2.28 THE OKLAHOMA FREE SPEECH COMMITTEE TO THE OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION

A. <u>Statutory Authority of Committee</u>

There is hereby created the Oklahoma Free Speech Committee to the Oklahoma State Regents for Higher Education (the "Committee"). 70 O.S. § 3205.11. The Committee shall be advisory in nature and shall, among other duties and responsibilities, provide recommendations regarding free speech policies, training, and complaints. 70 O.S. § 3205.12.

B. Committee Preamble

The Oklahoma State System of Higher Education is committed to free and open inquiry in all matters. Oklahoma's public colleges and universities support the right of members of an institution's community to have the broadest possible latitude to speak, to write, to listen, to challenge, and to learn. Except insofar as limitations on that freedom are necessary to the functioning of an institution of higher education, the Oklahoma State System of Higher Education fully respects and supports the freedom of all members of a college or university community to discuss any topic that presents itself.

Without a vibrant commitment to free and open inquiry, an institution of higher education ceases to fulfil its mission. This is especially true of a public institution of higher education. For over 200 years, the First Amendment to the Constitution of the United States has protected against abridgements of the right of freedom of speech. Moreover, since statehood, Article 2, Section 22, of the Oklahoma Constitution has provided that: "Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press." Commitment to the principle of freedom of expression lies at the very core of the Oklahoma State System of Higher Education.

Of course, the ideas of different members of a college or university community will often and quite naturally conflict. But it is not the proper role of a college or university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Oklahoma's colleges and universities greatly value civility. All members of a college or university community share in the responsibility to maintain a climate of mutual respect. Concerns about civility and mutual respect, however, can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of a college or university community.

The freedom to debate and to discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever or whenever they wish. A college or university may restrict expression that violates the law, that falsely defames an individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise incompatible with the functioning of the institution. In addition, a college or university may reasonably regulate the time, place, and manner of expression, to ensure that it does not disrupt the ordinary activities of the institution. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the commitment of the Oklahoma State System of Higher Education to a completely free and open discussion of ideas.

A fundamental commitment of the Oklahoma State System of Higher Education is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even most members of a college or university community to be

offensive, unwise, immoral, or wrong-headed. It is for the individual members of a college or university community, not for the institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting ideas they oppose. Indeed, fostering the ability of members of a college or university community to engage in debate and deliberation in an effective and responsible manner is an essential part of an institution's educational mission.

As a corollary to the commitment to protect and to promote free expression, members of a college or university community must also act in conformity with the principle of free expression. Although members of the community are free to criticize and to contest the views expressed on campus, and to criticize and to contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, each college or university has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it. The colleges and universities of the Oklahoma State System of Higher Education shall adopt such policies and procedures as they deem necessary and appropriate to implement this standard.

C. <u>Committee Membership</u>

- Nominations may be solicited by or submitted to the Chair of the Oklahoma State Regents for Higher Education (OSRHE), who initially selects eight public members for 3-year terms, and thereafter fills any positions that become vacant in order to cover the remainder of any incomplete term or to begin a new 3-year term.
- 2. In addition to the eight public members, there shall be one standing Regent appointed by the Chair of the OSRHE on an annual basis.
- 3. The Chair of the OSRHE will also annually appoint a Chair of the Committee.
- 4. The Chair of the Committee, as well as its members, all serve at the pleasure of the Chair of the OSRHE.

D. Duties and Responsibilities of the Committee

- 1. To "[r]eview the free speech policies of Oklahoma public universities." 70 O.S. § 3205.12(1). The Committee will review the free speech policies of the institutions comprising the Oklahoma State System of Higher Education and make any recommendations directly to the institutions for improvements. 70 O.S. § 3205.12(4).
- 2. To "develop a process of collecting complaints of free speech violations on public university campuses and advise complainants of their rights. Universities shall publish contact information on how to report free speech concerns to the Oklahoma Free Speech Committee on its website." 70 O.S. § 3205.13.
- 3. To "[r]eview any free speech complaints filed with the Committee." 70 O.S. § 3205.12(2). The Committee will review complaints filed with the Committee and make any recommendations directly to the institution. While not required, potential complainants are encouraged to first take advantage of the internal grievance process of their respective institution before filing any complaint with the Committee.
- 4. To "[r]eview university training on free speech for improvements." 70 O.S. § 3205.12(3). The Committee will review the free speech training provided by the institutions comprising the Oklahoma State System of Higher Education and make

any recommendations directly to the institutions for improvements. <u>70 O.S. §</u> 3205.12(4).

5. To "develop a First Amendment training or approve of an outside First Amendment training that shall be required for all college deans, heads of departments, and individuals responsible for establishing university free speech policies or handling free speech complaints. The Committee shall either revise or reapprove the training every two (2) years. The training will be required every two (2) years, or upon hire or promotion to one of the positions described by this section." 70 O.S. § 3205.14.

E. <u>Meetings of the Committee</u>

- 1. The presence of five (5) members of the Committee shall constitute a quorum.
- 2. Though not required, given the public nature of its business the Committee should adhere to the Open Meetings Act (25 O.S. § 301 et seq.) to the extent practical.

F. Travel Reimbursement of Committee Members

Members of the Committee shall not receive compensation for serving on the Committee, but may receive travel reimbursement as follows:

- 1. Legislative members for the Committee may be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with <u>74</u> <u>O.S § 456</u> from the legislative body in which they serve;
- 2. State agency employees who are members of the Committee shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act (74 O.S. § 500.1 et seq.); and
- 3. All other Committee members may be reimbursed for travel expenses incurred in the performance of their duties by the OSRHE in accordance with the State Travel Reimbursement Act.

G. Administrative Support

OSRHE staff will provide administrative support to the Committee as needed and as available.