

Resolution Establishing Expectations for Implementing Principles of Free Expression on Campus

Whereas, on May 18, 2023, the Utah Board of Higher Education passed a [Resolution on Freedom of Expression](#), establishing foundational principles of free speech for all Utah System of Higher Education institutions; and

Whereas, the Board desires to set expectations for how institutions will implement these broad principles of free expression operationally through specific policies, practices, and procedures;

Therefore, be it resolved, the Utah Board of Higher Education establishes the following expectations and directives to further its commitment to promoting and preserving free expression within the Utah System of Higher Education and cultivating a thriving marketplace of ideas:

Institutions shall establish policies, practices, and procedures that will:

- *Maintain institutional neutrality. Institutions, as governmental entities, or employees acting in their official capacities as representatives of the institution must refrain from taking public positions on political, social, or unsettled issues that do not directly relate to the institution's mission, role, or pedagogical objectives. This does not mean faculty, staff, or students must remain neutral; indeed, institutions should promote a culture that encourages and celebrates forums in which faculty, students, staff, and community members may express conflicting, controversial, or unpopular viewpoints. A fundamental mission of higher education is to promote the exchange of knowledge and ideas through teaching, research, critical evaluation, civil discourse, and debate. Neutrality as an entity allows the institution to protect this mission by supporting those who engage in open, rigorous debate without disaffecting segments of its faculty, staff, and students whose sincerely held beliefs conflict with others. The institution can thereby fulfill its responsibility to be an impartial steward of the marketplace of ideas in which sincerely held viewpoints are subject to rigorous scrutiny and must withstand the challenge of open debate and critical examination on their own merits, not the institution's endorsement.*
- *Protect a speaker's right to free expression at approved events or venues on campus. This includes allowing an institution to intervene when individuals or groups substantially disrupt protected expression. Institutions have a solemn responsibility not only to promote the freedom*

to debate and scrutinize all ideas in appropriate forums but also to protect that freedom when others attempt to restrict it.

- *Protect the safety of those participating in constitutionally protected speech on campus by working with security personnel and campus or local law enforcement to establish procedures and criteria for determining when it is appropriate to intervene in a forum for free expression for the sake of public safety.*
- *Provide a process for an institution to publicly address, condemn, or prohibit expression or actions that violate the law, such as violence, incitement, genuine threats, discrimination, harassment, or expression that is directly incompatible with our institutions' ability to achieve their primary missions or pedagogical objectives.*
- *Protect and cultivate academic freedom. Faculty must be free to investigate, research, discuss, publish, and teach within their academic expertise and on topics relevant to course curricula without interference from institutional administrators, elected officials, governing boards, or other entities. Institutional neutrality should not be interpreted to allow for restrictions on curriculum, expression germane to approved curriculum or subject matter, or to otherwise restrain academic exploration within the bounds of traditional academic freedom.*
- *Introduce campus communities to diverse viewpoints, including inviting speakers, sponsoring symposiums and lectures, or presenting other opportunities to hear differing perspectives and ideas. These policies shall include criteria to avoid rescinding invitations to speakers or canceling events solely on the basis that groups oppose the viewpoints being expressed, that those viewpoints are controversial, or that the speaker's presence on campus will generate concerns about security and public safety. These policies and procedures should include clear, objective, narrow, and content-neutral criteria for determining security costs charged to sponsoring entities.*
- *Establish a program designed to educate new students about the institution's role as the marketplace of ideas; what constitutes protected speech; when the institution may intervene in speech, such as direct threats, violence, illegal harassment or discrimination; how to appropriately express viewpoints through events, such as protests, parades, or other events, including an explanation of the institution's time, place and manner restrictions; and the institution's policies prohibiting the disruption of another individual's right to free expression, including shouting down speakers or blocking speakers' access to a forum. The scope and medium in which the institution delivers this program may be tailored to the institution's mission and role.*

Institutions shall submit their policies, procedures, and practices to the Board for review and discussion and to ensure they meet the requirements of this resolution on or before June 1, 2024.

The Office of the Commissioner shall establish and staff an advisory committee on free expression made up of First Amendment experts, representatives from faculty, institutional administrators, the governor’s office, institutional boards of trustees, and a member of the Board of Higher Education. The Board acknowledges that, although principles of free expression are straightforward, some aspects remain controversial, and applying them within the complexities of institutions will require further inquiry, research, and refinements. This is particularly true in reconciling institutional neutrality with advocating for student success and belonging or addressing hate speech on campus—these issues will require additional development. This committee will advise the Board to help develop solutions and refinements to this resolution and institutional policies, practices, and procedures moving forward.

Dated this 1st day of December 2023.

Amanda Covington, Chair
Utah Board of Higher Education



Geoffrey Landward
Interim Commissioner of Higher
Education