



Title: Campus Free Speech Expression

Effective Date: 11/16/2018

Last Revision Date: 08/29/2022

Cancellation:

Department/Office: Student Affairs

Campus Free Speech Expression Policy

PURPOSE

Nunez 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. Nunez Community College shall 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.

SCOPE

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”), LCTCS hereby support this policy on Campus Free Expression (“Policy”). For the purposes of this Policy, the definition of key terms and other mandatory provisions shall remain consistent with those in Act 666 of 2018 and ACT. 727 2022, codified at R.S. 17:3399:31 through 3399.37 and 3399.35(3) and (5). Nunez will amend this policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions shall supersede any such inconsistent provision in this policy.

POLICY

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

1. Nunez 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.
2. It is not the proper role of Nunez 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. Nunez shall 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.

3. 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.
4. Any limitations on time, place, and manner shall be those that are necessary to achieve a significant institutional interest only, and that provide ample alternative means of expression. All expressive activities or demonstrations must be held during normal working hours of the College and are not permitted when the campus is closed. The Chancellor has the discretion to make a professional judgement regarding specific situations that may negatively impact the learning environment of the campus.
5. 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.
6. Any person lawfully present on a campus may protest or demonstrate there.
7. 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.
8. The public areas of the Nunez campus are traditional public forums that are open on the same terms to any speaker. Public areas generally consist of outdoor areas that are 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.
9. The policy supersedes and nullifies any provision in the policies and regulations of Nunez that restricts speech on campus and that any such provision is therefore inconsistent with this policy on free expression.



Compliance

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

Definitions

1. **"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 the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.
2. **"Material and substantial disruption"** means when a person, with the intent and knowledge of doing so, significantly hinders expressive activity, 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:
 - a. Engaging in fighting, violence, or similar unlawful behavior.
 - b. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.
3. **"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.
4. **"Student"** means any person who is enrolled on a full-time or part-time basis in a public postsecondary education institution.
5. **"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 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.
6. **"Student organization"** means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of admitted enrolled students.



Policy & Procedure No. 2.018
Nunez Community College

X	Reviewing Council/Entity	Review Date	Effective Date	Notes
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	Chancellor	08/29/2022	08/29/2022	

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Chancellor's Signature/Approval

Signature: 
Chancellor

Date: 08/29/2022