

APPLETON AREA SCHOOL DISTRICT
Administrative Guidelines and Protocols
for
Review and Approval of School District Speeches and Speakers

These discretionary guidelines outline procedures and factors for the Appleton Area School District (District) and its Superintendent to consider when reviewing and evaluating speeches that are to be given at certain District events, or by District officers, personnel, students, or affiliates. It is important to briefly review the scope and general application of these guidelines before reviewing their content.

These guidelines relate to the privilege of being invited to speak at District events and do not limit individual rights. The opportunity to speak at a school event is a privilege, not a right. Further, individuals do not acquire the right to address those attending District events by virtue of their office, position, status, achievement, or membership in any group.

In addition, speeches that are given on District premises or at District sponsored events are delivered from a platform that is provided by the public. As a result, the District and the public that it serves effectively subsidize these speeches. Therefore, speakers and speeches to be given at District events are subject to reasonable District regulation to ensure compliance with state and federal law, and to accomplish other, legitimate District purposes.

These guidelines are not a mandate: the District and its Superintendent retain the discretion to determine whether and the extent to which these guidelines help the District accomplish the purposes and values that these guidelines are intended to support and secure in specific cases. In this regard, these guidelines are intended to help District authorities determine whether individuals' proposed speeches are consistent with applicable federal and state law, as well as District policies and standards. Accordingly, these guidelines are a tool to assist District officials in determining whether it is appropriate to offer individuals the privilege of speaking at District events.

District officials, personnel, students, and guests remain free to dedicate their own funds, resources, time, and/or premises to speaking on matters of importance to them because, in general, these guidelines only concern speeches sponsored directly by the District or given at District sponsored events, or situations where the speaker is commissioned by the District to speak. Therefore, these guidelines do not restrict or regulate individual speech or expression. However, individual speech and expression may still be subject to other restrictions or limitations that are imposed by law or that the District may lawfully enforce through other policies, rules, or practices.

A. Requirements for Covered Speeches and Speakers

These guidelines include the following requirements:

1. Entire Speech Must Be Written. The full and complete text of proposed speeches must be provided in advance, in writing, to the District's Superintendent for his/her review. In order to satisfy the requirement of providing the "full and complete" text for a proposed speech, all of the words that a speaker proposes to say when their speech is presented must be included in the text of the speech that is submitted to the Superintendent.
2. Symbolic, Fashion, or Non-Verbal Means of Communication Must Be Disclosed. A speaker may propose to be permitted to wear jewelry, clothing, or accessories that reasonably could be understood to communicate a message to the audience when the speech is given. Speakers must disclose whether they intend to wear any such material(s) and must provide a photo of the material identified at the same time that the full and complete text of the speech is submitted.
3. Speeches Must Be Submitted In Advance. A proposed speech must be submitted to the Superintendent at least two (2) weeks before the speech will be given or on such other timetable as the Superintendent may direct.
4. Length of Speech. A proposed speech must be delivered at the event within any time limit that the Superintendent has established. Consequently, the Superintendent may impose word or page limits, or such other restrictions or requirements that he/she may deem necessary to ensure that speeches do not take more time than has been allotted.
5. Certification Requirement. Speakers that submit proposed speeches shall be required to certify that they will deliver the speech as written, except for minor and immaterial variances from the text of their proposal. "Minor and immaterial variances" includes brief, inconsequential statements that did not appear in the text of the speech that was submitted for advance approval, such as "thank you," "good luck," "it's nice to be here," and other modest variances. Speakers also must certify that they will not wear any symbolic or other materials that could reasonably be understood to communicate or impart messages that have not been disclosed in advance. Certification shall be in writing and shall be sworn under oath.
6. Discretion of the Superintendent. The Superintendent shall determine, in his/her sole discretion, when speeches are covered by these guidelines. In addition, the Superintendent shall determine, in his/her sole discretion, whether proposed speeches, non-verbal means of communication, and/or speakers will be approved. Further, after approved speeches have been given/delivered, the Superintendent shall determine, in his/her discretion, whether any variances from the text of the speech were legitimate, "minor or immaterial" variances under these guidelines.

7. Superintendent's Remedial Authority. The Superintendent may take remedial action in his/her discretion, including disciplinary action, to address any refusal or failure to deliver a speech as written (e.g., when there have been any variances from the approved text of the speech). The Superintendent may also take remedial action, in his/her discretion, to address any behavior exhibited by a speaker during his/her speech, as the Superintendent deems necessary or appropriate.

B. Goals and Purposes of Guidelines

The goals and purposes of these guidelines and requirements include, but are not necessarily limited to the following:

1. Uphold and abide by the Constitution of the United States of America.
2. Respect the rights and beliefs of all District constituents, and ensure that District decisions balance those rights and beliefs with other rights and interests in a manner that is consistent with current federal and state law.
3. Ensure that speeches given at District events are aligned with and further the purposes of the District and the event(s) where they are given.
4. Prevent disruption of the District's educational climate and conflict between District constituents.
5. Eliminate accidental disputes or controversies by ensuring that the content of covered speeches or addresses is fully disclosed before a speech or address is given.
6. Ensure that obscene, defamatory, or other inappropriate content is not permitted in speeches that are covered by these guidelines.
7. Review proposed speeches for compliance and consistency with District policy and administrative rules, regulations, and practices.

C. Application of Guidelines

1. Situations where these guidelines may apply:

These guidelines will generally apply to the following situations. They may also be applied in other circumstances when the Superintendent, in his/her discretion, deems it appropriate.

However, and to reiterate, these guidelines are not a mandate and the Superintendent's determination(s) that they should not be applied in specific

situations -- even situations that fall into the categories identified below -- shall not constitute a violation of District policy or procedure; instead, such determinations reflect the Superintendent's sound discretion and apprehend that exceptional or unique circumstances may call for different protocols or results in specific cases. Consequently, the situations identified are illustrative and are not necessarily an all-inclusive summary of the circumstances where these guidelines may be applied.

- a. Speeches or addresses given in District buildings or facilities leased by the District.
- b. Speeches or addresses that use instrumentalities that are owned, rented, or financed by the District (e.g., stage, podium, microphones, lighting, or real property).
- c. Larger assemblies where the District or a District school, a member of the District Board of Education or a Board of Education committee, or other individual or entity that is or is reasonably understood to be a District group or representative is a sponsor of the event.
- d. Events at which school officials speak, where such officials are in fact or are reasonably perceived to be speaking as representatives of the District.
- e. Speeches given by students to assemblies or other programs or ceremonies that are sponsored by the District, where students' speeches are themselves sponsored by the District, or where the student delivers their speech in the capacity of a school or District representative.

2. Factors that may influence the application of District guidelines:

Factors that may be considered to determine whether, the extent to which, and/or the manner in which these guidelines apply to speeches or addresses may include, but shall not be limited to the following. These factors will not be considered in a mechanical or predetermined manner, and will be considered, weighed, and/or applied on a case-by-case basis, as the District's Superintendent deems appropriate. Further, the weight that is to be given these or other factors, singularly or in combination, shall be in the discretion of the District's Superintendent.

- a. Is the speech or address being given in a District building or a facility being leased by the District?
- b. Is the speech or address being given as part of a District program?

- c. Does the stage, podium, setting, or any other physical characteristic of the location where the speech or address will be given reasonably lead viewers to conclude that the District has sponsored the speech or address?
- d. Have District funds or resources been used to support the program that includes the speech or address, or to support the speech or address specifically?
- e. Is District technology (e.g., microphones, speakers, lighting, computers (such as desktop computers, laptops, or tablets), printers, copiers, web sites, or social media sites) being used to facilitate publicity for or delivery of the speech or address?
- f. Is the speech given at District school events, events sponsored (fully or in part) by the District, or at other non-school events where the speech or speaker is in fact or may be reasonably viewed as appearing on behalf of the District or as its representative?
- g. Are District students, faculty, or staff, required to attend the event?
- h. Do District constituents, such as District residents, parents of District students, faculty, staff, or students have to attend the speech or address in order to effectively participate in District curricular programs or events, co-curricular programs or events, activities, or assemblies?
- i. Is attendance optional at the District event where the speech is given?
- j. Are symbols (e.g., logos), font selections, decorations, and other visual aids that accompany the speech identified with the District, in a manner that furthers the impression that the speech is endorsed or sponsored by the District?
- k. Even if attendance is not mandatory, is the program where the speech is given one that faculty, staff, and/or students must attend to fully participate in the traditions, society, or culture of the District?

These guidelines are to be administered by the Superintendent in his/her discretion. The Superintendent shall determine, in his/her discretion, whether and how these guidelines apply to specific cases and circumstances presented. The decisions of the Superintendent concerning speeches and speakers covered by these guidelines shall be final.

APPLETON AREA SCHOOL DISTRICT

Affirmation Regarding Appleton Area School District Speeches

I, _____, have agreed to provide a speech for the Appleton Area School District (District), to speak at an event sponsored by the District, or to speak in the capacity of a school or District representative. As a condition of my speech, I hereby make the following sworn affirmations.

I affirm that I have read and understand the District's Administrative Guidelines and Protocols for Review and Approval of Public School Speeches.

I affirm that the written copy of my speech submitted to the District for review is the true and correct text of my full and complete speech.

I affirm that the speech I deliver on (date of speech) will be identical to the written text I submitted to the District, except for minor and immaterial variances, as defined in District Policy.

I affirm that I have disclosed to the District any and all symbolic, fashion, or non-verbal means of communication that I intend to use in my speech, except for ordinary physical gestures and movements that commonly accompany oral speech.

I affirm that I will not use any symbolic, fashion, or non-verbal means of communication in my speech without the District's prior approval, except for ordinary physical gestures and movements that commonly accompany oral speech.

I affirm that the length of my speech will comply with any time limits established by the District.

I understand that by swearing to these statements before a notary that I am affirming the statements to be true and correct under penalty of law.

Signature of Speaker/Affirmant

State of Wisconsin, County of Outagamie
Signed and sworn to before me on _____
by _____
Notary Signature: _____
Notary's Expiration Date: _____
Notary's Seal: