



## **Speech and Expression Procedure**

**Procedure Number:** 109P

**Responsible Office:** Chief Diversity, Equity, & Inclusion Officer and Vice President, Student Affairs

**Forms:** N/A

**Effective Date:** 05/01/2014

**Last Reviewed Date:** 03/28/2024

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### **1. Purpose**

To establish guidelines for the protection of speech and expression, of all forms and for all members of the College community.

### **2. Definitions**

*College Property:* Any land, building or other property that is owned, leased or under the control of Northern Virginia Community College.

*Expressive Activity* includes:

- a. Meetings and other group activities of students and students organizations;
- b. Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and visitors;
- c. Distributions of literature, such as leaflets and pamphlets; and
- d. Any other expression protected by the First Amendment to the U.S. Constitution.

### **3. Procedure**

#### **1. Access to Indoor Campus Facilities**

- a. If students, student organizations, or College employees desire to reserve campus facilities for expressive activities, they shall submit their requests to Campus Dean of Student Success or designee. NOVA normally may not require more than two business days 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.
- b. If visitors desire to reserve campus facilities for expressive activities, they must be sponsored by a recognized student organization or NOVA to conduct expressive activities or events on campus.
- c. NOVA has not designated any indoor area as available for spontaneous expressive activities.



- d. Any other restrictions on expressive activities occurring in indoor facilities must:
  - i. apply equally to all individuals and organizations and
  - ii. not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
- e. Students, student organizations, and College employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
  - i. the requested venue is an indoor facility that the College has designated as not available for expressive activity;
  - ii. the venue is already reserved for another event;
  - iii. the activity will attract a crowd larger than the venue can safely contain;
  - iv. the activity will substantially disrupt another event being held at a neighboring venue;
  - v. the activity will substantially disrupt College operations (including classes);
  - vi. the activity is a clear and present threat to public safety, according to the NOVA police;
  - vii. the activity will occur during college examination periods; or
  - viii. the activity is unlawful.
- f. During an event, the student, student organization, or College 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.
- g. When assessing a request to reserve campus facilities, the office of the Campus Dean of Student Success must not consider, or impose restrictions based on, the content or viewpoint of the expression or the possible reaction to that expression. If multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern:
  - i. official college sponsored activities and events;
  - ii. recognized student organization activities and events;
  - iii. student activities and events; and
  - iv. all other activities and events.

## 2. Access to Outdoor College Property

- a. For outdoor campus facilities and areas, students, student organizations and their sponsored guests may freely engage in spontaneous expressive activities if they do not:



- i. block access to campus buildings;
- ii. obstruct vehicular or pedestrian traffic;
- iii. substantially disrupt\* previously scheduled campus events;
- iv. substantially disrupt College operations;
- v. constitute unlawful activity; or
- vi. create a clear and present threat to public safety, according to NOVA police. The expression of competing viewpoints or multiple speakers in proximity to each other does not necessarily constitute a substantial disruption.

- b. Visitors wishing to engage in public speaking or distribution of literature on outdoor college property may do so in designated locations on each campus by contacting the Director of Campus Operations.
- c. No College employee 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. If 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. The expression of competing viewpoints or multiple speakers in proximity to each other does not constitute a substantial disruption.
- d. If expressive activities cause a substantial disruption to College operations, the speaker(s) may be asked by the Director of Campus Operations, Campus Dean of Student Success, College Police, or other College official to modify their behavior or leave College property. The expression of competing viewpoints or multiple speakers in proximity to each other does not necessarily constitute a substantial disruption.

### 3. 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; and
  - vi. restrooms and waiting areas and all other areas similarly designated by the Campus Dean of Student Success or designee / Director of Student Services or designee for each NOVA campus.

### 4. Non-Operating Hours Expression, Erection of Structures, and Camping

- a. No expressive activity shall occur outside of College operating hours.
- b. The construction of shelters and other temporary structures or camping on College property is prohibited.

5. Reporting Incidents

- a. If other persons react negatively to expressive activity, the Campus Dean of Student Success and/or College Police shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.
- b. Anyone who believes their rights to express themselves under this policy have been violated may submit a report to the Director for Student Rights and Responsibilities at [osrr@nvcc.edu](mailto:osrr@nvcc.edu) or online at the [Free Speech webpage](#). In case of emergency, contact College Police at 703.764.5000.
- c. If a complaint is filed in a court of law to initiate a lawsuit against the College or an employee of the College in his official capacity for an alleged violation of the First Amendment to the United States Constitution, the College shall submit a copy of the complaint to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health within thirty days of receiving the complaint.
- d. By December 1st of each year the College shall develop a report on its compliance with the provisions of this policy. The report shall be available on the College website and submitted to the Governor, the Chairmen of the House Committee on Education and the Senate Committee on Education and Health.