

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
MEETING OF OCTOBER 20, 2020**

ITEM: SCP-1400, *Guest Speakers, Lecturers, Performers, and Organized Groups*, and SCP-1400.A, *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Group*

RECOMMENDED RESOLUTION: *RESOLVED*, That the Southern West Virginia Community and Technical College Board of Governors grant approval for the distribution of SCP-1400, *Guest Speakers, Lecturers, Performers, and Organized Groups*, and SCP-1400.A, *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Groups*, to Southern's constituents and the Chancellor for Community and Technical College Education to accept public comments for an additional 30-day period on proposed changes.

STAFF MEMBER: Pamela L. Alderman

BACKGROUND:

At its August 18, 2020 meeting, the Southern WV Community and Technical College Board of Governors released this policy for a 30-day public comment period to provide the public an opportunity to address the modifications recommended. The comment period was from August 19, 2020 through September 17, 2020. Notice of the opportunity to comment was announced via campus email to all Southern employees and via email to the staff of the West Virginia Community and Technical College System. A copy of the policy was available for public viewing during this time period.

While the General Counsel for the West Virginia Community and Technical College System did not have substantive recommendations for this policy, Counsel did have technical/drafting suggestions and comments regarding vague language contained in the policy. The proposed new language is reflected in blue font and double underlined. Proposed deleted language is stricken and redlined in the policy which follows this resolution.

Based upon the additional modifications to this policy, the staff recommends that the Board of Governors advance SCP-1400, *Guest Speakers, Lecturers, Performers, and Organized Groups*, and SCP-1400.A, *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Groups*, to Southern's constituents and the Chancellor for Community and Technical College Education for an additional 30-day public comment period. The public comment period is October 21, 2020 to November 19, 2020. During this period interested parties may submit written comments concerning the proposed changes. The proposed policy will be available for public viewing on the College's website.

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-1400**

SUBJECT: Guest Speakers, Lecturers, Performers, and Organized Groups

REFERENCE: SCP-1215, *Use of Institutional Facilities*, SCP-1215.A, *College Facility Use Agreement*; SCP-1500, *Philosophy, Vision, and Mission of Southern West Virginia Community and Technical College*; Title 135, Procedural Rule, WV Council for Community and Technical College Education, Series 9, *Academic Freedom, Professional Responsibility, Promotion and Tenure*; *Academic Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure*

ORIGINATION: May 28, 2014

EFFECTIVE: ~~July 24, 2015~~

REVIEWED: July 21, 2020

SECTION 1. PURPOSE

- 1.1 The mission of Southern West Virginia Community and Technical College (“the College”) is to provide accessible, affordable, quality education and training ~~while promoting lifelong learning that promote success~~ for those we serve. To support the mission, facilities of the College should be used, first and foremost, for educational activities. The purpose of this policy is to ensure that the classrooms and meeting rooms of the College are used in a manner that supports the College’s mission. To that end, officially recognized students, student organizations, faculty, and ~~classified~~ staff must follow the protocols contained in this policy before inviting guest speakers, lecturers, performers, or organized groups to present or perform in the College’s classrooms, meeting rooms, and lunch areas.
- 1.2 The College supports the academic freedom of faculty to engage in intellectual debate and expression of views without fear of censorship, retaliation, or sanctions both on and off campus. Academic freedom provides a faculty member the right to freely express their pedagogical philosophy and intellectual commitments. It is the intent of this policy to preserve the intellectual integrity of higher education. Administration, faculty, and staff must at all times encourage and promote intellectual and personal development of the students as ~~this is~~ these are the rights of citizenship. The College is encouraged to foster intelligent and rational discussion regardless of the topic.
- 1.3 The education of students at the College encourages study, the pursuit of knowledge, and discussion of all points of view on various topics. To that end, students and student organizations have the right to freely and openly express opinions publicly and privately. Students have the right to support causes by orderly means which do not disrupt the regular and essential operations of the College.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to the College’s classrooms, meeting rooms, ~~and~~ lunch areas, ~~and student common²s areas,~~ which are non-public forums. As non-public forums, the College shall limit the use of those rooms/areas to presentations and performances by Guest Speakers, Lecturers, Performers, and Organized Groups (collectively, “Guest Speakers”) who support the College’s educational mission.

- 2.2 This policy does not apply to traditional public forums at the College, such as outdoor lawns on College property and College sidewalks adjoining public property. This policy also does not apply to the College's designated public forums, such as the auditoriums and indoor common areas. The College does, however, reserve the right to ensure the orderly use of public forum areas by applying reasonable time and manner restrictions in the future.
- 2.3 It is the emphatic intent of this policy that all persons authorized to approve or deny an otherwise appropriate request for a Guest Speaker shall observe strict neutrality as to the opinion or opinions that the Guest Speaker may express on the topic of the speech, lecture, presentation or performance. In other words, all approvals and denials of Guest Speaker requests shall be viewpoint-neutral, neither favoring nor disfavoring a particular point of view.

SECTION 3. DEFINITIONS

- 3.1 Academic Freedom – The College supports the Academic Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure, "institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition."
- 3.2 Guest Speakers, Lecturers, Performers, and Organized Groups (collectively, "Guest Speakers") – A person or group neither attending Southern, nor otherwise employed by the College, who is invited by an officially recognized student, student organization, a faculty member, or a staff member, to present or perform in a College classroom, meeting room, or lunch area, or student commons area.
- 3.3 Indoor Common Areas – Indoor common areas include hallways, restrooms, and other indoor areas accessible to students in general.

SECTION 4. POLICY

- 4.1 Only an officially recognized student, student organization, a faculty member, or a staff member may invite a Guest Speaker to perform or present in a College classroom, meeting room, or lunch area. Prior to inviting a Guest Speaker to present or perform in a College classroom, meeting room, or lunch area, or student commons area an officially recognized student, student organization, a faculty member, or a staff member must submit a *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Group* (SCP-1400.A) to her/his immediate supervisor or appropriate organization advisor.
- 4.2 An officially recognized student, student organization, a faculty member, or a staff member hosting a Guest Speaker in a College classroom, meeting room, or lunch area, or student commons area may not open the Guest Speaker's presentation or performance to individuals unaffiliated with the College without obtaining prior approval from the ~~President of the College or the President's authorized designee~~ faculty or staff member's immediate supervisor or the student organization's advisor.
- 4.3 Students, student organizations, faculty, and staff have a right to invite individuals to campus. Policies required by the College before a Guest Speaker is invited to appear on campus have been designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event. A request to invite a Guest Speaker to present or perform in a College classroom, meeting room, or lunch area, or student commons area shall be made in writing to the faculty or staff member's immediate supervisor or to the appropriate student organization's advisor at least seven (7) days (excluding holidays and weekends) prior to the date of the proposed presentation or performance. Exceptions to the minimum notice requirements may be authorized by the immediate supervisor or appropriate organization advisor in appropriate cases.

- 4.4 Any request to invite a Guest Speaker to present or perform in a College classroom, meeting room, ~~or~~ lunch area, or student commons area shall contain the following (as in Section 3 of SCP-1400.A):
- 4.4.1 the name of the sponsoring individual or organization,
 - 4.4.2 the proposed date, time and location of the meeting, lecture, or performance,
 - 4.4.3 the expected size of the audience,
 - 4.4.4 the name and address of the proposed Guest Speaker, and
 - 4.4.5 the topic.
- 4.5 Any external guest speaker, lecturer, performer, or organized group request is subject to the availability of the requested space for the meeting time and date requested. In the event that space is unavailable for the requested time and date of the meeting, or otherwise inappropriate for the request, or the request would impose substantial interference with normal activities of the institution, alternative available space ~~which is available~~ may be offered by the institution, or the sponsoring organization is free to request a more suitable date and location. The individual or group inviting the external guest speaker, lecturer, performer, or organized group is responsible for confirming the availability of space with the appropriate Director of Campus Operations. The College will not withhold use of institutional facilities as a means of censorship.
- 4.6 A request to invite a Guest Speaker to present or perform to whom payment would have to be from the College funds is subject to the availability of such funds. In order to receive payment for services, the Guest Speaker must be a registered vendor with the State of West Virginia. An electronic vendor application is available at <https://www.wvoasis.gov/>.
- 4.7 A request for a Guest Speaker may be denied if the ~~President of the College, or the President's authorized designee,~~ faculty or staff member's immediate supervisor, or unit supervisor, or the student organization's advisor determines that the proposed presentation or performance will:
- 4.7.1 Damage or destroy College property; or
 - 4.7.2 Disrupt, impair, or interfere with the College's regularly scheduled classes; or
 - 4.7.3 Physically harm, coerce, intimidate, or invade the lawful rights of students and College personnel; or
 - 4.7.4 Incite violence; or
 - 4.7.5 Constitute criminal activity.
 - 4.7.6 Additionally, the ~~President or the President's authorized designee~~ faculty or staff member's supervisor or the student organization's advisor, may deny a request to invite a Guest Speaker if ~~the President or the President's authorized designee~~ it is reasonably determined the presentation or performance presents a clear and imminent threat to the College's orderly operations or is obscene (i.e., that which appeals to the obscene interest in sex; is patently offensive; and lacks serious literary, artistic, political, or scientific value).
- 4.8 ~~The individual or group inviting a Guest Speaker shall provide the Guest Speaker with a copy of this policy. By acceptance of the invitation, a Guest Speaker shall assume full responsibility for any violation of the law or College policies while on the College's campuses. (Formerly 4.9)~~ Any meeting, assembly, or activity to

which a Guest Speaker may be invited is subject to all requirements, conditions, and approvals set forth in any policy or regulation of the Board of Governors and/or the institution concerning the use of campus property and facilities.

- 4.9 The views expressed by a Guest Speaker are his or her own and do not necessarily represent the views of ~~the Southern West Virginia Community and Technical College~~. Guest Speakers shall be held solely responsible for the views they express. The presence of a Guest Speaker on campus does not imply approval or endorsement by the College of the views expressed by the Guest Speaker, or by anyone else present at the event.
- 4.10 ~~The individual or group inviting a Guest Speaker shall notify the Public Relations Specialist when appropriate. (Vague language. Who determine's when it's appropriate? And what makes notification to the PR Specialist appropriate?)~~

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 None.

SECTION 6. GENERAL PROVISIONS

- 6.1 None.

SECTION 7. RESPONSIBILITIES

- 7.1 Individual or Group Making a Request:
- 7.1.1 ~~Must~~ Complete SCP-1400.A, *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Group* and provide other required documentation as needed.
- 7.1.2 ~~Individual or Group must s~~Submit one copy of SCP-1400.A and required documentation to the immediate supervisor (if the requestor is faculty or staff) and/or appropriate Vice President or the student organization's advisor.
- 7.1.3 ~~Individual faculty and classified staff s~~Submits requests directly to the immediate supervisor, if the requestor is a faculty or staff member.
- 7.1.4 ~~Faculty Senate Chair submits requests directly to the Vice President for Academic Affairs and Students Services.~~
- 7.1.5 ~~Classified Staff Council Chair submits requests directly to the Vice President for Finance and Administration.~~
- 7.1.6 ~~Student Government Association Presidents s~~Submit requests directly to the appropriate campus Student Government Association Advisor, if the requestor is the Student Government Association President.
- 7.1.7 Request a conference at any step to discuss recommendations, if desired.
- 7.1.8 A recommendation for denial at any step does not preclude an individual's or group's opportunity to be approved at the remaining phases. See, Section 7.4 below.
- 7.2 The Immediate Supervisor or Student Government Association Advisor Will:

- 7.2.1 Accept and review requests and appropriate documentation to determine that the required materials are included.
- 7.2.2 Approve or deny the request and notify in writing the individual or group making a request within two (2) working days of the decision.
- 7.2.3 Forward requests and appropriate documentation to the appropriate ~~Vice President~~ unit supervisor or organizational advisor for review and/or approval or denial.
- 7.2.4 ~~If the immediate supervisor is the Vice President for Development or the Vice President for Workforce and Community Development, he/she submits requests to the Vice President for Finance and Administration for review and/or approval or denial. Cabinet-level positions will submit requests directly to the President or President's authorized designee for review and/or approval or denial.~~

7.3 The Appropriate ~~Vice President~~ Unit Supervisor or Organization Advisor Will:

- 7.3.1 Accept and review requests and appropriate documentation to determine that the required materials are included.
- 7.3.2 Approve or deny the request and notify in writing the individual or group making a request within two (2) working days of the final decision.
- 7.3.3 Forward a copy of requests and appropriate documentation to the President's Office for maintaining a file with the names of individuals or groups that have been approved or denied as a Guest Speaker.

7.4 The Appeal Process:

- 7.4.1 In the event of a recommendation of denial, the individual or group making the request may appeal the final decision to the President.
- 7.4.2 The President shall review the request, documentation, and reason(s) for denial and render a written decision for approval or denial within two (2) working days of receiving the request for appeal.

7.5 The President of Southern West Virginia Community and Technical College or the President's authorized designee is responsible for the implementation of this policy.

SECTION 8. CANCELLATION

8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

Attachments: SCP-1400.A, *Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Group*

Distribution: Board of Governors (12 members)
www.southernwv.edu

Revision Notes: May 28, 2014 – Originated

June 17, 2014 – Initial Release

July 21, 2020 – Revisions reflect changes in the procedural and approval process, changes in the notification and documentation requirements, inclusion of the definition of academic freedom, inclusion of the West Virginia Council for Community and Technical College Education, Legislative Rule, Series 9, regarding academic freedom, and the Academic Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure in the policy’s reference section.

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-1400.A**

Request to Invite a Guest Speaker, Lecturer, Performer, or Organized Group

Potential Guest Speakers (as defined in SCP-1400) are not to be contacted until official approval has been received. Any Guest Speaker request must be made to the immediate supervisor or appropriate organization advisor seven (7) days prior to the date of the proposed speaking engagement, performance, or lecture. Exceptions to the minimum notice requirements may be authorized by the immediate supervisor or appropriate organization advisor in appropriate cases. Upon completion of this form, please submit it to the appropriate supervisor or organization advisor.

Section 1. General Information *(To be completed by the individual/group making the request.)*

Name of Sponsoring Individual or Organization, if any:	
Name of Person Completing this Form:	
Your Contact Information (Phone Number and E-mail):	

Section 2. Guest Speaker Information

Full Name of Guest Speaker:	
Mailing Address:	
Telephone Number:	
E-mail Address:	
Guest Speaker's Corporate Affiliation, if any:	

Section 3. Event Information

Proposed Date(s) of Event/Class/Meeting:	
Proposed Time(s) of Event/Class/Meeting:	
Proposed Location of Event/Class/Meeting:	
Expected Attendance for Event/Class/Meeting:	
Title/Topic/Performance being Presented:	

Section 4. Signature and Date

Individual or Organization's Representative Signature:	Date:
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Section 5. Signature of Immediate Supervisor or Organization Advisor, Appropriate Vice President Unit Supervisor, and Date

<input type="checkbox"/> Approved <input type="checkbox"/> Denied <u>Immediate Supervisor or Organization Advisor's Signature:</u> <i>If denied, state the reason for denial (use additional sheet if necessary):</i>	Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <u>Vice President's Unit Supervisor's Signature:</u> <i>If denied, state the reason for denial (use additional sheet if necessary):</i>	Date:

OFFICE USE ONLY
Copy to:
<input type="checkbox"/> Individual or Organization's Representative
<input type="checkbox"/> Appropriate Director of Campus Operations
<input type="checkbox"/> President's Office