

PROCEDURE

1. Subject to the regulations and requirements of this policy, individuals and groups (1) may use the campuses of Butler Community College (2) for First Amendment activities.
2. Written notification of intent to be on campus to engage in First Amendment activities (hereinafter "the Event") (3) shall be provided to the Vice President of Student Services no later than one-week (7 calendar days) prior to the Event along with the following information:
 - a. The name, address and telephone number of the individual, group, entity, or organization sponsoring the Event (hereinafter "the Sponsoring Organization"); and
 - b. The name, address, and telephone number of a contact person for the Sponsoring Organization; and
 - c. The date, time and requested location of the Event; and
 - d. The nature and purpose of the Event; and
 - e. The type of sound amplification devices to be used in connection with the Event, if any; and
 - f. The estimated number of people expected to participate in the Event
3. In compliance with the **KIRK Act**, members of the campus community (invited guests of such students, faculty, staff, and administrators) have the explicit right to spontaneously assemble and distribute literature in unrestricted outdoor areas without prior administrative notice or permit application, providing the gathering remains non-commercial and non-disruptive.
3. The use of an outdoor area for a reserved Event may not conflict with any previously scheduled College event or activity (aside from regularly scheduled classes) where it is reasonably anticipated that more than fifty (50) people will attend.
4. The use of sound amplification devices is permitted as long as any sound amplification device is used at a volume which does not disrupt or disturb the normal use of classrooms, residence halls, offices or laboratories or any previously scheduled College event or activity.
5. The Event shall not last longer than five hours from beginning to end. Scheduled Events requiring institutional resources are generally limited between the hours of 8:00 AM to 8:00 PM Monday through Thursday, and 8:00 AM to 5:00 PM on Friday.
6. The College may charge security fees based on the rates of the on-duty officer to a student or student association as part of an application for any expressive activity that requires a permit, except that no fees may be assessed based on the content of the expressive activity of the student, student organization, an invited guest, or anticipated reaction to the expressive activity of such student, student organization, or invited guest.
7. Expressive activities are hereby deemed protected and outdoor areas of campus are hereby deemed public forums for the campus community to engage in expressive activities. The College shall not create free speech zones or other designated areas of campus outside of which expressive activities are prohibited.
8. Information (4) may be distributed as long as it is not obscene or libelous or does not advocate unlawful conduct. The Sponsoring Organization is encouraged, but not required, to include its name and address on the distributed information.
9. Solicitations of funds, or activities where products or services are offered for sale, shall not occur in connection with the Event.
10. No demonstrations or assemblies associated with the outdoor event may occur inside a College building without separate, formal facility reservation approval.
11. The College campus should be cleaned up and left in its original condition and may be subject to inspection by a representative of the College after the event. Reasonable charges may be assessed against the Sponsoring Organization for the costs of extraordinary clean-up or for the repair of damaged property.
12. All fire, safety, sanitation, or special regulations specified for the Event are to be honored.

13. The College will not provide utility connections or hook-ups for purposes of First Amendment activities conducted pursuant to this policy.
14. The Event must not obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the College, or to College buildings or facilities, or to College activities or events.
15. The Event must not create safety hazards or pose unreasonable safety risks to College students, employees, or invitees to the College.
16. The Event must not interfere with educational activities inside or outside any College building or otherwise prevent the College from fulfilling its mission and achieving its primary purpose of providing an education to its students.
17. The Event must not materially infringe on the rights and privileges of College students, employees, or invitees to the College.
18. The Event must also be in accordance with any other applicable College policies and regulations, regulations and policies of the Kansas Board of Regents, local ordinances and/ or state or federal laws.
19. The President of the College or designee may authorize First Amendment activities which are reasonably determined not to cause disruption of College activities despite a literal violation of this policy statement. Such determinations shall be made without consideration of the content or message of the first amendment activities.
20. The President of the College or designee may at any time, terminate, cancel, or prohibit the Event if it is determined, after proper inquiry, that the Event does constitute or will constitute a clear and present danger to the College's orderly operation.
21. Any person determined to be violating this policy is subject to an order from the Butler Community College Department of Public Safety to leave the College campus. Persons failing to comply with such an order to leave the College campus are subject to arrest for criminal trespass.
22. The College recognizes and supports the rights of non-College groups to engage in First Amendment activities. This policy shall be interpreted and construed to support such activities while simultaneously balancing the needs and interests of the College to fulfill its mission as an educational institution in Kansas.
23. Pursuant to the statutory enforcement mechanisms of the **KIRK ACT**, any individual or student association whose expressive rights are violated by an institutional breach of this policy may bring action against the College in a court of competent jurisdiction to enjoin a violation of this act and recover damages, reasonable court costs, and attorney fees. The College may be held liable for actual damages, statutory damages of at least \$500 per violation plus \$50 for each day that such violation continues.
24. The College will submit an annual report to the governor and the legislature on or before the first day of the regular legislative session that includes:
 - a. The course of action implemented to comply with the requirements of this act; and
 - b. A description of any barriers to or incidents of disruptions of expressive activity on campus; and
 - c. The report shall be accessible from the Butler Community College website home page.

¹ For purposes of this of this policy, "groups" shall mean individuals, or combinations of individuals, who may or may not be currently enrolled students or current employees of Butler Community College or who may or may not be officially affiliated or associated with a recognized student organization or a recognized employee group of the College.

² This policy statement is applicable to the campuses of Butler Community College in El Dorado, the 5000, 4500, and Redler Institute of Culinary Arts Buildings in Andover, Butler Service Center in Wichita, KS, Butler of Marion, and Butler of Council Grove locations. The College does not own the facility at Butler of Rose Hill. This facility is owned by the local unified school district. As such, Butler will not grant access to this location.

³ Examples would include, but not necessarily be limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

⁴ To avoid excessive littering of the campus and/ or greatly increased work requirements for College Facilities Management employees, non-College groups are asked to cooperate with the College in limiting the distribution of information leaflets or pamphlets.

Revised: July 2026