

INTERNAL POLICY AND PROCEDURE

TITLE: Campus Free Speech and First Amendment Protected Expressive Activities

EFFECTIVE DATE: *November 12, 2024 (*LCTCS Procedural Update)

CANCELLATION: SA-005 dated September 27, 2022

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 speech and First Amendment protected expressive activities 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

In accordance with [LCTCS Policy #2.018 Free Speech and First Amendment Protected Expressive Activities on Campuses](#), 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.

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 in any location reserved for that expressive activity shall not be permitted. No conduct shall be deemed a material and substantial disruption that is protected under the First Amendment to the United States Constitution or Article I, Section 7 of the Constitution of Louisiana. Protected conduct includes but is not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to members of the public except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

In accordance with Part XIV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, and R.S. 17:3399.31(1), (2), and (5), 3399.32(A), 3399.33, the heading and introductory paragraph of R.S. 17:3399.34, and 3399.38 and to enact R.S. 17:3399.34(4), (5), and (6), 3399.39, 3399.40, and 3399.41, 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, Act 727 of 2022, and Act 584 of 2024, 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. **Definitions**

- A. Free speech and First Amendment protected expressive activities include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by Article I, Section 7 of the Constitution of Louisiana, including all forms of peaceful assembly, lawful protest, speech, distribution of literature, carrying signs, and circulating petitions. This “Free speech and First Amendment protected expressive activities” expressly excludes all of the following:
- (1) Commercial activities where in which individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.
 - (2) Activities in which an individual or group is knowingly being monetarily funded or organized by any individual, corporation, business, or organization that has been designated as a foreign terrorist organization or foreign adversary by the United States Department of State, pursuant to 8 U.S.C. 1189 or 15 CFR 7.4.
 - (3) Any criminal activity which is prohibited under Title 14 of the Louisiana Revised Statutes of 1950 or any other provision of state law with criminal penalties.
- B. **Material and substantial disruption** means when a person, with the intent and knowledge of doing so, significantly hinders free speech and First Amendment protected expressive activities, prevents the communication of the message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following:
- (1) Engaging in fighting assault, battery, attempted battery, violence, or similar unlawful behavior in violation of Title 14 of the Louisiana Revised Statutes of 1950 or any other provision of state law with criminal penalties.
 - (2) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in a free speech and First Amendment protected expressive activity.

- C. **Outdoor areas** are outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.
- D. **Student** means any person who is enrolled on a full-time or part-time basis in a public postsecondary education institution.
- E. **Student-on-student discriminatory harassment** means unwelcome conduct that targets its victim on the basis of a class protected under federal, state, or local law in violation of this Part and that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities.
- F. **Student organization** means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of admitted enrolled students.

5. 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. Delgado Community College shall strive to ensure the fullest degree of protection for each student's political views and freedom of association.
- E. Every faculty member at the College shall be prohibited from imposing their political views on students in violation of Louisiana Revised Statute 17:3399.39.
- F. 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.
- G. 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, subject to any required permit procedures.
- H. Any person lawfully present on a campus may protest or demonstrate there, subject to any required permit procedures.
- I. The College prohibits student-on-student discriminatory harassment. Delgado is prohibited from sanctioning/disciplining a student's expression as a student-on-student discriminatory harassment unless the expression meets the definition above.
- J. 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.
- K. The College can still prohibit/limit/restrict unprotected expression such as true threats or expressions directed to provoke and likely produce imminent lawless actions.
- L. Delgado is not prevented from responding, through non-punitive actions, to student expression that does *not* meet the definition of student-on-student discriminatory harassment.
- M. The College will uphold other policies prohibiting stalking or other criminal activity.
- N. Academic freedom principles and responsibilities of faculty in the classroom/ instructional setting are set forth in the College's [Academic Freedom](#) policy.

6. **Permit and Reservation Process**

- A. Delgado designates the following as locations for free expression during established business hours as deemed by the College:

Campus/Site	Free Expression Location
City Park Campus	Student Life Center and the Stage behind Isaac Delgado Hall (Building 1)
West Bank Campus Sidney Collier Site River City Site Maritime and Industrial Training Center Any forthcoming new locations	Outdoor Area Designated by the Office of Student Life

- B. Delgado requires a permit from an individual or groups as a condition of being granted the exclusive control of a location for an expressive activity at a reserved time.
- C. The permit process is administered by the Office of Student Life in accordance with the College's [On-Campus Events and Function policy](#). Requests for use of any free expression location is processed through the [College's Event Management System](#).
- D. In accordance with [LCTCS Policy #2.018](#), the College's permit process is not overly burdensome and permit requests are evaluated solely based on published content-neutral and viewpoint-neutral criteria.
- E. While there is no cost for the permit, external parties are required to pay for police presence as determined by Campus Police in accordance with the College's published [Campus Police Presence Requirements for On-Campus Events and Functions](#). The College's fees for police presence are not based on the content of the expression of the student or student organization/invited guest or anticipated reaction to the content. The determination of the police presence fee is solely based on content-neutral and viewpoint-neutral criteria such as the time/location/anticipated size of the event and whether or not alcohol will be served.
- F. External parties must follow the College's [On-Campus Events and Function policy](#) to request one of the free expression locations through the [College's Event Management System](#). Use of College facilities by external parties for the purpose of free expression are available during the established business hours as deemed by the College.

Approval of external requests are channeled through the Assistant Director of Student Life, and the appropriate Campus/ Site Executive Dean receives reports of requests. If the appropriate Campus/Site Executive Dean or designee approves the request, he or she has oversight authority for the event.

External parties will be held financially responsible for any and all damages to facilities including but not limited to tables, chairs, furniture, carpets, walls, wallpaper, fixtures, dinnerware, audiovisual equipment, doors, locks, telephone/computer lines and glass that result from use of premises. Upon completion of the event and inspection of the facility by Facility Manager, if any damages are noted the external party agrees to forfeit the damage deposit, if applicable, to cover the cost of repairs. Any damages above the cost of the damage deposit will be the responsibility of the external party.

- G. The Office of Student Life will provide a written reason for denial of a request for a permit within two business days of the request, which will provide notification of the applicant's right to appeal the denial in writing within two business days to the Vice Chancellor for Academic and Student Affairs. The Vice Chancellor for Academic and Student Affairs will provide a written response to the appeal within two business days.

7. 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.

8.. 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/Approval 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
LCTCS/ADA Procedural Update – Vice Chancellor for Academic and Student
Affairs Approval 9/27/22
LCTCS Procedural Update – Associate Vice Chancellor for Student Affairs
Approval 11/12/24