

Freedom of Speech and Expression

PURPOSE

Northwest Iowa Community College (“NCC” or the “College”) establishes this Policy to comply with the laws of the state of Iowa and to protect speech and expression as a public institution of higher education.

DEFINITIONS

Benefits or privileges means recognition, registration, use of facilities for meetings or speaking purposes, use of channels of communication, and access to funding sources otherwise available to student organizations.

Campus community means the College’s students, administrators, faculty, and staff, as well as guests invited to campus by the College’s students, administrators, faculty, or staff.

Materially and substantially disrupts means when a person, with the intent to or with knowledge of doing so, engages in violent or other disorderly conduct that significantly hinders a previously scheduled or reserved activity occurring on College grounds, buildings, or facilities. *Materially and substantially disrupts* does not include conduct that is protected under the First Amendment to the Constitution of the United States.

Noncommercial expressive protected activities include but are not limited to any lawful oral or written means by which members of the campus community may communicate ideas, including but not limited to all forms of peaceful assembly, protests, speeches including invited speakers, distribution of literature, petition circulation, and publishing, including the publishing or streaming on an internet site audio or video content that was recorded at outdoor areas of campus.

Outdoor areas of campus means the generally accessible outside areas of campus where students, administrators, faculty, and staff are commonly allowed, such as grassy areas, walkways, or other similar common areas. This does not include areas outside of health care facilities, veterinary medicine facilities, facilities and outdoor areas used by the institution’s athletic programs or teams, or other outdoor areas where access is similarly restricted.

Student means an individual who is admitted and enrolled on a full-time or part-time basis at the College.

Student organization means a group officially recognized or registered by the College, or a group seeking such official recognition or registration, comprised of students who are

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admitted and in attendance at the College and who receive, or are seeking to receive, student organization benefits or privileges through the College.

POLICY

I. Role of the College as a Public Institution of Higher Education

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.

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.

It is the proper role of an institution of higher education to encourage diversity of thought, 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.

Students and faculty have the freedom to discuss any problem that presents itself, to assemble, and to 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.

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

II. Public Forums on Campus

The *outdoor areas of campus* 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.

The *College* may designate other areas of campus available for use by the *campus community*. All access to designated areas will be granted on a viewpoint-neutral basis.

The College may maintain and enforce clear, published, and reasonable viewpoint-neutral time, place, and manner restrictions that are narrowly tailored in furtherance of a

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significant institutional interest, but shall allow members of the *campus community* to engage in spontaneous protected activities as described above. If the College places restrictions, it shall provide ample alternative means of expression.

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

III. Protected Activities

Members of the *campus community* shall be freely permitted to engage in *noncommercial expressive activity* in *outdoor areas of campus*, 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.

Protected activities shall 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 of others, and does not 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 penalized a student for exercising protected speech or activities, while citing violation of 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, College faculty and staff (including extracurricular coaches) may support a student's First Amendment rights without fear of discipline by the College.

IV. Non-Protected Activities

Nothing shall prevent the College from prohibiting, limiting, or restricting expression and/or expressive activity that is not otherwise protected by the First Amendment to the Constitution of the United States. Non-protected activities include, but are not limited to:

- a threat of serious harm;
- expression directed or likely directed to provoke imminent unlawful action;
- harassment, including but not limited to expression which is so severe or pervasive and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by the College;
- physical violence;
- obscenity.

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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 the activity is being conducted in accordance with this policy.

V. Student Organizations

The College will not deny *benefits or privileges* available to *student organizations* based on the viewpoint or Constitutionally protected expression of the viewpoint of a *student organization* or its members.

In addition, the College shall not deny *benefits or privileges* to a *student organization* based on the organization's requirement that its leaders agree to and support the organization's beliefs as interpreted and applied by the organization, and to further the organization's mission.

VI. Student Government

Student government organizations must comply with the requirements of this Policy and not infringe upon speech by a member of the *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 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.

VII. Complaint Procedure

If a member of the *campus community* believes he or she has been aggrieved by a violation of this Policy, the member may file a grievance with the College. Students should follow the Student Grievance Procedure outlined in the College Catalogue. College faculty and/or staff members should follow the Grievance Procedure outlined in the Employee Handbook. Invited guests should work in collaboration with the student, faculty, or staff member who invited them to campus and proceed through the grievance procedure appropriate to the inviting individual.

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 *campus community* may file a complaint with the College's governing body (Board of Trustees) not later than one (1) year after the date of the alleged Policy violation.

Retaliation against any member of the *campus community* who files such a complaint is prohibited, and any instance of retaliation is subject to discipline or other sanctions.

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