

College Operating Procedures (COP)



Procedure Title: Freedom of Speech and Expression
Procedure Number: 01-0112
Originating Department: Office of the President

Specific Authority:

Board Policy
Florida Statute
Florida Administrative Code

Procedure Actions: Adopted: 12/02/2024

Purpose Statement: This procedure affirms FSW's commitment to freedom of speech and expression. The College values these rights and supports individuals engaging in lawful expressive activities, provided they do not disrupt the functioning of the College or infringe upon the rights of others.

Guidelines:

The College acknowledges and upholds protected expressive activities under the First Amendment to the U.S. Constitution. Demonstrations, assemblies, and information dissemination are valid expressions if they do not materially disrupt the academic and administrative functions of the College or infringe on the rights of others.

Procedures:

Freedom of Speech and Expression

Freedom of speech is a constitutional right as outlined in the United States Constitution, which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Freedom of expression aligns with the constitutional definition and is defined by the Campus Free Expression Act as, "any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; faculty research, lectures, writings, and commentary, whether published or unpublished; and the recording and publication, including the Internet publication, of video or audio recorded in outdoor areas of campus. Expressive activities protected by this section do not include defamatory or commercial speech."

FSW Code of Conduct

According to the FSW Code of Conduct, any demonstrations, whether by students, organizations, or non-FSW entities, must not unlawfully interfere with academic freedom or

freedom of speech. Intentional interference with the College's educational function is not permitted, except as allowed by law.

Definitions

- **Non-student** - any person or party who is not an affiliated person (e.g., businesses, non-profit organizations, independent contractors).
- **Affiliated person** - FSW faculty, staff, student, and/or administrator.
- **Student** - a person currently registered or enrolled in FSW classes
- **Groups** - groups officially recognized by the college through the Office of Student Engagement.
- **Speech** - any lawful oral or written communication directed to a general audience or nonspecific person.
- **Expression** - any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; faculty research, lectures, writings, and commentary, whether published or unpublished; and the recording and publication, including the Internet publication, of video or audio recorded in outdoor areas of campus.
- **Facility** - any defined college space, including a room, lab, building, or controlled outdoor area.
- **Rights and responsibilities** - as defined in the FSW Code of Conduct, "Students are both citizens and members of the academic community. Upon registration, all students are entitled to the following freedoms and/or rights provided that their exercise does not disrupt the orderly operation of the College:
 - Right to freedom of expression
 - Right to peaceful assembly
 - Right to a fair and impartial hearing
 - Right to appeal any administrative decision that adversely affects them
 - Right to participate in Student Government"
- **Commercial speech** - speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.
- **Alternative space** - , a time and place provided by FSW, for expressive events to preserve order and ensure participants' physical safety.

Scope

This policy applies to students, faculty, staff, administration, and non-students on any FSW campus. FSW Facilities include rooms, labs, buildings, or controlled outdoor areas. The College reserves the right to establish reasonable, viewpoint-neutral restrictions on the time, place, and manner of expressive activities, ensuring clear, published guidelines with ample alternative means of expression.

Policy

The College acknowledges and upholds protected expressive activities under the First Amendment. Demonstrations, assemblies, and information dissemination are valid expressions if they do not materially disrupt the academic and administrative functions of the College or infringe on others' rights.

Conditions for Exercising Free Speech and Expression

Individuals wishing to exercise their right to free speech and expression must adhere to the following conditions:

- Space must be reserved through FSW Event Services
- Spontaneous expression is permitted in outdoor areas such as sidewalks, walkways, and grassy areas between buildings as long as the conduct is lawful and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities or materially disrupt previously scheduled or reserved activities on campus.
- Information tables hosted by or with recognized student clubs and organizations are governed by policies related to college events and student clubs/organizations.
- Conduct that may materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities may include:
 - Violating student rights and responsibilities
 - Disrupting the educational environment
 - Activities that break federal or local laws and ordinances
 - Blocking/Barricading access to buildings/walkways, vehicular, bicycle, and pedestrian traffic (e.g. impeding ingress or egress to/from any campus location)
 - Forcibly detaining students, staff, faculty, administrators, and non-students
 - Damaging property
 - Use of sound amplification
 - Activities that threaten the safety of students, staff, faculty, administrators, and non-students
 - Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I of the Florida Constitution.

Alternative Spaces and Time, Place, Manner Restrictions

The College may provide alternative spaces for protesters attending an event to preserve order and ensure participants' physical safety. This policy allows the creation and enforcement of reasonable, content-neutral restrictions on the time, place, and manner of expression.

Disciplinary Action

FSW will not take disciplinary action against students based solely on the content of their speech or expression. However, if freedom of speech or expression violates college-related regulations and policies, participants may be subject to the conduct process. The College may request the violation to cease, relocate the activity, or enlist the assistance of the FSW Police Department if necessary. Disruptive actions may result in declaring a demonstration or assembly disruptive, disorderly, or in violation of the law, requiring participants to cease, desist, and vacate the FSW campus immediately.

Violations of this policy by faculty and staff shall be investigated by the Chief Human Resources Officer, and/or his/her designee and may result in disciplinary action.