical and storage areas, labs, and classrooms (when class is in session). In Non-Public Forums, specific learning or business purposes drive use. Students, guests, and employees may be directed as to what topics and behaviors are appropriate in these spaces. Expressive activities inappropriate to the space may be redirected to another time and place.

College Endorsement

The expression associated with speakers, displays, posters or demonstrations, does not constitute an endorsement by RCC of the views and opinions of the sponsoring individual or organization, including student organizations.

College Publications

Publications by the College and its departments shall be for educational and business purposes and made available at various locations around campus, in any forum types. Publications shall comply with College standards, as defined by Marketing, and shall be accessible and include the appropriate nondiscrimination and request for special needs statements, as necessary.

Student Publications

Student publications follow content-neutral guidelines established and enforced by the Student Publications Committee. The College allows students to establish editorial standards for publications. Editors and writers are protected from arbitrary suspension and removal due to editorial policy or content. Editors and writers remain subject to the RCC Standards of Conduct as it applies to student organizations/student publications and individual students.



Community Publications

Publications of community profit and non-profit organizations may be distributed on College property. Organizations will be given distribution space on a first-come, first-served, space-available basis. Community publications may submit a request to distribute their publication by request to the Office of the Vice President of Student Affairs or the Director Risk Management. The College is not required to approve the distribution of publications that are purely for commercial purposes.

Placement and Use of Publication Dispensers

The Office of the Vice President of Student Affairs and the Director of Risk Management implements content-neutral time, place, and manner policies regarding the placement and use of publication dispensers. Dispensers shall not exceed 75" height by 30" width by 30" depth. Space within or among various brand-neutral dispensers shall be allocated fairly without regard to content of the publications requesting use; the College may give preference to student publications for a majority portion of space. These dispensers are not for purely commercial speech. The College may permit the sale of advertising on publication dispensers if the proceeds benefit the College. When the College approves publication, dispensers provided by a particular publication, that dispenser may be exclusively reserved for that publication only; however, the College may not refuse to host an additional dispenser for other publications. The College is not required to provide space in every building for every publication.

Distribution and Posting of Information

The College requires all material to be distributed or posted to be marked with the name of the sponsoring organization relevant contact information of an individual member of that organization. The College is not required to leave anonymous postings on display. No posting is permitted on brick or mortar at RCC.

Promotions of Commercial Activities or Opportunities

"Commercial activity" means advertising, sales, purchases, demonstrating for purposes to sell, exchanging an item for money or other item of value, and solicitations of gifts or money. RCC is not required to provide space for commercial activity. The College may choose to dedicate space to commercial activity if it benefits the College or its student body in some way. Commercial vendors may be invited by the College to post or distribute commercial information in a specific location or at a table as part of a College event or relationship for a specific limited time.



College departments and recognized student organizations may post materials related to their fundraising and item-donation/collection activities.

Posting of Physical Materials

Bulletin Boards – The College supports three classifications of bulletin boards:

Department-Specific Boards;
College-Sponsored Bulletin Boards; and
Community Bulletin Boards (aka, Public Boards).

Department-Specific Boards:
Departments of the College may designate co-located bulletin boards for department only business postings.

Departmental boards are to clearly indicate the sponsoring department.

College-Sponsored Bulletin Boards:
College organizations or groups may post on College-Sponsored Bulletin Boards if they comply with this rule.

Community Bulletin Boards:
Non-RCC organizations and individuals may post their non-commercial messages only on Community Bulletin Boards.

Individual students promoting individual opinions or expression are to use Community Bulletin Boards only.

College-Sponsored or Community bulletin boards, the person/group posting must have all materials date stamped in Student Affairs Administration or other designated office. Date stamping identifies which material has a right to be posted without removal for up to 30 days, but not longer than one day after an advertised activity, whichever occurs first. The person posting is responsible for posting and removal after 30 days or one day after the advertised event. Only one copy of a posting may be on any bulletin board. The College reserves the right to take down and discard postings which are without a date stamp or expired (event date has passed or 30-day posting stamp has expired).

Postings on any bulletin board space are to be typed or printed. Handwritten notices are not permitted unless the bulletin board manager specifically invites handwritten postings by official notice on the board. Postings are to be a minimum size of 3"x5" and are not to exceed 27" x 32," unless otherwise stated on the bulletin board.

Electronic Monitors – Electronic monitors are limited to RCC-sponsored information only, including RCC student groups, clubs, and co-curricular groups.

Doorway Posting – Entrances to College facilities may have only College closure signs or notices necessary for safety. No other items may be posted on entrance doors.

Sandwich Boards – College departments and student organizations may place sandwich boards outside of buildings and in designated spaces. Responsible parties must place sandwich boards in a manner that does not impede normal traffic flow or present a safety risk to individuals who expect and require a consistent, clear path on sidewalks, and in buildings. Sandwich boards for an event may be placed no more than 2 business days in advance of the event date and are to be removed within 1 day of the event end. Sandwich boards promoting information may be placed for no more than 10 consecutive working days.

Non-College-related organizations who have reserved space at a college facility may place sandwich boards outside for on the day of their event only. Sandwich boards are to be removed the same day by organization that made the space reservation.

Yard Signs – Yard signs may be placed on the grounds to promote an event purely. Signs may be placed 2 weeks in advance of the event and are to be removed the day following the event. Yard signs that serve only a directional purpose may be placed up to one week in advance and remain until the event concludes. If an event is a weekly recurring event, the signs may stay in place until the day after the final event.



Field Signs – Field signs may be posted in grassy areas in a manner that does not interfere with pedestrian pathways and traffic flow. Organizations wishing to post field signs are to confer with the RCC Director of Facilities and the Director of Risk Management on where posts may be safely placed in the ground without interference with grounds keeping or buried cable or power. Signs have a maximum size of 4' x 8' and must be made of material that withstands Oregon weather (rain, wind). Signs are to be secured with posts. Signs may be posted for no more than a consecutive 30-day period.

Banners – Banners may be hung by College departments and College organizations Campus. Banners must be between 2'w x 3'h and 16'w x 9'h in size. They must be secured per standards of College Facilities or Risk Management. The College reserves the right to request removal or to remove banners that the College deems unsafe, as determined by Risk Management. Banners may not be hung from stairwell railings. The bottom of a banner must not be below a hard-surface backing. . Banners shall be displayed for a maximum of 30 consecutive days. Extensions cannot be granted for more than another 30 consecutive days. Banners may include names and logos of sponsors or partners of the College or College activities. The College department or recognized organization working with a partner should be on the banner with RCC's name and/or logo at least as large or prominent as any non-College-related organization's name or logo.

Non-College organizations that rent space at RCC may hang event banners that meet the requirements of this rule in designated banner locations. Banners may be hung not more than 48 hours before the event begins and must be removed within one day of the end of the reservation period.

Table Tents and Flyers – College departments and College organizations may distribute table tents on tables and counters in areas outside of classrooms with permission of the Ad Hoc team for not more than 30 days. All other published materials, such as flyers, booklets, leaflets, and brochures, are not to be left on tables or counters, they may be posted only in appropriate locations as described within this rule (on appropriate bulletin boards or distributed through publication dispensers, for example).



Open Public Forum may be used to convey a message by various means, such as but not limited to displays, notices of events, petitioning, distribution of materials, picketing, approved collection bins for charitable purposes or general conversation

Demonstrations

The College will provide logistical support to students, individuals or groups wishing to organize a planned demonstration. Examples of a “planned demonstration” include protests or demonstrations of support for a cause or point of view in the form of a mass gathering, meeting, parade, procession, or similar activity. The College encourages sponsors or organizers to contact the Director of Risk Management to request a space and equipment. The College will act in a manner that is content neutral, identifying an appropriate space to dedicate to the demonstration and an appropriate time for the demonstration to ensure no interference with College business. Demonstrations are not permitted to displace already scheduled activities for a given space.

Placards on sticks or poles may not be used by demonstrators indoors at the College. They are permissible in outdoor Open Public Forums.

Demonstrations are to occur during the regular hours of operation of the RCC location(s) of the event. Overnight events are not permitted.

Space Use Procedures

Scheduling Use or Reserving Space

Individuals or groups must reserve spaces managed by a reservation system or use will be denied. For Open Public Forums, individuals and groups are encouraged to register with the Director of Risk Management prior to setting up an activity. While registration is not mandatory for use of Open Public Forums, registration does provide campus visitors an opportunity to learn of space use guidelines and first priority on reserved spaces. Registered visitors will be offered a table and chairs and will be asked to provide a name, address, and telephone number for a responsible contact person. The Director of Risk Management shall maintain and publish a list of spaces and methods of reservation for all Open Public Forums and Limited Public Forums. Board Policy 6700 and Administrative Procedure 6700 provide directions for the use of any specific spaces which can be reserved. Reservations may give priority to College use and needs for spaces, but shall otherwise be content-neutral.



Tabling

College departments and recognized student organizations may set-up tables in Open Public Forums or in building lobbies which have available Open Public Forum space with permission from Student Government, Ad Hoc, Facilities. These entities are allowed to conduct fundraising (if otherwise permissible by College rules), distribute information, and engage in presentation of their viewpoints. Students and employees wanting to have a table with information related to College purpose are to work through the office of the Vice President of Student Affairs if they would like to reserve a space.

Organizations not affiliated with the College may use tables available in the Courtyard. They may reserve a table in the Courtyard or other designated tabling spaces.

Community groups who want to table at RCC are free to use permanent tables in the Student Centers and are encouraged to work through the Director of Risk Management.

Community groups and non-RCC groups may not sell or solicit under this rule unless by invitation by the college.

Tables may be no larger than 30" W x 10'L.

Social Media

College hosted social media sites for educational or business purposes shall include information about the sponsoring department or recognized student organization, the employee responsible for the site, and identify any rules for posting, including the requirement to provide identifying information, such as name, RCC email address, or phone number of the person posting. Sites for educational or business purposes are subject to College review and management.

When RCC students use social media sites not related to the educational or business interests of the College, students shall be accorded the same rights, privileges, and limitations as other speech in Open Public Forums, including the right to anonymous posting.

Speakers



Speakers on Campus by Invitation

Speakers come to RCC by invitation of College departments, students, or employees. The community may reserve space for hosting a speaker as a community event. The sponsor of an outside speaker is to work with the **Director of Risk Management** and other support departments in advance, preferably 1-2 months prior, to ensure the event is able to be given sufficient support and resources from College staff. Sponsors are to ensure that:

The event is open to all faculty, staff, and students. If an event is also open to the public, proper information about non-discrimination and special needs requests must be included in all advertisements and invitations to the event;

Suitable space for the speaker is available to provide a safe event at a time that is non-disruptive to regular operations and does not conflict with regularly-scheduled College programs;

In all forums, the audience has the opportunity to question the speaker.

In Open Public Forum, speakers are to prepare for possible questions and dialogue.

Speakers must not attempt to silence a protest that is carried out in a manner that does not prevent the speaker from presenting a message.

Speakers who are invited into classrooms or as trainers for employee development are to supplement the learning outcomes of the course or training. The choice of speakers and trainers for these purposes is supported by Board Policy on Academic Freedom and Responsibility.

Time of Use

College properties are open primarily during daytime, early evening, and some weekend hours. When College properties are closed to the public, the College may require individuals or groups to leave the property or grounds. Requests for activities beyond normal operational hours are to be directed to the **Director of Risk Management**. The costs to and burdens on the College of permitting and



staffing such use beyond traditional open hours may be charged to the sponsor of the activity.

All organizers of activities shall conduct their events and activities only during times that College property and facilities are available for public use. RCC facilities and properties are available during the posted hours of operation. (Example: The Redwood campus is usually closed to activity from 10:00 pm – 6:00 am). The College reserves the right to open its properties at specific times only to specific groups. (For example, the College may be open to employees, but closed to all others.

Demonstrations and Displays

In Open Public Forums or Limited Public Forums during public use, students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. In addition, it should be clear to the academic and the larger community that, in their public expressions or demonstrations, students or student organizations speak only for themselves.

Student Expression and Beliefs in the Classroom

In class and classroom settings, “Student Right B -- Freedom from Inquiry and Expression” permits students to take exception with information or views presented in any course without it affecting their grade as long as the disagreement is not disruptive to the instructional process. Students are responsible for learning the content of any course for which they have enrolled even if they disagree with the course content. See also Student Rights Responsibilities and Conduct Code

Employees

While the College does not regulate the content of student or guest speech, the College may have a legitimate business interest in regulating the content as well as the time, place, and manner of employee speech. To support the College values of inclusiveness, learning, and engagement, employee expression be it direct or electronic in nature must comply with all board policies, administrative rules, and association contracts. In particular, employee expression is to be in alignment with policies and rules governing values, nondiscrimination/nonharassment non-violent workplace and Employee Standards of Conduct Additionally, employees shall conduct themselves in accordance with rules governing public employees’ participation in political



activities RCC faculty have additional protections related to Academic Freedom and Responsibility also stated in their contracts.

Restrictive Participation

The College may restrict access to activities and events to students and employees only.

Charges for Space Use

The College applies Use of College Facilities in determining if charges for facilities are required. Fee schedules are established and published annually.

Collection Bins for Charitable Purposes

When a college or recognized student organization makes a request to place a collection bin for charitable purposes, the Facilities department/ Ad Hoc team may determine whether to approve such a bin and its placement and length of time for placement. Charitable collection bins are permitted only when sponsored by the College or a College-affiliated organization and when placement has been approved by the building manager. Bins are to include the contact information of the sponsoring organization and the receiver of the charitable contributions. Sponsor name and contact information must be provided to the College.

Construction of Structures for Expression

Persons or organizations wishing to place a temporary structure are to consult with the Director of Risk Management to ensure the structure is safely constructed, and properly maintained by the sponsor for the duration of the demonstration. The College reserves the right in a content-neutral manner to direct such persons to Open Public Forum or Limited Public Forum locations as an alternative to approval of erecting a structure. Any approved structure shall be placed pursuant to a negotiated agreement and published standards of the College and shall remain on campus no longer than two hours past the time approved for the event. No person may camp or habitat in the structure. The Director of Risk Management shall have primary voice in determining safety and other issues in the approval or disapproval of a structure. Structures may be on display for no more than 30 consecutive days. The sponsor may contact the Director of Risk Management about the availability of a location for a structure to learn if other planned uses of the space would reduce the time the structure could be on display.



Partisan Endorsement

Political speech is welcome and encouraged at the College. However, the RCC campus or properties may not be used at any time or in any manner that would suggest or involve the College as endorsing or sponsoring a partisan, political, sectarian, or religious position or candidate for political office. It is important that all such speech clearly be identified as the opinion and position of the speakers themselves, not the College.

Non-removal or Non-compliance with this Rule

The College through designated employees has the right to remove, destroy, discard or stop any expressive activity, materials or event which does not comply with this reasonable time, place, manner rule. Individuals, groups, or organizations which are found to have violated this or other College rules may have their access to spaces denied or limited for up to two years in the future as a consequence of a past violation pursuant to the RCC Student Rights, Responsibilities, and Conduct Code and/or may be subject to other College sanctions.

Complaint or Grievance Process

Persons who believe that this rule is being violated or that this rule violates a legal standard or individual right may file a complaint, concern or grievance report to the Vice President of Student Affairs or **the Director of Risk Management**, shall handle these reports, by conducting an inquiry or investigation proportionate in scale to the nature of the complaint. If a person disagrees with the decision of either the Vice President of Student Affairs or the Director of Risk Management, the person may file an appeal with the Vice President of Student Affairs or the Director of Risk Management immediate supervisor.

Lawful Exceptions to Free Expression: Regardless of time, place, or manner, expression described below is unprotected and may be stopped or sanctioned by the College or referred to law enforcement:

Expression which incites violence or violates relevant college rules intended to prevent unlawful harassment and discrimination. See Nondiscrimination /Nonharassment? Students must also comply with Student Rights, Responsibilities and Conduct Code and all other College policies and rules. True Threats -- Speech which is a direct threat to harm a particular individual or group of persons is unprotected.

Speech which incites lawless behavior is unprotected. [Example: Inciting to riot.]



Speech which is a false statement of fact (defamation, slander, libel, fraud, forgery, or the like) is unprotected.

College property is not available for purely commercial activity, not otherwise of value or in support of College goals or projects. "Commercial activity" means advertising, sales, purchases, demonstrating for purposes to sell, exchanging an item for money or other item of value, and solicitations of gifts or money. RCC is not required to provide space for commercial activity or to promote events or activities of our competitors. The College may choose to dedicate space to commercial activity if it benefits the College or its student body in some way.

There cannot be any intentional efforts to expose minors to obscene material as defined per state statute. Child pornography may not be displayed or distributed using college electronic resources or on any college property.

Use of speech owned by others based on copyright or intellectual property rights is unprotected. The College may sanction violations that involve "stealing" "plagiarizing" or using another person's intellectual property. (See Student Rights, Responsibilities, and Conduct Code.)

Academic programs may require a specific dress code, uniform, or safety gear (i.e., eye protection, earplugs, a dress shirt with corporate logo). Students and employees may not assert that this requirement violates their rights to free expression. All other students not in a program with specific dress requirements and the public are permitted to express themselves and their messages through items of dress and items attached to their person, so long as no legitimate health or safety issues present.

The Student Rights Responsibilities and Conduct Code clearly states that, "Actions by individuals or groups to prevent speakers invited to the campus from speaking, to disrupt the operations of the institution in the course of demonstrations, or to obstruct or restrain other members of the academic community and campus visitors by physical force are subject to sanction.

Rescinds Procedure Number: AP-041 and AP-050b

Approved: February 4, 2020

Names, titles and departments updated June 29, 2021