

BACKGROUND FOR THE COMMUNITY - THE U.S. CONSTITUTION'S FIRST AMENDMENT

Through its First Amendment obligations and commitment to the free expression of ideas, ASPRA City College provides registered students with a venue and safe space to speak on campus. The presence of student speakers should not be seen as an endorsement by ASPRA City College. There are exceptions to the First Amendment. For example, ASPRA City College may restrict expression that incites imminent lawless action, defames a particular individual, or targets a specific individual or individuals with threats of violence. According to the ACLU <https://www.aclu.org/other/speech-campus>, “the First Amendment does not protect behavior on campus that crosses the line into targeted harassment or threats, or that creates a pervasively hostile environment for vulnerable students. Determining when conduct crosses the line requires examination on a case-by-case basis.”



So why does ASPIRA City College allow individuals to speak on campus?

Under the First Amendment of the U.S. Constitution, ASPIRA City College must protect various expressive rights, viewpoints, values, and personal sensibilities. There may be statements and actions of some that may be viewed as unfitting, but ASPIRA City College must continue to uphold the right to free speech—a bedrock principle of our democratic society. Meanwhile, ASPIRA City College fully supports the fundamental right of free speech – even speech that may test the limits. To ban speakers who express ideas that some may find unfitting would be a violation of the First Amendment. Equally important, such a ban would limit the essential freedom that protects the rights of all of us to think and express our ideas freely. When conduct crosses the line ASPIRA City College conducts an examination.

Why does ASPIRA City College support speech that it's valued?

The First Amendment is a critical foundational element in our country and higher education as we prepare our graduates to enter a society where free speech certainly exists and is protected under the law. The free exchange of ideas is necessary, not only within our college but within the world beyond. ASPIRA City College must educate students to differentiate ideas and thoughts with intellectual clarity so that they can offer counter ideas to those thoughts with which they share independently of others.

Why is the Student Code of Conduct important - (prohibits harassment aimed at race or religion)?

It is important to understand that every case is different, and facts matter. It matters, for example, where the incident took place; it matters if it took place as part of an ASPIRA City College activity or educational program; it matters if there was additional “conduct” involved; it matters when the incident took place — before or after admission to ASPIRA City College; it matters if there are identifiable victims who are part of the ASPIRA City College community; it matters if the speech is “severe and pervasive.” Every case brought to our attention is reviewed individually for the potential disruption to education and the threat of imminent harm or other exceptions to free speech rights.

What about employees who engage in unbecoming or unwanted speech?

The constitutional standards and legal exceptions with concerning free speech apply differently to employees. Generally speaking, ASPIRA City College has more authority to regulate employee “speech,” especially in the workplace, and has numerous policies concerning the appropriate conduct and behavior. <https://www.archives.gov/founding-docs>