

03-10-00 Freedom of Speech and Expression

PURPOSE

This policy reflects the commitment of Nashville State to freedom of speech and expression for all students and all faculty.

DEFINITIONS

- **Constitutional Time, Place, and Manner Restrictions.** Restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience
- **Faculty or Faculty Member.** Any person, whether or not the person is compensated by Nashville State, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching. For purposes of this part, the term "faculty" will include tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions, however titled. For purposes of this part, the term "faculty" will not include persons whose primary responsibilities are administrative or managerial.
- **Free Speech.** Speech, expression, or assemblies protected by the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. "Free speech" does not include the promotion, sale, or distribution of any product or service.
- **Student:** An individual currently enrolled in a course of study at the institution; or an organization that is comprised entirely of individuals currently enrolled in a course of study at the institution.

POLICY/GUIDELINE

I. General Principles

- A. Students have a fundamental constitutional right to free speech.
- B. Nashville State is committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to constitutional time, place, and manner restrictions.
- C. Nashville State is committed to maintaining campuses as marketplaces of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- D. It is for Nashville State individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.
- E. It is not the proper role of Nashville State to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- F. Although Nashville State greatly values civility and mutual respect, concerns about civility and mutual respect will never be used by Nashville State as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- G. Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on a Nashville State campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, Nashville State has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
- H. Through shared governance with its faculty, Nashville State may determine on academic grounds who may teach, what may be taught, and how it may be taught and graded.
- I. Nashville State is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who will always remain free to inquire, to study and to evaluate, and to gain new understanding.
- J. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

- K. Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty will be cautious in expressing personal views in the classroom and will be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction.
- L. Nashville State will maintain the generally accessible, open, outdoor areas of its campuses as traditional public forums for free speech by students. This does not mean that those areas must be equally available to non-students.
- M. An institution will not confine students' free speech to certain areas of the campuses, sometimes known as "free speech zones," or otherwise create policies implying that students' free speech is restricted to particular areas of a campus.
- N. Nashville State will not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates.
- O. Nashville State will not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature.
- P. Nashville State will not charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech.
- Q. Nashville State will allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers.
- R. Nashville State will not dis-invite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.
- S. Students do not have the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.
- T. Nashville State is not required to fund costs associated with student speech or expression.

II. Publication of Policy

A. This policy will be:

1. Published annually in the institution's student handbook and faculty handbook;
2. Made available to students and faculty by way of a prominent notice on the institution's internet site other than through the electronic publication of the policy in the student handbook and faculty handbook;
3. Sent annually to students and employees to their institutionally-provided email address; and
4. Addressed by Nashville State in orientation programs for new students and new faculty.

SOURCES

- [TBR Policy 1.03.02.60 Freedom of Speech and Expression](#)
- [T.C.A. § 49-7-2401 The Campus Free Speech Protection Act](#)

Approved by NSCC Cabinet 12/13/21