



Office of the Vice President for
Finance & Administrative Services
501 College Drive
Charlottesville, Virginia 22902-7589

Phone 434.961.5207
Fax 434.961.6554
kmcmanus@pvcc.edu
www.pvcc.edu

November 16, 2018

The Honorable Ralph Northam
Chairs of the House Committee on Education
Senate Committee on Education and Health
Office of the Governor
P.O. Box 1475
Richmond, VA 23218

Dear Governor Northam and Education Committee Chairs:

This letter is in response to Va. Code § 23.1-401.1 (the speech law) requiring institutions of higher education to submit an annual report to the Governor and Education Committee Chairs regarding the college's compliance with the speech law.

A copy of Piedmont Virginia Community College's (PVCC) Expressive Activity policy is attached for your reference. As of December 1, 2017, there have been no lawsuits filed against PVCC that alleges a violation of the First Amendment of the U.S. Constitution.

Further, I attest to the action that PVCC has developed materials on the policy and provided the materials to the college employees responsible for the discipline and education of students.

Date: 11/16/2018

Kim McManus

Vice President of Finance and Administrative Services
Piedmont Virginia Community College

Enclosure

PIEDMONT VIRGINIA COMMUNITY COLLEGE

II – ADMINISTRATIVE (GENERAL) POLICIES

II – 6.00 EXPRESSIVE ACTIVITY

Policy #:	II – 6.00
Effective:	07/22/14
Responsible Dept.:	VPFAS

1. PURPOSE

The purpose of this policy is to set out the policy and procedures that will govern all expressive activities on campus.

2. POLICY

1) This policy applies to all buildings, grounds, and other spaces owned or controlled by Piedmont Virginia Community College (PVCC). The term “expressive activity” includes:

- Meetings and other group activities of students, student organizations, faculty, staff, and outside groups;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, faculty, staff, and outside groups;
- Distributions of literature, such as distributing leaflets and pamphlets; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

2) College property is primarily dedicated to academic, student life, and administrative functions. However, it also represents the vitally-important function of providing a “marketplace of ideas,” and especially for students, many areas of campus represent a public forum for speech and other expressive activities. PVCC will place restrictions on expressive activities occurring indoors that are likely to create a significant disruption to normal college operations, but the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

3) Indoors or outdoors, PVCC shall not interfere with the rights of individuals and groups to the free expression of their views or regulate their speech based on its content or viewpoint. Even though PVCC has established reasonable time, place, and manner restrictions on expressive activity in order to prevent significant disruption of normal college operations, such restrictions are content-neutral, narrowly tailored to serve a significant college operational interest, and allow ample alternative channels for communication of the information.

4) No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations. Hindering the rights of others, however, shall not be defined as promoting ideas that others find disagreeable, offensive, or even repulsive. Promoting unpopular ideas is fully protected. Examples of hindering the rights of others include, but are not limited to, preventing others from expressing their views; threatening violence against another person (something more than hypothetical) or engaging in violent acts; acting aggressively to try to force others to take leaflets or brochures after the person has declined; blocking others’ paths anywhere on campus; and other similar acts to deprive others of their rights.

3. RESPONSIBILITIES

The Vice President for Finance and Administrative Services shall be responsible for implementing the policy and is the appropriate official to receive inquiries about the policy.

4. PROCEDURES FOR RESERVING CAMPUS FACILITIES

1) If students, student organizations, or college employees desire to reserve campus facilities, they shall submit their requests to the Vice President for Finance and Administrative Services. Requests must be made with at least 48 hours' notice. Under extraordinary and rare circumstances, more notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus. No facility request will be denied due to the nature of the topic to be discussed. Requests may only be denied for the reasons listed under Section 4 (5) of this policy.

2) If individuals or organizations who are not members of the college community (i.e., not students, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored and/or approved by a recognized student organization or the College to conduct expressive activities or events on campus. These individuals or organizations shall submit their requests for sponsorship or approval consistent with PVCC Policy II-100.0. No facility request will be denied due to the nature of the topic to be discussed. Requests may only be denied for the reasons listed under Section 4 (5) of this policy.

3) The college will assess appropriate fees for equipment and facility use to users who are not members of the campus community, as per PVCC Policy II-100.0. Reasonable security fees will be assessed to defray the actual costs of providing security when the size of the audience may pose a risk to safety. Security fees shall not be assessed based on the anticipated reaction to the expressive activity.

4) Facilities available for use are available only during normal operating hours or as otherwise posted. Any and all expressive activities must not create noise levels that interfere with students' ability to study and learn in the classroom, library, and other rooms or that interfere with the ability of the college to conduct normal operations on behalf of students.

5) Students, student organizations, and college employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:

- a. The requested venue is an indoor facility that the college has designated as not available for expressive activity under Section 6 of this policy;
- b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to Section 4 (4) of this policy;
- c. The venue is already reserved for another event;
- d. The activity will attract a crowd larger than the venue can safely contain;
- e. The activity will substantially disrupt another event being held at a neighboring venue¹;

¹ The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

- f. The activity will substantially disrupt college operations (including classes);
- g. The activity is a clear and present threat to public safety, according to the college's police or security department;
- h. The activity will occur during college examination periods; or
- i. The activity is unlawful.

6) During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume full responsibility.

7) When assessing a request to reserve campus facilities, the college will not under any circumstances consider the content or viewpoint of the expression or the possible reaction to that expression. The college will not impose restrictions on external groups, students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's, college employee's, or external group's expression, college officials (including college police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

5. SPONTANEOUS EXPRESSIVE ACTIVITY

1) For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not (a) block access to campus buildings, (b) obstruct vehicular or pedestrian traffic, (c) substantially disrupt previously scheduled campus events, (d) substantially disrupt college operations, (e) constitute unlawful activity; or (f) create a clear and present threat to public safety, according to the college's police or security department.

2) The Bolick Student Center, North Mall Meeting Room, Dickinson Theater, and Fried Community Room are indoor areas that are available for spontaneous expressive activity, as long as noise levels do not become excessive to the degree that it interferes with classrooms and labs, the library, and offices in their ability to operate efficiently. Because of the configuration of the Bolick Student Center, it will not be available for any expressive activity, spontaneous or otherwise, that requires it to be blocked off from other areas during the activity because of the significant disruption in college operations this would create.

6. AREAS NOT AVAILABLE FOR EXPRESSIVE ACTIVITY

The following indoor areas/facilities are not available for expressive activity:

- Library
- Administrative/business offices
- Classrooms and labs (during instructional hours)
- Bookstore
- Café
- Hallways
- Entrances to buildings within 25 feet of doors

7. BANNERS AND DISTRIBUTION OF COMMERCIAL MATERIALS

1) Banners used in expressing speech should be stand-alone, should comply with the provisions of this policy, and cannot be used to block, obstruct, or otherwise deny access to any pedestrian, block or obstruct vehicular traffic, deface any college or private property, create safety hazards, or require employees to assist with their deployment.

2) Distribution of commercial as well as non-commercial advocacy advertising or the placement of commercial and non-commercial material must follow PVCC Policy II-40.0, and is prohibited in the following areas:

- Administrative offices
- Classrooms, computer rooms, laboratories, and all other places where instruction takes place
- Libraries
- Bulletin boards that are not listed as open bulletin boards under Policy II-40.0