

Policy: 1.20

Free Speech, Advocacy and Public Assembly on College Property

Purpose

As an institution of higher learning, the College is committed to freedom of speech and expression as part of its goal to encourage exchange of ideas, free inquiry, free expression, and peacefully assemble. Those within the College community, and those invited or permitted to speak or assemble on College property will be accommodated subject to the regulations regarding time, place and manner set out in this policy. Free speech, including dissemination of literature, free expression, peacefully assemble, and rights to engage in religious worship provided under the Constitution of the United States and the Constitution of the State of Kansas are referred to below generally as constitutionally protected rights.

Constitutionally protected rights may be exercised on College property in areas designated in procedural documents as limited public forum spaces also generally known as “free speech zones.” Only lawful, constitutionally protected actions and speech are permitted on College property.

Such activities will not be allowed to unreasonably interfere with the College’s right to conduct its affairs in an orderly manner and to maintain or safeguard its property, preserve the peace, protect life, and prevent the destruction of property. Such activities may not interfere with the College’s obligation to protect the rights of those within the College community to teach, study and exchange ideas. Some speech is not protected such as threats, incitement to imminent violence, threats to property or people, hate speech, and unlawful targeted harassment. Any use of physical force, any threat of force, aggression, or any other coercive activities employed to impose one’s speech or expression upon another, is expressly forbidden. Civil disobedience involving criminal acts and rioting is specifically prohibited.

The College expects that those engaging in free speech activities will comply with this and other relevant College policies and procedures and conduct themselves in a manner that ensures the safety of other persons and property and demonstrate respect for College activities and for those who may disagree with their message.

Political Activity

The College is publicly funded and tax-exempt, and therefore, Kansas state and federal laws as well as KCKCC policies restrict political activity at the College. The College may not support or endorse a candidate for public office or an election issue. Students and employees may freely comment on political issues or public policy as individual citizens, provided they clearly identify that the opinions expressed are their own and do not represent the official position of the College.

Employees shall not use time for which College pay is received, students, College property, equipment, or materials for the purpose of solicitation, promotion, election, or defeat of any candidate for public office or any election issue.

Commercial Activity

Use of college property, students, school equipment or materials for the purpose of solicitation or promotion of any commercial products or activities by outside entities is strictly prohibited

Definitions

- A. The term “College” means the Kansas City Kansas Community College (KCKCC) and all its educational operations, wherever located. This includes the KCKCC main campus, Dr. Thomas R. Burke Technical Education Center (TEC) and related buildings, Fire Science, Pioneer Career Center (PCC), and any other College owned property.
- B. The term “College community” shall refer to students and employees of KCKCC.
- C. The term “College property” shall include all properties owned by the College.
- D. The term “limited public forum spaces” means designated College locations excluding all sidewalks, parking lots, entryways into buildings, interior spaces such as hallways, foyers, and classrooms, or any other College location. The following locations have been designated as “limited public forum spaces”:
 - 1. Main Campus at 7250 State Avenue, Kansas City, Kansas 66112 (see attached map):
 - a. Grassy area located on the northwest corner of the College main campus between Parallel Parkway and Campus Boulevard.
 - b. Grassy area north of the softball field on the northwest corner of Delaware and Campus Boulevard.
 - c. Grassy area to the south of Jewell and west of Humanities.
 - d. Outside concrete patio area west of the Health Professions building and north of the Learning Commons.
 - 2. Dr. Thomas R. Burke Technical Education Center (TEC) at 6565 State Avenue, Kansas City, Kansas 66102 (see attached map):
 - a. Grassy area on the northeast corner of the Center site at State Avenue and N. 65th Street.
 - 3. Pioneer Career Center at 1901 Spruce Street, Leavenworth, Kansas (see attached map):
 - a. Grassy area on the northeast corner of the Center site at Spruce Street and the entrance drive to the Center.

The College expressly reserves the right to change the designation of any specific location as a limited public forum at any time.

- E. The term “public forum activity” means a public assembly for the purpose of hosting an activity in a limited public forum space including demonstrations, rallies, picketing, or other gatherings for the purpose of free speech expression.

Policy Statement

The rights of speakers engaged in public forum activities to speak and audiences to hear, free from undue disruption and interference, are constitutionally protected rights. When guests are invited to the College, they may express their ideas not only because they have a right to do so, but because members of the College community have a right to hear, see, and experience diverse intellectual and creative inquiry. Encouraging such inquiry and protecting such rights are fundamental interests of higher education, and KCKCC in particular.

- A. Invited Speakers: Employees, student clubs and organizations, and alumni organizations may invite individuals outside the KCKCC community to speak at the College, provided that the orderly and timely scheduling of the activity has occurred according to the institution’s policies and procedures. This

requirement will not be used to discriminate against or prejudge the speaker or the content of the presentation; rather, it will ensure that public safety issues can be considered, all affected departments have adequate notice of the event, and the potential for disruption of College activities which may be occurring concurrently can be avoided.

When extending an invitation to someone outside the College community to speak on College property, the inviting individual or organization must:

- 1) Notify the speaker that he or she is expected to abide by local, state, and federal laws while on College property;
- 2) Apprise the speaker of relevant and applicable College policies that may pertain to his or her address or presentation (e.g., public safety protocol);
- 3) Anticipate and fund the accrued costs of the invitation that result from providing for adequate security, use of audiovisual equipment, cost of College personnel required to work after normal hours of operation, and any fees, accommodations or honoraria required by the speaker. An invitation extended to speak on College property should be made with the inherent educational value of discourse in mind, although the speaker's views are their own and not necessarily those of the College.
- 4) Faculty members inviting outside guest lecturers for their classes will not be required to adhere to the above provisions, but they will personally assume all the responsibility and liability associated with extending the invitation.

B. Members of the Public: Students or those from outside the College community may speak on College property without an invitation but may only do so in designated limited public forum spaces with preapproval. Because such areas are specified as limited public forum spaces, and may be affected by other scheduled events, access to facilities, or potential public safety concerns, preapproval is required, and request should be made with the Office of Central Scheduling. All such reservations are to be made in accordance with Section D and procedures specified by the Office of Central Scheduling. Reservations to use a limited public forum space can be submitted at any time but are subject to the availability of the space requested.

C. Members of the College Community

- 1) KCKCC employees and students may exercise their constitutionally protected rights. If such activities are not sponsored by the College or in the course of College business, the employee or student must follow the same process as members of the public, must not interfere with the orderly operation of the College, and must act in accordance with this policy and other College regulations set forth in Section D.
- 2) Nothing in this section is to be interpreted as limiting the right of free speech elsewhere at the College, in classrooms, etc., by the College.

D. Requests for Public Forum Activities

All public forum activities must be reserved through the Office of Central Scheduling at least twenty-four (24) hours prior to the requested event date and time. The College maintains the right to place reasonable restrictions on time, place and manner of expression and prohibit certain conduct on College property to protect the members of the College community and College property. There may be other laws or ordinances regulating matters such as the obstruction of individual or vehicle access or egress,

trespass, noise, and loitering. The Office of Central Scheduling will coordinate with the College Police Department and Facility Services Department as needed.

- 1) The reservation will identify the requested:
 - a. Time (approximate beginning and ending hours) with no more than four (4) hours.
 - b. Place (designated limited public forum space).
 - c. Manner (number of speakers, types of displays or equipment intended, request for amplified sound systems).
 - d. Number of anticipated attendees.
- 2) Time, Place and Manner Restrictions:
 - a. Must be orderly and must not jeopardize public order or safety.
 - b. Must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.
 - c. Must not disrupt organized meetings or other assemblies in such a way as to infringe on the rights of others to assemble and the rights of speakers to free expression.
 - d. Must not disrupt classes and teaching, the use of offices, the privacy of College housing, or other College activities related to teaching or research.
 - e. Must not disrupt the community or neighborhoods surrounding the College's sites or infringe on the rights of others.
 - f. The need for College Police for speaker safety or crowd control as determined by the College.
- 3) Limited public forum spaces are available to any entity or person, but members of the College community and their organizations will have preference in scheduling them.
- 4) The College reserves the right to restrict the use of the limited public forum spaces outlined in this policy for the purpose of grounds or building maintenance activities and upkeep of designated outside areas.
- 5) The College may limit the activity to a reasonable period based on the type of event and the resources required to manage it, and in consideration of general operating hours. During the allocated period of use, those using the facilities may use tables and other temporary means for displaying or distributing information. Tables or other temporary means for displaying or distributing information are not provided by the College and must be removed upon the expiration of the time allotted. Any trash or other materials must be removed as well.
- 6) Motorized vehicles are prohibited on sidewalks and grassy areas. If there is a legitimate need for a motorized vehicle of any kind to be used during an event, permission must be granted by the Office of Central Scheduling in consultation with the Facility Services Department.
- 7) Participants are expected to comply with all College parking policies. Specific parking needs should be addressed through the College Police Department.
- 8) Upon request, the Office of Central Scheduling may designate other available facilities and space and the procedures for reserving them. Restrictions may apply based on the size of the event, potential disruption to regular College functions, and public safety issues.

- 9) Overnight camping on College property is prohibited.
- 10) Individuals and organizations wishing to host a public forum activity shall be responsible for all expenses related to their activity.
- 11) Any representations by members of the public shall make it clear that the opinions expressed at the public forum activity do not represent the views of the College. Any representations by the members of the public shall make it clear that the public forum activity is not sponsored or endorsed by the College.
- 12) Sound Amplification Equipment
 - a. Those wishing to use sound amplification equipment must first obtain permission from the Office of Central Scheduling.
 - b. Sound equipment can only be used at amplification levels which do not disrupt the normal use of classrooms, offices, or laboratories, student housing, or other duly authorized meetings or activities. Violations of this restriction constitute grounds for revocation of the permission to use sound equipment at the public forum activity.
 - c. Non-College sponsored events are required to provide their own sound amplification equipment.
- 13) Handbills and Written Materials
 - a. Distribution of written materials outside of College buildings is permissible but must not interfere with the entrances to those buildings or the normal flow of pedestrian or vehicular traffic.
 - b. Handbills or other written material may not be attached or affixed to private property without the owner's permission; this includes all vehicles parked at any College location. Violators will be asked to collect all distributed handbills and may be cited by the College Police Department.
 - c. Any person distributing handbills or other written material is personally responsible for the content of the material and in distributing, agrees to hold the College harmless for any assessed damage or liability incurred as a result of the distribution of the material.
 - d. Handbills or other written material distributed for a commercial entity's benefit are prohibited, and the distributor and/or the benefited entity may be cited by the College Police Department.
- 14) Signs, Notices, or Posters – The College provides space indoors and outdoors for posting signs, notices and posters by employees and students.

- a. Such signs, notices and posters may deal with subject matter including, but not limited to, notices of meetings or events and expressions of positions and ideas on social or political topics and must clearly identify the author or sponsor of the materials.
 - b. Posting of such items must be approved through the Office of Student Activities or through the appropriate steward of bulletin boards, walls, doors, etc. Permission to post such items will be denied when language or images are contrary to Section E.
 - c. Signs, notices, and posters may not be attached to trees, buildings, walls, or other structures unless otherwise expressly authorized by the College. Messages or slogans of any kind cannot be painted or otherwise written on trees, buildings, sidewalks (apart from authorized chalking sidewalks by KCKCC student organizations), grounds, fountains, walls, or other College structures or surfaces.
 - d. Any person or organization is responsible for the content of any signs, notices, or posters they sponsor or post. By posting the sign, notice or poster, the person or organization agrees to hold the College harmless for any damages or liabilities incurred as a result of the sign, notice or poster.
- 15) Any location used for a public forum activity must be left in its original condition at the conclusion of an event, and participants are responsible for ensuring any litter or materials are removed and discarded. Any participant who causes damage to College property will be responsible for paying charges necessary to return such property to its original state. Reasonable cleaning charges may be assessed.
- 16) Nothing in this section should be interpreted to limit the right of free speech elsewhere at the College.

E. Ceasing Preapproved Public Forum Activity

- 1) Anyone who wishes to engage in preapproved public forum activities on College property in designated public forum spaces may do so if their conduct does not unduly disrupt College functions, interfere with the rights of other members of the College community, or damage College or private property.
- 2) Responsibility for Violations
 - a. Persons violating the time, place and manner regulations may be subject to arrest or other action authorized by law after notice is given of the regulations being violated and the person's refusal to cease and desist in their conduct violating the regulations.
 - b. Examples of violations include but are not limited to disturbing the peace, trespassing, defacing public property, and interference with College business. Individuals and their organizing entity may be financially responsible for any damage including cleanup of litter, caused by attendees of the public forum activity.

F. Defamation, Obscenity, or Imminent Incitement

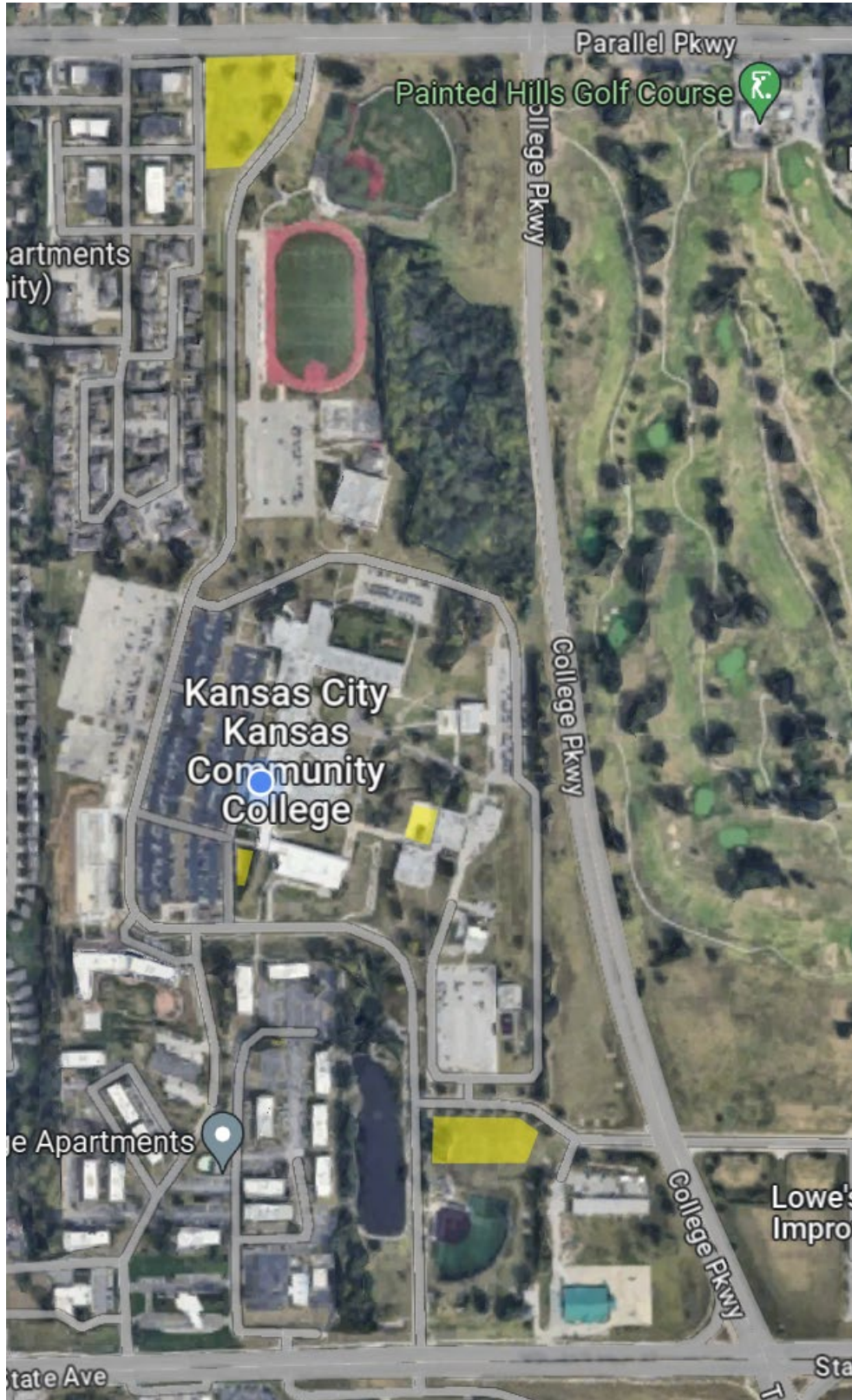
- 1) Nothing in these regulations authorizes or condones unlawfully defamatory speech, obscene speech, or speech that induces imminent unlawful action.
 - a. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in United States Supreme Court decisions.
 - b. A writing, image or performance is “obscene” if it is obscene as defined in K.S.A. 21-6401, or successor provisions, or is within the constitutional definition of obscenity as set forth in United States Supreme Court decisions.
 - c. Speech that induces imminent unlawful action is speech that is likely to cause or imminently incite or produce violations of law, or other speech not constitutionally protected.
- 2) Any person engaging in the speech described in this section will be required to stop or be removed, will be held personally liable for any resulting damage, and may be prosecuted under applicable criminal law. Such speech, including signs, posters, handbills, exhibits, or other unlawful expressions may be stopped or removed as deemed appropriate by College authorities.

G. Appeal Rights

Where permission is denied or revoked by the Office of Central Scheduling, the decision is final except as to claims of violation of the Kansas or United States Constitution. The decision in cases of alleged violations of the Kansas or United States Constitution will be reviewed by the President of the College. The President’s decision will be final and will be communicated in writing to the appealing party.

Limited Public Forum Locations Marked in Yellow

Map of KCKCC Main Campus, 7250 State Avenue, Kansas City, Kansas 66112:



Map of KCKCC Technical Education Center, 6565 State Avenue, Kansas City, Kansas 66102:



Map of KCKCC Pioneer Career Center, 1901 Spruce, Leavenworth, Kansas 66048:



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