



Use of College Facilities for Advocacy Purposes

Category:	Institutional/Public
Policy Number:	
Responsible Authority:	Corporate Services
Approval Authority:	CMC
Date of Original Policy Approval:	2017-04-28
Last Reviewed:	2017-04-27
Mandatory Revision Date:	2018-04-30

PURPOSE

The purpose of this policy (the “Policy”) is to outline terms and conditions for the use of College Facilities for peaceful Advocacy Purposes to ensure that College space is used efficiently and responsibly, in ways consistent with College values and priorities, and in a manner that does not interfere with normal academic activities.

This policy sets out parameters for managing the use of College Facilities for Advocacy Purposes and refers to circumstances where internal decision-making is required by the College, including where Facilities Management has received a request to book College Facilities and where “spontaneous” events take place at the College.

VALUE BASIS

This Use of College Facilities for Advocacy Purposes Policy aligns with the values of the college:

Learning Community – We foster an environment of reciprocal dialogue to ensure learning, solve problems and strengthen the George Brown Community.

Excellence – We commit ourselves to delivering a “George Brown standard” of quality and superior performance.

Accountability – We hold ourselves responsible to ensure the future sustainability of George Brown, academically and fiscally.

Diversity and Respect – We show mutual respect for each other within the community of George Brown including all of our stakeholders, in all of our behaviour.

SCOPE

The Policy applies to external groups and individuals wishing to engage in Advocacy or Demonstrations on College Facilities, and to non-academic internal groups seeking the same.

DEFINITIONS

This includes an explanation of terms and abbreviations used within the policy and procedure.

Word/Term	Definition
Advocacy	Expression protected under s. 2(b) of the <i>Charter of Rights and Freedoms</i> .
Demonstration	A public gathering of people to express an opinion or sentiment by explicit means such as picketing, parading, carrying signs or shouting, usually in favour of or opposed to some action or opinion.

Use of College Facilities for Advocacy Purposes

Expression	Any activity that conveys or attempts to convey meaning (intentionally defined broadly).
Advocacy Purpose	A purpose other than established student, faculty, and staff activities which are part of the course of regular College business including classroom activities, faculty and staff work and research activities, College committee meetings, regular meetings of student government, and other activities necessary to and a regular part of the business of the College, and includes “Special Events” as defined herein.
Prohibited Conduct	<p>Any of the following:</p> <ul style="list-style-type: none">(i) conduct prohibited by law, including but not limited to criminal conduct, (hate propaganda, degrading and dehumanizing pornography, the use of force or violence, threats, intimidation or property damage);(ii) conduct that compromises the College’s ability to maintain a safe and secure environment for all members of its community;(iii) conduct that impedes the conduct of the College’s academic activities, including teaching, research, support services, administration or other meetings authorized by the College;(iv) conduct that threatens the safety of the College community and its members;(v) conduct that occurs in private spaces, such as offices, classrooms, laboratories, and libraries;(vi) conduct that obstructs to or egress from buildings or spaces inside them that are generally open to members of the College community;(vii) conduct that risks damage or defacement of College Facilities;(viii) conduct that incites, aides, or encourages others to engage in Prohibited Conduct; and(ix) any conduct that is contrary to College policy or specific College direction.
Special Event	A gathering or activity on or using College Facilities that is not normally part of the regular business of the College. Special Events include Demonstrations, public displays, conferences, seminars, exhibits, theatre productions and concerts.
College	George Brown College
College Facilities	All buildings and grounds, including athletic and recreational fields, owned, leased or operated by George Brown College.

POLICY

General Provisions

- 1.1 The College has the right and responsibility to control and manage the use of and access to College Facilities in order to:

Use of College Facilities for Advocacy Purposes

- a. ensure a safe, respectful, and civil environment;
- b. provide for the College's essential academic operations;
- c. protect and maintain the physical assets of the College; and
- d. protect the reputation of the College.

1.2 Demonstrations and other Special Events for Advocacy Purposes at College Facilities are subject to the required approvals and limitations set out herein.

1.3 No person will engage in Prohibited Conduct while on or using College Facilities.

Approvals for use of College Facilities

2.1 A request for booking College Facilities for Advocacy Purposes (see Appendix B) must be made in advance (five business days or more) and in writing and submitted to Facilities Management.

2.2 The use of College Facilities for Advocacy Purposes must be approved in advance by Facilities Management.

2.3 The use of College Facilities for Advocacy Purposes may also be subject to the approval of Public Safety & Security, and any other College office as appropriate.

2.4 If the requesting person or organization is likely to engage in Prohibited Conduct, the request may not be approved. The College, in its sole discretion, may require a risk assessment in this regard.

2.5 The number or frequency of reservations for each person or organization may be limited to ensure reasonable access for all persons and organizations seeking to use College Facilities for Advocacy Purposes.

2.6 Normally, the priority ranking for the use of College Facilities is:

- a. Academic or administrative users,
- b. Academic invitees,
- c. Recognized College student groups; and
- d. Approved third parties, including visitors.

2.7 Space will not be booked to individuals or organizations who have outstanding payment balances to the College.

Terms and Conditions of Use

3.1 The requesting person or organization will agree to refrain from engaging in Prohibited Conduct.

3.2 The requesting person or organization will abide by any terms and conditions of use directed by the College, including limiting their activities to the particular location assigned for the event by the College.

3.3 The requesting person or organization will comply with the College's Human Rights Discrimination and Harassment Policy and Student Code of Conduct and Discipline.

Use of College Facilities for Advocacy Purposes

- 3.4 Facilities Management will consult with Public Safety & Security to determine if security is required. The requesting person or organization may be responsible for costs associated with security in respect of the activities in which they propose to engage.
- 3.5 Additional reasonable service charges associated with the use of College Facilities for Advocacy Purposes may be imposed.
- 3.6 Any scheduled use of College Facilities for Advocacy Purposes is subject to change, relocation, or cancellation without notice.

Noise

- 4.1 Excessive noise that disrupts the activities of others, including campus neighbours, is unacceptable and may result in cancellation of the activity.
- 4.2 The College retains the right to prohibit the use of loudspeakers, noisemakers, speakers and sound amplification.

Privacy

- 5.1 The College prohibits still and motion photography and videography from third parties on campus property without prior written approval of the College and without obtaining express written releases from all people whose image may be captured.

Special Situations

The College recognizes that spontaneous Demonstrations or other types of Special Events may arise. The College reserves the right to direct, limit or terminate these gatherings or activities in appropriate circumstances.

PROCEDURES

See Appendix A.

Non-Compliance Implications

Any violation of the policy may result in one or more of the following sanctions:

- Removal from campus;
- Imposition of service charges associated with the violation; and/or
- Denial of further permission to use College Facilities for Advocacy Purposes.

Where appropriate, violators of this policy may also be subject to penalties under College policies, collective agreements, and under provincial and federal law.

SUPPORTING DOCUMENTATION

The request form for booking College Facilities for Advocacy Purposes is attached as Appendix B.

RELATED POLICIES

- Student Code of Conduct and Discipline
- Human Rights Discrimination and Harassment Policy
- Public Safety and Security Guidelines

APPENDIX A

PROCEDURES

Background and General Provisions

This Procedure must be read in conjunction with the Policy. If there is a conflict between this Procedure and the Policy, the Policy governs.

The purpose of this Procedure is to provide guidance on how to make decisions in such circumstances that are in compliance with the right to freedom of expression protected by the *Canadian Charter of Rights and Freedoms* (the “*Charter*”). This procedure assumes that George Brown is subject to the *Charter* and that s. 2(b) of the *Charter* protects freedom of expression in some areas of the College Facilities.

The College is entitled to assert the rights of property owners, including controlling entry to and exit from College Facilities in respect of non-Advocacy Purposes. .

The *Charter* protects the freedom of expression of students and non-students in certain locations at the College. Expression is defined broadly as any activity that “conveys or attempts to convey meaning”. This right is not absolute. The Charter does not protect acts of violence or threats of violence. The College may place reasonable limits on the exercise of freedom of expression on College Facilities including limiting Prohibited Conduct as defined in the Policy.

The College recognizes that the Policy and this Procedure are to be applied without consideration for the content of expression; in other words, whether the proposed Advocacy is popular or unpopular is not a relevant factor.

Step 1 – Facilities Management receives request for booking in writing in advance of proposed use of College Facilities

When a request is made pursuant to section 2.1 of the Policy, Facilities Management should review it to ensure that all necessary information has been provided by the requesting party and follow up with the requester where information is missing.

If the College learns of imminent or present use of Facilities for Advocacy Purposes and there has been no request, Facilities Management should if possible reach out to those individuals, advise them of the Policy, and invite them to make a request. If those individuals refuse, the matter should be referred to Public Safety & Security.

If the College learns of imminent or present use of Facilities for Advocacy Purposes and approval has been denied, the matter should be referred to Public Safety & Security.

Step 2 – Booking request and/or all information sent to the appropriate decision-maker(s)

Following receipt of a booking request by Facilities Management, Facilities Management should consult with the Vice President, Corporate Services (or his/her designate) and determine whether in the circumstances approval by Public Safety & Security, and/or any other College office, is appropriate. If so, the request should be forwarded to the appropriate decision-maker in those offices for review and approval.

Step 3 – Appropriate decision-maker(s) review and consider the booking request

In reviewing a booking request for use of College Facilities for Advocacy Purposes and determining whether and on what terms and conditions to permit the requested activity, decision-makers may consider the factors/questions set out below, imposing limits on use where they are: (1) connected to a clearly identified objective in writing pursuant to a College policy; and (2) reasonable and minimally impair any infringement of the requesting party's freedom of expression under s. 2(b) of the *Charter*. The decision-maker(s) must exercise their discretion imposing limitations on expressive activity with a view to striking a reasonable balance between the expressive interest of the requesting party and the objectives of the College.

(a) Place

The decision-maker(s) may consider imposing limits on the location of any approved Advocacy. Such a limit must be tied to a specific College objective and, if possible, must not impair the individual's or groups right to freedom of expression no more than is necessary to achieve the objective.

The right to free expression applies only to College Facilities which fall within the scope of "public places" where one would expect constitutional protection, based on the historical and actual function of the location.

If the location is one where free expression has traditionally occurred, individuals may have a *Charter*-protected right to express themselves in that location. These areas are sometimes described as "public arenas" or "public forums", where public meetings/gatherings occur.

There are areas of the College that may not attract protection under s. 2(b) of the *Charter*, including classrooms, offices, libraries, residences, auditoriums, and areas where there is significant movement of people, including busy hallways.

Other College objectives may override the requesting party's rights to exercise his or her freedom of expression at certain locations.

(b) Time

The decision-maker(s) may consider imposing limits on the timing of any Advocacy. Such a limit on the Advocacy must be tied to a specific College objective and must, if possible, not impair the individual's or groups right to freedom of expression no more than is necessary to achieve the objective. Considerations may include:

- Availability of College security personnel and other safety considerations relating to time of day;
- The College's regular operating hours;
- Timing of cleaning and maintenance of College Facilities;
- The use of College Facilities by others; and
- More generally, weeks of the year when examinations, new-student orientation and college-term start-up are scheduled.

(c) *Manner*

The decision-maker(s) may consider imposing limits on the manner of any approved Advocacy. Such a limit on the Advocacy must be tied to a specific College objective and must not, if possible, impair the individual's or groups right to freedom of expression no more than is necessary to achieve the objective. Considerations may include:

- Excessive noise (e.g., use of loudspeakers and amplification devices);
- The erection of structures (e.g., tents or other temporary shelters, alteration of College Facilities);
- Size of signage (only to the extent that they impact on safety of drivers/passersby);
- Other safety concerns (e.g., use of candles or open fires);
- Impact on College Facilities (e.g., littering and clean-up);
- Potentially charges for security and/or clean up (although it is important that any such charges be linked directly to the activity proposed by the requester(s) rather than any anticipated response to that activity); and
- If the conduct of those participating in the Advocacy would interfere with the College's academic activities.

(d) *Content*

Decisions as to whether to approve a form of Advocacy must be made on a content-neutral basis. The types of expression that are not protected by the *Charter* are those that are prohibited under the *Criminal Code* or expression that threatens violence. The *Criminal Code* prohibits, among other things, degrading and dehumanizing pornography and "hate propaganda," defined as "expression intended or likely to create or circulate extreme feelings of opprobrium and enmity against a racial or religious group", but does not prohibit the expression of repugnant ideas which do not expose racial or religious groups to hatred. The College will consider seeking legal advice in circumstances where it is considering imposing limitations on the content of any proposed expression.

(e) Other College policies

Confirm that the requesting party has agreed to comply with all College policies, including the Human Rights Discrimination and Harassment Policy and the Student Code of Conduct.

Step 4 – Decision-maker communicates a decision on the booking request

Following the decision-maker's review, a decision, including in respect of terms and conditions of use, should be communicated in writing (including via email) to the party booking a request. The College will make reasonable efforts to provide a response within three business days of receiving a fully-completed request form.

APPENDIX B

REQUEST FORM FOR BOOKING COLLEGE FACILITIES FOR ADVOCACY PURPOSES

The two-page form which follows should be completed by the individual/group requesting the use of College facilities for Advocacy Purposes, and submitted at least five (5) business days ahead of the planned use.

Application Form for Approval to Use George Brown College Facilities for an Advocacy Purpose

	Applicant to fill out on behalf of the Organization or Group
Name of Organization/Group (the “Advocacy Group”)	
Name of Representative for Organization/Group (the “Applicant”)	
Applicant Relationship to College, if any	
Contact Information for the Applicant	Tel: E-mail:
Event Description	
Proposed Location	
Alternative Location	
Proposed Date	
Proposed Time and Duration	
Estimated Number of Participants/Attendants from the Advocacy Group	

Terms and Conditions

1. I, on behalf of the Advocacy Group, have read George Brown College’s (“GBC”) Policy for the Use of Facilities for Advocacy Purposes;
2. I and the Advocacy Group agree to abide by any terms and conditions of use directed by GBC, including limiting the activities to the particular location assigned for the event by the GBC;
3. I and the Advocacy Group agree to comply with GBC’s Human Rights Discrimination and Harassment Policy and Student Code of Conduct and Discipline;

4. If security is required, the Advocacy Group agrees to be responsible for the costs associated with security being present at the event;
5. The Advocacy Group agrees that additional service charges may be associated with the use of GBC's facilities for advocacy purposes and agree to reimburse GBC for such charges; and
6. I and the Advocacy Group agree that the use of GBC's facilities is subject to change, relocation or cancellation by GBC at any time without notice.

Name:

Date Submitted

Signed by the Applicant personally and on behalf
of the Advocacy Group

FOR GEORGE BROWN COLLEGE INTERNAL USE:

Approved by:

Facilities Management Yes No Approved: _____

Public Safety & Security: Yes No Approved: _____

FINAL APPROVAL: Vice President, Corporate Services

Approved: _____

Comments:

Internal Distribution list:

- Marketing and Communications
- Student Experience
- Counseling Services
- Special Advisor to the President

TOR01: 6800474: v1a