

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For use of the College District's internal mail system, see CHE.

Academic Freedom

All faculty members (full-time and associate) will be entitled to academic freedom and bear a concomitant dedication to academic responsibility. (The faculty subscribes to the principles expressed in the Statement of Academic Freedom and Responsibility adopted February 19, 1982, by the Texas Junior College Teachers' Association, the text of which is appended to and made an integral part of this document.) [See Statement of Purpose on Academic Freedom and Responsibility, below]

All faculty members enjoy the constitutional freedoms guaranteed to all citizens by the United States' Constitution and the Constitution of the State of Texas. In the classroom, teaching faculty members have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence. At the same time, they have an obligation to acquaint students with other scholarly opinions on the subject. Outside the classroom, faculty members are free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern, to associate with persons or groups as they so choose, and to participate in political or other kinds of activities. When faculty and support staff speak or write as private citizens, however, they must bear in mind that their actions will inevitably be judged by the public and reflect upon their profession and institution. Therefore, faculty and support staff will strive for accuracy, exercise appropriate restraint, exhibit tolerance for differing opinions, and indicate clearly that they are not an official spokesperson for the College District.

The College District accepts the responsibility to foster and to encourage faculty and support staff to exercise their freedoms and to protect against acts that deny freedom of speech and the related freedoms to be heard, to study, to teach, to administer, and to pursue scholarly activity.

Faculty members acknowledge their responsibility to maintain professional competence in their fields of specialization and to be committed to effective teaching and student service.

**Statement of
Purpose on
Academic Freedom
and Responsibility**

The Board believes that it is essential that the faculty have freedom in teaching, research, and publication. Faculty members must be free from the fear that others might threaten their professional careers because of differences of opinion regarding such scholarly

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matters. To this end, the College District has adopted the following statement of purpose on academic freedom and responsibility.

The College District, like all other institutions of higher education, serves the common good, which depends upon uninhibited search for truth and its open expression. The points enumerated below constitute its position on academic freedom:

1. Faculty members are appointed to impart to their students and to their communities the truth as they see it in their respective disciplines. The teacher's right to teach preserves the student's right to learn.
2. The mastery of a subject makes a faculty member a qualified authority in that discipline and competent to choose how to present its information and conclusions to students. The following are among the freedoms and responsibilities that should reside primarily with the faculty, with the advice and consent of the appropriate dean of instruction: planning and revising curricula, selecting textbooks and readings, selecting classroom films and other teaching materials, choosing instructional methodologies, assigning grades, and maintaining classroom discipline.
3. Faculty members are citizens, and, therefore, possess the rights of citizens to speak freely outside the classroom on matters of public concern and to participate in lawful political activities.
4. Prior restraint or sanctions will not be imposed upon faculty members in the exercise of their rights as citizens or duties as teachers. Nor will faculty members fear reprisals for exercising their civic rights and academic freedom.
5. Faculty members have a right to expect the Board and the College District's administrators to uphold vigorously the principles of academic freedom and to protect the faculty from harassment, censorship, or interference from outside groups and individuals.

The academic freedom of the College District faculty members will be accompanied by equally compelling obligations and responsibilities to their profession, their students, the College District, and their community. Faculty members will defend the rights of academic freedom while accepting willingly the responsibilities enumerated below:

1. Faculty members will be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy.

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2. Faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach. No faculty member, however, will attempt to force on his or her students a personal viewpoint intolerant of the rights of others to hold or express diverse opinions. Faculty members will not act in a manner that is perceived as being abusive, either physically or verbally, by their students.
3. Faculty members will recognize their responsibility to maintain competence in their disciplines through continued professional development and to demonstrate that competence through consistently adequate preparation and performance.
4. Faculty members will recognize that the public will judge their institution and their profession by their public conduct. Therefore, faculty members will always make clear that the views they express are their own and will avoid creating the impression that they speak or act on behalf of the College District or of their profession.
5. Faculty members will recognize their responsibility to adhere to the policies and procedures of the institution. Therefore, faculty members who have differences of opinion with existing or proposed policies or procedures will express these views through the standing committee structure of the College District or their supervising administrators.

**Expressive Activities
by Employees in
Common Outdoor
Areas**

Common outdoor areas are designated as areas for expressive activities by employees.

For purposes of this policy, the terms “expressive activities” and “common outdoor areas” are defined in GD(LOCAL).

All College District employees may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful (i.e. obscenity, defamation, incitement of lawless action, true threats, fighting words, or intimidation as defined in FLA(LOCAL);
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb regular academic programs or other College operations;
4. The use would result in damage to or defacement of property;
5. The material constitutes harassment, which means material that is (i) hostile, threatening, or intimidating, (ii) directed at a

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specific person or persons, and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or creates an objectively hostile or threatening campus environment that unreasonably interferes with the person's ability to access or participate in a College District activity, program, service, or privilege; or

6. The material constitutes discriminatory harassment based on membership in a protected class recognized under state or federal law and is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual's ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. [See DIAA, DIAB, FFDA, and FFDB for examples of discriminatory harassment based on membership in a protected class.]

Employees need a College District reservation or approval for the exercise of expressive activities in common outdoor areas of the College District.

Employees will reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person's or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function, or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to reserveCOA@collin.edu. If the expected attendance at an assembly or expressive activity is 15 or more people, advance notice and a reservation of no less than two weeks is required. Individuals are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

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Time, Place, and
Manner Rules for
Common Outdoor
Areas

In addition to the specific rules addressed in this policy and in DGD, expressive activities by employees in common outdoor areas are subject to all of the time, place, and manner rules listed in GD(LOCAL).

Facilities Use

Other than the use of common outdoor areas, the facilities of the College District will be made available to employees or employee organizations, when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization will pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the District President or designee.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

The distribution of materials by employees or employee organizations in College District common outdoor areas is subject to the same policies set out in GD.

Requests

To request permission to meet in College District facilities, interested employees or employee organizations will file a written request with the facilities scheduling coordinator in accordance with administrative procedures.

The employees or the employee organization making the request will indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Employees may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person's or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time. [See GD]

Approval

Other than the use of common outdoor areas, the campus provost of each campus will approve or reject the request for use of College District facilities in accordance with provisions and deadlines set out in this policy, GF(LOCAL), and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

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Approval will not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The campus provost, Director of Auxiliary Services, or a designee will provide the applicant a written statement of the grounds for rejection if a request for use of the facilities is denied.

Announcements and Publicity

In accordance with administrative procedures, all employees and employee organizations will be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative or College District police officer.

Additionally, as required by state law, any employee and employee organization is required to present proof of identity or College District issued identification card on request by a College District employee or public official on the campus who is engaging in an official duty.

Violations of Policy

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Failure to comply with this policy and procedures regarding use of College District common outdoor areas, College District facilities, or distribution of literature will result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and/or the confiscation or discarding of nonconforming materials. An employee who fails to comply with or violates this policy may be disciplined under applicable procedures provided by other College District policies and rules, and may be referred to a supervisor, dean, or the Human Resources Department for disciplinary action.

**Interference with
Expressive Activities
in Common Outdoor
Areas**

Employees who interfere with the expressive activities permitted by this policy will be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable. Unless there is an extension or exigent circumstances, the appeal shall be heard within ten (10) College District business days of the filing of the appeal.

Publication

This policy and associated procedures must be posted on the College District's website and distributed to employees in appropriate publications.