

4. **U. T. System: Discussion and appropriate action related to updates to The University of Texas System Commitment to Freedom of Speech and Expression**

RECOMMENDATION

The U. T. System Board of Regents is asked to consider adopting additional elements originating with the University of Chicago's Kalven Committee Report on the University's Role in Political and Social Action as set forth below.

**The University of Texas System Commitment to Freedom of Speech and Expression**

Because The University of Texas System (UT System) is committed to free and open inquiry in all matters, it guarantees all members of the UT System the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the UT System, the UT System and the UT institutions fully respect and support the freedom of all members of the UT System community "to discuss any problem that presents itself."

Of course, the ideas of different members of the UT System community will often and quite naturally conflict. But it is not the proper role of the UT System or the UT institutions to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

Nor is it the role of the UT System or UT institutions to adopt positions based on political or social passions or pressures. Institutions should not, in their official capacity, issue or express positions on issues of the day, however appealing they may be to some members of the university community. This has no bearing, of course, on freedom of speech of individuals in the university community, and only relates to official university statements, functions, ceremonies, and publications.

Although the The UT System greatly values civility, and although all members of the UT System community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of the UT System community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. UT institutions may restrict speech and expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of any UT institution. In addition, the UT institutions may reasonably regulate the time, place, and manner of speech and expression to ensure that it does not disrupt the ordinary activities of the institution. But these are narrow exceptions to the general principle of freedom of speech and expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the UT System commitment to a completely free and open discussion of ideas.

In a word, the fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most individual members of the UT System community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the UT System community, not for the UT System or the UT institutions, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of individual members of the UT System community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the educational mission of the UT System and the UT institutions.

As a corollary to the commitment to protect and promote free speech and expression, members of the UT System community must also act in conformity with the principle of free speech and expression. Although members of the UT System community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the UT System and the UT institutions have a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

#### BACKGROUND INFORMATION

On November 17, 2022, the U. T. System Board of Regents approved The University of Texas System Commitment to Freedom of Speech and Expression, reflecting its agreement with principles set forth originally by the University of Chicago. In approving the U. T. System Commitment, the Board formally endorsed and acknowledged the long-standing commitment of the U. T. System to these principles with the expectation that the Commitment will serve to continue to protect the freedom of speech and expression on campuses in a way that promotes free and open inquiry and provides transparency regarding the U. T. System commitment to the promotion and protection of free speech and expression within the U. T. System community.

The Chicago Statement on Free Speech articulates a commitment to free and open inquiry in all matters and guarantees members of the university community broad latitude to speak, write, listen, and learn. The Chicago Statement recognizes that there must, at times, be restrictions on speech, as long as such restrictions are not used in a manner inconsistent with the law and free and open discussion of ideas. Over 80 institutions and faculty bodies have adopted or endorsed the Chicago Statement or a substantially similar statement. The Kalven Report set forth principles in support of institutional neutrality on political and social issues of the day to ensure that the university would be home to diverse and sometimes conflicting ideas, not a participant in those issues.