

January 16, 2020

20-087

FREEDOM OF EXPRESSION POLICY—BP 3900 (SECOND READING)

PREPARED BY: Sylvia Kelley, Executive Vice President

APPROVED BY: Mark Mitsui, College President

REPORT: The College is conducting a comprehensive review of its policies, procedures, and guidelines regarding freedom of expression. As part of this review, the College has identified the need for a specific Board policy regarding freedom of expression. In alignment with the Oregon Community College Association (“OCCA”) policy framework, it is best practice for the Board to adopt a policy that establishes high-level expectations and directs the President to enact administrative procedures and other guidance implementing the Board policy.

Staff have prepared a Freedom of Expression policy (Exhibit B) based on the model OCCA policy that addresses the following areas:

- A firm commitment to protecting freedom of expression for all members of the College community;
- A statement of the College’s right to impose permissible time, place, and manner regulations on free expression, in order to allow for the orderly operation of the College’s campuses and to carry out its education mission;
- A clear statement that the College will not permit expression that includes specific threats of violence, causes significant disruption to the College’s operations, is defamatory, is obscene, or incites others to commit acts that violate law or policy;
- A reminder that the College prohibits harassment, bullying, threats, and intimidation, and expression that violates these policies will not be tolerated; and
- A directive to the President to enact necessary administrative procedures to carry out the policy.

In addition to the Board policy and administrative regulations, the College is drafting several FAQ documents that will provide more information about the First Amendment as well as resources available to students and others who are negatively impacted by protected speech that is unwelcoming or does not

reflect the College's values of diversity, equity, and inclusion.

Throughout this process, the College will seek input from students, faculty, and staff to ensure the guidance reflects the needs of our community.

RECOMMENDATION: Accept BP 3900 Freedom of Expression (Exhibit B) policy for First Reading at the December 2019 meeting, with the Second Reading and Adoption of the Freedom of Expression Policy to be scheduled for the January 2020 Board of Directors meeting.

BP 3900 Freedom of Expression Policy

Portland Community College (“PCC”) supports the right to freedom of expression. Students, employees, and members of the public are free to exercise their rights of free expression, subject to the requirements of this policy and the accompanying administrative procedures.

In order to support PCC’s educational mission and to help ensure safety for all members of the PCC community, this policy establishes time, place, and manner regulations as permitted under the law in designated forums. The intent of PCC’s time, place, and manner regulations is to support free dialogue and debate while allowing for the orderly operation of PCC’s campuses.

PCC does not permit speech or expression that includes specific threats of violence, causes significant disruption to PCC’s operations, is defamatory, is obscene according to current legal standards, or incites others so as to create a clear and present danger of the commission of unlawful acts on PCC’s property or the violation of PCC’s policies or procedures.

PCC’s policies prohibit harassment, bullying, threats, and intimidation. Speech or expression that violates these policies will not be tolerated, and students violating them may be subject to discipline.

The Board directs the President to enact administrative procedures as necessary to enact this policy and to reasonably regulate the time, place, and manner of the exercise of free expression in designated forums.