

INTERNAL POLICY AND PROCEDURE

TITLE: Campus Free Expression

EFFECTIVE DATE: November 2, 2018

CANCELLATION: none

DIVISION: Student Affairs

CATEGORY: Student Life

RESPONSIBLE DEPARTMENT: Office of Student Life

1. **Purpose**

To establish policy and procedures for ensuring compliance with Louisiana statutes relative to free expression on the College's campuses and sites.

2. **Scope and Authority**

This policy applies to all campuses and sites of the College.

3. **Policy Statement**

Delgado Community College deems the free and open inquiry into all matters fundamental to the mission of higher education and is committed to the preservation of the lawful, free expression of ideas at all of its campuses, subject only to reasonable time, place, and manner restrictions. All campuses and sites of Delgado Community College will allow and protect non-commercial expressive activities by students, administrators, faculty members, staff members, and invited guests in accordance with all applicable laws and this policy.

In accordance with Act 666 of the 2018 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31 through 3399.37 ("Louisiana Campus Free Expression Law"), this policy applies to all campuses and sites of Delgado Community College. For the purposes of this policy, the definition of key terms and other mandatory provisions will remain consistent with those in Act 666 of 2018, codified at R.S. 17:3399:31 through 3399.37. Delgado Community College will amend this policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions will supersede any such inconsistent provision in this policy.

4. **Provisions**

In accordance with Louisiana Revised Statutes 17:3399.31 through 3399.37, relative to free expression on college campuses, Delgado Community College will uphold the following provisions:

- A. Delgado Community College will strive to ensure the fullest degree of intellectual freedom and free expression, allowing for all forms of expression which are protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7, of the Constitution of Louisiana. Neither the First Amendment of the Constitution of the United States of America nor Article I, Section 7, of the Constitution of Louisiana protects harassment or threats or expressions directed to provoke and likely to produce imminent lawless actions.
- B. It is not the proper role of Delgado Community College to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. The College will not deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization affirm, adhere to, comply with, or further the organization's beliefs, standards of conduct, mission, or purpose, as defined by the organization.
- C. Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws within the limits on time, place, and manner of expression.
- D. Any limitations on time, place, and manner will be those that are necessary to achieve a significant institutional interest only, and that provide ample alternative means of expression.
- E. Students and faculty may assemble and engage in spontaneous and contemporaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- F. Any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity will not be permitted.

- G. Public areas are outdoor areas of Delgado’s campuses and sites, are considered traditional public forums open on the same terms to any speaker, and are open to expressive activities. These public areas include grassy areas, walkways, or other similar common areas, but do not include areas where access is restricted including but not limited to classrooms, faculty and staff offices, administrative offices, service area offices, the College’s libraries, or any areas where students are engaging in learning and activities, or faculty, staff, and administrators are performing their official duties. All expressive activities, protests, or demonstrations must be held during normal working hours of the College, Such activities are not permitted when the campus or site is closed.
- H. Academic freedom principles and responsibilities of faculty in the classroom/ instructional setting are set forth in [Louisiana Community and Technical College System \(LCTCS\) Policy #1.038 Rights, Duties, and Responsibilities of Academic Staff](#) and the College’s [Academic Freedom](#) policy.
- I. The policy supersedes and nullifies any provision in the policies and regulations of Delgado Community College that restricts speech on campus and that any such provision is therefore inconsistent with this policy on free expression.

5. **Publication and Dissemination**

The information in this policy is published on the College’s website, Student Handbook, and College Catalog, and is incorporated into materials, programs, and procedures available to all students and employees. Any faculty, staff, or student who has a complaint regarding a potential violation of the law or the College’s policies or procedures relative to campus free expression may pursue the matter through the applicable [student grievance procedures](#) or [employee grievance procedures](#) as published on the College’s website.

6. **Compliance**

Failure to comply with any applicable laws and regulations, including those listed above, will constitute a failure to comply with this policy. Delgado Community College will make all due diligence efforts to comply with applicable laws and regulations, including those listed above.

Review Process:

Student Affairs Ad Hoc Committee on Campus Free Expression 9/7/18
Academic Affairs Council 10/2/18
Vice Chancellor for Student Affairs 11/2/18

Approval:

Vice Chancellor for Student Affairs 11/2/18