

501.020 USE OF COLLEGE FACILITIES, PROPERTY AND GROUNDS FOR FIRST AMENDMENT ACTIVITIES

This policy defines the use of Clark College facilities, property and grounds by College groups and non-college groups for First Amendment activities.

The College recognizes and supports the rights of groups and individuals to engage in First Amendment activities. This policy shall be interpreted and construed to support such activities while simultaneously balancing the needs and interests of the College to fulfill its mission as a state educational institution of Washington.

First Amendment Activities and Bias-Based Incidents/Hate Crimes

Free speech requirements protect many forms of —hatefull and intolerant speech and expressive conduct, including that which occurs during such common College activities as debates, speeches, arguments, conversations, classroom discussions, lectures, distribution of flyers and displaying of posters.

In certain contexts, courts have found speech and expressive conduct to be protected that many in our College community would find repugnant, including such things as display of the Confederate flag, Nazi symbols, cross burning, and flag burning. Such speech and expressive conduct, however, may be inconsistent with the College's community values and thus may present an opportunity for open dialogue, debate and better understanding of the scope of protected speech and the role of tolerance in our community. *(Based on "Hate Crimes and Bias-Based Incidents Protocol from Pomona College)*

Any member of the College community who feels threatened, harassed or intimidated by any form of speech, expression or behavior should immediately notify either Security or the Director of Equity and Diversity using the Incident Response Protocol found at http://www.clark.edu/about_clark/policies/documents/ClarkCollegeBiasBasedIncidentProtocol.pdf

Definitions

For the purposes of this policy non-college groups shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Clark College or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the College.

For purposes of this policy, College groups shall mean individuals who are currently enrolled students or current employees of Clark College or who are affiliated with a recognized student organization or a recognized employee group of the College.

The College is a limited public forum for non-college groups. The limited public forum does not include College buildings, walkways or athletic fields. College buildings, rooms, and athletic fields may be rented in accordance with the College's facilities use policy.

Statement of purpose

Clark College District 14 is an educational institution provided and maintained by the people of the state of Washington. The public character of the College does not grant to individuals an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities for and to which the College's buildings, facilities and grounds are dedicated and said buildings, facilities and grounds are not available for unrestricted use by non-college groups. While said buildings, facilities and grounds are not available for unlimited use by College groups, it is recognized that Clark College students and employees should be accorded opportunity to utilize the facilities and grounds of the College to the fullest extent possible. The purpose of these time, place and manner regulations is to establish procedures and reasonable controls for the use of College facilities for both non-college and College groups. It is intended to balance the College's responsibility to fulfill its mission as a state educational institution of Washington with the interests of non-college groups or College groups who wish to use the College for purposes of constitutionally protected speech, assembly or expression.

Request for use of facilities

Subject to the regulations and requirements of this policy, College or non-college groups may use the College limited forums for those activities protected by the First Amendment. Examples of First Amendment activities would include, but not necessarily be limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints. Non-college groups that intend to be at the College to engage in First Amendment activities (hereinafter "the event") shall provide notice to and register with the Security office no later than forty-eight hours prior to the event along with the following information:

1. The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter —the sponsoring organization); and
2. The name, address and telephone number of a contact person for the sponsoring organization; and
3. The date, time and requested location of the event; and
4. The nature and purpose of the event; and
5. The type of sound amplification devices to be used in connection with the event, if any; and
6. The estimated number of people expected to participate in the event.

Policies established by the College regarding the use of facilities for events include: 535.001 – Bulletin Boards/Posting of Signs and Flyers; 535.015 – Sites for Distribution of Public Information Materials; and 535.035 – Sale or Distribution of Materials.

Additional guidelines established by the College regarding the use of facilities, property or grounds for First Amendment activities include the following:

1. Signs shall be no larger than three feet by five feet (3' x 5') and no individual may carry more than one sign.
2. On the College's main campus, the event must be held in the open lawn area south and east of the Chime Tower, north and west of the Chime Tower to include the Fountain area, or east of the O'Connell Sports Center. The designated free speech area at Clark College at the Columbia Tech Center is the circle pad west of the main entry door. The designated areas at the Clark Center at WSU Vancouver are determined by WSU Vancouver policy. Clark College at the Town Plaza Center is located on private property and all proposed First Amendment activities must be approved by the property owner. Please contact the Vice President of Administrative Services for more information.
3. The use of sound amplification devices is restricted to the limited public forum area as long as the sound amplification device is used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled College event or activity.
4. College groups are encouraged to notify Security no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at or around the facility, property or grounds.
5. First Amendment activities at the College's main campus and at the Columbia Tech Center shall not last longer than five hours from beginning to end.
6. Information may be distributed as long as it does not advocate unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. To avoid excessive littering of the College and/or greatly increased work requirements for College employees, groups are asked to cooperate with the College in limiting the distribution of information leaflets or pamphlets to the limited public forum site. In addition, material cannot be forced upon any member of the College community, including visitors, nor may individuals verbally or physically harass or intimidate anyone into accepting their material.
7. Speech that does no more than propose a commercial transaction shall not occur in connection with the event.
8. The limited public forum used by the group should be cleaned up and left in its original condition and may be subject to inspection by a representative of the College after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary clean-up or for the repair of damaged property.
9. All fire, safety, sanitation or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of First Amendment activities conducted pursuant to this policy.
10. The event must not obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the College, or to College buildings or facilities, or to College activities or events.
11. The event must not create safety hazards or pose unreasonable safety risks to College students, employees or invitees to the College.
12. ADA compliance of the facilities is the responsibility of the College, however, accommodations related to the event and any materials distributed are the responsibility of the sponsoring organization, as required by state and federal law.

13. The event must not interfere with educational activities inside or outside any College building or otherwise prevent the College from fulfilling its mission and achieving its primary purpose of providing an education to its students.

14. The event must not materially infringe on the rights and privileges of College students, employees or invitees to the College.

15. The event must also be in accordance with any other applicable College policies and regulations, local ordinances and/or state or federal laws.

Additional requirements for non-college groups

The limited public forum may not be used on the same date as any previously scheduled College event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than five hundred people will attend the College event or activity.

The role of the president in First Amendment decisions

The president of the College or designee may authorize First Amendment activities which are reasonably determined not to cause disruption of College activities despite a literal violation of this policy statement. Such determinations shall be made without consideration of the content or message of the First Amendment activities.

The president of the College or designee may at any time, terminate, cancel or prohibit the event if it is determined, after proper inquiry, that the event does constitute or will constitute imminent and incendiary danger to the College's orderly operation.

Criminal trespass

Any person determined to be violating these regulations is subject to an order from Security to leave the College. Persons failing to comply with such an order to leave the College are subject to arrest for criminal trespass.

Posting of a bond and hold harmless statement

When using College buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the College against cost or other liability in accordance with the College's facility use policy.

When the College grants permission to a College group or non-college group to use its facilities, it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

Disclaimer

Groups or individuals who are invited or permitted to engage in First Amendment activities at the College do not represent an endorsement by Clark College or the Board of Trustees.

Revised Policy/Procedure Approved by Executive Cabinet
May 3, 2011