

Via email

October 17, 2019

Governor Asa Hutchison  
State Capitol  
Little Rock, Arkansas 72201

Senator Cecile Bledsoe and Rep. Jeff Wardlaw  
Co-Chairman of Arkansas Legislative Council  
State Capitol  
Little Rock, Arkansas 72201

Re: Act 184 of 2019 Report to Governor and Legislative Council

Dear Governor Hutchison, Senator Bledsoe, and Rep. Wardlaw:

Pursuant to Act 184 of 2019 state-supported institutions of higher education shall submit to the Governor and Legislative Council, a report that details:

The course of action implemented to ensure compliance with the requirements of this subchapter by ninety days after the effective date of this act; and

Any changes or updates to the chosen course of action within 30 days after making the change or updates.

Southern Arkansas University Tech after conferring with Southern Arkansas University's system personnel, has revised its campus facilities policy to delete references to a free speech area. A review of other policies indicates that they are compliant with Act 184.

If further information is needed, please let me know.

With regards,

David McLeane  
Vice Chancellor for Student Services

# Free Expression Policies and Procedures

**Purpose:** To meet the requirements of ACT 184 also known as the Forum Act, forming open and robust University minds. Southern Arkansas University Tech will meet the requirements by adhering to the stated requirements:

- First Amendment rights are critical components of the education experience for students and requiring that each state-supported institution of higher education in this state ensure free, robust, and uninhibited debate and deliberation by students, whether on or off campus.
- Provide adequate safeguards for the First Amendment rights of their students to avoid a stifling of expression on campus.
- Recognizing freedom of speech as a fundamental right for all.
- Ensure the fullest degree of intellectual and academic freedom and free expression. It is not the proper role of state-supported institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, including without limitation ideas and opinions the individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.

## **Expectations from the Campus Community:**

Campus Community Defined - Campus community means a state-supported institution of higher education's students, administrators, faculty, staff, and invited guests.

- Free Expression (demonstration) means lawful action or conduct that criticizes or objects to an expressive activity on campus.
- It does not violate the rights of others in the campus community by materially disrupting previously scheduled or reserved activities in a portion or section of the campus at that scheduled time.
- It does not allow for harassment meaning an expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the state-supported institution of higher education.
- It does not allow for expression that materially and substantially disrupts. Meaning a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group, or prevents the transaction of the business of a lawful meeting, gathering, or procession. This is done by engaging in fighting, violence, or other unlawful behavior, or by physically blocking or using threats of violence to

prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

- Free Expression does allow for lawful protests in an outdoor area of campus that is generally accessible to members of the campus community, except during times when the area has been reserved in advance for another event.
- Free Expression also allows for minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.
- Protected expressive activities are communicating through any lawful verbal, written, or electronic means. Participating in peaceful assembly, protesting, making speeches, including without limitation those of guest speakers. Distributing literature, making comments to the media, carrying signs and circulating petitions.
- A member of the campus community who wants to engage in noncommercial expressive activity in an outdoor area of campus of a state-supported institution of higher education shall be permitted to do so freely, if the individual's conduct is not unlawful and does not materially and substantially disrupt the functioning of the state-supported institution of higher education.
- Prohibited actions include true threats, expression directed to provoke imminent lawless actions, harassment, and allowing an individual to engage in conduct that materially and substantially disrupts another person's expressive activity if the other person's activity is occurring in an area of campus that is reserved for an activity under the exclusive use or control of a particular group.

**Public Forums:**      Where can Free Expression areas be found?

- Outdoor areas of campus meaning the generally accessible outside areas of the campus of a state-supported institution of higher education where members of the campus community are commonly allowed including without limitations grassy areas, walkways, and other similar common areas.
- Outdoor areas' of campus does not include outdoor areas where access by the majority of the campus community is restricted.
- Designated indoor areas (see Usage of Reservable Indoor Information Dissemination Areas document.)

## Indoor Reservable Usage of Information Dissemination Areas

### General Policies and Procedures for Indoor Areas Use

1. Areas must be used for purposes which are consistent with the mission of Southern Arkansas University Tech. The right to make the determination in such matters is vested solely in the College.
2. Priority in the assignment of Information Dissemination Areas is as follows:
  - a. Regular College use of the area for the purpose for which the area is designed or designated
  - b. College sponsored classes or events
  - c. Members of the Campus Community also to include approved student organizations of the College
  - d. College affiliated groups sponsored by the faculty and/or administration or SAU Tech student.
  - e. Agencies and/or institutions' programs supported by the State of Arkansas
  - f. All other groups outside the College.
3. Areas reservations shall be assigned on a "first come, first served" basis unless a serious conflict involving a higher priority user occurs. In such a case, a lower priority user may be required to change Areas, times, or dates. Requests to reserve campus Areas **must** be submitted a minimum of 10 working days prior to the date of the intended use. Failure to complete an Areas request form will cause a reservation to be canceled.
4. It is the responsibility of the contracting party to maintain the College's standard of conduct and dress appropriate to a College environment. Failure to comply may result in immediate termination of the use of the areas and future restrictions. SAU TECH assumes no liability for injuries and assumes no liability for the loss of or damage to non-College property.
5. The contracting party is responsible for all damages to the area incurred during the scheduled usage.
6. Events in Information Dissemination Areas will be closed for usage by 5 p.m. Monday through Thursday. Exceptions for unusual circumstances must be requested in writing to the Vice Chancellor of Student Services.
7. Nothing is to be affixed to walls, ceilings, floors, doors or furniture without written permission.

8. Currently, tobacco products are prohibited in all College public Areas and within 25 feet outside any building. ACT 734, Arkansas Clean Air On-Campus Act of 2009 bans smoking on campuses of institutions of higher education effective August 1, 2010.
9. The scheduling of any events in an Information Dissemination area is prohibited during final exam week. The Vice Chancellor of Academics may grant special permission.

#### **SAU TECH Responsibilities**

Southern Arkansas University Tech College personnel will be responsible for:

1. Temperature control
2. Unlocking and locking the facility at the designated times as listed on the request form

#### **The User's responsibilities are:**

1. Ensure that no damage is done to SAU TECH Areas or equipment;
2. To maintain order at the event so that classes and other groups that may be sharing the same or a nearby facility are not disturbed;
3. Inspect the area for litter after the event area use is over.
4. Report any damage to the Vice Chancellor of Student Services.
5. Sole purpose of these designated areas is to disseminate information to those individuals that approach the designated area.
6. User agrees to be physically located within the designated area.

#### **Note:**

The physical plant shall be responsible for assessing the damage and setting the fee for restitution. The individual contracting the area is responsible for any payments for damages incurred. If restitution for assessed damages is not made, the group or individual may not be allowed to use SAU TECH Information Exchange Areas again. In addition, SAU TECH reserves the right to take legal action to collect any assessed damages and associated costs of collection.

The statements, views, and opinions of those utilizing this area are not endorsed by, nor reflect the opinions of Southern Arkansas University Tech.



## Indoor Information Dissemination Area Request Form

Request to reserve campus Information Exchange Areas must be submitted via email to [dmcleane@sautech.edu](mailto:dmcleane@sautech.edu) as an attachment to the Office of Vice Chancellor of Student Services a minimum of ten (10) working days prior to the date of intended use.

Date Sent:	Please check appropriate Box(es) for Information Exchanges Areas <input type="checkbox"/> Administration Building <input type="checkbox"/> Business Building <input type="checkbox"/> Student Center <input type="checkbox"/> Tech Building
Date Received:	

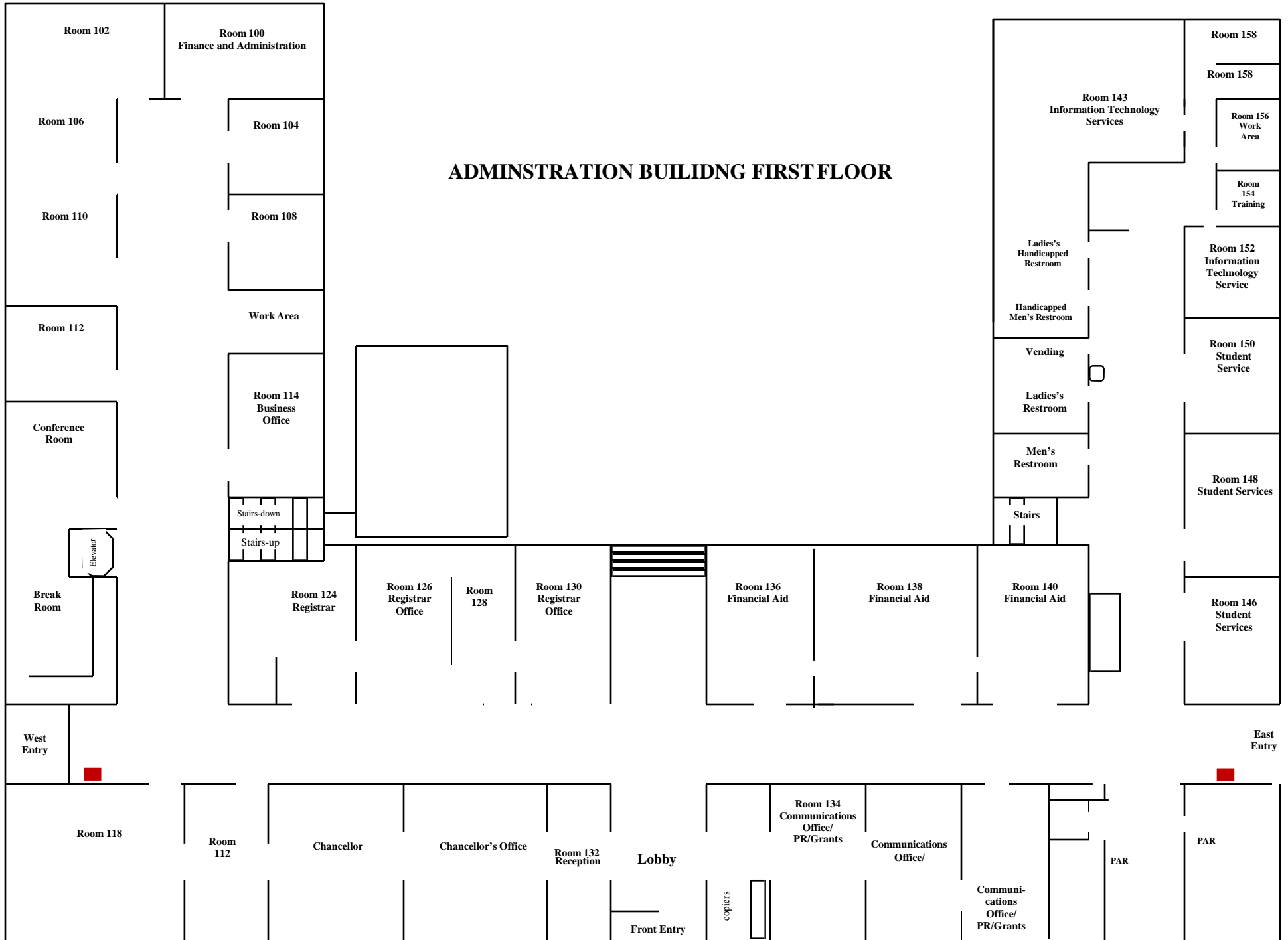
### Request Information

Event:	
Day(s) of the week and dates:	Event Start time:
	Event End time:

### Sponsor Information

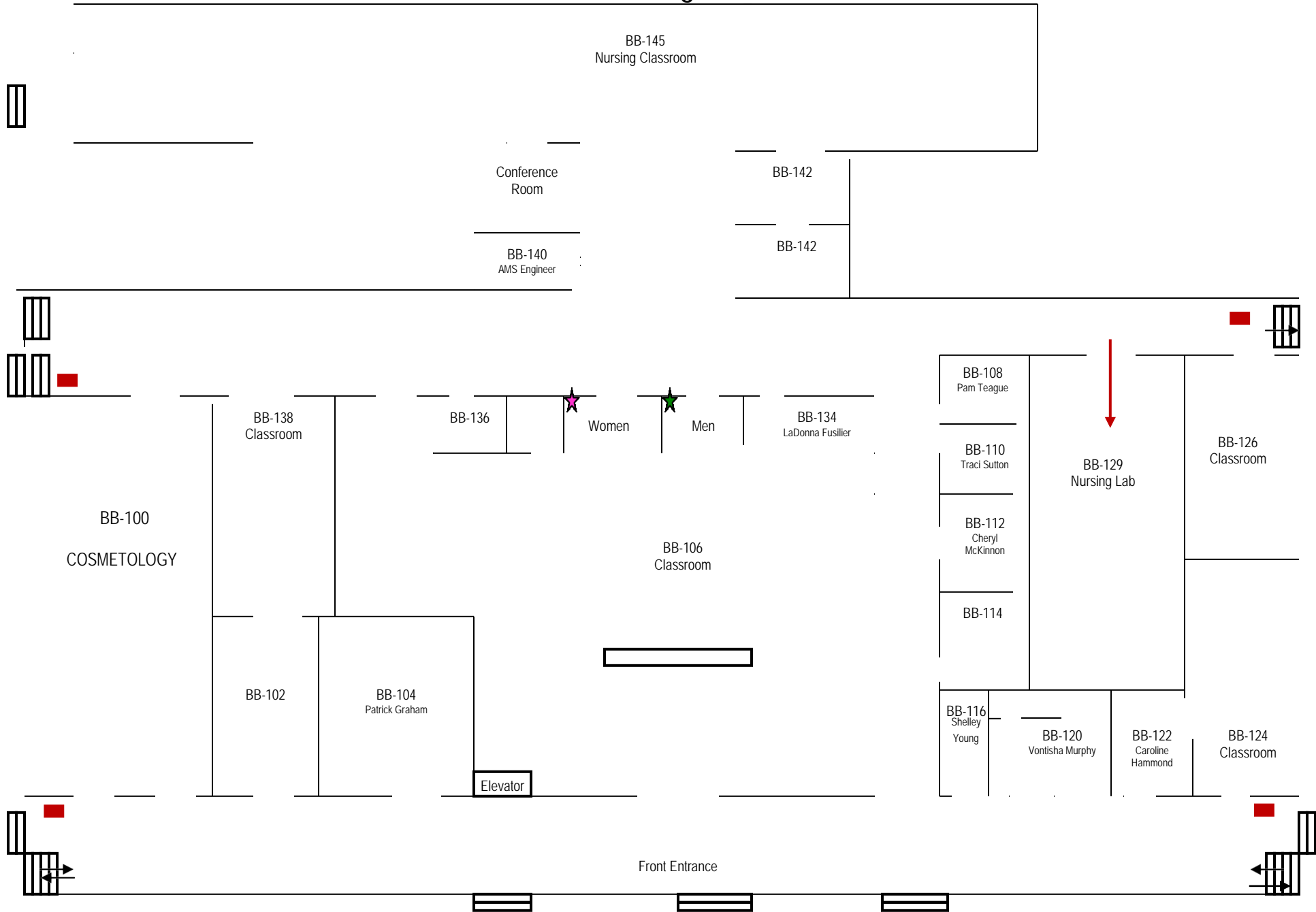
Contact Name:	
Phone Number:	Mailing Address :
Organization:	City, State, and Zip

# ADMINSTRATION BUILDING FIRST FLOOR



■ Information exchange stations

# Business Building—First Floor



■ Information exchange area



Mechanical Maint.

SC101  
Grand Hall

Women's  
Bathroom

Men's  
Bathroom

Student's life  
offices

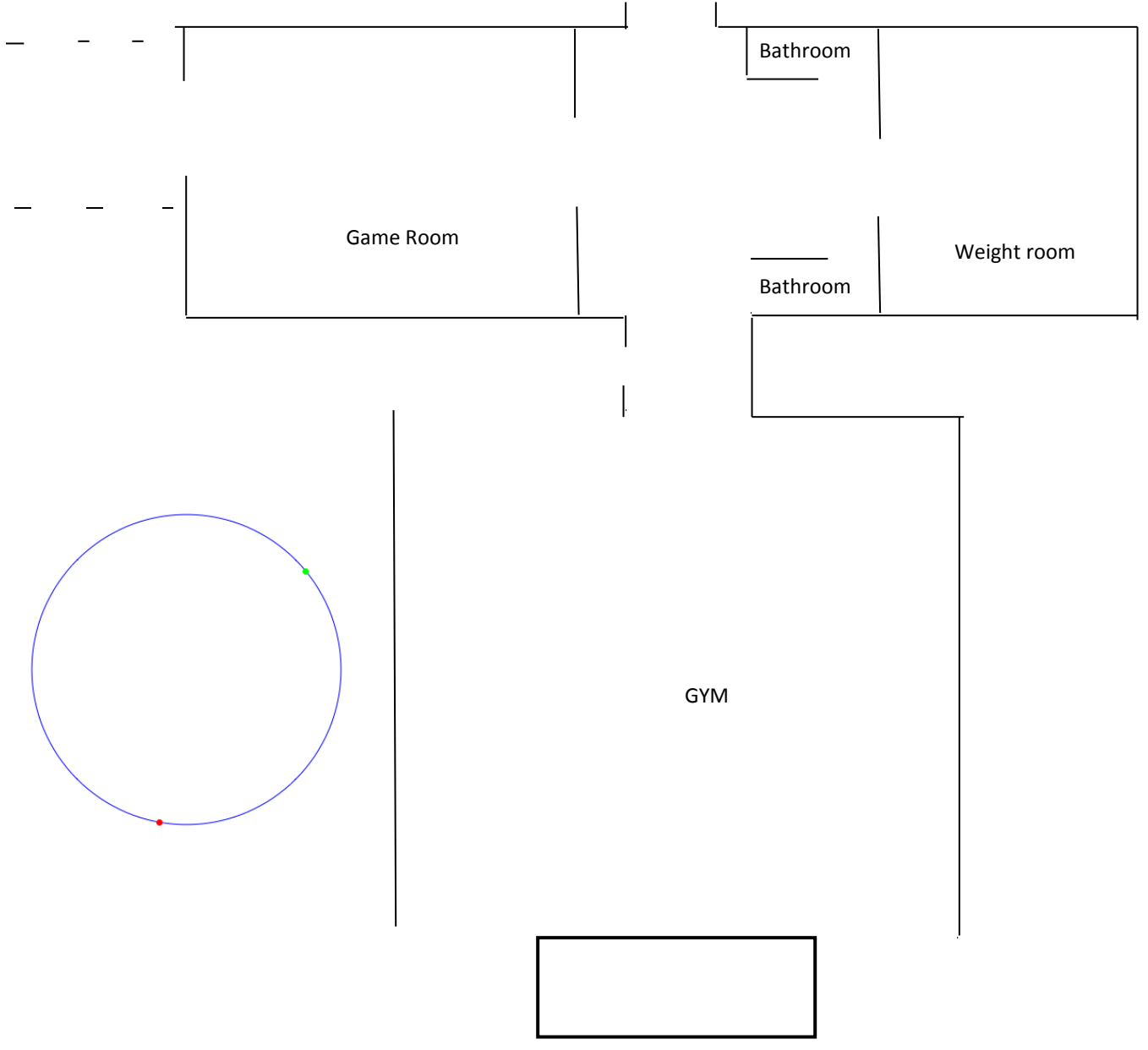
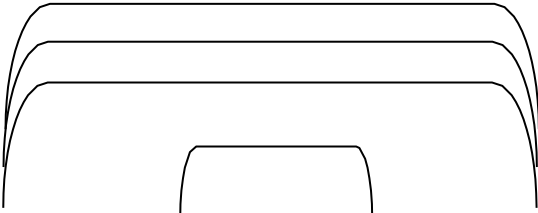
Bookstore  
SC122

SAU Dining Area

Executive Dining  
room

SAU Tech Cafe

■ Information exchange Stations

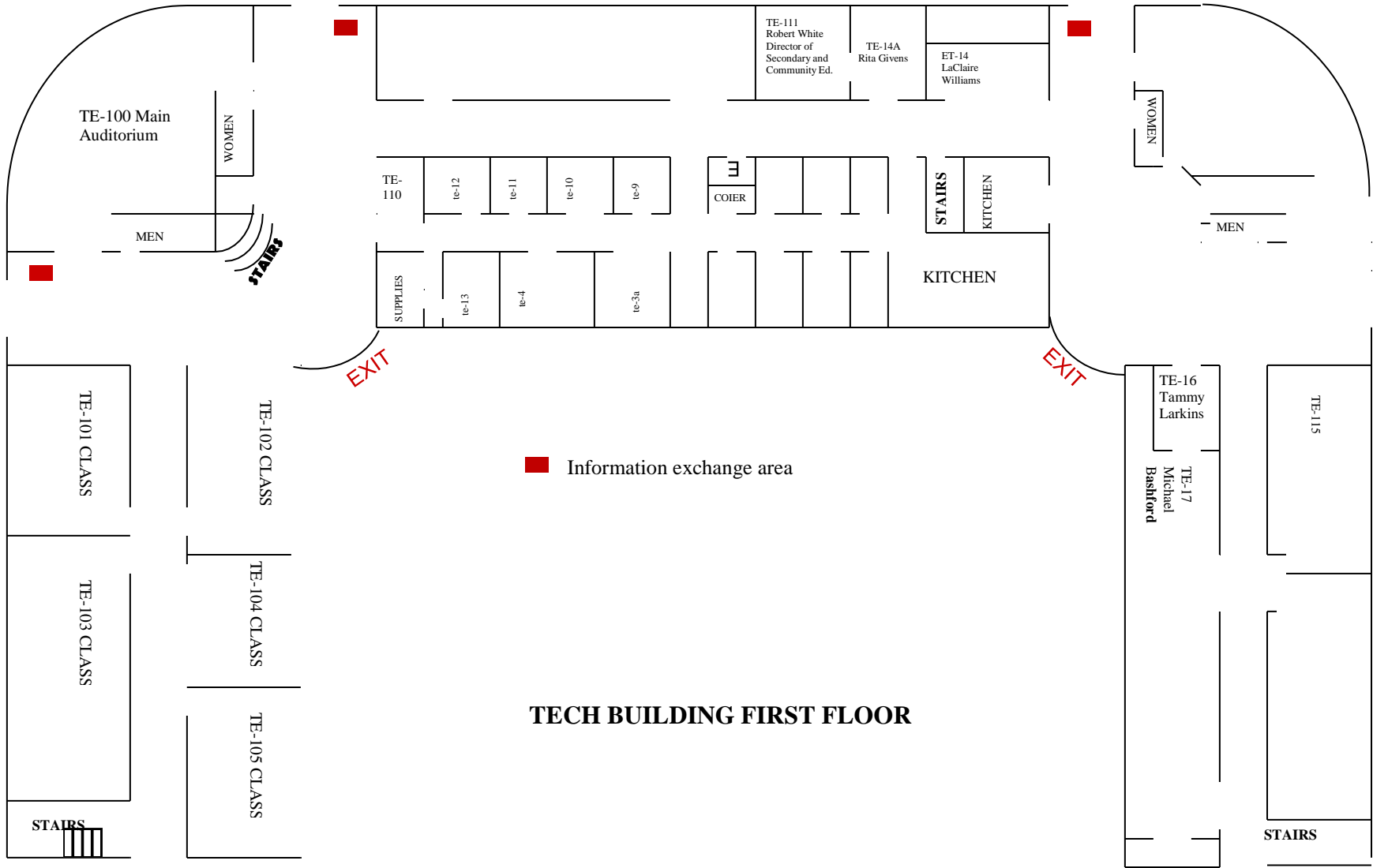


**STUDENT CENTER AND GYM AREA**

SOUTH FRONT  
ENTRY

West Entry

West Entry



Information exchange area

### TECH BUILDING FIRST FLOOR