



<b>Policy Title:</b>	Free Speech and Public Assembly
<b>Policy Category:</b>	Ethics, Legal & Compliance Employment, Benefits & Workplace Facilities, Equipment & Property Public Safety & Environmental Health & Safety
<b>Related Procedure(s)/ Guideline(s):</b>	
<b>Policy Owner:</b>	President
<b>Date Approved:</b>	3.2.21
<b>Review Dates:</b>	<b>Revision Dates:</b>
<b>Policy Scope:</b>	Employees, Students, Board Members, Other Stakeholders
<b>Policy Statement:</b>	<p>Southwest Tech is committed to providing a learning environment in which all persons, regardless of race, color, nationality, citizenship, age, religion, belief, disability, gender, gender identity/expression, sexual orientation, marital status, veteran status, genetics, or medical history, have the right to engage in Constitutionally protected rights of free speech and assembly. The following will serve as a guiding principle in this pursuit:</p> <ul style="list-style-type: none"> <li>• <b>First Amendment to the United States Constitution</b> <ul style="list-style-type: none"> <li>○ <i>“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance”</i></li> </ul> </li> <li>• <b>Article I, Section 3: Wisconsin Constitution</b> <ul style="list-style-type: none"> <li>○ <b>Free speech:</b> <i>“Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press.”</i></li> </ul> </li> </ul> <p><b><u>Purpose</u></b> The purpose of this policy is to ensure that all students, faculty, staff and visitors are ensured their right and access to Constitutionally protected speech. In order to fulfill this standard, the College will pursue the following policy:</p>

- A primary function of Southwest Tech is the discovery, improvement, transmission, and dissemination of knowledge.
- Southwest Tech will not censor or intentionally shield individuals from speech protected by the First Amendment of the U.S. Constitution.
- Students and faculty have the academic freedom to discuss any problem as permitted by the First Amendment, providing the speech does not lead to one of the prohibited acts listed in this policy.
- Any person lawfully present on campus may protest or demonstrate but may not engage in conduct that materially and substantially disrupts another's expressive activity in a campus space reserved for that activity under the exclusive control of a particular group.
- The College is open to invited speakers.
- Public assembly areas, as defined in this policy, are public forums and open on the same terms to any speaker.
- The College will not take action on public policy controversies in such a way that requires students or faculty to publicly express a given view of social policy.

**Definitions.** For purposes of this policy, the terms below are defined as follows:

1. "Academic Freedom"- the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure. Academic freedom does not license uncontrolled expression which is detrimental to the institution's proper functioning.
2. "Assembly" – a gathering of persons for the purpose of expressing, promoting, pursuing or defending ideas.
3. "Campus" – all property and facilities owned or controlled by Southwest Tech.
4. "Employees" – all individuals currently employed by Southwest Tech.
5. "Expressive Activity" – demonstrations, picketing, vigils, rallies, or performances. For purposes of this policy, Expressive Activity does not include social, random, or other everyday communications.
6. "Freedom of Speech"- a principle that supports the *freedom of* an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction.
7. "Fighting Words" – Communication which, when addressed to an ordinary person, is inherently likely to provoke violent reaction.
8. "Public Assembly Area(s)" – the specific indoor and outdoor portion(s) of Campus designated by Southwest Tech for Assembly and Expressive Activity.
9. "Student" – all persons currently enrolled in courses at Southwest Tech, either full or part-time.
10. "True Threats" – statements where the speaker communicates a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals,

regardless of whether the speaker has the ability to carry out the threat. True Threats do not include political hyperbole, jest, innocuous talk, expressions of political views, or other similar expression.

### **FREE SPEECH**

#### **Free Speech Policy and Procedure**

Recognizing that a primary function of Southwest Tech is the discovery, improvement, transmission, and dissemination of knowledge, Southwest Tech will promote the concept of academic freedom in all College-sponsored activities. In order to fulfill this standard, the College will pursue the following policy:

1. Southwest Tech will not censor or intentionally shield individuals from speech protected by the First Amendment of the U.S. Constitution.
2. Students and faculty have the academic freedom to discuss any problem as permitted by the First Amendment, providing the speech does not lead to one of the prohibited acts listed in this policy.
3. The College will not condition enrollment and participation in College activities in such a way that requires students or faculty to publicly express a given view of social policy.
4. The College staff and faculty will not engage in willful and intentional discriminatory conduct directed at those students, staff and visitors that have differing opinions from their own in the hopes of suppressing those differing beliefs.
5. Providing the speech and conduct does not violate the provisions of the Southwest Tech Student Code of Conduct, the Southwest Tech Employee Handbook, or this policy, students, staff and visitors may engage in free speech activities while on campus.
6. The following restrictions apply to free speech and academic freedom:
  - a. Violations of the Southwest Tech Student Code of Conduct
  - b. Violations of the Southwest Tech Employee Handbook
  - c. Interference with the orderly conduct of classes or other Southwest Tech-approved activities, including ceremonies or events, is not permitted.
  - d. Use of Fighting Words, True Threats, other unprotected expression or activity, discriminatory harassment, sexual harassment, or violation of state or federal law while engaged in free speech is not permitted.
  - e. Non-compliance may result in sanctions, including:
    - i. Disciplinary Actions for Students
    - ii. Disciplinary Actions for Staff
    - iii. Removal from campus and denial of access for non-students and non-staff
    - iv. Referral to Law Enforcement for Criminal Actions

**PUBLIC ASSEMBLY****Public Assembly Policy and Procedure**

1. Southwest Tech will designate areas for public assembly. These areas provide increased visibility to those using the Public Assembly Areas for Assembly and/or Expressive Activity without probable disruption of Southwest Tech's academic, co-curricular and administrative responsibilities.
2. The Public Assembly Areas will be available for use between the hours of 8:00 a.m. and 9:00 p.m. Persons may request other areas if the designated Public Assembly Areas are already occupied. Southwest Tech will consider any such requests on a case-by-case basis to determine whether another area is available and appropriate in light of all relevant considerations, including safety and security, educational activities, etc.
3. Non-students and non-employees must reserve public assembly areas 24 hours prior to anticipated use by contacting the Southwest Tech Facilities Department and completing the Facilities Use Form.
4. Priority for use of all Public Assembly Areas will be given to individuals or groups who reserved the Public Assembly Areas with Southwest Tech Facilities Department.
5. The following restrictions apply to the manner of use of any Public Assembly Area:
  - a. Violations of the Southwest Tech Student Code of Conduct
  - b. Violations of the Southwest Tech Employee Handbook
  - c. Interference with the free flow of vehicular or pedestrian traffic within Campus or the entrances or exits of any buildings on Campus is not permitted.
  - d. Interference with the orderly conduct of classes or other Southwest Tech-approved activities, including ceremonies or events, is not permitted.
  - e. Use of Fighting Words, True Threats, other unprotected expression or activity, discriminatory harassment, sexual harassment, or violation of state or federal law while using or occupying any Public Assembly Area is not permitted.
  - f. Use of amplified sound within any Public Assembly Area must be intended to be heard only in the immediate vicinity of the Public Assembly Area in order to minimize any disruption to the central academic mission of Southwest Tech. Volume at lower levels may be restricted when necessary to prevent interference with any academic or other program taking place in Campus areas nearby the applicable Public Assembly Area.
  - g. Damage or destruction of property owned or operated by Southwest Tech or property belonging to Students, Employees or Guests of Southwest Tech is prohibited. Persons or organizations causing any such damage may be held financially and/or criminally responsible.
  - h. All Public Assembly Areas must be left clean and in good repair after use. Persons or organizations failing to comply may be held financially responsible for any resultant cleanup costs.

- i. Non-compliance with this policy may result in denial of access to assemble on properties owned or controlled by Southwest Tech.

### **Public Assembly Areas**

The College will provide the following designated public assembly areas to engage in expressive activity. Not all areas may be available at all times.

#### **Southwest Tech Campus-Fennimore**

- **Internal Areas**
  - Lenz Center
  - Charley's (Student Center)
  - Cafeteria
  - Any area in which prior approval for activity was granted by the college in accordance with the Facility Usage Policy.
- **External Areas**
  - Campus Parking Lots
  - Campus Sidewalks
  - Knox Learning Center Patio
  - Any area in which prior approval for activity was granted by the college in accordance with the Facility Usage Policy.

#### **Southwest Tech Outreach Sites**

Outreach Sites are leased by the College and are generally small areas of larger facilities. Public Assembly Areas may be made available on a limited basis provided the designation of such areas is consistent with the College's leases and further provided that the Public Assembly Areas are within the portion of the facilities leased by the College.

- Boscobel
- Darlington
- Dodgeville
- Platteville
- Prairie du Chien
- Richland Center

### **Campus Climate**

In order to provide an environment in which all can engage in constitutionally protected speech and expressive activity, while at the same time creating an opening and welcoming environment governed by the principle of academic freedom, Southwest Tech will strive to foster a campus climate of civility and respect. To embody the necessary values to fulfill this goal, Southwest Tech has created the following *voluntary* Charger Respect Pledge.

Adopted: January 2020

- ***Southwest Tech promotes a cohesive culture that is based upon professionalism, fairness, trust and respect.***
- ***As a member of the Charger community, I pledge to:***
  - ***CREATE a respectful and welcoming environment for all at Southwest Tech.***
  - ***RESPECT other's values and ideas even if they are different from my own.***
  - ***RECOGNIZE commonalities and shared experiences.***
  - ***DEFEND the dignity and humanity of all members of our college community.***
- ***I will honor this commitment in my classes, workplace, personal life and all other pursuits on and off campus. I pledge to make everyone feel respected, valued and part of our Charger community.***

The Charger Respect Pledge is voluntary and non-binding and is designed to embody and promote the values necessary to fulfill both the mission of the College and the intent of this policy.