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## 103 Free Speech on Campus

Approved by Board of Trustees

Effective Date: January 1, 2018

Responsible Division: President

Responsible Office: Office of the University Counsel

Responsible Officer: University Counsel

### I. Purpose

This policy affirms the principles of free speech on Middle Tennessee State University's (MTSU or University) campus.

### II. 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 U.S. 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 MTSU, 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 U.S. 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. For the purposes of this policy, an individual currently enrolled in a course of study at MTSU; or, an organization that is comprised entirely of individuals currently enrolled in a course of study at MTSU and registered with MTSU pursuant to [MTSU Policy 561 Student Organization Operations \(/policies/student-affairs/561.php\)](#).

### III. Policy

A. MTSU affirms that students have a fundamental constitutional right to free speech.

B. MTSU 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. MTSU 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 MTSU'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 MTSU'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 MTSU greatly values civility and mutual respect, the University 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 faculty are free to state their own views about and contest the views expressed on campus, and to state their own views on MTSU'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, MTSU promotes a lively and fearless freedom of debate and deliberation and protects that freedom.

H. MTSU 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. As set forth in [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#) ([/policies/general/100.php](#)), Section IV. B. 2. c., MTSU will maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students and will not restrict students' free speech only to particular areas of the campus.

L. MTSU will not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates.

M. MTSU will not establish permitting requirements that prohibit students' spontaneous outdoor assemblies or students' outdoor distribution of literature, but will allow members of the MTSU community to reserve certain outdoor space in advance, consistent with [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#) ([/policies/general/100.php](#)), Section IV. B. 2. c.

N. MTSU 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.

O. MTSU 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 consistent with [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#) ([/policies/general/100.php](#)), Sections IV. B. 2. d. and IV. B. 3.

P. MTSU 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.

#### IV. Effect of Policy

A. Nothing in this policy shall require MTSU to fund costs associated with student speech or expression.

B. Nothing in this policy shall be construed as prohibiting MTSU from imposing measures that do not violate the First Amendment to the U.S. 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 of MTSU's property to protect the free speech rights of students and faculty and preserve the uses of the property for the advancement of MTSU's mission;
4. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the U.S. 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.

Forms: none.

Revisions: none.

Last Reviewed: January 2018.

References: 2017 Public Acts, Chapter 336; MTSU Policies 100 Use of Campus Property and Facilities Scheduling; 561 Student Organization Operations; First Amendment of the U.S. Constitution; Article I, Section 19 of the Tennessee Constitution.