

Policies and Procedures

Date: August 8, 2022

Subject: Expressive Activity

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[Areas & Facilities That May Be Reserved for Scheduled Expressive Activity](#)

1. Purpose

This policy promotes the free exchange of ideas while maintaining the safe, effective, and efficient operation of the college. It applies to all buildings, grounds, and other spaces owned or controlled by Tidewater Community College.

The policy provides for expressive activities by all students, student organizations, and employees of Tidewater Community College. The policy extends to individuals or organizations who are not members of the college community (i.e., not students, student organizations, or college employees) who are sponsored by a college-recognized student organization. It does not provide privileges to employees of contractors or vendors assigned to work at a college location. Nor does it provide opportunities for commercial activities, i.e., the offering of or promotion of goods and services for sale or other consideration.

This policy does not apply in instances when speakers, performers, groups, etc. are invited by the college. Nor does it apply to external groups that arrange to use college space through a Facilities Use Agreement.

2. Policy

Tidewater Community 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. The college may place restrictions on

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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, TCC 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. The college shall establish reasonable time, place, and manner restrictions on expressive activity in the procedures associated with this policy. 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. Door-to-door activities, such as solicitation and distribution of literature, are prohibited in college buildings.

While the college is obligated to provide opportunities for expressive activities, TCC shall be under no obligation to require or promote attendance at such events or to provide ancillary services, such as sound amplification or other audio-visual services to enhance the presentation of the expressive activity. Students, student organizations, and employees will not be charged for routine services, such as Security or Custodial Services for an expressive activity event. However, in the event that the venue requested for the expressive activity normally has other service charges for its use, such as the Roper Theater, the student, student organization, or employee requesting the venue shall be responsible for paying for those services.

College-sponsored activities and events shall take precedence over all extracurricular activities and events, including expressive activities.

During an expressive activity event, the student, student organization, or college employee using an interior facility shall be responsible for preserving and maintaining the facility. If the event results in any damage to the facility, the person(s) or organization (and its officers, if applicable) conducting the expressive activity shall assume responsibility for the damage. This responsibility shall also extend to those conducting an expressive activity event in an exterior area of the college when the event results in damage to college structures or infrastructure (e.g., sidewalks and other hardscapes, underground utilities, etc.).

3. Responsibilities

The Vice President for Student Affairs (VPSA) shall be responsible for developing and maintaining procedures that are consistent with this policy and that comply with applicable regulations, policies, and procedures of the Virginia Community College System and the laws and regulations of the Commonwealth of Virginia. Campus deans shall be responsible for implementing this policy at their respective campuses and other associated locations. The Vice President for Workforce Solutions shall be

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responsible for implementing this policy at the college's location in Suffolk as well as other locations under TCC's control where college activities are conducted by their division.

4. Procedures

Procedures for this policy are located on the website.

5. Definitions

Employee. Any person employed by Tidewater Community College, including wage staff and adjunct faculty. This category includes staff of the Joint-Use Library, Advanced Technology Center who are employed by the City of Virginia Beach or its school system and the Portsmouth Public Schools employees who work at the Portsmouth Campus consistent with the respective employer's policies. It does not include employees of contractors or vendors who are assigned to work at TCC.

Expressive Activity. The term "expressive activity" includes:

- meetings and other group activities of students, student organizations, and employees;
- speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, outside groups invited by student organizations, and employees;
- distributions of literature, such as leafleting and pamphleting; and
- any other expression protected by the First Amendment to the U.S. Constitution.

Student. Any person who is enrolled in a Tidewater Community College credit or non-credit course in the current term or in the immediately following term during periods when classes are not in session.

Student Organization. A student group that has applied for and been recognized as a college-sponsored club or organization through the college's process for establishing and chartering student organizations. This status does not apply to student "Interest Groups" until they have completed the process for recognition as a Student Organization.

6. References

[VCCS Policy 6.5.1](#)

[Code of Virginia § 23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report](#)

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7. Review Periodicity and Responsibility

The Vice President of Student Affairs shall review this policy annually on the anniversary of its approval and, if necessary, recommend revisions.

8. Effective Date and Approval

This revision to the policy is effective upon its approval by the College President on August 8, 2022.

Policy Approved:

Procedure Developed:

Marcia Conston, Ph.D.
President

Karen Campbell, Ph.D.
Vice President of Student Affairs

9. Review and Revision History

Revision 1

Updated titles and names to reflect current leadership and structure; added the requirements for records of incidents where constitutionally protected speech is disrupted, as required by Virginia statute amended in 2018.

Approved August 8, 2022 by President Marcia Conston.

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