

McLennan Community College

POLICIES AND PROCEDURES

Reference:	E-XIX	Effective Date:	05/01/2024
Subject:	Freedom of Expression		
Source:	President		
Approval Authority:	Board of Trustees	Approval Date:	04/30/2024
Approved by Leadership Team:	Benson:	Hills:	McKown:
History:	Replacing policy dated 08/01/2020		
Remarks:			

Texas Education Code Section 51.9315, requires that each public institution of higher education “adopt a policy detailing students’ rights and responsibilities regarding expressive activities” on its campus.

McLennan Community College (MCC) recognizes students’ constitutional and state rights to freedom of speech, thought, and expression. MCC intends to fully comply with the First Amendment and Section 51.9315, as well as Section 51.935 of the Texas Education Code.

Definitions:

- I. The term "student" includes all persons taking courses at MCC, both full-time and part-time, pursuing credit and non-credit courses. This also includes students who were enrolled in the previous semester and registered for the future semester.
- II. The term "faculty member" means any person hired by MCC to conduct classroom activities.
- III. The term "MCC official" includes any person employed by MCC performing assigned administrative, professional, or staff responsibilities.
- IV. The term "member of the MCC community" includes any person who is a student, faculty member, staff member, or MCC official. A person's status in particular situations shall be determined by the President.

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- V. The term "MCC premises" includes all land, buildings, facilities, and other real property in the possession of, owned, used, or controlled by MCC.
- VI. The term "materially and substantially disrupt" means interrupting a program or activity in a significant and consequential manner.
- VII. The College shall ensure that any common outdoor areas on or apart of MCC premises that qualify as a "traditional public forum" by law, such as but not limited to lawns and green areas of campus, are deemed traditional public forums.

The term "antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Expressive Activities Rights:

- I. Any person, subject to reasonable time, place, and manner restrictions, is allowed to engage in expressive activities on MCC premises, including by responding to the expressive activities of others.
 - a) Any person not affiliated with a student organization or campus department must abide by the procedures set forth in the Facilities Use Policy - General (Policy C-III-A) and the Facilities Use Policy – Administration and Fees (Policy C-III-B).
 - b) Student organizations should complete all procedures set by the Student Engagement Office. Please contact Student Engagement for more information (254-299-8443). The *General Conduct Policy* (Policy E-VIII), Section III, provides further guidance.
 - c) Events organized by an external party and held on MCC premises must be sponsored by a recognized student organization or college academic or administrative unit, and abide by the procedures set in the Facilities Use Policy - General (Policy C-III-A) and the Facilities Use Policy – Administration and Fees (Policy C-III-B).

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- II. Any person is permitted to engage in expressive activities in traditional public forum areas freely, as long as: (1) the person's conduct is not unlawful, including as but not limited to unlawful badgering, coercion, intimidation, antisemitism, assault, and/or harassment; (2) the use would not constitute an immediate and/or actual danger to the security of MCC premises that available law enforcement officials could not control with reasonable efforts; (3) the use would not materially or substantially disrupt the functioning of the institution; and (4) the use does not result in defacement or damage to any MCC premises.
- III. Members of the MCC community are allowed to distribute printed announcements, publications, signs, posters, or flyers regardless of size, shape, or content in common outdoor areas in accordance with the Signs, Posters, Literature, Petitions-On Campus Policy (E-XVIII). MCC shall not be responsible for the contents of materials distributed by members of the MCC community who do not follow Policy E-XVIII.
- IV. Public Speakers
 - a) Student organizations may invite presenters to speak on MCC premises. Student organizations are required to complete all procedures set by the Student Engagement Office. Please contact Student Engagement for more information (254-299-8443). The *General Conduct Policy* (Policy E-VIII), Section III, provides further guidance.
 - b) Faculty members may invite speakers to campus for their classroom purposes. Faculty members will follow normal guidelines of working with their department chair/dean to facilitate those speakers.
- V. Disciplinary sanctions for materially and substantially disrupting any program or activity (including, without limitation, expressive activities address in this policy), will be addressed using the *General Conduct Policy (E-VIII)*.
- VI. Any person who believes that campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance. Members of the MCC Community may file a grievance using the *Employee Grievance Procedure (F-V-h)* or *Student Grievance Procedure (G-XIII)*.