

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 4095

**PAGE** 1 of 3

**PROCEDURE TITLE:** Distribution of Literature

**STATUTORY REFERENCE:** Amendment 1 to the U.S. Constitution; § 1004.097, Fla. Stat.

**BASED ON POLICY:** I-1 Administration and Organization of Miami Dade College

**EFFECTIVE DATE:** March 28, 1978

**LAST REVISION DATE:** November 5, 2019

**LAST REVIEW DATE:** November 5, 2019

## I. PURPOSE

To define the process by which literature may be distributed at Miami Dade College within any Indoor Area or Restricted Outdoor Area.

## II. PROCEDURE

This procedure sets forth Miami Dade College guidelines for the distribution of literature on the campuses. It is the intent of the College by the use of this procedure, within the limits of public laws and the philosophy of the College, to assure freedom of speech and to provide for the exchange of written thoughts and ideas in a manner that does not disrupt the College.

### A. Campus Areas.


1. **Unrestricted Outdoor Areas:** Outdoor areas of each campus such as the grassy areas, walkways, and other common areas which are not otherwise restricted.
2. **Restricted Outdoor Areas:** Residences, offices, and classrooms with doors opening to any outdoor area, outdoor classrooms and training areas, maintenance areas, parking lots, and outdoor areas to which access is restricted due to operational or safety considerations. Restricted Outdoor areas also includes any outdoor area within 35 feet of any of the above described areas and the area within 35 feet of any Indoor Area.
3. **Indoor Areas:** include interior portions of any buildings, classrooms, interior hallways, administrative buildings, office spaces, auditoriums, libraries, parking garages, event centers, and recreational facilities.

B. Distribution of Literature:

1. Any person or group desiring to distribute more than 10 total pieces of written material within any Indoor Area or Restricted Outdoor Area on the same day obtain and complete an Activity Form. The Activity Form may be obtained from the Student Life Office at the respective campus where the individual or group wishes to distribute literature. The completed Activity Form should be returned to the Student Life Office at least 24 hours in advance of the intended date of distribution. Exceptions to this Procedure are literature matters sold in the campus bookstores under the authority of Miami Dade College, daily newspapers which are sold or provided for in approved locations on the campus, and publications which are sponsored under the official masthead of Miami Dade College.
2. The Activity Form shall be processed by the Student Life Office upon receipt and if not processed within 24 hours of such receipt is deemed to be processed.
3. Materials may be distributed pursuant to this Procedure at the following locations:
  - a. Designated distribution areas within the Indoor Areas and Restricted Outdoor Areas; or
  - b. From a College-provided or College-approved table in a designated distribution area on the campus specified in the Activity Form.
4. Literature may not be distributed pursuant to this Procedure in any Indoor Area or Outdoor Restricted Area not specifically designated by the College.
5. Any person distributing literature pursuant to this Procedure must not harass, stalk or force their literature on any person.
6. Literature may only be distributed when the campus is open for business and as may be further specified on the Activity Form.
7. The College may order any person or organization distributing literature to cease distribution when it would affect the health, safety, and welfare of individuals or property, which may include but is not limited to the following:
  - a. Where the distribution materially and substantially disrupts the functioning of the campus;
  - b. Where the distribution of materials would incite individuals so as to create a clear and present danger to persons or property;
  - c. Where the distributor(s) of literature litter, deface, damage, or destroy campus property;
  - d. Where distributor(s) of literature harass, stalk, or force their literature on any person(s);

- e. Where the distributor(s) of literature violate any applicable federal, state, and local laws or College policies or procedures; or
  - f. Where the distributor(s) of literature infringe upon the rights of other individuals or organizations to engage in expressive activities.
8. Distribution of literature in Unrestricted Outdoor Areas shall be subject to College Procedure 1409.

If distribution is stopped, the person(s) distributing literature may appeal this decision in writing to the Student Dean's Office of the relevant campus within five (5) College business days after being ordered to desist. The Student Dean's Office must issue a written decision on the appeal within five (5) College business days after receipt of the written appeal. The Student Dean's decision shall be final on behalf of the College. If the Student Dean's Office affirms the decision to stop distribution, the persons distributing literature may seek judicial review through the State courts.

	
11/5/2019	
<b>PRESIDENT</b>	<b>DATE</b>