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**POLICY MANUAL REVISION – CHAPTER 4.2**

**Action Requested:** Consider, as a first and final reading, proposed revisions to Board of Regents Policy Manual Chapter 4.2 – Freedom of Expression.

**Executive Summary:** On March 27, 2019, Iowa Code Chapter 261H was enacted. Iowa Code Chapter 261H is an act relating to speech and expression at public institutions of higher education in the State of Iowa. The chapter directs the Board of Regents to adopt a policy addressing speech and expression at the universities under its jurisdiction.

Current Regent Policy Manual Chapter 4.2 governs Campus Speakers and Programs. The Board is requested to approve striking current Chapter 4.2, and replacing with the language included in this docket memorandum. Language from current Chapter 4.2 – Campus Speakers and Programs, has been retained in section 5 of the proposed policy with minor revisions for readability.

**Proposed Chapter 4.2 – Freedom of Expression**

1. Policy Statement

The Board of Regents is committed to the principles of free expression embodied in the First Amendment to the United States Constitution and Article 1, Section 7 of the Constitution of the State of Iowa. The Board recognizes that the primary mission of the institutions of higher education under its jurisdiction is the promotion of teaching, research, and scholarship. In support of this mission, the institutions of higher education under the jurisdiction of the Board of Regents must provide ample opportunity for members of the campus community to engage in the free exchange of ideas.

2. Guiding Principles

- A. The primary function of the Regent universities is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the universities must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the First Amendment to the Constitution of the United States.
- B. It is not the proper role of the Regent universities to shield individuals from speech protected by the First Amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.
- C. It is the proper role of the Regent universities to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the First Amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of First Amendment rights.
- D. Students, faculty, and staff have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the First Amendment to the Constitution of

the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established First Amendment principles.

3. Definitions

- A. Campus Community - students, administrators, faculty, and staff at a Regent university and guests invited to a Regent university by the university's students, administrators, faculty, or staff.
- B. Outdoor Areas of Campus - the generally accessible outside areas of campus where students, administrators, faculty, and staff at a Regent university are commonly allowed. The term "outdoor areas of campus" does not include areas outside health care facilities including both stand-alone facilities and mixed-use facilities that are embedded within another facility, veterinary medicine facilities, a facility or outdoor area used by an athletics program or teams, or other outdoor areas where access is restricted to a majority of the campus community.

4. Use of University Grounds and Facilities.

- A. The outdoor areas of campus are public forums, open on the same terms to any member of the campus community subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- B. Members of the campus community may engage in non-commercial expressive activity in any outdoor area of campus in accordance with the provisions of Iowa Code Chapter 261H and published university policies governing time, place, and manner restrictions. No area of campus shall be designated as a free speech zone, nor will the universities create policies that restrict expressive activity to a particular outdoor area.
- C. Each university shall develop viewpoint-neutral time, place and manner policies identifying outdoor areas of campus and governing use by members of the campus community that are consistent with this Chapter 4.2 and Iowa Code Chapter 261H. These policies shall be published on the university's website in a location that is readily accessible to the public.
- D. University policies may permit reservation of university grounds or facilities, including the outdoor areas of campus, provided any system of reservation is applied in a viewpoint-neutral manner. The use of outdoor areas of campus or other university grounds and facilities for non-commercial expressive activity may be conditioned upon the payment of reasonable expenses to be incurred by the university in accommodating a speaker or event. Expenses must reasonably reflect the actual costs estimated to be incurred by the university, and under no circumstances shall costs be based on the viewpoint of any speaker.

5. Campus Speakers and Programs. The universities shall encourage students and staff to hear diverse points of view from speakers and programs sponsored by the university and/or recognized student, faculty, and employee organizations.

- A. Restrictions. In sponsoring campus speakers and programs, recognized faculty, student, and employee organizations shall comply with institutional rules on the advance reservation of rooms, the posting of notices, and the payment of rental charges when applicable and such other rules as the institution prescribes for the use of its buildings to avoid any interference with the regular program of the institution.
  - B. Sponsorship of Meeting. To encourage the presentation of diverse points of view on any issue, the president of a Regent university or a campus committee may at any particular meeting, or from time to time, sponsor, or encourage recognized campus groups to sponsor, additional speakers or programs that will contribute to the full and frank discussion of such issue.
6. Student Organizations –
- A. The universities shall not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or the expression of the viewpoint by the student organization or its members, as protected by the First Amendment to the Constitution of the United States.
  - B. The universities shall not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support its beliefs, as those beliefs are interpreted and applied by the student organization, and to further its mission.
  - C. Student organizations may, but are not required to, limit leadership positions to students who, upon individual inquiry, affirm that they support the student organization's beliefs and agree to further the student organization's mission.
7. Nothing in this policy shall be interpreted as prohibiting the Regent universities from regulating or restricting expressive activity that is not protected by the First Amendment.
8. Complaints to the Board of Regents.
- A. Any member of the campus community aggrieved by a violation of this policy may file a complaint with the Executive Director of the Board of Regents.
  - B. Complaints must be filed within one year of the date when the alleged violation occurred or when the member of the campus community should have been reasonably aware of the alleged violation.
  - C. The Executive Director may (i) forward the complaint to the Board of Regents for review, (ii) may direct the matter to the applicable university for initial review, (iii) or take other action as determined by the Executive Director to resolve the complaint.
  - D. Any complaint directed to the university for initial review may be appealed to the Board of Regents pursuant to Chapter 1.7 of this policy manual.