

**THREE RIVERS COLLEGE
GENERAL ADMINISTRATION REGULATION**

| | |
|---|---------------------------|
| Section: 1000 General Administration | |
| Sub Section: 1200 Equal Opportunity | |
| Title: GAR 1201 Free Speech and Assembly | Page 1 of 5 |
| Primary Policy: GAP 1201 Free Speech and Assembly | |
| References: MO. Senate Bill NO. 93; "Campus Free Expression Act"; Addendum "Application for Commercial Activity on Campus Form" | |
| Supersedes: NA | |
| Responsible Administrator: College President | |
| Initial Approval: 10-10-2012 | Last Revision: 09-21-2016 |

Three Rivers College upholds the first amendment rights of free speech and the right to assemble peaceably on college property. However, such rights are not absolute, and the rights to regulate time, place and manner of such expressions on college campuses is well-established. In order to honor the right of free speech and expression to the entities that wish to communicate with students and employees of the college in a peaceful manner, while protecting against the intrusion upon or interference with the academic programs and administrative processes of the college, the following regulation has been adopted.

Three Rivers College has the right to:

- Restrict expressive activities that violate local ordinances or state or federal laws;
- Restrict expressive activities that disrupt traffic on campus or obstruct access to campus locations;
- Restrict speech that is not entitled to "protected" status, such as speech/expression that consists of obscenity, fighting words, threats of physical harm, or incites imminent violence; and
- Restrict expressive activities that substantially and materially disrupt the functioning of the college.

Three Rivers College strictly prohibits disruption of the teaching and learning environment, interference with the efficient operation of the college, or the daily work of college employees and others. This includes any disruptive manner of solicitation and the distribution of commercial literature on all college properties.

As cited in the "Campus Free Expression Act", any person who wishes to engage in noncommercial expressive activity on campus "outdoor space" shall be permitted to do so freely, as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the institution. The outdoor areas of the campus are open to the public however, may be subject to restriction of reasonable time, place and manner per College Policy and Regulation 1201.

All entities agree to the following rules and restrictions. Failure to follow any of the rules and restrictions can result in loss of privileges to assemble or distribute materials in the future.

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Definitions

"Application" shall mean the Application for Distribution of lawful and non-disruptive Commercial Activity on Campus Form.

"Applicant" shall mean any person submitting an Application as defined herein and may include an agent or authorized representative; this definition may include an Entity or Distributor.

"Designated Areas" shall mean those areas of the campus that have been designated as public areas where distribution of commercial Materials may be permitted upon prior authorization by the college president.

"Distributor" shall mean any person intending to distribute Materials on behalf of an Entity as defined herein; this definition may include an Entity or Applicant.

"Entity" shall mean any individual or organization not affiliated with Three Rivers or a registered student organization with the college.

"Indoor Space" where solicitation or distribution of noncommercial materials may not be freely permitted and includes all college locations classroom space, hallways, foyer areas, gymnasium, Library, offices, bookstore, welcome center, stairways, restrooms, testing center, computer labs, theater, student housing, athletic locker rooms and any other enclosed college property.

"Materials" shall mean any lawful and non-disruptive printed material, including any newspaper, magazine or other publication, and any leaflet, flyer or other informal printed matter intended for distribution or actually distributed on campus outdoor areas.

"Outdoor Areas" college property is also known as the campus grounds and is the only college space where non-disruptive and lawful freedom of expression such as solicitation or distribution of noncommercial materials may be freely permitted.

"Reservation" shall mean the authorized retention of a single calendar date for the distribution of commercial Materials.

"Solicitation" approaching or summoning individuals for the purpose of gaining support, collecting information, or engaging in the sale or marketing of products and services.

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Application Process for a Commercial Entity:

Any individual or group seeking to distribute materials or assemble for a commercial purpose on the grounds of any Three Rivers College location shall complete an application. The application form is available at the Communications Department Office located on the Poplar Bluff campus of the college. Upon request, the Communications Department Office will provide said commercial group a copy of the form by mail, fax, or e-mail. The Communications Department of the college shall seek the approval of the college president.

The application shall contain:

1. The entity's name and address, phone number and e-mail address when available;
2. The proposed date, time and location for each reservation;
3. The name(s) and address(es) when available for the applicant and each of the proposed distributors as well as the e-mail address for the applicant when available; and,
4. The signature of the applicant completing the form.

Copies of all materials to be distributed must be attached to an application and approved, under the guidelines set forth below, before any materials may be distributed.

The fully executed application with attachments shall be submitted to the College Communication Department, either in paper form or via electronic transmission, five business days prior to the requested registration date. Reservations shall be approved on a first come, first served basis, not to exceed reservations that in the aggregate allow two (2) distributors at the main campus during any given day. No single reservation may include more than four (4) distributors and no entity and/or applicant may have more than one (1) reservation during any given day. Due to the size of their various locations, college sites and the educational centers shall not have more than one (1) distributor during any given day and the reservation may include no more than two (2) distributors during any given day and no entity and/or applicant may have more than one (1) reservation during any given day. The college president reserves the right to deny any application not in the best interest of the college.

Content of Commercial and Non-commercial Materials:

No materials shall:

1. Contain any writing or visual image that is obscene as defined by local, state or federal law,

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or is within the definition of obscenity as set forth in decisions of the United States Supreme Court;

2. Contain any statement(s) that defame(s) any other person; or
3. Contain any statement(s) directed to inciting or producing imminent violations of law under circumstances such that the statements made are likely to actually and imminently incite or produce violations of law; or
4. Contain any statement(s) directed to inciting or producing actual and imminent material disruption of classwork, substantial disorder or invasion of the rights of others or the learning environment of the college.

Prohibited Behavior:

No person shall, with the intent to harass, annoy or alarm another person. The following is a non-exhaustive list of prohibited behaviors:

- Strike, shove, kick or otherwise subject a person to unwanted physical contact; or
- Attempt or threaten to strike, shove, kick or otherwise subject a person to unwanted physical contact; or
- Make an offensively coarse utterance, gesture or display or address abusive language to any person present; or
- Make an offensively loud noise or use artificial sound enhancers such as mega-phone, amplifier or speakers that disrupts the learning environment.
- Follow a person in or about the campus in an effort to cause such person to accept material when such person has rejected the receipt of such material or otherwise clearly indicated a refusal to accept such material.
- No distributor may deliberately impede the flow of pedestrians or vehicular traffic on a college location or access to or from a college location, buildings or any official college function.

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DOCUMENT HISTORY:

- 10-10-2012:** Initial approval of regulation GAR 1201 Free Speech and Assembly.
- 08-27-2015:** Revised to reflect the "Campus Free Expression Act" MO. Senate Bill NO. 93, effective August 28, 2015
- 09-21-2016:** The College Board of Trustees approved the name change of the college from Three Rivers Community College to Three Rivers College.

Three Rivers College

APPLICATION FOR Commercial Activity on Campus

Date of Request: _____ Name of Entity: _____

Name of Person Completing this Application: _____

Address: _____

Phone: _____ Email: _____

Copies of Materials to be distributed attached? Yes _____ No _____

If no, why not? _____

DATE OF EVENT: _____ **Describe Activity:** _____

Persons involved in the assembly or distribution of materials not already listed on this application (A maximum of four (4) persons, including the applicant, may be involved in the distribution of any materials per reservation).

| | Distributor #1 | Distributor #2 | Distributor #3 | Distributor #4 |
|---------|----------------|----------------|----------------|----------------|
| NAME | _____ | _____ | _____ | _____ |
| ADDRESS | _____ | _____ | _____ | _____ |
| | _____ | _____ | _____ | _____ |

By signing this Application, I hereby acknowledge that I have read the Policy and Regulation (GAP 1201 and GAR 1201) on Free Speech and Assembly and agree to follow each and all of the conditions set forth in said Guidelines. I further state that I have the authority and permission to apply for this Reservation to assemble and distribute commercial Materials on behalf of the above-named business entity

Signature of Applicant: _____ **Date:** _____

The form may be submitted via email or mail.

Via email to cfranklin@trcc.edu

Via mail to Three Rivers College, ATTN: Carrie Franklin; 2080 Three Rivers Blvd.; Poplar Bluff, MO 63901