Effective date: May 2014.
NOVA Policy: Speech and Expression on College Property.
Policy Category: Student Policies; Academic / Research Policies; Workplace Policies.
Procedures: Including the Student Handbook, Faculty / Classified / Adjunct Handbooks.

1.0 Purpose

To establish guidelines for the protection of speech and expression, of all forms and for all members of the College community on a wide range of public and private concerns, without discrimination on the basis of content or viewpoint, so as to foster the robust exchange of ideas and opinions in a safe academic environment.

NOVA guarantees students the privilege of exercising their rights of citizenship under the Constitution of the United States without fear of prejudice. Special care must be taken to assure due process and to spell out defined routes of appeal when students feel their rights have been violated.

2.0 Policy

Indoors or outdoors, NOVA will not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on content or viewpoint. NOVA may establish reasonable time manner and place restrictions on expressive activity which are narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

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. NOVA may place restrictions on 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.

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.

3.0 Application

This policy applies to all buildings, grounds, and other spaces owned or controlled by a college. The term “expressive activity” includes:
- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.
4.0 Procedures

a. Reserving Campus Facilities:

1. If students, student organizations, or College employees desire to reserve campus facilities, they shall submit their requests to the Deans of Students or designee. NOVA normally may not require more than twenty-four hours advance notice for reservation requests. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.

2. If individuals or organizations who are not members of the College community (i.e., not students, student organizations, or College employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or NOVA to conduct expressive activities or events on campus.

3. The office of the Deans of Students may designate certain indoor facilities as not available for expressive activity, such as administration offices, libraries, and (during instructional hours) classrooms. The office of the Deans of Students shall make the NOVA community aware of such areas. Any other restrictions on expressive activities occurring in indoor facilities must:
   (a) apply equally to all individuals and organizations and
   (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.

4. Students, student organizations, and NOVA employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
   a. The requested venue is an indoor facility that the College has designated as not available for expressive activity under section 4.0 (a)(3) of this policy;
   b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section 4.0 (a)(3) of this policy;
   c. The venue is already reserved for another event1;
   d. The activity will attract a crowd larger than the venue can safely contain;
   e. The activity will substantially disrupt another event being held at a neighboring venue2;
   f. The activity will substantially disrupt College operations (including classes);
   g. The activity is a clear and present threat to public safety, according to the NOVA police;
   h. The activity will occur during College examination periods; or
   i. The activity is unlawful.

1 In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official college sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.

2 The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.
5. During an event, the student, student organization, or NOVA employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.

6. When assessing a request to reserve campus facilities, the office of the Deans of Students must not consider the content or viewpoint of the expression or the possible reaction to that expression. The office of the Deans of Students may not impose restrictions on students, student organizations, or College employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student’s, student organization’s, or College employee’s expression, the office of the Deans of Students (including NOVA police) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

b. Spontaneous Expressive Activity:

1. NOVA is not required to designate any indoor area as available for spontaneous expressive activities. In the event that NOVA elects to do so, the office of the Deans of Students shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities. Any areas so designated must:
   (a) apply equally to all students and student organizations and
   (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.

2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not:
   (a) block access to campus buildings,
   (b) obstruct vehicular or pedestrian traffic,
   (c) substantially disrupt previously scheduled campus events³,
   (d) substantially disrupt College operations,
   (e) constitute unlawful activity; or
   (f) create a clear and present threat to public safety, according to Nova police.

3. No NOVA personnel may impose restrictions on students, student organizations, or their sponsored guests who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to these activities, College officials (including NOVA police) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

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³ The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.
c. All NOVA policies on expressive activities must have prior approval from the Office of Legal Services.

5.0 **Banners and Distribution of Commercial and Non-Commercial Materials**

(a) Banners used in expressing speech should comply with the provisions of this policy and cannot be used to block, obstruct or otherwise deny access to any pedestrian or vehicular traffic flow, so as to allow free movement at the College.

(b) Prior written notice of at least 1(one) calendar day is needed for approval from the campus Dean of Students or designee for the distribution of commercial or non-commercial fliers, pamphlets, or advertisements.

   i Distribution and solicitation involving faculty and or staff must have prior approval of the Provost.

   ii All requests for commercial distribution or solicitation must be reviewed in light of existing contracts.

   iii Approval will be subject to regulation as to time, place, and manner to assure non-interference with operations of the College.

(c) All individuals, groups or organizations will be responsible for removing any litter and/or debris associated with or caused by distribution of their materials in a timely manner.

(d) Displaying of banners and the distribution of commercial and non-commercial materials is not permitted in:

   i Administrative offices.
   
   ii Classrooms during instructional hours.
   
   iii Computer rooms and laboratories.
   
   iv Libraries.
   
   v Medical and scientific laboratories.
   
   vi Restrooms and waiting areas,

   and all other areas similarly designated by the Dean of Students or designee for each NOVA campus.

6.0 **Political Speeches, Rallies and Appearances**

(a) Political groups or candidates wanting to exercise speech or expressive activities at NOVA should refer to this policy for guidance.

(b) A political group or candidate may not use NOVA facilities when the purpose or publicity implies that the College supports or otherwise endorses the political group or candidate. NOVA exhibits neutrality and equality with reference to all political speech at the College, without exception.

(c) The College will make a reasonable effort to distribute costs for extra policing or security and use of facilities in an equitable manner between all political groups or candidates exercising speech and expression at NOVA.
(d) Political posters, signs and advertisements are subject to the same provisions and content-neutrality on the part of the College, as banners and distribution of commercial and non-commercial materials.

7.0 Unprotected Speech

(a) Certain categories of speech will not be protected under this policy including:
   i Speech which is considered to incite imminent lawless action.
   ii Obscenity.
   iii Defamation.
   iv Harassment.
   v True threats.
   vi Child pornography.
   vii Fighting words (words indicating a willingness to fight).
   viii Plagiarism and or breaches of trademark and copyright laws.

8.0 Areas and Facilities not Available for Use

(a) Certain areas of the College are not available for expressive activity; to include:
   i Administration offices.
   ii Classrooms during instructional hours.
   iii Computer rooms and laboratories.
   iv Libraries.
   v Medical and scientific laboratories.
   vi Restrooms and waiting areas,
   and all other areas similarly designated by the Dean of Students or designee /
   Director of Student Services or designee for each NOVA campus.

9.0 Violations

Anyone accused of violating this policy will be subject to disciplinary action in accord with the Student Code of Conduct or the appropriate faculty or Staff handbook and NOVA police may initiate a separate criminal investigation of the circumstances warrant it. Civil remedies may also be pursued by the College.