
Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

Approval and Expressive Activities

Community members and community organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

Prohibited Speech and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
1. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
2. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
3. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

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**Use of College
District Facilities**

1. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the dean of administrative services in accordance with administrative procedures, for special events.
2. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the dean of administrative services or a law enforcement officer to:
 - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
 - b. Intimidate others; or
 - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
3. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
4. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
5. Damaging or defacing property.

The ~~College President or designee~~ shall approve grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

The College District prohibits possessing, serving, or consuming alcoholic beverages on College District property or in College District facilities. An exception may be granted for a specific event with prior approval from the Board or the College President or designee. If approval is granted, the servers shall be required to have a Texas Alcohol and Beverage Commission license.

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Requests to Use
Facilities

To request permission to meet in College District facilities, interested community members or organizations shall complete a facility request/rental form and submit it to the appropriate College District official, in accordance with administrative procedures.

The College District shall obtain a signed agreement that indicates the community members or organizations have read and understand the policies and rules governing use of College District facilities, that they will abide by those rules, and that the College District is not liable for any personal injury or damages to personal property related to nonschool use of College District facilities.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The College President or designee shall approve or reject the use of College District facilities by community members or organizations. Requests shall be considered based on the educational, cultural, recreational, civic, and social mission of the College District and shall not conflict with legal requirements, Board policies, or administrative regulations.

The College President or designee shall approve or reject use and rental of the College District's Performing Arts Center by all groups and individuals not associated with the College District, as well as those performances and events co-sponsored by the College District and external groups.

When considering facility requests, the College District shall not discriminate based on gender, disability, race, color, age, religion, national origin, veteran status, or any other basis prohibited by law. Those aged 18 or older may enter into agreements. Adult supervision is required for programs created for minors, and corresponding curfews must be followed.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
1. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
2. The applicant owes a monetary debt to the College District and the debt is considered delinquent;

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3. The applicant has previously damaged College District property;
4. Required documentation (e.g., nonprofit status and/or insurance) has not been submitted;
5. The activities violate health or fire codes or other laws or ordinances; or
6. Previous agreements have been breached (e.g., nonpayment, property damage, regulations, and code violation).

Facilities shall be assigned based on function, size, support services required, space availability, and date of request, with primary consideration given to the College District's instructional programs and campus activities, followed by requests from the community in the College District, and then those outside of the College District.

~~The College President or designee shall approve use and rental of the College District's Performing Arts Center by all groups and individuals not associated with the College District, as well as those performances and events co-sponsored by the College District and external groups.~~

~~The College District prohibits possessing, serving, or consuming alcoholic beverages on College District property or in College District facilities. An exception may be granted for a specific event with prior approval from the Board or the College President or designee. If approval is granted, the servers shall be required to have a Texas Alcohol and Beverage Commission license.~~

~~The College President or designee shall have the right to revoke the use of a College District facility when such action is in the best interest of the College District or the public in general. Use of facilities may be denied based on, but not limited to, the following:~~

- ~~1. The activities are competitive in nature with College District programs or compete with scheduled events.~~
- ~~2. The scope of the activities is beyond the space or support services available by the College District.~~
- ~~3. Required documentation (e.g., nonprofit status and/or insurance) has not been submitted.~~
- ~~4. The activities violate health or fire codes or other laws or ordinances.~~
- ~~5. The activities pose an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.~~

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~~6. The activities result in damage or defacement of the property.~~

~~7. Previous agreements have been breached (e.g., non-payment, property damage, regulations, and code violation).~~

~~The College President or designee shall have the authority to relocate, reschedule, or cancel a scheduled use by community members or organizations if an unexpected situation arises.~~

~~To request permission to meet in College District facilities, interested community members or organizations shall complete a facility request/rental form and submit it to the appropriate College District official, in accordance with administrative procedures.~~

~~The College District shall obtain a signed agreement that indicates the community members or organizations have read and understand the policies and rules governing use of College District facilities, that they will abide by those rules, and that the College District is not liable for any personal injury or damages to personal property related to non-school use of College District facilities.~~

~~Common
Outdoor Area
Exception~~

~~Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:~~

~~1. The person's conduct is unlawful;~~

~~2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~

~~3. The use would materially or substantially disrupt or disturb the regular academic program; or~~

~~The use would result in damage to or defacement of property. The College President or designee shall have the authority to relocate, reschedule, or cancel a scheduled use by community members or organizations if an unexpected situation arises.~~

~~The College President or designee shall have the right to revoke the use of a College District facility when such action is in the best interest of the College District or the public in general.~~

~~Designated Public
Forums~~

~~The Board shall designate common outdoor areas where community members and organizations may engage, without prior approval, in expressive activities that do not constitute prohibited speech or conduct. Those areas will be published on the College District website and in other appropriate publications.~~

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<i>Campaign- relatedRelated Use No Approval Required</i>	A College District facility may be used as an official polling place. No approval shall be required for non-schoolnonschool-related recreational use of the College District's unlocked, outdoor recreational facilities when the facilities are not in use. Individuals use the facilities at their own risk.
Emergency Use	In case of emergencies or disasters, the College President or designee may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
Fees	A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities. The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.
Exception	Building fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies, including precinct, county, and senatorial district conventions.
Required Conduct	Community members and organizations using College District facilities or distributing literature shall: 1. Conduct business in an orderly manner; 2. Provide identification when requested to do so by a College District representative; 3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA] 4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President or designee; and 5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.
Distribution of Literature	Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted

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	on any College District premises by any community member or organization without prior approval. The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.
Limitations on Content	Materials shall not be distributed by a community member or organization on College District property if: 1. The materials are obscene, where the materials fall within the definition of obscene as defined in Section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court; 2. The materials contain defamatory statements about public figures or others; 3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action; 4.1. The materials are considered prohibited harassment [see DIA series and FFD series]; constitute prohibited speech, described above; 5.2. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or 6.3. The materials infringe upon intellectual property rights of the College District [see CT].
Time, Place, and Manner Restrictions	Distribution of materials shall be conducted in a manner that: - Is not <u>materially and substantially</u> disruptive <u>to College District operations</u> [see FLB]; - Does not impede reasonable access to College District facilities; - Does not result in damage to College District property; - Does not coerce, badger, or intimidate a person; - Does not interfere with the rights of others; and - Does not violate local, state, or federal laws or College District policies and procedures. The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

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	The College President<u>College President</u> or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.
<i>Posting of Signs</i>	For the purposes of this policy, “sign” shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and “posting” shall be defined as any means used for displaying a sign. The College District shall require prior approval before a sign is posted on College District property by a community member or organization, unless the sign is in a common outdoor area subject to administrative procedures.
<u>Identification</u>	<u>A community member or organization distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative engaging in official duties.</u>
Violations of Policy	Failure to comply with <u>law or</u> this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual’s or organization’s use of College District facilities, the confiscation of nonconforming materials, removal from campus property, and involvement by the proper authorities, if needed.
Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District’s discipline policies and procedures. [See DH, FM, and FMA]
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.
Publication	This policy and associated procedures must be posted on the College District’s website and distributed in the employee and student handbooks and other appropriate publications.