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APPROVED

Handwritten signature and date 11/14/18 over the text LCTCS BOARD OF SUPERVISORS

TO: Dr. Monty Sullivan
LCTCS President

FROM: Dr. Emily Campbell
Chief Enrollment Management Officer

SUBJECT: For Board Action: LCTCS Policy #2.018, Campus Free Expression

DATE: 10/17/2018

FOR BOARD ACTION:

Recommendation: Staff recommends that the Board approve LCTCS Policy #2.018, "Campus Free Expression."

Background: Act 666 of the 2018 Regular Session requires each postsecondary education management board, in consultation with the Board of Regents, to develop and adopt policies on campus free expression. Act 666 also requires each public postsecondary institution to adopt and implement policies in compliance with management board policies. Policy #2.018 outlines the required components of institutional policies, as mandated by Act 666, codified at R.S. 17:3399.31 through 3399.37 ("Louisiana Campus Free Expression Law"). Each LCTCS college shall submit to the LCTCS a report by January 1, 2019, on the implementation of their campus free expression policies. LCTCS member institutions will submit to the Board Office annual reports thereafter regarding incidents and barriers to non-commercial expressive activities. LCTCS staff will submit all reports received to the Governor and Legislature, as required by Act 666.

History of Prior Actions: Policy #2.018 was brought to the Board in September 2018 for Review and Advisement.

Fiscal Impact: N/A

Benefits to the System: Policy #2.018 will meet requirements outlined in Act 666, and it will serve to protect non-commercial expressive activities on all LCTCS campuses.

Handwritten signature of Monty Sullivan
Approved for Recommendation to the Board
Dr. Monty Sullivan

Handwritten date 11-14-18
Date

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 2.018

Title: CAMPUS FREE EXPRESSION

Authority: Board Action

Original Adoption:

Effective Date:

Last Revision:

The Louisiana Community & Technical College System (LCTCS) 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 member institutions, subject only to reasonable time, place, and manner restrictions. All postsecondary institutions under the management of the LCTCS Board of Supervisors shall allow and protect non-commercial expressive activities by any person lawfully present on campus property 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”), LCTCS hereby adopts this policy on Campus Free Expression (“Policy”). This Policy applies to all postsecondary education institutions under the management of the LCTCS Board of Supervisors. 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, codified at R.S. 17:3399:31 through 3399.37. LCTCS 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. The statutory provisions and this Policy shall supersede any inconsistent provision in an institution’s policy.

All institutions subject to this Policy shall adopt an institutional policy in accordance with all applicable laws and this Policy. Each institution’s policy must comply with applicable laws and regulations, and must be amended to reflect any subsequent changes to laws and regulations or this Policy. Each institution shall begin establishing policies and procedures in full compliance with this Policy no later than the beginning of the 2018-2019 academic year. The institutional policy of each member institution shall be forwarded to the LCTCS and the Louisiana Board of Regents (BoR) by the end of calendar year 2018.

Institutional Policies

Each institution’s policy must contain, at a minimum, the following:

1. A statement that the institution shall strive to ensure the fullest degree of intellectual freedom and free expression, allowing for all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions 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. A statement that it is not the proper role of an institution 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. No institution shall 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:
 - a. Affirm and adhere to the organization's sincerely held beliefs;
 - b. Comply with the organization's standards of conduct;
 - c. Further the organization's mission or purpose, as defined by the organization.
 3. A provision that 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. College policies should clearly define any time, place, and manner restrictions.
 5. A provision that 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. A provision that any person lawfully present on a campus may protest or demonstrate there.
 7. A provision that 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 shall not be permitted.
 8. A provision that the public areas of campuses of each institution are traditional public forums that are open on the same terms to any speaker. College policies should define what constitutes a public area on their campuses. 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. A provision that the policy supersedes and nullifies any provision in the policies and regulations of any institution that restricts speech on campus and that any such provision is therefore inconsistent with this policy on free expression. Each institution shall remove or revise any such provision in its policies and regulations to ensure compatibility with this policy on free expression.

10. Colleges should provide information regarding the procedures whereby a person aggrieved by a violation of the institutional policy on free expression may seek relief.

Publication and Dissemination

College policies on campus free expression should be made public in the institution's handbook, on its website, and through student orientation programs. They should be incorporated in the materials, programs, and procedures provided to all employees and students.

Reporting Requirements

Each college shall submit a report on the implementation of the new free expression policy to the LCTCS by January 1, 2019, and, subsequently, on an annual basis by August 1. Annual reports beginning August 1, 2019 should include any barriers to or incidents against free expression that occurred at the institution during the previous year. The report shall detail the barrier or incident as well as actions taken in response to the barrier or incident. If an institution is sued for an alleged violation of a right guaranteed by the First Amendment of the Constitution of the United States of America, the institution shall submit to the LCTCS a supplementary report with a copy of the complaint within 30 days of receipt of the complaint. The LCTCS will submit all reports related to campus free expression to the Governor and the Legislature on behalf of its member institutions.

Compliance

Failure to comply with any applicable laws and regulations, including those listed above, shall constitute a failure to comply with this Policy. Each member institution shall make all due diligence efforts to comply with applicable laws and regulations, including those listed above. While the provisions of the laws listed above are mandatory components of the institutional policy, institutions may supplement the provisions of this Policy as necessary, but any such supplemental provision shall comply with the laws and this Policy.