Speech and Expression Policy for North Iowa Area Community College

PREAMBLE

North Iowa Area Community College 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.

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.

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 of the NIACC 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 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 facilities or outdoor areas used by NIACC’s athletic programs or the outdoor areas surrounding the NIACC Student Housing facility.

**PROTECTED ACTIVITIES**

A member of the NIACC 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 North Iowa Area Community College. 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.

Noncommercial expressive protected activities include but are not limited to any lawful oral or written means by which members of the NIACC community may communicate ideas, including but 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 side, 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.

**NONPROTECTED ACTIVITIES**

Nothing shall prevent North Iowa Area Community College 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, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individuals’ access to education opportunities or benefits provided by NIACC.

**STUDENT CLUBS AND ORGANIZATIONS**

North Iowa Area Community College will not deny benefits or privileges available to student
clubs and 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 means 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, NIACC shall not deny any benefits or privileges to a student club or organization based on the club or 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 club or organization means a group officially recognized or registered with NIACC, or a group seeking official recognition or registration comprised of students who are admitted and in attendance at NIACC who receive or are seeking to receive benefits or privileges. Note: Student clubs or organizations must have a full-time faculty and/or staff member of the College as the advisor to become a college-sponsored club or organization. To register as an official student club or organization, contact the Vice President for Student Services for the club forms and instructions.

**PUBLIC FORUMS ON CAMPUS-FREEDOM OF ASSOCIATION**

The outdoor areas of campus are deemed public forums. North Iowa Area 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 to engage in spontaneous expressive activity and to distribute literature. If NIACC 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, NIACC 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.

**COMPLAINT PROCEDURE**

If a member of the NIACC community believes he or she has been aggrieved by a violation of this policy, the member shall follow the grievance procedures as described on page 7 in the NIACC Student Handbook: [www.niacc.edu/student-life/student-handbook/](http://www.niacc.edu/student-life/student-handbook/).