

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1725

By: Daniels

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2021, Section 2120, as amended by Section 3, Chapter 18, O.S.L. 2022 (70 O.S. Supp. 2025, Section 2120), which relates to protection of certain expressive activities; allowing certain institutions of higher education to charge a security fee for certain activities requiring a permit; prohibiting a fee from being charged on certain basis; providing basis for security fee; requiring publication of security fee criteria; prohibiting an institution from sanctioning or disciplining certain expression except under certain circumstances; providing certain construction; requiring institutions to ensure certain individuals who teach students understand certain policies, regulations, and duties; requiring electronic submission of certain report; adding recipient of certain report; updating statutory references; updating statutory language; amending Section 5, Chapter 18, O.S.L. 2022 (70 O.S. Supp. 2025, Section 3205.14), which relates to Oklahoma Free Speech Committee training; directing the Committee to develop certain training; requiring training to be completed by certain students; allowing an institution to develop its own training subject to certain recommendation for approval; providing minimum contents of training; updating statutory language; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 2120, as amended by Section 3, Chapter 18, O.S.L. 2022 (70 O.S. Supp. 2025, Section 2120), is amended to read as follows:

Section 2120. A. As used in this ~~act~~ section:

1. "Campus community" means students, administrators, faculty, and staff at the public institution of higher education and their invited guests;

2. "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 public institution of higher education;

3. "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, or 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

1 Amendment to the United States Constitution or Section  
2 22 of Article 2 of the Oklahoma Constitution. Such  
3 protected conduct includes, but is not limited to,  
4 lawful protests in the outdoor areas of campus  
5 generally accessible to the members of the public,  
6 except during times when those areas have been  
7 reserved in advance for other events, or minor, brief,  
8 or fleeting nonviolent disruptions of events that are  
9 isolated and short in duration;

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

15 5. "Public institution of higher education" means any  
16 institution within The Oklahoma State System of Higher Education or  
17 technology center schools overseen by the State Board of Career and  
18 Technology Education; and

19 6. "Student organization" means an officially recognized group  
20 at a public institution of higher education, or a group seeking  
21 official recognition, comprised of admitted students that receive or  
22 are seeking to receive benefits through the public institution of  
23 higher education.  
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1 B. Expressive activities protected under the provisions of this  
2 section include, but are not limited to, any lawful verbal, written,  
3 audio-visual, or electronic means by which individuals may  
4 communicate ideas to one another, including all forms of peaceful  
5 assembly, protests, speeches and guest speakers, distribution of  
6 literature, carrying signs, and circulating petitions.

7 C. 1. The outdoor areas of campuses of public institutions of  
8 higher education in this state shall be deemed public forums for the  
9 campus community, and public institutions of higher education shall  
10 not create "free speech zones" or other designated areas of campus  
11 outside of which expressive activities are prohibited. Public  
12 institutions of higher education may maintain and enforce reasonable  
13 time, place, and manner restrictions narrowly tailored in service of  
14 a significant institutional interest only when such restrictions  
15 employ clear, published, content- and viewpoint-neutral criteria  
16 and provide for ample alternative means of expression. Any such  
17 restrictions shall allow for members of the campus community to  
18 spontaneously and contemporaneously assemble and distribute  
19 literature.

20 2. Nothing in this subsection shall be interpreted as limiting  
21 the right of student expression elsewhere on campus.

22 3. A public institution of higher education may charge a  
23 security fee to a student or student organization as part of an  
24 application for expressive activities that require a permit. If an

institution of higher education charges a security fee, it shall not be based on the content of the expressive activities, the content of the expression of an invited guest, or the anticipated reaction to the expressive activities of a student or student organization or the expression of an invited guest. Imposition of a security fee shall be based on content- and viewpoint-neutral criteria including, but not limited to, the time or location of the event, the anticipated size of the event audience, and whether alcohol will be served. A public institution of higher education that charges a security fee pursuant to this paragraph shall publish on its website the criteria that will be used to assess a security fee.

D. 1. 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 public institutions of higher education, subject only to the requirements of subsection C of this section.

2. Nothing in this subsection shall prohibit public institutions of higher education 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

1 the campus community to spontaneously and contemporaneously  
2 assemble, speak, and distribute literature.

3 3. Nothing in this subsection shall be interpreted as  
4 preventing public institutions of higher education from prohibiting,  
5 limiting, or restricting expression that the First Amendment does  
6 not protect or prohibiting harassment as defined by this section. A  
7 public institution of higher education may not sanction or  
8 discipline a student's expression as harassment unless the  
9 expression meets the definition of harassment provided by this  
10 section. Any public institution of higher education policy  
11 applicable to students that addresses harassment shall use the  
12 definition provided by this section.

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

18 5. Nothing in this section shall be interpreted as prohibiting  
19 a public institution of higher education from providing resources to  
20 a student or students affected by expressive activity that cannot be  
21 sanctioned by the provisions of this section, the First Amendment,  
22 or other nonpunitive actions designed to foster resilience or  
23 achieve pedagogical goals.

1 E. Public institutions of higher education shall make public in  
2 their handbooks, on their websites, and through their orientation  
3 programs for students the policies, regulations, and expectations of  
4 students regarding free expression on campus consistent with this  
5 section.

6 F. Public institutions of higher education shall develop  
7 materials, programs, and procedures to ensure that those persons who  
8 have responsibility for discipline or education of students,  
9 including, but not limited to, administrators, campus police  
10 officers, residence life officials, and any individual who teaches  
11 students including professors, adjunct professors, faculty, and  
12 teaching assistants understand the policies, regulations, and duties  
13 of public institutions of higher education regarding free expression  
14 on campus consistent with this section.

15 G. 1. Each public institution of higher education shall  
16 publicly post on its website, as well as electronically submit to  
17 the Governor, the Legislature, ~~and~~ the Chancellor of The Oklahoma  
18 State System of Higher Education, and the Oklahoma Free Speech  
19 Committee annually by December 31, a report that details the course  
20 of action implemented to be in compliance with the requirements of  
21 this section. A report shall also be ~~given~~ electronically submitted  
22 in the instance of any changes or updates to the chosen course of  
23 action. The information required in the report shall be:

- a. accessible from the institution'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 user name, password, or another user identification.

2. The report shall include:

- 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 each public institution of higher education deems valuable for the public to evaluate whether free expression rights for all members of the campus community have been equally



protected and enforced consistent with this ~~act~~  
section.

3. If a public institution of higher education is sued for an alleged violation of First Amendment rights, a supplementary report with a copy of the complaint, or any amended complaint, shall be electronically submitted to the Governor and the Legislature within thirty (30) days.

H. Any person or student organization aggrieved by a violation of this section may bring an action against the public institution of higher education and its employees acting in their official capacities responsible for the violation and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages, reasonable ~~attorneys'~~ attorney fees, and court costs. Any person or student organization aggrieved by a violation of this section may assert such violation as a defense or ~~counter-claim~~ counterclaim in any disciplinary action or in any civil or administrative proceedings brought against such student or student organization. Nothing in this subsection shall be interpreted to limit any other remedies available to any person or student organization.

I. A person shall be required to bring suit for violation of this section no later than one (1) year after the day the cause of action occurs. For purposes of calculating the one-year limitation period, each day that the violation persists and each day that a

1 policy in violation of this section remains in effect shall  
2 constitute a new day that the cause of action has occurred.

3 J. If any provision of this section or any application of such  
4 provision to any person or circumstance is held to be  
5 unconstitutional, the remainder of the section and the application  
6 of the provision to any other person or circumstance shall not be  
7 affected.

8 SECTION 2. AMENDATORY Section 5, Chapter 18, O.S.L. 2022  
9 (70 O.S. Supp. 2025, Section 3205.14), is amended to read as  
10 follows:

11 Section 3205.14. A. The Oklahoma Free Speech Committee shall  
12 either develop a First Amendment training or approve of an outside  
13 First Amendment training that shall be required for all college  
14 deans, heads of departments, and individuals responsible for  
15 establishing university free speech policies or handling free speech  
16 complaints. The Committee shall either revise or reapprove the  
17 training every two (2) years. The training ~~will~~ shall be required  
18 every two (2) years, or upon hire or promotion to one of the  
19 positions described by this section.

20 B. The Oklahoma Free Speech Committee shall develop a free  
21 speech training that shall include information on the expressive  
22 activities that are protected by the First Amendment to the United  
23 States Constitution and Section 2120 of this title. The training  
24 shall be completed by all students in their first year of enrollment

1 at an institution of higher education within The Oklahoma State  
2 System of Higher Education including students who transferred from  
3 another institution and graduate students. An institution of higher  
4 education may develop its own free speech training, consistent with  
5 the provisions of this subsection and subject to a recommendation  
6 for approval from the Oklahoma Free Speech Committee to the Oklahoma  
7 State Regents for Higher Education.

8 C. Each institution's training shall include the policies  
9 regarding free expression on campus that are specific to the  
10 institution. The training shall, at a minimum:

11 1. Explain that the generally accessible outdoor areas of  
12 campus are public forums where members of the campus community can  
13 engage in expressive activities including, but not limited to,  
14 peaceful assembly, protests, speeches and guest speakers,  
15 distribution of literature, carrying signs, and circulating  
16 petitions;

17 2. Explain the institution's content- and viewpoint-neutral  
18 time, place, and manner restrictions including that any such  
19 restrictions shall allow for members of the campus community to  
20 spontaneously and contemporaneously assemble and distribute  
21 literature;

22 3. Explain that freedom of speech does not enable individuals  
23 to engage in conduct that intentionally, materially, and  
24 substantially disrupts another person's expressive activity in a

1 space reserved for such activity, nor does it enable individuals to  
2 prevent any person from attending, listening to, viewing, or  
3 otherwise participating in the activity, but freedom of speech does  
4 protect lawful counter-protests in the outdoor areas of campus that  
5 have not been reserved in advance;

6 4. Explain that speech including speech that some individuals  
7 find offensive or hateful is protected by the First Amendment unless  
8 it is subject to a reasonable time, place, and manner restriction or  
9 constitutes incitement to imminent lawless action, true threats,  
10 fighting words, fraud, defamation, obscenity, speech integral to  
11 criminal acts, harassment as defined in Section 2120 of this title,  
12 or a material and substantial disruption as defined in Section 2120  
13 of this title. The institution shall explain each of the  
14 limitations and exceptions as defined in statute or by the United  
15 States Supreme Court, as applicable;

16 5. Provide examples of protected expressive activities and  
17 unprotected expressive activities to help students understand the  
18 concepts previously outlined by this subsection;

19 6. Explain that the academic freedom of any individual faculty  
20 member protects:

21 a. the right of an individual faculty member to direct  
22 the instruction within his or her own course, and  
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1           b. the scholarly research or creative work of students,  
2           faculty, or other research personnel as well as the  
3           dissemination of such research or work;

4           7. Explain why hearing a wide variety of viewpoints, even those  
5           that some individuals may find offensive or hateful, is a necessary  
6           part of the higher education experience;

7           8. Encourage students to respond to speech or expressive  
8           activities they disagree with by making their own arguments in  
9           response and explain the institution will not intervene to prevent  
10           or punish speech that complies with the institution's time, place,  
11           and manner restrictions and is protected by the First Amendment, the  
12           provisions of Section 2120 of this title, or other provisions in  
13           law;

14           9. Explain that any student or student organization whose  
15           rights provided by Section 2120 of this title are violated may file  
16           a complaint with the institution of higher education or the Oklahoma  
17           Free Speech Committee or bring a lawsuit against the institution of  
18           higher education and its employees in their official capacities.  
19           Failure to file a complaint with the institution or the Committee  
20           shall not bar a student or student organization from bringing a  
21           lawsuit; and

22           10. Identify where students can find more information about the  
23           institution's free speech policies and procedures.

24           SECTION 3. This act shall become effective July 1, 2026.

1       SECTION 4. It being immediately necessary for the preservation  
2 of the public peace, health, or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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