



Success. It's In Our Nature.

Policy Name: Freedom of Expression

Policy Number: None

Functional Area(s) Responsible: President

Owner(s) of Policy: Diversity, Equity & Inclusion

Most Recent BOT Approval Date: August 7, 2024

Most Recent Review Date: Spring 2024

Most Recent Review/Revision Type: none minor/non-substantive substantive/extensive

Policy Statement:

As a public higher education institution, Finger Lakes Community College has a responsibility to respect and foster First Amendment guarantees of freedom of speech and the right to assemble peaceably. Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation, and the College shall be ever conscious of and shall promote the motto of the State University System - "To Learn - To Search - To Serve."

The rights of free speech, freedom of expression, and freedom of assembly are the foundation of a higher education institution's mission, as the "Marketplace of Ideas." As a public institution, FLCC is also bound by legal requirements that the campus be open to our students, our faculty, our staff, and third parties to exercise their free speech rights under the principles of a limited, designated forum. As an institution of higher learning FLCC is committed to protecting the rights of free speech, freedom of expression, and freedom of assembly guaranteed by the United States Constitution and the New York State Constitution.

The opportunity for peaceful and orderly assembly for the purpose of exercising freedom of speech will be provided on an equal basis with the college remaining neutral as to the content of the assembly. In fulfilling its educational mission, FLCC reserves the right to regulate the time, place and manner of expression in order to ensure that there is no disruption to the educational or institutional process in ways that interfere with the freedom of others. The goal of such regulation is to protect College property and operations while maintaining a secure environment for individuals to exercise constitutional rights.

FLCC recognizes the complexity of issues surrounding this topic and believes that they require careful and ongoing thought and attention as a community. It is the duty of the College to educate students about the fundamental importance of freedom of expression and diverse views and their history in America. It is also our mission to model and teach civility and tolerance in support of an environment of diversity, equity, & inclusion.

The College further recognizes that some speech may contribute to the disenfranchisement and marginalization of some community members, especially those who may feel they do not have the same opportunity as others to exercise their free speech rights. Nevertheless, speech that could be considered hateful or objectionable is still protected, provided it does not incite violence or cross the line into discriminatory harassment which violates College non-discrimination and sexual harassment policies. The College supports additional speech as an appropriate response to such offensive, yet permitted expression, and community members may address speech they find to be offensive or hateful. The community should expect campus leaders to exercise their own free speech rights in

responding to speech inconsistent with College values and norms, while recognizing that institutional leadership cannot respond to all speech that some may consider offensive.

The College values practices that increase awareness within the community about the impact that words and expressions may have, with the goal of maintaining a respectful environment for teaching and learning. The College's support for free speech does not mean that the institution agrees with all views expressed or that the College affords moral equivalency to all views. As an institution, the College will take appropriate action against those who threaten or engage in violence on our campus.

Content-Neutral Time/Place/Manner:

Finger Lakes Community College will not interfere with orderly assemblies in designated public areas of grounds and buildings unless participants engage in any of the following:

1. Conduct that prevents the orderly administration of college classes, lectures, meetings, interviews, ceremonies, and other campus events or University operations;
2. Conduct that obstructs the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
3. Engage in conduct that could foreseeably cause injury or damage to persons or property;
4. Operation of audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety, or that is in violation of any local/county/State ordinances;
5. Constructing or erecting structures, whether or not they are anchored, inclusive of screens and/or objects requiring penetration in concrete or grass, or camp on College grounds without prior authorization from Campus Police or Facilities and Grounds; and indoor and outdoor encampment is generally prohibited;
6. Possession and/or ignition of an open flame of any type, including, but not limited to, torches;
7. Assemblies lasting more than one day, duration not to exceed 12 hours in a one-day period, and assemblies between the hours of 10:00PM and 8:00AM are prohibited;
8. Activities that violate the provisions of any other applicable campus policy, including but not limited to:(list relevant policies here; examples could include policies about posting/leaflets, weapons/prohibited items, chalking, etc.).

In addition, the following activities are strictly prohibited:

1. Areas not designated as a public space within this document or in the FLCC Authorized Access to Campus Facilities policy; and
2. Occupation of a building after business hours; and
3. Obstruction of any roadways running through or adjoining the Campus' grounds.

All individuals participating in protests and demonstrations are required to provide a form of College issued or government issued identification upon request from a University official.

FLCC takes compliance with this policy very seriously. Students should expect that violations of this policy could result in disciplinary action under the College's Student Code of Conduct, up to and including interim suspension, suspension, and dismissal.

Employees, or affiliates could expect that violations of this policy could result in non-disciplinary and/or disciplinary action or being designated as Persona Non-Grata.

Non-affiliated persons who are in violation of this policy could result in being designated as Persona Non-Grata.

Title VI:

In alignment with the U.S. Department of Education efforts to ensure non-discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics, under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI), FLCC adheres to such guidance as a higher education institution whose programs and activities receiving federal financial assistance. These protections extend to students and school community members who are, or are perceived because of their shared ancestry or ethnic characteristics to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, Palestinian, or any other faith or ancestry. This guidance responds to recent increases in complaints filed with the Department's Office for Civil Rights (OCR) alleging discrimination on these bases in schools serving students in preschool through grade 12 as well as colleges and universities, and public reports of such discrimination. While the First Amendment protects freedom of speech, including speech that some may find offensive or harmful, there are limitations, particularly when it comes to speech that incites imminent violence or poses a direct threat to individuals or groups.

Under Title VI, colleges such as FLCC that receive federal funding are required to ensure that their programs and activities are free from discrimination. This includes taking steps to address and prevent harassment and discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. While FLCC must uphold the First Amendment and allow for free speech on campus, we also have a responsibility to maintain a safe and inclusive environment for all students. Speech that poses a direct threat to a person or group of persons, or speech that is so severe, pervasive, and objectively offensive that it creates a hostile environment, may not be protected under the First Amendment. In all, Title VI restricts free speech under U.S. Federal Law.

In the case of a Title VI violation, anyone can report potential violations using the FLCC Reporting page: <https://cm.maxient.com/reporting.php?FingerLakesCC> or the link on my.flcc for internal users.

Reason(s) for Policy:

This policy is consistent with Diversity, Equity, Inclusive practices in higher education pertaining to the expression of diverse perspectives. This policy sets forth FLCC's commitment to encouraging and preserving free speech, freedom of expression and freedom of assembly for the entire College community as guaranteed by the United States Constitution and the New York State Constitution.

Applicability of Policy:

All full-time and part-time students as well as all employees should be familiar with this policy.

Definitions:

Free Speech: The right to express information, ideas, and opinions free of government restrictions based on content and subject within reasonable limitations (e.g., restricting speech to avoid a clear and present danger; or reasonably restricting employee speech as permitted by law and to promote the efficiency of the public services the College performs) especially as guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.

Diversity: Individual differences (e.g., personality, prior knowledge, and life experiences) and group/social differences including, but not limited to, race/ ethnicity, class, gender, identity, sexual orientation, country of origin, and ability as well as cultural, political, religious, or other affiliations.

Inclusion: The active, intentional, and ongoing engagement with diversity in the curriculum, in the co-curriculum, and in communities (intellectual, social, cultural, geographical) with which individuals might connect in ways that increase awareness, content knowledge, cognitive sophistication, and empathic understanding of the complex ways individuals interact within systems and institutions.

Equity: The creation of opportunities for historically underrepresented populations to have equal access to and participate in educational programs that are capable of closing the achievement gaps in student success and completion.

Discriminatory Harassment: Verbal, written, online and/or physical conduct that is:

- Based on a protected characteristic (e.g., sex, gender, race, religion, disability, etc.);
- Unwelcomed; *and*
- Sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities; or otherwise creates an intimidating, hostile or offensive work or learning environment.

Content Neutral: Restrictions that apply to all expression without regard to its substance or message.

Reasonable: Depends on the "forum" in which the First Amendment expression is occurring.

Forum: Those that, by tradition, are entrusted for use by the public (sidewalks, streets, parks). Forums can be designated areas on campus specifically-assigned by the public institution to serve as public forums ("free speech" zones) which are defined by time, place and manner for use.

Time: The designated time of day and duration of event

Place: The physical or virtual location of event

Manner: The delivery methods (placards, flash lights, megaphones, airhorns, clothing, etc.)

This definition of discriminatory harassment is intended to be consistent with and include all conduct that is prohibited by the **Non-Discrimination & Sexual Harassment Response and Prevention Policy**.

Related Documents:

- FLCC Non-Discrimination Policy
- Title IX Grievance Policy
- Academic Grievance Policy
- Use of Identification Cards Policy
- Facility Use Policy
- Academic Freedom Policy
- Art Acquisition Policy
- Bias-Related Crime Prevention
- Disorderly Conduct on Campus
- Electronic Messaging Acceptable Use

Procedures:

FLCC respects and supports individuals' efforts to exercise their rights to free speech and assembly. The President has designated the Offices of Campus Police; Human Resources; Diversity, Equity and Inclusion; Student Life, and Center for Student Well-Being to provide the appropriate support for the successful implementation of these events.

Following College procedure will ensure a safe and effective assembly activity. The College will make every effort to respond affirmatively to all requests to engage in assembly activity. However, content-neutral consideration must be

given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the noninterference with authorized College business, activities, or events.

Services: To help ensure the safety of participants and the protection of the rights of all members of the campus community, the College can provide services to groups such as location, safety, crowd control, sound equipment (unless prohibited in certain areas as per Campus rules), site preparation/cleanup, and/or other such facilities or services it deems necessary per the Facility Use Policy.

In the case of a Title VI violation, anyone can report potential violations using the FLCC Reporting page: <https://cm.maxient.com/reporting.php?FingerLakesCC> or the link on my.flcc for internal users.

*All institutional responses to reports will follow applicable policies and procedures accordingly (ex. Title IX, Non-Discrimination, Student Code of Conduct).

Forms/Online Processes:

None

Appendix:

None