



LOUISIANA DELTA

COMMUNITY COLLEGE

POLICIES & PROCEDURES

Title: SPEECH AND FIRST AMENDMENT PROTECTED EXPRESSIVE ACTIVITIES ON CAMPUSES

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Department: Student Services

Purpose

Louisiana Delta Community College (LDCC) deems the free and open inquiry into all matters fundamental to the mission of higher education. It is committed to preserving the lawful, free expression of ideas at all of its campuses, subject only to reasonable time, place, and manner restrictions.

Scope

The entire College community.

Policy

Louisiana Delta Community College (LDCC) deems the free and open inquiry into all matters fundamental to the mission of higher education. It is committed to preserving the lawful, free expression of ideas at all its campuses, subject only to reasonable time, place, and manner restrictions. This Policy applies to Louisiana Delta Community College (LDCC) and campus sites.

Procedures

Louisiana Delta Community College (LDCC) and campus sites shall allow and protect non-commercial expressive activities by students, administrators, faculty members, staff members, and invited guests per all applicable laws and this policy.

For the purposes of this Policy, the definition of key terms and other mandatory provisions shall remain consistent 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. LDCC hereby adopts this policy on free speech and First Amendment protected expressive activities on the campuses of public postsecondary education institutions ("Policy").

Louisiana Delta Community College (LDCC) will amend this policy to reflect any subsequent changes to these statutes. In cases of inconsistency, the statutory provisions shall supersede any inconsistent provision in 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 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 Act 666 of the 2018 Regular Session, Act 727 of the 2022 Regular Legislative Session of the Louisiana Legislature, and Act 584 of 2024 codified at Louisiana Revised Statutes 17:3399.31 through 3399.41, relative to free expression on college campuses, Louisiana Delta Community College (LDCC) will uphold the following provisions. LDCC will amend this Policy to reflect any subsequent changes to these statutes. In cases of inconsistency, the statutory provisions shall supersede any inconsistent provision in this Policy. The statutory provisions and this Policy shall supersede any inconsistent provision in an institution's policy.

LDCC shall adopt an institutional policy in accordance with all applicable laws and the Louisiana Community and Technical College System. LDCC will comply with applicable laws and regulations, which must be amended to reflect any subsequent changes to laws and regulations or this Policy. The College policy will be forwarded to the LCTCS and the Louisiana Board of Regents (BoR).

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) **"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.
- (3) **"Student"** means any person who is enrolled on a full-time or part-time basis in a public postsecondary education institution.

(4) **"Student-on-student discriminatory harassment"** means unwelcome conduct that targets its victim based on 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.

(5) **"Student organization"** means an officially recognized group at a public postsecondary education institution or a group seeking official recognition comprised of admitted enrolled students.

(6) **"Faculty"** means Any person currently under contract or agreement to teach or instruct at least one course or training opportunity.

(7) **"Limitations on time, place, and manner"** Expressive activities cannot be conducted outside designated free speech areas. Expressive activities shall not accost in an offensive manner or assault persons in college public areas such as walkways and parking lots. Individuals and/or groups may not engage in expressive activities in pedestrian or vehicular traffic thruways, including but not limited to parking lots, sidewalks, and roadways, in a manner that creates a traffic hazard, obstruction, or safety issue.

(8) **"Interference with classes, meetings, events, or ceremonies or with other essential processes of the College"** Expressive activities must maintain a distance from the College so that they do not materially disrupt the classes, events, meetings, or ceremonies and individuals' ingress and egress to the same.

(9) **"Lawfully present"** means any person who does not have a restriction from federal, state, or city authorities. Limitations may include but are not limited to court-ordered protective orders or legislation. Persons who are engaged in stalking of students, employees, staff, or faculty, or who are engaged in other criminal activity, are not "lawfully present" on campus.

(10) **"Free speech and First Amendment Expressive 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:

(a) 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.

(b) 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.

(c) Any criminal activity that is prohibited under Title 14 of the Louisiana Revised Statutes of 1950 or any other provision of state law with criminal penalties.

(11) **"Material and substantial disruption"** means when a person, with the intent and knowledge of doing so, significantly hinders expressive activity, 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:

(a) 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.

(b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity, a free speech and First Amendment-protected expressive activity.

Policy Statements

1. Louisiana Delta Community College 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, threats, or expressions directed to provoke and likely to produce imminent lawless actions.

2. It is not the proper role of LDCC 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.

LDCC 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:

- 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. 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, Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, within the limits on time, place, and manner of expression.

4. LDCC shall strive to ensure the fullest degree of protection for each student's political views and freedom of association-

5. Every professor or instructor at the institution shall be prohibited from imposing the

professor's political views on students in violation of R.S. 17:3399.39.

6. Any limitations on time, place, and manner shall be those that are necessary to achieve a significant institutional interest only, and that provides ample alternative means of expression.

7. 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 institution's functioning, subject to any required permit procedures.

8. Any person lawfully present on campus may protest or demonstrate there, subject to any required permit procedures.

9. Designated free speech areas are the specific locations on all LDCC campuses that are either traditional public forums or that have been allocated to serve as a space for students, faculty, staff, and members of the public to engage in expressive activities. Designated free speech areas are open to any speaker without discrimination as to the content or viewpoint at such times when the areas are not being used for official LDCC activities.

10. The College shall prohibit student-on-student discriminatory harassment. An institution is prohibited from sanctioning/disciplining a student's expression as a student-on-student discriminatory harassment unless the expression meets the definition above.

11. The College prohibits/limits/restricts unprotected expressions, such as true threats or expressions directed to provoke and likely produce imminent lawless actions.

12. LDCC is not prevented from responding, through non-punitive actions, to student expression that does not meet the definition of student-on-student discriminatory harassment.

13. The College will uphold other policies prohibiting stalking or other criminal activity.

14. A detailed explanation of the appeal procedure. The appeal procedure should explain how and when an **aggrieved person** can appeal. All complaints regarding freedom of expression should be forwarded to the Dean of Student Success Services, who will investigate the matter and determine whether the case should be forwarded to the Disciplinary Hearing Panel. If the case is heard by the Disciplinary Hearing Panel and the student is not satisfied with the decision, the student is allowed to appeal. The student's appeal should be written to the Dean of Enrollment Services.

15. The permit process is administered through the Department of Student Success services to grant any individual or group exclusive control of a location for an expressive activity at a reserved time. A security fee may be charged based on the time/location/anticipated size of the event. Individuals must abide by the permit requirement for Free Speech Events Policy Provision.

16. Information regarding the procedures whereby a person aggrieved by violating institutional policy on free expression may seek relief. Under 4.01:04 of the LDCC Code of Student Conduct, students have the right to a formal appeals procedure. This procedure allows students to request reconsideration of an action taken by the College.

Policy Provision: Permit Requirement for Free Speech Events

Section 1: Purpose This provision aims to ensure campus safety, order, and the efficient use of college facilities while respecting the right to free speech.

Section 2: Definitions

- **Free Speech Event:** Any gathering, demonstration, rally, or public speech intended to express views or opinions on college property.
- **Permit:** Official authorization issued by the college administration.

Section 3: Permit Requirement

1. **Threshold:** Any free speech event expected to attract 50 or more participants must obtain a permit.
2. **Application Process:**
 - **Submission:** Event organizers must submit a permit application at least 15 days prior to the event.
 - **Information Required:** The application must include the event's purpose, date, time, location, estimated number of participants, and any special circumstances (e.g., sound amplification).
3. **Review and Approval:**
 - **Criteria:** Permits will be reviewed based on campus safety, potential disruption to academic activities, and availability of college resources.
 - **Decision:** The college administration will approve or deny the permit within 7 days of submission.
4. **Conditions:**
 - **Compliance:** Event organizers must comply with all college policies and regulations.
 - **Liability:** Organizers are responsible for any damage or cleanup costs resulting from the event.

Section 4: Enforcement

- **Penalties:** Failure to obtain a permit for a qualifying event may result in fines, cancellation, or other disciplinary actions.

Section 5: Appeals

- **Process:** Denied applicants may appeal the decision within 5 days of notification. An independent committee will review appeals.

Laws, Regulations, and Related Policies

R.S. 17.3399.38.

Conflict with Other Laws

1. The provisions of this Part shall supersede and control to the extent of any conflict with any other provision of law. They shall govern a public postsecondary education institution's obligation to address all forms of discriminatory harassment perpetrated by one student on another, including sexual harassment.
2. Nothing in this Section shall be construed to limit or deny any protections or remedies available to a student pursuant to any other provision of law.

La. R.S. 17: 3399.32. Expressive Free speech and First Amendment-protected expressive activities; public postsecondary education institutions, protected

Free speech and First Amendment-protected expressive activities at public postsecondary education institutions by students, administrators, faculty members, staff members, and invited guests are protected, pursuant to the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana.

La. R.S. 17: 3399.33. Freedom of association; religious liberty; faith-based student organizations; political or ideological belief-based organizations

A. No public postsecondary education institution shall deny a political or ideological belief-based organization or a religious or faith-based student organization any benefit or privilege available to any other student organization or otherwise discriminate against a political or ideological belief-based organization or a faith-based organization based on the expression political, ideological, or religious beliefs of the organization.

B. No public postsecondary education institution shall engage in discrimination on the basis of political, ideological, or religious beliefs against any organization or the organization's leaders or members of the organization in a manner that does any of the following:

- (1) Restricts the organization's sincerely held religious beliefs or the political or ideological beliefs of the organization.
- (2) Restricts compliance with the organization's standards of conduct with respect to free speech and First Amendment-protected expressive activities.
- (3) Restricts the organization's mission or purpose, as defined by the organization with respect to free speech and First Amendment-protected expressive activities.
- (4) Requires the organization to accept elected officers, choose leaders, or accept members who are not members of the same religion or the same political party or who do not share the same ideological beliefs if to do so would violate the organization's standards of conduct.

La. R.S. 17: 3399.34. Institutional policies on free speech and First Amendment-protected expressive activities

Each public postsecondary education institution shall develop policies, regulations, and expectations of students regarding free speech and First Amendment-protected expressive activities on campus that are consistent with this Part and the policies of its management board. The policies shall outline the rights of students, administrators, faculty, and staff.

La. R.S. 17: 3399.39. Right to individual dignity: each student's right to be free from discrimination on the basis of political ideas, affiliations, or ideology.

A. Article I, Section 3 of the Constitution of Louisiana guarantees that each person, including a college or university student, has the right to "individual dignity" and further provides that protections are guaranteed against discrimination based upon the student's "political ideas or affiliations".

B. A public postsecondary education management board shall make reasonable efforts to protect students from discrimination on the basis of political ideas, affiliations, or ideology.

C. No professor or instructor who teaches a class to students at an institution of higher education shall impose the professor's or instructor's political views onto students and, therefore, shall be prohibited from doing any of the following:

(1) Requiring a student to attend a political protest or engage in any other political activity outside the classroom that aligns with the political views of the professor or instructor.

La. R.S. 17: 3399.41. Remedies

A. The attorney general may obtain injunctive relief, a protective order, a writ of mandamus, or declaratory relief to prevent any violation of this Part. Should the attorney general prevail, the court shall award reasonable attorney fees and costs.

B. A student who is harmed in violation of this Part shall have a cause of action for remedies as provided for in this Subsection and may obtain appropriate relief, including but not limited to any of the following:

(1) Injunctive relief, protective order, writ of mandamus or a prohibition, or declaratory relief to prevent any violation of this Part. The court may waive the requirement that the student petitioner post bond to obtain injunctive relief for good cause shown.

(2) Actual damages.

(3) Recovery of reasonable attorney fees and costs.

Publication and Dissemination

Louisiana Delta Community College's policy on Speech and First Amendment-protected expressive Activities on Campuses will be made public in the institution's handbook, website, and student orientation programs. It will also be incorporated into all employees' and students' materials, programs, and procedures.

Reporting Requirements

LDCC will submit an annual report on the implementation of the new free expression policy to the LCTCS by August 1. Annual reports 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 LDCC is sued for an alleged violation of a right guaranteed by the First Amendment of the Constitution of the United States of America, LDCC 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. LDCC shall make all due diligence efforts to comply with applicable laws and regulations, including those listed above.

While 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. This policy and the provisions therein shall supersede and control to the extent of any conflict with any other provision of law and shall govern the LCTCS's obligation to address all forms of discriminatory harassment perpetrated by one student on another, including sexual harassment.

Appendix A - Bastrop Campus Free Speech Spaces



Appendix - B Jonesboro Campus Free Speech Spaces



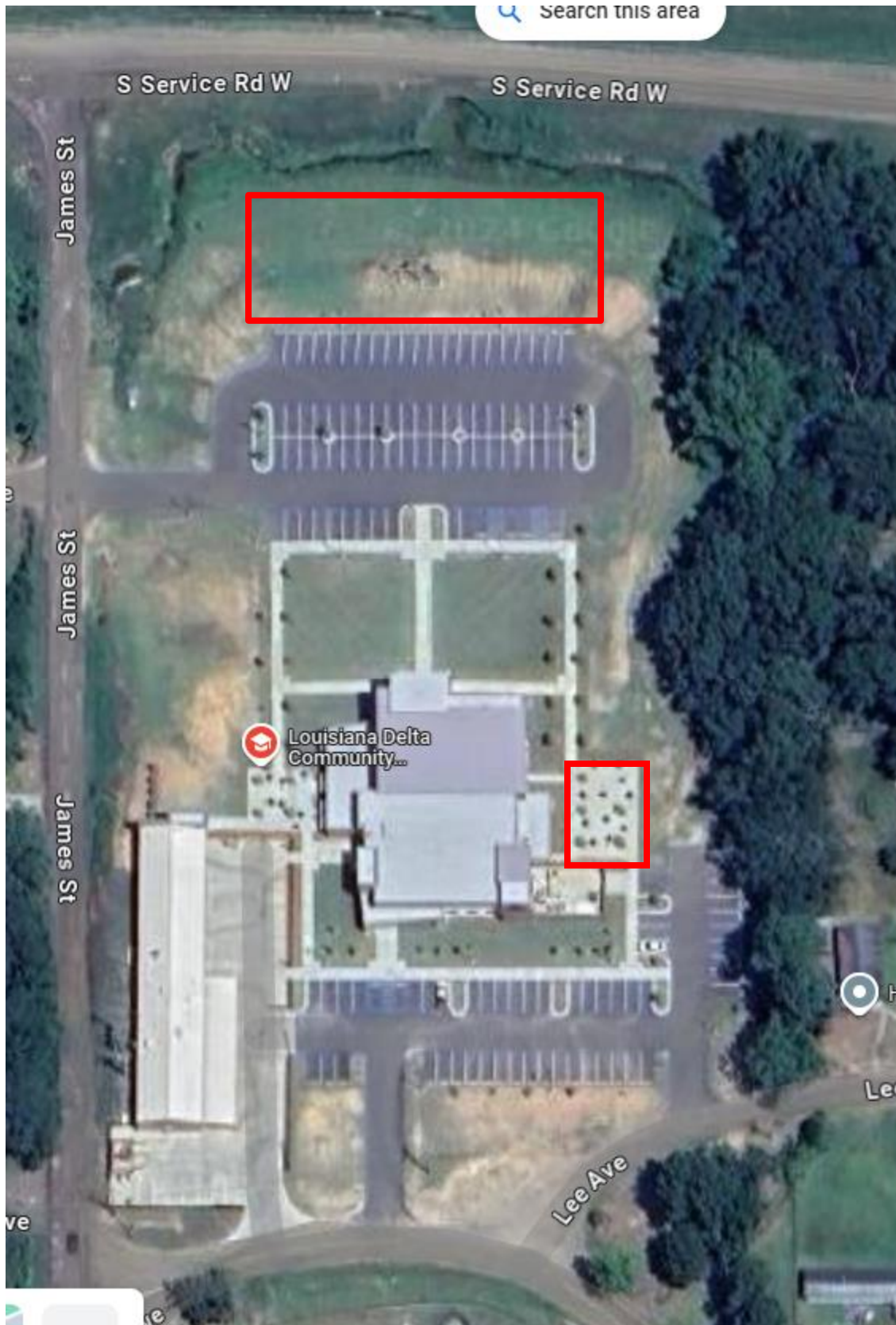
Appendix – C Lake Providence Free Speech Spaces



Appendix - D Monroe Campus Free Speech Spaces



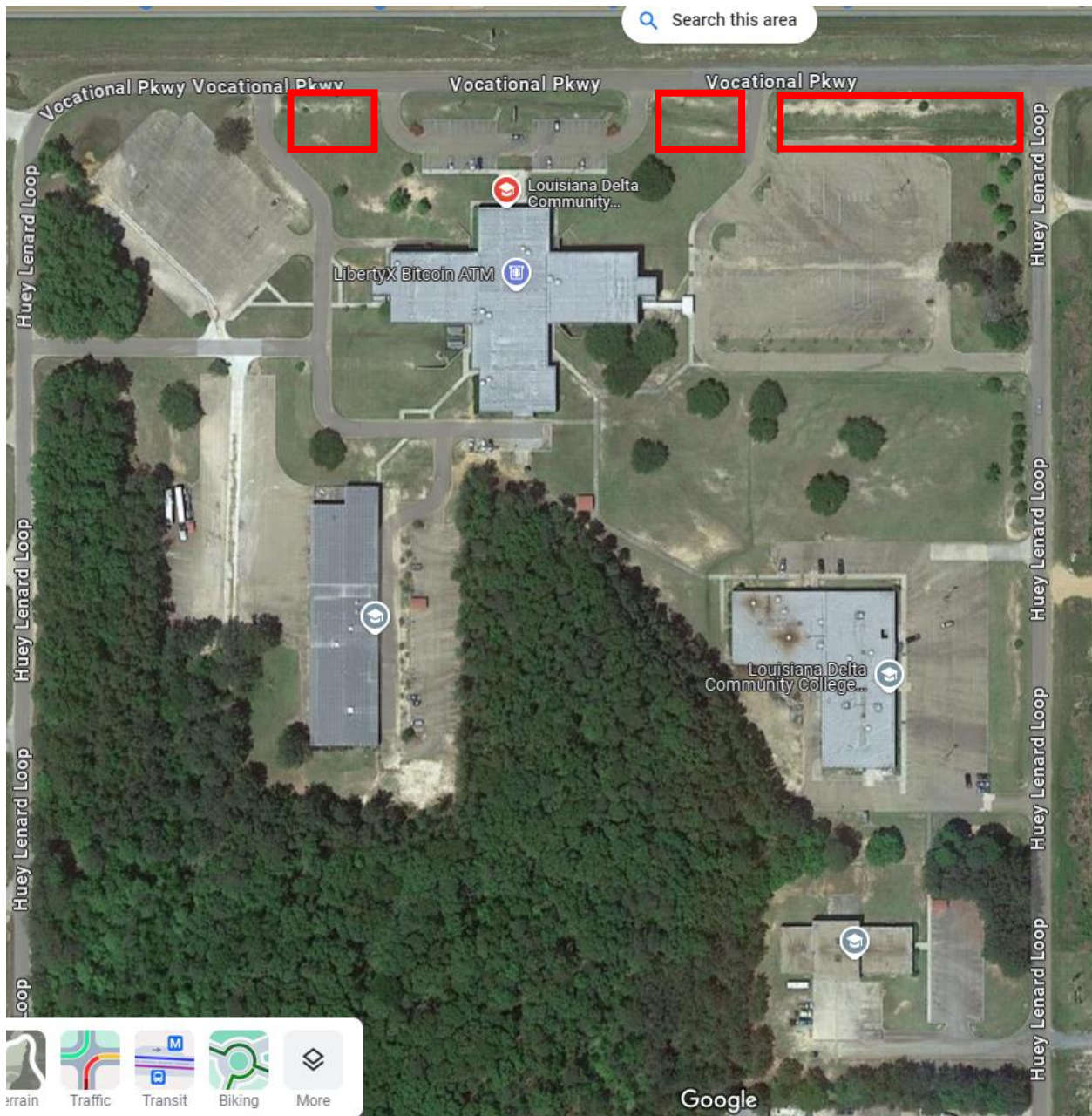
Appendix - E Ruston Campus Free Speech Spaces



Appendix -F Tallulah Campus Free Speech Spaces



Appendix – G West Monroe Campus Free Speech Spaces



Appendix – H Winnsboro Campus Free Speech Spaces

