



UNIVERSITY OF
CENTRAL
ARKANSAS™

OFFICE OF THE
PRESIDENT

October 17, 2019

Governor Asa Hutchinson
State Capitol, Suite 250
Little Rock, AR 72201

Senator Cecile Bledsoe, Co-Chair
Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council
State Capitol, Room 315
Little Rock, AR 72201

Re: Forming Open and Robust University Minds Act (Act 184 of 2019) – Report of actions taken to ensure compliance with the act.

Dear Governor Hutchinson, Senator Bledsoe, and Representative Wardlaw:

The University of Central Arkansas has taken multiple steps to ensure compliance with the Forming Open and Robust University Minds Act. Most significantly, the Board of Trustees of the University of Central Arkansas adopted a revised free speech policy at its October 11, 2019, meeting. Board Policy No. 406 was revised to incorporate the provisions of the act. A copy of the revised policy is attached to this report. The policy is publicly available on the university website and is referenced in our student handbook. The student handbook is incorporated into the orientation process for new students each year.

Since the start of the fall semester, I have attended meetings of the Student Government Association, the Faculty Senate, and the Staff Senate to discuss the provisions of Act 184 and ensure that students, faculty, and staff are all aware of the expectations and responsibilities pursuant to the act. The presidents of each of those three campus organizations were provided drafts of the proposed revisions to the board policy and had an opportunity to participate in the revision process. A discussion of the act has been incorporated into both new faculty and new staff orientation. Finally, training sessions for the university police department and the division of student services will be held this month to ensure that individuals with responsibility understand both the act and the revised policy.

Please contact me (wreadnour@uca.edu or 450-5007) if you have any questions or need additional information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Warren Readnour".

Warren Readnour
General Counsel

Enclosure

**UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY**

Policy Number: 406

Subject: Free Speech

Date Adopted: 11/02 Revised: 08/13, 10/19

A. Purpose

The University of Central Arkansas believes in academic freedom and free speech. The purpose of this policy is to provide fair and reasonable guidelines concerning the rights of individual assembly and free speech while maintaining order and access to the campus of the University of Central Arkansas.

B. Policy

The First Amendment of the United States Constitution, the Arkansas Constitution, and the Forming Open and Robust University Minds (FORUM) Act protect the rights of free speech. To the extent any provision of this policy conflicts with federal or state law, the law shall control. The university believes that the right of expression is as necessary as the right of inquiry and both must be preserved as essential to the pursuit and dissemination of knowledge and truth. However, the university also has an obligation to protect its property, to prohibit interference with the normal educational process on its campus, and to respect the private rights of all individuals. The university recognizes that free speech may include ideas and opinions that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive. Free speech by individuals or by groups must not violate any rights of others, materially and substantially disrupt the normal function of the university, materially and substantially disrupt previously scheduled or reserved activities, violate other university policies, or be unlawful. As set forth in statute and case law, free speech does not extend to harassment or threats. In such cases, the individual or individuals will be prohibited from these activities on the UCA campus.

C. Definitions

For purposes of this policy, the following definitions shall apply:

- a. "Campus Community" means: (i) the university's students, administrators, faculty, and staff and (ii) invited guests of the university or its students, administrators, faculty, and staff. A student, administrator, faculty member, or staff member must accompany the invited guest when such person is engaged in expressive activity protected by this policy.
- b. "Materially and substantially disrupts" means 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 by: (i) engaging in fighting, violence, or other unlawful behavior or (ii) physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.
- c. "Outdoor areas of campus" (1) means the generally accessible outside areas of the campus where members of the campus community are commonly allowed, including without limitation: (i) grassy areas, (ii) walkways, and (iii) other similar common areas; (2) Outdoor areas of campus include, but are not limited to, the Student Amphitheater, Alumni Circle, the lawn in front of McAlister Hall, and the area in front of Christian Cafeteria; and (3) "Outdoor areas of campus" does not include outdoor areas where access by the majority of the campus community is restricted -- areas where access is restricted include, but are not limited to, Estes Stadium, Bear Baseball Stadium, Bill Stephens Track/Soccer Complex, Farris Softball Complex, Farris Fields Complex, and the Intramural Fields.
 - d. "Harassment" means 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 university.

D. Procedure

An outdoor area of campus is deemed a public forum for members of the campus community. A member of the campus community may engage in noncommercial expressive activity in an outdoor area of campus between the hours of 7:30 a.m. and 10:00 p.m. Any amplification equipment must be approved at least 24 hours prior to the activity and no structure(s) may be erected.

Expressive activities protected by this policy and state law consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation: (1) communicating through any lawful verbal, written, or electronic means; (2) participating in peaceful assembly; (3) protesting; (4) making speeches, including without limitation those of guest speakers; (5) distributing literature; (6) making comments to the media; (7) carrying signs; and (8) circulating petitions.

For individuals or organizations who are not members of the campus community, the area adjacent to the southwest corner of Ferguson Chapel, not to exceed 50 feet in any direction, is hereby designated as a limited public forum. On a first-come, first-served basis, individuals or organizations who are not members of the campus community may utilize this designated forum for free speech purposes, without registration, 24 hours a day, seven days a week. However, no amplification equipment may be used and no structure(s) may be erected. Members of the campus community may also utilize this outdoor area for noncommercial expressive activity.

Individuals or organizations responsible for expressive activities (i) must not obstruct entrances or exits to buildings, (ii) must not obstruct pedestrian or vehicular traffic, and (iii) must remove all signs and litter from the area at the conclusion of the event.

Outdoor areas of campus, other than the area adjacent to Ferguson Chapel, may be reserved in advance for use at a specified date and time in accordance with Board Policy No. 400. All other areas of the campus, including facilities, must be scheduled for use and approved by the university in accordance with Board Policy No. 400.

E. Exclusions

This policy does not apply to use of outdoor areas of campus (i) for activities and official events sponsored by the University, (ii) by employees acting within the course and scope of their employment, or (iii) by vendors that have a contractual relationship with the University acting within the course and scope of the contract.