



Operating Protocol-Procedure #: 817

Category: Facilities

Office of Primary Responsibility: Office of Dean of Student Success

Approval Date: 8/29/16

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Revised:

Purpose (Clearly state the rationale and purpose for this Operating Protocol)

This protocol sets out how to make arrangements for use of publicly available outdoor spaces for expressive activity in a constitutionally protected manner consistent with the needs of Pueblo Community College (PCC or College) to identify the appropriate time, place, and manner for these activities in order to coordinate multiple uses of limited space, provide adequate services to support the campus, maintain the safety and appearance of the campus, and preserve financial accountability.

Applicability (Identify to whom this Operating Protocol applies)

All Pueblo Community College students, staff, faculty, and members of the general public at the Pueblo, Fremont, and Mancos campuses. NOTE: The Durango campus is not subject to this protocol because the facility in which the campus resides is not owned or controlled by the Colorado Community College System (CCCS) or College.

Definitions (Define abbreviations, acronyms, and technical terms)

The following definitions apply for purposes of this protocol:

1. Amplified sound means sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing is subject to general requirements concerning disruption of official College activities.
2. Campus Community means employees, students, recognized student groups, and CCCS-affiliated entities.
3. Campus contact means the person through whom a member of the Campus Community arranges space for her/his official College activities and/or authorized activities in support of the College. For recognized student groups, this is the Director of Student Life and Leadership or the Student Services Director on the branch campuses. For employees or general public, this is the Conference Services Office or the appropriate branch campus designee. For CCCS-affiliated entities, this is the employee through whom they make arrangements for activities in support of the CCCS mission.
4. CCCS-affiliated entities means any foundation, partner, governmental agency, or nonprofit service provider acting in support of the Colorado Community College System mission in accordance with prior approval by the System or College president or designee.
5. College facilities means CCCS-owned and controlled buildings, grounds, space, property, and other facilities including but not limited to buildings and the space within and between buildings, parking lots, athletic facilities, sidewalks, lawns, fields, shelters, amphitheaters, and all other spaces where events may be held or activities may take place, or that may require services.
6. Expressive activities means the verbal or symbolic expression of an idea, thought, or opinion and may include speeches, assembly, vigils, picketing, distribution of literature, displaying hand-held signs and other similar activities intended to communicate an idea or opinion. It does not include commercial soliciting or vending. For those interested in commercial solicitation and vending, please refer to the operating protocol for solicitation and vending.
7. Official College activities means College or System activity undertaken by or under the authority of a College or System official within the scope of his or her duty as part of CCCS' mission.
8. Literature means any printed non-commercial material that is produced for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines,



but does not include the college bulletins or newsletters or official College material. Distribution of commercial literature is governed by the College’s solicitation and vending operating protocol.

- 9. Recognized student group means a student group that is recognized and authorized by the PCC Associated Student Government as an official College student group.

References	Attachments
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(List any related references such as State Board policies, state statutes, accreditation regulations, etc.)	(List any supporting documents related to this Operating Protocol/procedure including a process flow chart, if applicable)
State Board of Community Colleges and Occupational Education Policy BP 16-60 (Facilities Use)	None
System President Policy SP 16-60 (Surplus Property)	
PCC Operating Protocol OP-P 801 (Use and Reservation of Campus Facilities-Venues)	
PCC Operating Protocol OP-P 804 (Posting/Distribution of Printed Information)	

Operating Protocol (Please provide the statement of Operating Protocol. The Operating Protocol statement is the governing rule, principle, plan, or understanding that guides the procedure)

This protocol sets out the College’s rules for use of publicly available outdoor spaces for expressive activity. The protocol does not apply to indoor space as those spaces are dedicated to official College activities, authorized uses by recognized student groups and CCCS-affiliated entities, and rentals in accordance with PCC Operating Protocol OP-P 801 (Use and Reservation of Campus Facilities-Venues). Solicitation and vending uses are governed by the College’s protocol for solicitation and vending.

Pueblo Community College (PCC) recognizes that freedom of expression and assembly are important aspects of the educational experience. PCC provides opportunities for discourse, debate, sharing of ideas, and other expressive activities while operating and maintaining an effective, safe, and efficient institution of higher education.

College facilities are, first and foremost, for official College activities and authorized activities of recognized student groups and CCCS-affiliated entities. Publicly available outdoor space identified in this operating protocol is also available for assembly and expressive activity in accordance with law, CCCS System policy and procedure, and this operating protocol and procedure. NOTE: The Durango campus is not subject to this protocol because the facility in which the campus resides is not owned or controlled by the Colorado Community College System (CCCS) or College.

- Internal campus controlled streets and walkways are for:
1. public ingress and egress and egress for activities open to the public,
 2. public use in conjunction with reservations in accordance with this operating protocol and procedure, and
 3. official College activities and authorized Campus Community activities.

Members of the Campus Community or the general public wishing to use publicly available outdoor space, whether for official/authorized College activities or for other expressive activities, should arrange use through PCC Conference Services or the appropriate branch campus designee.

Members of the general public and the Campus Community may reserve the following publicly available outdoor spaces for expressive activity:

- PUEBLO CAMPUS**
- Any College parking lot
 - The amphitheater

- The courtyard bordered by the Dr. Davis Academic Building, the Medical Arts and Technology Building, the Student Center, and Orman Avenue
- The courtyard bordered by the Central Administration building, the San Juan Building, the Gorsich Advanced Technology Building (GATC), and Orman Avenue
- The courtyard bordered by the GATC parking lot, the GATC, the power plant, and Orman Avenue
- The field bordered by the tennis courts, Parking Lot 8, West Pitkin Avenue, and Arthur Street

FREMONT CAMPUS

- The parking lot
- The area bordered by Highway 50, the entrance road to the campus, the campus building, and the north border of the campus

SCCC-WEST (Mancos)

- The parking lot
- The area bordered by the roadway leading to the parking lot, the parking lot and main building, the east border of the Campus property, and the south border of the Campus property

If the above-described space(s) is unsuitable for the proposed activity because of logistical, support services, or safety concerns, the College will work with the requester to identify and reserve other suitable space on campus on a case-by-case basis.

In addition to the above spaces available for reservation by members of the general public and the Campus Community for expressive conduct, students may assemble in groups of 25 or fewer for spontaneous expressive activity without a reservation, on College walkways and outdoor common areas, so long as they remain at least 50 feet from building entrances and otherwise conduct their expressive activities in a manner consistent with this protocol.

Provisions

The following provisions apply to the use of publicly available outdoor space for expressive activity:

1. Those planning to engage in expressive activities as a group or individuals to attract attention of passers-by must reserve appropriate outdoor space for a proposed activity at least 24 hours in advance. Reservations, including expected number of attendees and the proposed manner in which the activity will be conducted assists the College in identifying an appropriate location and time, thus avoiding conflicts that could require rescheduling an activity and permit the College to evaluate necessary services and costs. Where an activity requires more than a nominal increase in services to accommodate the event, or results in damages, the additional costs of such services and/or damages may be assessed to the individual or group reserving the space.
2. Space is available for reservation and activities only during the normal business hours of 8:00 am – 5:00 pm on weekdays – Monday through Friday. To allow for a diversity of information and perspectives, no one may reserve more than five consecutive days and fifteen days total for a semester.
3. Upon arrival on the day of the reservation or activity, the individual making the reservation must check in with:
 - Pueblo Campus: PCC Conference Services located in the Student Center in Room 234.
 - Fremont Campus: Assistant to the Campus Dean located in Room A107.
 - SCCC-West Campus: Dean's Office inside the main entrance.
4. Persons must abide by all applicable laws, policies, procedures, and protocols and not block or otherwise interfere with the free flow of vehicular, bicycle, or pedestrian traffic.
5. Persons must not engage in activity that defames, is obscene, incites violence, or threatens physical harm.
6. Persons must not obstruct, disrupt, interrupt, or attempt to force the cancellation of any event or activity.

7. Persons shall comply with the directions of a College official or law enforcement officer acting in the performance of his or her duty.
8. Amplification is not permitted unless prior arrangement has been made through the reservation process for the activity to take place at a time and place where the amplification will not interfere with official College activities or the space is being rented and the rental agreement provides for amplification. No individual or group will be permitted to use amplification that interferes with official College activities.
9. Signs, images, and demonstrative items or artwork used in connection with the activity must be hand-held. They may not be affixed to College facilities. No structures may be used or erected.
10. Persons on campus may be required to provide upon request picture identification and provide information regarding their status as a student or employee.
11. Campaign fundraising is not allowed.
12. Candidates for public office may not use student groups to directly or indirectly secure the use of College facilities for no cost or at a reduced rate for campaigning in violation of law. Candidates may rent available facilities or solicitation or vending space in accordance with PCC Operating Protocol OP-P 801 (Use and Reservation of Campus Facilities-Venues) and protocol for solicitation and vending.
13. To avoid the appearance that the College supports or opposes a particular candidate, ballot issue or referred measure, College facilities may not be used for collecting signatures for ballot initiatives referred measures, or candidate petitions, except when the collector rents space in accordance with PCC Operating Protocol OP-P 801 (Use and Reservation of Campus Facilities-Venues) or protocol for solicitation and vending. Streets and sidewalks abutting campus property that are under local government's jurisdiction are available for signature collection in accordance with Federal, State, and local law.
14. When College facilities are reserved for an activity by a candidate or by a group or individual advocating for or against a candidate for an elected office, or a ballot issue or referred measure, a disclaimer is required on printed material announcing the event and at the location that CCCS and the College do not endorse the candidate, or the ballot issue or referred measure. Any opposing candidate or advocacy group will be offered a similar opportunity to reserve College facilities.
15. Regarding the distribution of Literature:
 - Distribution of non-commercial literature is considered an expressive activity and may take place by reservation in publicly available outdoor space identified for expressive activity in accordance with this protocol or in conjunction with a reservation of vending and solicitation space rental. College property, such as parking lots and internal campus walkways and other outdoor spaces are for supporting official College activities and for authorized activities of the Campus Community and are not available to the general public for distribution or commercial or non-commercial literature. Streets and sidewalks abutting College property that are under a local government's jurisdiction are available for distribution of literature in accordance with Federal, State, and local law.
 - Those distributing literature may not continue to approach anyone who has indicated a lack of interest, follow or stop anyone, shout, or interfere with any person's progress.
 - Those distributing literature should be considerate about collecting any litter that may be generated as a consequence of their distributions and are expected to collect literature that is left over or that is on the ground in the area in which it is distributed.
 - Literature distributed on campus that contains the College's name or acronym in the organization's

name or that contains any reference to being affiliated with the College, or references an activity as taking place at the College, must include the statement that the literature is not an official College publication and does not represent the views or official position of the College

Refusal of a Reservation

On the Pueblo Campus, PCC Conference Services monitors and responds to requests to reserve outdoor space. On the Fremont Campus, the Special Assistant to the Campus Dean monitors and responds to request to reserve outdoor space. On the SCCC-West Campus, the Administrative Assistant in the Dean's Office monitors and responds to requests to reserve outdoor space. When deemed appropriate by PCC Conference Services or the branch campus designee, a requester may be asked to meet with the Dean of Student Success for the Pueblo Campus or the branch campus Dean at the Fremont Campus or the SCCC-West Campus to clarify the request before a reservation is made so as to assist the requester to conform the request to the requirements of law, policy, procedure, and this operating protocol, and to discuss time, place, and manner considerations for effective communication that protects the safety of the requester, the Campus Community, and any visitors. The Dean of Student Success or branch campus Dean may refuse a reservation request for the following reasons:

1. Conflict with an earlier request to reserve the same space at the same time.
2. Failure to conform to the requirements of law, CCCS policy, PCC procedures, or this protocol.
3. The requested space is being used for an official College activity or previously reserved use.
4. An adjacent space is being used for an official college activity or a previously reserved use that renders the requested space unsuitable for the proposed activity.
5. The "Publicly Available Outdoor Space Request Form" is incomplete.
6. The request alone or cumulatively with other request exceeds more than fifteen days in a semester or is for more than five consecutive days.
7. Lack of resources necessary to support an activity in a manner that preserves College facilities and protects the safety of the campus.

Refusal of a reservation request will not be based on the viewpoint of the proposed activity.

Request for Review of Refusal of a Reservation

If a request for a reservation is refused by the branch campus Dean or the Dean of Student Success, the requester may request a review of the refusal by the Chief Business Officer for the College. The Chief Business Officer's decision is final.

Cancellation of an Activity

Activities that commence without a reservation may need to be moved or cancelled if the size and nature of the event cannot be accommodated without jeopardizing the safe and orderly operations of the campus or a previously scheduled use of the space.

If an activity attracts more attendees than can be effectively managed by available staff and/or resources, or is otherwise occurring in a manner that fails to observe this operating protocol, a College official acting in the performance of his or her duty shall determine appropriate action up to and including directing individuals in violation of this operating protocol to leave campus or disperse.

Any participant who fails to leave the campus or disperse after having been requested to do so by a College official or law enforcement officer acting in the performance of his or her duty may be subject to arrest and/or issued a no trespass order. Students and employees also may be subject to discipline up to and including suspension or expulsion for students and dismissal or termination for employees.

This protocol provides operational directives that interpret CCCS Board Policies and System President Procedures. It does not create, nor shall it be construed to create, an express or implied contract or a guarantee or promise of any specific

process, procedure, practice, or benefit. To the extent that any provision of the protocol is inconsistent with Federal or State law, State Board for Community Colleges and Occupational Education Policies (BPs) or Colorado Community College System President's Procedures (SPs), the law, BPs and SPs, shall, in that order, take precedence, supersede and control. BPs and SPs are subject to change throughout the year and are effective immediately upon adoption by the Board or System President, respectively. The College reserves the right to modify, change, delete, or add to this protocol as it deems appropriate.

Procedure

1. Those planning to engage in expressive activities as a group or individuals must request to reserve an outdoor space for a proposed activity at least 24 hours in advance of the proposed activity. Reservation requests should be made by contacting:
 - Pueblo Campus: PCC Conference Services located in the Student Center in Room 234 (719-549-3074).
 - Fremont Campus: Assistant to the Campus Dean located in Room A107 (719-296-6106).
 - SCCC-West Campus: Dean's Office inside the main entrance (970-564-6219).
2. Reservation requests must include the expected number of attendees and the proposed manner in which the activity will be conducted in order to assist the College in identifying an appropriate location and time, evaluating necessary services and costs, and avoiding conflicts for previously scheduled events or activities.
3. The College will determine the location and specific time of the proposed activity. If the space(s) is unsuitable for the proposed activity because of logistical, support services, or safety concerns, the College will work with the requester to identify and reserve other suitable space(s) on campus on a case-by-case basis.
4. The College will provide a confirmation once an agreed-upon location, date, and time has been set and provide a list of the provisions detailed in this protocol that the group or individuals must abide by. Where an activity requires more than a nominal increase in services to accommodate the event, the College will notify the requester of the additional costs that will need to be paid in advance. If the event results in damages to college property, damages may be assessed to the individual or group reserving the space.
5. Upon arrival on the day of the reservation or activity, the group or individuals must check in with the PCC Conference Services Office or the appropriate branch campus designee with whom the reservation was made.