

# LUTHER COLLEGE

## POLICIES AND PROCEDURES

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Department: Office of the President  
Subject: Expressive Activity Policy  
Date Issued: September 4, 2024  
Approved By: Senior Leadership Council – September 4, 2024

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### **I. Policy**

This Policy embodies Luther College's (the College) institutional values and reflects its commitment to expression and speech on campus. The College is committed to protecting the rights of students, academic appointees, staff, and guests and visitors to free speech and expressive activity, such as assembling and speaking in public areas of campus, as well as writing, publishing, and inviting speakers on any subject.

The College reserves the right as a private institution to prohibit certain forms of speech that are deemed contrary to the College's mission, devoid of educational value and potentially harmful to the College Community.

### **II. Purpose**

This Policy provides guidelines on the time, place, and manner for Expressive Activity on College property. It ensures the College's educational mission is met while preserving the prerogative of individual expression.

### **III. Scope**

This Policy applies to all College guests, visitors and College Community Members (see Terms and Definitions below).

This Policy applies to all College property and leased spaces.

#### **IV. Terms and Definitions**

**Authorized College Officials:** Authorized college officials include Campus Safety, Campus Programming and Outreach, Student Life and / or others as designated as necessary.

**Expressive Activity:**

- (1) Communicating by verbal, written, audio visual, or electronic means;
- (2) Participating in peaceful assembly;
- (3) Protesting;
- (4) Making speeches, including speeches of guest speakers;
- (5) Distributing literature;
- (6) Carrying signs;
- (7) Circulating petitions.

**External Sponsor:** Individuals and other entities not affiliated with the College.

**Internal Sponsor:** The college's academic departments, administrative units, centers, and other cultural institutions, and College registered student organizations and self-governing student organizations.

**Luther College Community Members:** Any employee of the College, including administrators, academic appointees, staff, part-time, and student employees; all students and student organizations; all College units; contractors; any individual using College resources or facilities or receiving funds administered by the College; and volunteers and other representatives when speaking or acting on behalf of the College.

**Luther College Property:** Buildings, grounds, and land that are owned by the College or controlled by the College via lease or other contractual arrangements.

**Material and / or Substantial Disruption:** Behavior by an individual or group that prevents the college from conducting its educational, research, outreach and business functions, and normal or scheduled uses of college property by the campus community; or behavior that prevents a speaker, performer or event from proceeding, or that prevents others from hearing, seeing, or engaging with an invited speaker, performer, or event. *Material and / or Substantial Disruption* also includes behavior that significantly hinders the protected expressive activity of another individual or group, prevents the communication of a message of another individual or group, or prevents the transaction of the business of a lawful meeting, gathering, or procession; engaging in fighting, violence, or other unlawful behavior; or physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity. A minor and brief nonviolent disruption of an event that is isolated and short in duration would not be classified as a material and/or substantial disruption.

**Time, Place, and Manner:** The College may enforce reasonable time, place, and manner restrictions that meet the following requirements: (1) The restrictions are narrowly tailored in service of a significant College interest; (2) The restrictions employ criteria that are clear, published, and content and viewpoint neutral; (3) The restrictions provide ample alternative

means of expression; and (4) The restrictions allow the College Community Members to spontaneously and contemporaneously assemble and distribute literature.

## V. Procedures and Guidelines

The College does not limit speakers or visitors to the College on the basis of their points of view or beliefs, nor will the College prohibit the expression of objections to speakers or their points of view. An invitation by an internal sponsor or a reservation of space by an external sponsor does not constitute the College's or the internal sponsor's endorsement of any or all the speaker's views or opinions.

Internal or external sponsors of an event that include an invitation to a political candidate or candidates to speak at an event on college property, including classroom visits and debates, must contact the Vice President for Communication as soon as practical, but no later than 48 hours prior to the planned event.

With respect to the timing, planning and conditions of events of expression, the College asserts its right of authority to apply logistical conditions upon which speakers may speak, audiences may hear, and protesters may protest. Sponsors shall consult the College's Use of College Facilities policy to ensure that the event is conducted in a manner consistent with that policy. Additionally, such events often require advance logistical planning and coordination with authorized college officials to provide for a safe and successful event. Internal and external sponsors of events must consult with the Director of Campus Safety as soon as practical, but no later than 48 hours prior to the planned event to determine whether their event requires logistical support and if so, what conditions must be met before the event may be held.

To facilitate the freedom of expression and peaceful demonstration on campus, while also respecting the College's operations, Expressive Activity may not materially or substantially disrupt official activities, business, or operations of the College. To achieve this prerogative, the following guidance is provided:

1. **Amplified Sound:** Outdoor amplified sound is permitted so long as it does not materially and substantially disrupt the academic, living, or working environment of the College or its neighbors.
2. **Camping:** Camping means the temporary use of College property for the purpose of overnight occupancy without a permanently-fixed structure. Camping, and the use of portable cooking materials, the use of portable electric heaters, heating devices, generators, and other similar appliances and devices, and all portable toilets are not permitted on college property at any time unless approved in conjunction with an approved College event.
3. **Damaging and Defacing College Property:** Outlining, highlighting or markings on trees, buildings, structures, sports fields, walls, lampposts, signs, public art, and/or sculptures is prohibited. Water soluble chalk is permitted to be used on sidewalks only. Individuals who damage or deface College property are subject to sanctions imposed by the College and/or criminal or civil proceedings.

4. **Ingress and Egress:** Expressive Activity shall not impede or interfere with vehicular or pedestrian traffic. Expressive Activity may not block ingress or egress to any building, facility, driveway, parking lot or thoroughfare. Expressive Activity must take place a minimum of twenty-five feet clear of any ingress and egress points, or whatever space is necessary to preserve public health, safety, and welfare, as determined by Campus Safety personnel.
5. **Signs and Symbols:** Signs and symbols may not be affixed to or inserted into the ground or hung from the exterior of any College structure or property, including, but not limited to, buildings and flagpoles, without the prior permission of the Director of Campus Safety. Light projections may not be displayed on any College building or structure without the advance written approval of the Vice President for Communication. Unapproved affixed or hanging signs and symbols are subject to immediate removal by the College without notice.
6. **Structures:** The temporary installation of structures and/or mass physical objects at any time by any group or individual(s) must be approved by the office of Campus Safety, and if approved, must adhere to the guidelines provided by the College. The request for temporary structures and/or mass physical objects must be requested 10 calendar days in advance of proposed installation. Any installation of structures and/or mass physical objects without the required approvals will be treated as materially and substantially disrupting official activities or the operations of the College, and will be removed.
7. **Time Restrictions:** Expressive Activities must take place between the hours of 6:00 a.m. and 11:00 p.m.

Expressive Activity must comply with all federal, state, local, and municipal laws, ordinances, rules, and regulations, as well as College policies. In the event of a conflict between the terms of this Policy and any other policy or procedure, the terms of this campus-wide policy shall control and supersede any such conflict, ambiguity, or inconsistency.

## **VI. Sanctions**

Conduct reasonably believed to be in violation of the Expressive Activity Policy may result in immediate action by the College including but not limited to citation, trespass, and/or interim suspension from campus.

Upon completion of the applicable College disciplinary process, should a faculty member, student or staff member be found in violation of the Expressive Activity Policy, depending on the severity of the violation they will face disciplinary action up to and including suspension or expulsion from the College (for students), suspension or termination of college employment, and responsibility for any costs incurred due to damages caused by the violation.

Suspected violations of law will be referred to law enforcement and may result in criminal or civil prosecution and penalties.