



Board Policy 105: Freedom of Expression

Educational Philosophy

Preamble

Iowa Valley Community College District (IVCCD or the District) establishes this policy to comply with the laws of the state of Iowa and to protect speech and expression at public institutions of higher education.

Policy

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 District 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 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.

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.

The outdoor areas on a 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.

The outdoor areas of campus, which for this policy means the generally accessible outside areas of campus where the campus community are commonly allowed, such as grassy areas, walkways, or other similar common areas. Outdoor areas of campus do not include areas outside health care facilities, veterinary medicine facilities, facilities or outdoor areas used by IVCCD's athletic programs or teams, or other outdoor areas where access is restricted to a majority of the campus community.

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

Protected Activities

A member of the campus community, which for this policy shall include students, administrators, faculty, staff, and/or guests invited by students, administrators, faculty or staff, 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 IVCCD. IVCCD 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.

Non-commercial 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, circulating petitions, and publishing, including publishing or streaming on an internet site, audio or video recorded in outdoor areas of campus.

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, or impede other's access to a facility or use of walkways.

If any faculty member of the District is found to have knowingly restricted the protected speech of a student, or otherwise penalizes a student for protected speech or activities, 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 District.

Non-Protected Activities

Nothing shall prevent IVCCD from prohibiting, limiting, or restricting expression and/or expressive activity that is not otherwise protected by the Constitution of the United States. Non-protected activities include, but are 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 or pervasive and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by this Community College;
- Violence;
- Defamation, including libel and slander;
- Obscenity; or
- Inciting others to commit crimes or engage in unlawful conduct.

Student Organizations

IVCCD will not deny benefits or privileges available to student organizations based on the viewpoint or expression of the viewpoint of a student organization or its members protected by the First Amendment to the Constitution of the United States. For purposes of this policy, benefits mean recognition, registration, use of facilities for meetings or speaking purposes, use of channels of communication, and access to funding sources otherwise available to other student groups.

In addition, IVCCD shall not deny any 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. For purposes of this policy, student organization means a group officially recognized or registered by the District, or a group seeking official

recognition or registration comprised of students who are admitted and in attendance at IVCCD who receive or are seeking to receive benefits or privileges.

Student Government

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

Public Forums on Campus – Freedom of Association

The outdoor areas of campus are deemed public forums. IVCCD 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 to engage in spontaneous expressive activity and to distribute literature. If IVCCD places restrictions, it shall provide ample alternative means of expression.

Except as provided in this policy, and subject to the reasonable time, place, and manner restrictions, IVCCD 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.

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 IVCCD has reserved space in an outdoor area of campus for the activity in accordance with this policy.

Complaint Procedure

If a member of the campus community believes he or she has been aggrieved by a violation of this policy, the member shall follow the grievance procedures as described in IVCCD's Board Policy Manual: Board Policy 443 - Grievance Procedures for Administrators & Support Staff; Board Policy 502 – Student

Grievance Procedure; and Board Policy 802 – Community Relations – Feedback, Complaints & Grievances. 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 governing body (the IVCCD Board of Directors) not later than one year after the day of the alleged policy violation.

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

Date of Review: February 14, 2024

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Date of Adoption: May 8, 2019

Legal Reference

H.F. 744 – passed (formerly SF661)

Related Administrative Rules and Regulations

General Policies and Student Rights – Student Complaint Policy; Board Policy 443 – Grievance Procedures for Administrators & Support Staff; Board Policy 502 – Student Grievance Procedure; Board Policy 802 – Feedback, Complaints, and Grievances

Revision History

None