

INDIAN CAPITAL TECHNOLOGY CENTER FREEDOM OF EXPRESSION ANNUAL REPORT 2019 and 2020

Pursuant to 70 O.S. § 2120 Indian Capital Technology Center V-004 submits the following information to demonstrate its course of action for compliance with the requirements of this statute:

District Freedom of Expression Policy - adopted January 14, 2021

Indian Capital Technology Center respects and values student activism. The technology center takes pride in our students' interactions with social and political issues, viewing it as a desirable, if not essential, component of civic engagement and, therefore, adopts the following policy.

Policy

The outdoor areas of any campus of the technology center are deemed public forums for the campus community, and the technology center will not create "free speech zones" or other designated areas of campus outside of which expressive activities are prohibited. The technology center may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest when the restrictions employ clear, published, content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature. Nothing in this paragraph shall be interpreted as applying to student expression taking place elsewhere on campus.

Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the technology center.

Nothing in this policy shall be interpreted as preventing the technology center from prohibiting, limiting or restricting expression that the First Amendment does not protect or prohibiting harassment as defined in this policy.

Nothing in this policy shall enable individuals to engage in conduct that intentionally, materially and substantially disrupts another person's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

Nothing in this policy shall prohibit the technology center from maintaining and enforcing reasonable time, place and manner restrictions that are narrowly tailored to serve a significant institutional interest only when such restrictions employ clear, published, content- and viewpoint-neutral criteria. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble, speak and distribute literature.

The technology center will make public in its ICTC Student Handbook, on its website and through its orientation programs for students the policies, regulations and expectations of students regarding free expression on campus consistent with this policy.

The technology center will develop materials, programs and procedures to ensure that those persons who have responsibility for discipline or education of students, including but not limited to administrators, campus police officers, and instructors, understand the policies, regulations and duties of the technology center regarding free expression on campus.

Reporting Requirement

By December 31st each year, the technology center will public post on its website and submit to the Governor and legislature a report that details the course of action implemented to comply with the provisions a report which details the course of action implemented to be in compliance with the requirements of 70 O.S. §2120. A report shall also be submitted in the instance of any changes or updates to the chosen course of action. The report provided on the website shall be:

- a. Accessible from the technology center's website home page by use of not more than three links;
- b. Searchable by key words and phrases; and
- c. Accessible to the public without requiring registration or use of a username, password or another user identification.

The technology center's report will include the following information:

- a. a description of any barriers to or incidents of disruption of free expression occurring on campus, including but not limited to attempts to block or prohibit speakers and investigations into students or student organizations for their speech. The description shall include the nature of each barrier or incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific barriers or incidents involving students without revealing those students' personally identifiable information, and
- b. any other information the technology center deems valuable for the public to evaluate whether free expression rights for all members of the campus community have been equally protected and enforced.

In the event the technology center is sued for an alleged violation of First Amendment rights, a supplementary report, with a copy of the complaint or amended complaint, will be submitted to the Governor and the Legislature within thirty (30) days.

Definitions

"Campus community" means students, administrators, faculty and staff at the technology center and their invited guests;

"Expressive activities" include, but are not limited to, any lawful verbal, written, audio-visual or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs and circulating petitions.

"Harassment" means only that expression that is unwelcome, so severe, pervasive and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the technology center.

"Materially and substantially disrupts" means when a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the

communication of the message or prevents the transaction of the business of a lawful meeting, gathering or procession by:

- a. engaging in fighting, violent or other unlawful behavior, or
- b. physically blocking or using threats of violence to prevent any person from attending, listening to, viewing or otherwise participating in an expressive activity. Conduct that "materially disrupts" shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 22 of Article 2 of the Oklahoma Constitution. Such protected conduct includes but is not limited to lawful protests in the outdoor areas of campus generally accessible to the members of the public, except during times when those areas have been reserved in advance for other events, or minor, brief or fleeting nonviolent disruptions of events that are isolated and short in duration;

"Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

"Student organization" means an officially recognized group at the technology center, or a group seeking official recognition, comprised of admitted students that receive or are seeking to receive benefits at the technology center.

Reference: Okla. Stat. tit. 70 O.S. §2120

Professional Development for Students and Employees

Indian Capital Technology Center communicates policy and expectations to students, staff and faculty through orientation meetings and assemblies, as well as publication of policies in their respective handbooks and on the technology center website. The technology center also communicates new policy and/or updates through electronic communication. Professional development materials include a summary sheet of general information regarding new state law Okla. Stat. tit. 70 O.S. §2120, Freedom of Expression policy and Freedom of Expression Procedures.

Copy of Professional Development Training Information

The following professional development information was provided to the campus community via campus meetings with faculty and staff. Individual Campus Directors are responsible for ensuring that faculty share the procedures and policies with students. Electronic Communications are provided to faculty, staff, and students.

Indian Capital Technology Center Professional Development

Freedom of Expression

Part 1: State Law

- Passed in the 2019 Oklahoma Legislature, signed by the Governor, effective August 30, 2019

- In brief, the law provides that, the public outdoor areas of any campus of the technology center are deemed public forums for the campus community, and the technology center will not create “free speech zones” or other designated areas of campus outside of which expressive activities are prohibited.
- This law is consistent with historical federal guidance regarding 1st Amendment protected events on this issue, but also requires:
 - New Policy (Freedom of Expression)
 - Professional Development for faculty, staff and students
 - Annual report to the Governor and Legislature
 - Make public our Freedom of Expression Policy through student orientation meetings, assemblies and post on our website that has less than three clicks to access.
 - Submit notification of any attempts to block or prohibit speakers, or any investigations into student or student organizations for their speech.

Part 2: New Freedom of Expression Policy

- In accordance with the new state law, Indian Capital Technology Center has adopted a policy which addresses Freedom of Expression. (see attached)

Part 3: Procedures

- Take time to review the Freedom of Expression Procedures

Reserving Indoor Campus Facilities

Outdoor Expressive Activity

Contact the Superintendent if there is a planned Expressive Activity to be held on outdoor areas, so that any questions regarding safety, reasonable, place and manner restrictions and/or set-up may be discussed.

For outdoor campus facilities and areas, the Campus Community may freely engage in spontaneous expressive activities as long as they do not block access to campus buildings, obstruct vehicular or pedestrian traffic, substantially disrupt previously scheduled campus events, substantially disrupt technology center operations, constitute unlawful activity, or create a clear and present threat to public safety.

No technology center personnel may impose restrictions on the Campus Community who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to these activities, technology center officials shall take all necessary steps to ensure public safety while allowing the Expressive Activity to continue.

Report of any Barriers, Incidents of Disruption of Free Expression

During 2019 and 2020 Indian Capital Technology Center has not had any barriers or incidents of disruption of free expression occurring on its campuses. There have been no attempts to block or prohibit speakers, nor any investigation into students or student organizations for their speech.