

Board of Regents of the University of Nebraska Policy

Commitment to Free Expression; Guide for Facilities Use; and Education

(January 12, 2018)

Introduction

The University of Nebraska honors the First Amendment of the U.S. Constitution and has long dedicated itself to the free exchange of ideas.

The purpose of this policy is to articulate, clarify and underscore that long-standing commitment in a manner that furthers both freedom of expression and the University's mission of teaching, research and public service. The first section of this policy sets forth the University's and the Board of Regents' commitment to the tenets of Free Expression; the second section provides a framework for campuses to provide what are referred to as "facilities use plans" or programs applicable to particular spaces and resources on their campuses, consistent with that commitment, the law, and the University's mission; and the final section is a mandate for education with respect to the rights surrounding the First Amendment.

Commitment to Free Expression

"Freedom of speech" and "freedom of expression" refer to one's Constitutional right to articulate and express ideas and opinions, through any means, i.e. speaking, writing, or artistic expression, without fear of government retaliation, censorship, or other sanction. The University of Nebraska is a public institution of higher education, which holds dear this right, a right that is indispensable to its ability to transmit knowledge and fundamental to the University community's pursuit to discover, explore, interpret, and question knowledge and opinions. The University greatly values the creation and maintenance of an inclusive climate in which all members of its community are welcomed and are encouraged to participate in the free expression of ideas. Inasmuch as the search for new truths often comes forth only after bringing together differing opinions, the University aims to foster and uphold the capacity of the University community to engage in discourse and deliberation in an effective, responsible and respectful manner. This is critical to the University's mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community are expected and required to act in conformity with the underlying principles of free expression. Although members of the University community are free to comment on, criticize and contest views that others express, they must do so at a time and place, and in a manner that does not prevent, impede, or obstruct the freedom

community--its Board, administration, faculty and staff, students, alumni, and all who act as its ambassadors--to serve as models reflecting behavior consistent with the tenets of civil discourse. Civility defines Nebraska and our University of Nebraska community.

As important as are the rights to debate and discuss competing ideas, the First Amendment does not protect all expression. The University will not facilitate expression in violation of

Education

Last, yet of great importance, regular opportunities for the University community to educate itself about the First Amendment and this policy, as well as the existence and implementation of campus facilities use programs, are imperative. The understanding of one's constitutional rights, and the expectations surrounding those rights, is vital to the free exchange of ideas, information, opinions and discovery. Failure to understand and learn the underpinnings and legal interpretation of the First Amendment lends itself to incivility and miscommunication. Because this exchange is so very critical to the University's mission, it is incumbent upon the University to engage in a deliberate program of education for the University community, and beyond, with respect to the First Amendment of the U.S. Constitution and the University's support of it.

Adoption of this policy will prompt a review of University policies and practices throughout