

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

	Series Number: 808.1
Title	College Campus Free Speech and Expression

Western Iowa Tech Community College establishes this Board Policy to comply with the laws of the State of Iowa and to protect speech and expression at this institution:

1. That the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the first amendment to the Constitution of the United States. This Policy is made and published by the College to prohibit intellectual restrictions and penalties based on protected speech, including political speech, to the fullest extent of the First Amendment of the United States Constitution.

2. a. That it is not the proper role of an institution of higher education to shield individuals from speech protected by the First Amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.

b. That it is the proper role of an institution of higher education to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the First Amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of First Amendment rights.

3. That students and faculty have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the first amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established first amendment principles.

4. That the outdoor areas of campus of an institution of higher education are public forums, open on the same terms to any invited speaker subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.

*"Outdoor areas of campus"* means the generally accessible outside areas of campus where students, administrators, faculty, and staff at Western Iowa Tech Community College are commonly allowed, such as grassy areas, walkways, or other similar common areas.

Annual training shall be provided to the College's students, faculty, and staff on free speech and First Amendment protections.

## **Protected Activities.**

1. A member of the campus community who wishes to engage in noncommercial expressive activity in outdoor areas of campus shall be permitted to do so freely, subject to reasonable time, place, and manner restrictions, and as long as the member's conduct is not unlawful, does not impede others' access to a facility or use of walkways, and does not disrupt the functioning of the college. The college may designate other areas of campus available for use by the campus community according to institutional policy, but in all cases access to designated areas of campus must be granted on a viewpoint-neutral basis within the bounds of established first amendment principles.

2. Noncommercial expressive activities include but are not limited to any lawful oral or written means by which members of the campus community may communicate ideas to one another, including but not limited to all forms of peaceful assembly, protests, speeches including by invited speakers, distribution of literature, circulating petitions, and publishing, including publishing or streaming on an internet site, audio or video

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recorded in outdoor areas of campus.

3. Protected activities also include the right of student expression in a counter demonstration held in an outdoor area of campus as long as the conduct at the counter demonstration is not unlawful, does not materially and substantially prohibit the free expression rights of others impede others' access to a facility or use of walkways.

If any faculty member of the College is found to have knowingly restricted the protected speech of a student, or otherwise penalizes a student for protected speech or activities, and under the Student Conduct Code or other applicable policies or procedures for student conduct, the faculty member is subject to discipline, up to and including termination under the applicable faculty policies, procedures, and Iowa law based on the totality of the facts.

In all instances, faculty and staff (including extracurricular coaches) may support a student's First Amendment rights without fear of discipline by the College.

### **Non-Protected Activities**

1. Nothing shall prevent the college from prohibiting, limiting, or restricting expression that the first amendment of the Constitution of the United States does not protect, including but not limited to the following:

- a threat of serious harm and expression directed or likely directed to provoke imminent unlawful actions; and
- harassment, including but not limited to expression which is so severe, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by this college.
- Violence;
- Defamation, including libel and slander;
- Obscenity; or
- Inciting others to commit crimes or engage in unlawful conduct.

### **Student Government**

1. Student government organizations must comply with the requirements of this Policy and not infringe upon speech by a member of Western Iowa Tech Community College campus community protected under the First Amendment to the United States Constitution. A student government organization that knowingly and intentionally violates this policy shall have its authority to manage and disburse student fees, if any, suspended for a period of one. Year. During this period of suspension, student fees shall be managed and disbursed by the Community College. Nothing in this policy shall prohibit student government organizations from enforcing content-neutral time, place, and manner restrictions and/or reasonable rules to ensure the orderly operation of meetings, so long as those rules are content-neutral and consistent with the requirements of this Policy.

### **Student Organizations**

1. Western Iowa Tech Community College will not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or its members protected by the first amendment to the Constitution of the United States. For the purposes of this Policy, "*Benefits*" means recognition, registration, use of facilities for meetings or speaking purposes, use of channels of communication, and access to funding sources that are otherwise available to other student groups. In addition, the college will not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support the student organization's beliefs, as those beliefs are interpreted and applied by the organization, and to further the student organization's mission. For purposes of this Policy, "*Student organization*" means a group officially recognized at or officially registered by this college, or a group seeking such official recognition or official registration, comprised of students who are admitted and in attendance at this college, and who receive, or are seeking to receive, student organization benefits or privileges.

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### Public Forums on Campus — Freedom of Association.

1. The outdoor areas of campuses of this college are deemed public forums. Western Iowa Tech Community College may maintain and enforce clear, published, reasonable viewpoint-neutral time, place, and manner restrictions that are narrowly tailored in furtherance of a significant institutional interest, but shall allow members of the campus community to engage in spontaneous expressive activity and to distribute literature. If this college places such restrictions, it shall provide for ample alternative means of expression.

2. Except as provided in this Policy, and subject to reasonable time, place, and manner restrictions, this college will not designate any area of campus a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus.

3. Nothing in this Policy shall be construed to grant individuals the right to engage in conduct that intentionally, materially, and substantially disrupts the expressive activity of a person or student organization if this college has reserved space in an outdoor area of campus for activity by the person or student organization in accordance with this Policy.

### Complaint Procedure

If a member of the campus community believes that he or she has been aggrieved by a violation of this Policy, the member shall follow the grievance procedures as described in the student handbook or employee handbook.

In the event the matter is not resolved through the appropriate grievance process, or otherwise as provided under Iowa law, the aggrieved member of the Western Iowa Tech Community College community may file a complaint with the College Board not later than one year after the day of the alleged policy violation.

Retaliation against any Member of the Western Iowa Tech Community College who files such a complaint is prohibited, and any founded instance of founded retaliation is subject to discipline or other sanctions.

Date of Adoption	5/13/2019		Legal Reference: (Code of Iowa)
Date of Last Revision	5/13/2019		Senate File 274
Date of Current Revision	7/12/2021		
Related Administrative Procedures and Cross References			