

# Freedom of Expression Policy



Summit Public Schools (“Summit”) believes that free inquiry and exchange of ideas are essential components of education. Summit respects the right to express ideas and opinions, take stands on issues, and support causes, even when such expression is controversial or unpopular. However, Summit reserves the right to place reasonable restrictions on the time, place, and manner of any expression.

The right to exercise freedom of speech, expression, and of the press includes, but is not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities.

At the same time, the law is clear that the right of free expression is not unfettered and the freedom of speech, expression, and the press protections do not prevent a school from imposing certain restrictions and/or imparting discipline for certain forms of speech or expression that may be considered disruptive to the community or violative school policies.

Summit Public Schools reserves the right to restrict certain types of speech in their entirety including, among other types, the following:

- Expression that creates or threatens danger, and/or unlawful acts;
- Expression that threatens or presents a violation of Summit’s policies concerning harassment, intimidation, discrimination, bullying, and hate crimes;
- Expression that creates or threatens a substantial disruption of the orderly operation of the school;
- Expression that impinges on the rights of others;
- Vulgar, lewd, obscene, and plainly offensive speech or conduct; and
- Expression that is libelous or slanderous.

## Distribution of Circulars, Newspapers, and Other Printed Matter

Except as otherwise prohibited by law, the distribution of circulars, leaflets, newspapers, and pictorial or other printed matter, and the circulation of petitions are subject to the following procedures in order to preserve the orderly operation of our school sites:

- Leaflets, pictorial and other printed matter to be distributed shall be submitted to the Executive Director or their designee at least one school day prior to distribution.
- Distribution, free or for a fee, may take place at any time except during instructional time and providing there is no substantial disruption in the school programs (as determined by the Executive Director of the school site).
- The manner of distribution shall be such that coercion is not used to induce students or staff to accept the printed matter or to sign petitions.
- The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the Executive Director of the school site).
- Pupil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section.
- Faculty advisors of pupil publications shall supervise the production of the pupil staff to maintain professional standards of English and journalism; provided, however, that faculty advisors shall not be permitted to restrict or restrain the provisions of this section.
- There shall be no prior restraint of material prepared for official school publications except insofar as it violates this policy. Summit staff will have the burden of showing justification without undue delay prior to a limitation of pupil expression under this section.

## Buttons, Badges, and Other Insignia of Symbolic Expression

Students and staff shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression except as limited by this Policy or applicable law.

## Dress, Apparel, and Other Attire

Summit is committed to creating and maintaining an appropriate, academic, and respectful school culture. Our dress philosophy reinforces and supports a professional school environment. Most importantly, clothes should never get in the way of learning. Each school reserves the right to restrict dress, apparel, or other attire that would materially and substantially disrupt the work and discipline of the school.

## Use of Bulletin Boards

Students and staff have access to bulletin boards or similar forums upon request and subject to availability for use in posting student and staff materials on campus locations. The Executive Director of the school site shall determine in their sole discretion the location and number of bulletin boards or similar forums available for use.

Summit reserves the right to temporarily or permanently remove posted material that does not comply with Summit's policies and procedures, including this Policy, and applicable local, State and federal law and material deemed no longer timely in the reasonable opinion of the Executive Director. Summit reserves the right to remove or re-organize posted material in order to ensure space is available for incoming material. The Executive Director may determine in their sole discretion the frequency or schedule at which materials posted on campus billboards or other locations are cleared.

Summit will not be responsible for theft or damage to posted material.

## Organized Demonstrations

Students have the right to lawful organized on-campus demonstrations, subject to the provisions of Summit's policies and procedures, including this Policy, and applicable local, State and federal law. Demonstrations that create or incite pupils to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or demonstrations that substantially disrupt the orderly operation of the school are prohibited.

No organized demonstrations by school student groups are approved to take place during school hours off the school campus unless sanctioned by school authorities and supervised by a designated school authority. No individual student may demonstrate off-campus in the name of the school or as an official school group at any time unless authorized by the school to participate in the activity.

## Procedures and Protocols

1. The Executive Director or their designee shall review material submitted in a reasonable amount of time and shall allow approved material to be distributed according to the time and manner established by this Policy.
2. If the Executive Director or their designee declines to approve submitted material, any student may appeal the decision within five school days of the decision. Upon receipt of an appeal, the Executive Director or their designee shall render a decision within a reasonable period of time after receipt of the appeal.
3. The Executive Director or their designee shall work with student government representatives to develop additional procedures and protocols relating to freedom of expression on school grounds. Student responsibilities shall be emphasized.
4. If the Executive Director or any designee thereof becomes aware of a student plan or proposal in violation of this Policy, the Executive Director or their designee shall inform such student or students of the possible consequences of their action under each specific circumstance.

5. This Policy shall not be construed to prohibit or prevent the Board of Directors from adopting rules and regulations relating to communications by pupils upon the premises of each Summit school or at the Summit Home Office.

#### Employee Protections

No Summit employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this Policy, or refusing to infringe upon conduct that is authorized under this Policy or, the United States Constitution, or the Constitution of this State.