

McLennan Community College

POLICIES AND PROCEDURES

Reference:	E-XIX	Effective Date:	08/01/2020 05/01/2024
Subject:	Freedom of Expression		
Source:	President		
Approval Authority:	President Board of Trustees	Approval Date:	07/28/2020 04/30/2024
Approved by Leadership Team:	Benson:	Hills:	McKown:
History:	New Policy Replacing policy dated 08/01/2020		
Remarks:	Policy updated to new format.		

~~In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds~~ Texas Education Code Section 51.9315, ~~which~~ 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~~**citizens’** 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.** ~~“Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution.” S.B. No.18~~

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.

POLICIES AND PROCEDURES

- 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.
- 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 "student organization" includes any organization that is composed mostly of students enrolled at an institution of higher education and who receive a benefit from the institution.~~
- ~~VII. The term "benefit" includes the use of an institution of higher education's facilities for meetings or speaking purposes and the use of channels of communication controlled by an institution of higher education.~~
- ~~VIII. The term "expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution. This policy directly provides for assemblies, protests, speeches, distribution of written material, carrying of signs, and the circulation of petitions.~~
- ~~IX. The term "reasonable time, place, and manner restrictions" means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression.~~
- X.VI.** The term "materially and substantially disrupt" means interrupting a program or activity in a significant and consequential manner.
- ~~XI.VII. The term "traditional public forum" means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of public forums include public streets, sidewalks, plazas, lawns, and parks. **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.**~~

POLICIES AND PROCEDURES

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) ~~Students and employees~~ **Any person** not affiliated with a student organization or campus department must ~~complete the Campus Use Proposal Form~~ **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.** ~~the Student Organization Proposal Form.~~ Please contact Student Engagement ~~to obtain these forms~~ **for more information** (254-299-8443). The *General Conduct Policy* (Policy E-VIII), Section III, provides further guidance.
 - a)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).**

- II. ~~The College will ensure that the common outdoor areas of MCC premises are deemed traditional public forums.~~ Any person is permitted to engage in expressive activities in **traditional public forum** ~~these~~ areas freely, as long as: ~~the person's conduct:~~ (1) **the person's conduct** is not unlawful, ~~including such~~ **has 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;** ~~and~~ (3) **the use would** ~~does~~ not materially ~~and~~ or

POLICIES AND PROCEDURES

substantially disrupt the functioning of the institution; and (4) the use does ~~not~~**would result in defacement or damage to any MCC premises.**

~~II.III.~~ Members of the ~~College-MCC~~ community are allowed to ~~assemble or~~ distribute **printed announcements, publications, signs, posters, or flyers regardless of size, shape, or content** ~~material~~ in common outdoor areas ~~without a permit or other permission from the institution.~~ **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 Student Organization Proposal Form. Student Engagement should be contacted to obtain these forms (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.

~~a) In determining the amount of a fee to be charged for use of the College's facilities for purposes of engaging in expressive activities, the College only considers content neutral and viewpoint neutral criteria related to the requirements of the event. The College does not consider any anticipated controversy related to the event.~~

~~III. McLennan Community College will not take action against a student organization or deny the organization any benefit generally available to other student organizations at the College on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.~~

~~IV.V.~~ Disciplinary sanctions for materially and substantially disrupting ~~the~~**any program or activity** ~~ies~~ **(including, without limitation, expressive activities**

POLICIES AND PROCEDURES

addressed in this policy), -will be addressed using the *General Conduct Policy (E-VIII)*.

~~V.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)*.

~~VI.I.~~ ~~Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.~~

External Client Events:

~~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.~~