

Freedom of Expression: Administrative Procedure

Adopted by Portland Community College, November 1, 2021

Portland Community College (“PCC”) strongly supports the right to free expression, and recognizes that the peaceful exchange of ideas is an essential component of an educational institution. In order to support the free exchange of ideas within PCC’s educational mission, this administrative procedure establishes the regulations and procedures regarding freedom of expression on PCC campuses.

1. Definitions

- a. Free expression activities: Free expression activities include speech, literature distribution, displays and signs, petition circulation, peaceful protest, and other forms of free expression.
- b. Forum: A “forum” is an area or venue for expression.
- c. Harassment: Harassment: PCC’s Civil Rights and Responsibilities Policy, including definitions, can be found here: <https://www.pcc.edu/equity/policy/>
- d. Time, place, and manner regulations: Time, place, and manner regulations describe the conditions under which members of the PCC community can engage in free expression activities on PCC property.
- e. Student: Any person who is registered for one or more credit or non-credit hour(s), including online learning course
- f. Recognized Student Organizations: Student organizations, student leadership groups, and student government groups that are officially recognized by PCC.
- g. Members of the college community: students, faculty, board members, recognized student organizations, and other employees of the college.
- h. Members of the public: Individuals who are not PCC students, faculty, or other employees of the college
- i. User: Anyone engaging in or wishing to engage in free expression activities on a PCC campus.

2. Forums for expressive activity on or adjacent to PCC Sites

a. Public Forums adjacent to PCC Campuses.

Public sidewalks and city rights of way adjoining a PCC site are generally considered traditional public forums. Examples include the sidewalks on the periphery of most PCC sites. Free expression activity on these sites is not regulated by PCC, but may be regulated by other public entities. PCC reserves the right to address conduct that substantially disrupts or may substantially disrupt PCC’s educational activities even if it occurs on property PCC does not control.

b. Forums on PCC Campuses. The following are forums available for expressive activity on PCC Campuses:

- i. Outdoor walkways and gathering areas:** On all PCC campuses, outdoor walkways and gathering areas such as quads are generally open for expressive activity such as leafletting and petitioning by members of the public and college community. Expressive activity on outdoor walkways and paths shall not block the use of such areas, or disrupt pedestrian traffic. Individuals engaging in expressive activity on outdoor walkways or gathering areas cannot use props, such as tables or chairs, except in designated "tabling areas" described below. Individuals engaging in expressive activity on walkways or outdoor gathering areas shall remain fifteen feet away from entrances to buildings and outdoor eating or seating areas, in order to avoid disruption for individuals who are coming into or out of buildings or using outdoor eating and seating areas for those intended purposes.
- ii. Outdoor tabling areas:** Each PCC campus will provide at least two outdoor designated areas where members of the public or the college community can set up a table and up to two chairs for the purposes of engaging in expressive activity. These tabling areas are established in central areas on each campus that have a high degree of pedestrian traffic and use. Individuals will be required to supply their own tables and chairs, and tables should be no larger than 6 feet by 3 feet. Reservations will generally be accepted on a first come/first serve basis.
- iii. Indoor tabling areas:** Each PCC campus will provide at least two indoor designated areas where students, registered student organizations, and other members of the college community can reserve a table for the purposes of engaging in expressive activity. These indoor tabling areas are established in central areas of each campus that have a high degree of use. PCC will supply tables and chairs for indoor tabling areas. Reservations will generally be accepted on a first come/first serve basis. Note that indoor tables are not available to the general public in order to provide opportunities for students and other individuals affiliated with PCC to engage in expressive activity, in accordance with PCC's mission to provide educational opportunities and engagement for students. Members of the public have access to free expression activities in multiple outdoor locations on all PCC campuses, as well as the community bulletin boards and indoor flyer distribution site.
- iv. Community bulletin boards:** Each PCC campus will provide at least two bulletin boards available for use by members of the public and college community to post information regarding opportunities or services for PCC students or members of the PCC community. Flyers or information posted on community bulletin boards cannot be larger than 8 ½ x 11 in order to allow room for other flyers to be viewed. All posts on community bulletin boards will be removed according to a regular schedule.
- v. Designated bulletin boards:** PCC provides bulletin boards throughout its campuses and centers for designated use by PCC departments, centers, registered student organizations, and other designated PCC-affiliated

entities. Such bulletin boards are available for use only by the designated PCC entity. Information posted on such bulletin boards should be related to the mission of the designated entity.

- vi. Indoor community flyer distribution site:** Each PCC Campus will have at least one area where members of the public can place flyers with information regarding opportunities or services for PCC students or members of the PCC community. Flyers cannot be larger than 8 ½ x 11. All flyers on community flyer distribution sites will be removed according to a regular schedule.

c. PCC Centers.

PCC Centers (as opposed to PCC Campuses) are generally designated for specific training or administrative purposes, and are not open to the general public. Centers are generally not open for expressive activity by members of the public and do not offer tabling for expressive activity. The following are PCC Centers:

- CLIMB Center
- Columbia County Center
- Downtown Center
- Hillsboro Center
- Maritime Welding Training Center
- Newberg Center
- Oregon Manufacturing Innovation Center (OMIC)
- Portland Metropolitan Workforce Training Center-Opportunity Center
- Vanport Building
- Swan Island Trades Center
- Willow Creek Center

- d. Non-Public Forums:** PCC's buildings and virtual infrastructure are created for the purpose of providing instruction and educational services to students, and the necessary PCC support for those services. Accordingly, these spaces are non-public forums and are not forums for free expression activities. These spaces (physical or virtual) include:

- i. Classrooms, laboratories, shops, and other instructional areas.
- ii. Recreational fields, tracks, and other areas designated for physical education.
- iii. Student resource centers.
- iv. Libraries and theaters.
- v. Child-care facilities.
- vi. Faculty, staff, and administrative offices.
- vii. Infrastructure systems spaces (shops, warehouses, electrical rooms, mechanical rooms, IT rooms, etc.).
- viii. Parking lots, roadways, driveways, garages, bus/shuttle stops and shelters, and entrances/exits to buildings.
- ix. Restrooms and interior hallways.
- x. Food service and dining areas.

- xi. Infrastructure devoted to ADA accommodation needs (ramps, lifts, etc.).
- xii. Farms, gardens, and solar array areas.
- xiii. Bulletin boards other than those designated above.
- xiv. PCC printed publications (catalogs, schedules, journals, magazines, etc.).
- xv. PCC electronic administrative, instructional, communication, or information systems (email, Banner, MyPCC, D2L, etc.).
- xvi. Any forum for expressive activity that is in use for an approved specific PCC- or PCC student-sponsored activity or event.

3. Additional considerations for expressive activity on PCC Campuses

- a. If a free expression activity in an outdoor space on a PCC campus is likely to include or draw a group of 20 or more people, the user must submit an application at least 24 hours in advance. This is to ensure that there are no other groups of people wishing to use the same space for free expression activities and to ensure that the free expression activities will not cause a substantial disruption or otherwise violate PCC policies.
- b. If a free expression activity is anticipated to require security, impede pedestrian traffic, or pose a substantial risk of disrupting the functioning of PCC, the user should notify freedomofexpression@pcc.edu at least three days in advance and complete a Space Use Application for review and approval by PCC. This will ensure there is sufficient space for the large group event, the large group event does not conflict with any other scheduled use of the space, there are sufficient resources available for crowd control and security, and there is no disruption of access to education services and other PCC operations or policies. If three days' notice is not practical under the circumstances or a spontaneous gathering that meets the above criteria occurs, the user should provide freedomofexpression@pcc.edu with as much notice as possible to ensure for adequate space and security.
- c. If multiple users wish to use the same forum at the same time, priority will be given to official PCC-sponsored activities, then students, then officially Recognized Student Organizations, then other members of the college community, and then members of the public. Within each category, priority will generally be assigned on a first come/first serve basis.

4. Time, place and manner regulations

Time, place, and manner regulations allow PCC to carry out its educational mission without substantial disruption and to help ensure safety for members of the PCC community. Time, place, and manner regulations will be enforced consistently and in a viewpoint-neutral manner. All free expression activities must comply with the time, place, and manner requirements described below.

a. Time Regulations

Use may occur when the forum is generally open for public or student access. This generally means the regular hours that the campus or building is open. If deemed necessary to avoid substantial disruption or ensure equal access to users, PCC may impose additional time regulations.

b. Place Regulations

Free expression activities must be conducted at least fifteen feet away from building entrances, eating and seating areas, and bus stops in order to avoid disruption of pedestrian traffic.

c. Manner Regulations

- i. There are no restrictions on the viewpoint that users may express when engaging in free expression activities.
- ii. Users may not bring extra tables, chairs, rack or display devices that would extend the allocated space without advance permission. Users should follow the exceptions process described below for any requests to bring additional physical materials. This requirement does not apply to physical materials that are required for individual accommodations under the ADA, such as wheelchairs.
- iii. Use will not involve any sound amplification, except if brief sound amplification is approved in advance in accordance with the exceptions procedure.
- iv. Users will not solicit donations or money, or conduct sales of materials or services. Vending or sales can only occur at designated vending events.
- v. PCC reserves the right to close or temporarily limit use of any forum for a PCC or PCC student- sponsored activity or for the health, safety, or welfare considerations.
- vi. Users of indoor and outdoor tables will be required to display a PCC- provided statement that the user is engaging in free expression and that the speech is not sponsored or endorsed by PCC. This is to ensure that members of the campus community understand that the free expression activity is not endorsed by PCC and does not necessarily reflect the views of PCC.

5. Prohibited Activities

The following are prohibited activities:

- a. Users may not engage in any activity that substantially disrupts the ability of PCC to fulfill its mission of instruction and related services and business operations. Examples include, but are not limited to, excessive noise, impeding traffic or pedestrian movement, and unlawful conduct.
- b. Users may not impede the passage of others or operations of PCC.
- c. Users may not force or coerce any individual to take materials or sign petitions, nor initiate physical contact with individuals. Users may not follow individuals as a means of coercing the individual to listen to or engage with the user.
- d. While a user may respond to and protest the viewpoint of another user, any “counter-protest” may not stop or prevent a user from engaging in permissible freedom of expression activities.
- e. Users may not construct structures or use sticks larger than 3ft due to the risk created by structures or sticks.
- f. Users may not engage in any activity that damages PCC property.

- g. Users may not leave trash, litter, pollutants, or other materials in any area.
- h. Users may not engage in distribution/solicitation by placing materials on vehicles.
- i. Users may not engage in fraud or in any other illegal activity.
- j. Users may not represent or imply that PCC sponsors, supports, or endorses any view, belief, statement, literature, company, product, or service being disseminated or exhibited.
- k. Users may not engage in any activity that violates law or PCC policy, or incites violation of law or PCC policies, including PCC Student Code of Conduct.
- l. Users may not engage in any violation of the PCC's Civil Rights and Responsibility Policy.
- m. Users may not engage in any act likely to create imminent threats to safety or health.
- n. Users may not engage in any speech or expression that is obscene according to current legal standards.
- o. Users may not post materials on PCC-owned property or grounds.
- p. Users must comply with the directives of a PCC official.

6. Exceptions Process

If an individual or group seeks an exception to the requirements in this administrative procedure for a free speech activity that has the potential to create a substantial disruption or otherwise violate a time, place, or manner regulation, the individual or group should contact freedomofexpression@pcc.edu in advance of the desired activity to determine if an exception can be made to permit the activity.

7. Enforcement

College administration, in partnership with the PCC Department of Public Safety, shall enforce the provisions of this policy.

- a. Faculty, students, or staff who violate this policy may be subject to disciplinary action.
 - i. Violation of this policy by students will be addressed pursuant to PCC's Student Code of Conduct.
 - ii. Violation of this policy by faculty and staff will be addressed pursuant to the appropriate Human Resources/Collective Bargaining Agreement policies and procedures.
- b. Disruptive events that do not comport with the applicable time, place, and manner regulations may be terminated following a warning.
- c. Failure to comply with this policy may result in denial of facilities use for a period of time.
- d. PCC will engage law enforcement to respond to activities that could constitute a crime or are otherwise violent.

8. Dispute resolution

Any person or user who believes unlawful, unreasonable, or arbitrary limitations have been imposed on any of their speech or other expressive activities under this policy may raise concerns through the PCC Complaint process.

9. Applicability

This policy applies to property that PCC owns, leases or rents. In the case of leases and rentals, it applies only to the spaces that PCC actually rents and not the larger property. This policy is not intended to regulate PCC-owned property for which PCC has granted easements to other public agencies or that PCC has leased to other public or private entities, as PCC does not have operating control of these properties.

