

**Tennessee Technological University
Policy No. 007**



Effective Date: January 1, 2018

Policy No.: 007

Policy Name: Free Speech on Campus

I. Purpose

The purpose of this policy is to affirm the principles of free speech on Tennessee Tech's campus.

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the University Counsel with recommendations for revision presented to the Board of Trustees.

III. Definitions

- A.** "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 of its intended audience.
- B.** "Faculty" or "Faculty Member"—any person, whether or not the person is compensated by Tennessee Tech, and regardless of political affiliation, who is tasked with providing scholarship, academic research or teaching. For the purposes of this policy, "faculty" includes tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors and those in comparable positions, however titled. For the purposes of this policy, "faculty" does not include persons whose primary responsibilities are administrative or managerial.
- C.** "Free Speech"—speech, expression, or assemblies protected by the First Amendment of 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.
- D.** "Student"—
 - 1.** An individual currently enrolled in a course of study at Tennessee Tech; and
 - 2.** An organization that is comprised entirely of individuals currently enrolled in a course of study at Tennessee Tech and is registered with Tennessee Tech pursuant to TTU Policy 315 (Student Organizations).

IV. Policy

- A.** Tennessee Tech affirms that Students have a fundamental right to Free Speech.
- B.** Tennessee Tech is committed to giving Students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to limitations set forth in this policy or in state or federal law.
- C.** Tennessee Tech is committed to maintaining a campus as a marketplace 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 Tennessee Tech's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- D.** Students and Faculty are allowed 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 they oppose.
- E.** It is not Tennessee Tech's role 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 Tennessee Tech greatly values civility and mutual respect, Tennessee Tech will not use concerns about civility and mutual respect as 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 on Tennessee Tech's 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, Tennessee Tech promotes a lively and fearless freedom of debate and deliberation and protects that freedom.
- H.** Tennessee Tech is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all Students and all Faculty, who are always free to inquire, to study, and to evaluate, and to gain new understanding.
- I.** The primary responsibility of Faculty is to engage in an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

- J.** Although Faculty are free in the classroom to discuss subjects within areas of their competence, Faculty shall be cautious in expressing personal views in the classroom and shall 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 the statements they make about subjects within areas of their competence; provided, 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.
- K.** Tennessee Tech will maintain the generally accessible, open, outdoor areas of its campus as traditional public fora for Free Speech by Students.
- L.** Tennessee Tech will not restrict Students' Free Speech only to particular areas of the campus.
- M.** Tennessee Tech will not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates.
- N.** Tennessee Tech will not establish permitting requirements that prohibit students' spontaneous outdoor assemblies or students' outdoor distribution of literature but will allow members of the Tennessee Tech community to reserve certain outdoor space in advance, consistent with TTU Policy 121 (Access To and Use of Campus Property and Facilities).
- O.** Tennessee Tech will not charge Students security fees or costs based on the content of their speech, the content of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech.
- P.** Tennessee Tech 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.
- Q.** Tennessee Tech will not disinvite 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.

V. Effect of Policy

- A.** Nothing in this policy shall require Tennessee Tech to fund costs associated with student speech or expression.

B. Nothing in this policy shall be construed as prohibiting Tennessee Tech from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution such as:

1. Constitutional time, place, and manner restrictions;
2. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
3. Restricting the use Tennessee Tech's property to protect the free speech rights of Students and Faculty and preserve the uses of the property for the advancement of Tennessee Tech's mission;
4. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution; or
5. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as rules enacted by Faculty.

VI. Implementation

The Board delegates authority to the President to revise or implement policies and procedures consistent with the policy.

VII. Interpretation

The Board Chair or his/her designee has the final authority to interpret the terms of this policy.

VIII. Citation of Authority for Policy

T.C.A. § 49-7-2401 et seq.

Approved by:

Board of Trustees: June 15, 2017