

EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER JML 24-154

***POLICY ON FREE EXPRESSION AT LOUISIANA PUBLIC
POSTSECONDARY EDUCATION INSTITUTIONS***

WHEREAS, freedom of speech is an inalienable right of every person, ordained and endowed by their Creator, and guaranteed by the First Amendment to the United States Constitution and La. Const. art. I, § 7;

WHEREAS, La. Const. art. I, § 1 declares that government “is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people;”

WHEREAS, La. Const. art. IV, § 5(A) states the Governor “shall faithfully support the constitution and laws of the state and of the United States and shall see that the laws are faithfully executed;”

WHEREAS, constitutionally protected expressive conduct that is abridged or restrained causes harm to the State of Louisiana and its citizens and violates the free speech rights of the speaker to transmit and the audience to receive the expression;

WHEREAS, R.S. 17:3399.32(A) specifically protects expressive activities at public postsecondary education institutions by students, administrators, faculty members, staff members, and invited guests;

WHEREAS, R.S. 17:3399.31(1) defines “Free speech and First Amendment protected activities” to include lawful verbal or written means by which individuals or groups may communicate ideas to one another. These activities include peaceful assembly, lawful protest, speech, distribution of literature, carrying signs, and circulating petitions;

WHEREAS, notwithstanding the clear and unambiguous constitutional and statutory protections afforded by law to expressive activities at public postsecondary education institutions in this State, there continue to be troubling incidents involving university administrators and employees engaging in viewpoint censorship of disfavored speech;

WHEREAS, violence, disruption, intimidation, intolerance, and incivility toward disfavored speakers have now established norms of academic life on college and law school campuses across the United States;

WHEREAS, Act 584 of the 2024 Regular Session enacted R.S. 17:3399.39, which requires each public postsecondary education management board to make reasonable efforts to protect students from discrimination, on the basis of political ideas, affiliations, or ideology;

WHEREAS, R.S. 17:3399.35(5) requires each public postsecondary education, in collaboration with the Board of Regents, to develop and adopt policies on free expression and ensure that those policies prohibit “protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity in any location reserved for that expressive activity shall not be permitted;”

WHEREAS, the predictable consequence of such disruptive and intimidating conduct on campuses by those who wish to censor unpopular views or drown out disfavored speech is that students, faculty, and administrators who disagree with them will remain silent and self-censor out of fear of retribution, rather than speaking their conscience in the normal process of academic discourse;

WHEREAS, the chilling effect that threats, intimidation, and self-censorship have on free expression and discourse in the academic setting hinders the pursuit of knowledge and is antithetical to the educational environment;

WHEREAS, R.S. 17:3399.32(F) prohibits a postsecondary education institution from sanctioning or disciplining a student's expression as student-on-student discriminatory harassment unless the expression, “targets a victim in violation of this Part and is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities;”

WHEREAS, students are increasingly being encouraged to report conduct that they witness or experience that they interpret as stereotyping, marginalizing, or excluding a person based on their age, color, disability, gender identity, gender expression, genetic information, marital status, national or ethnic origin, pregnancy status, race, religion, retaliation, sex, sexual orientation, veteran status, or other. Such reports while well-intentioned have the effect of chilling speech and other forms of expressive conduct at public postsecondary education institutions;

WHEREAS, the freedom to debate and discuss the merits of competing ideas does not permit individuals to engage in actions beyond the scope of the First Amendment and La. Const. art. I, § 7, such as true threats, criminal conduct, or expressions intended to incite and likely to result in imminent unlawful behavior. However, these are limited exceptions to the fundamental principle of free speech;

WHEREAS, pursuant to R.S. 17:3399.37 each public postsecondary education management board, in collaboration with the Board of Regents shall develop and adopt policies on free expression that meet the requirements of 17:3399.35;

WHEREAS, pursuant to R.S. 17:3399.36 (B) each public postsecondary education is required to submit an annual report to the Governor and the Legislature regarding any barriers to or incidents against free expression that occurred at the institution;

WHEREAS, pursuant to R.S. 17:3121 the Board of Regents is responsible for providing advice and recommendations concerning higher education to the Governor and the Legislature;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: No state agency, department, office, commission, board, entity, officer, or employee of the State of Louisiana shall take any action or permit or cause another to take any action on their behalf, including during the course of investigating or adjudicating a reported claim of discrimination or bias, that would cause a public postsecondary education institution to deny, abridge, or restrain the lawful exercise of free speech or expression on or immediately adjacent to the grounds of any such institution contrary to R.S. 17:3399.31 *et seq*;

Section 2: The head of every state agency, department, office, commission, board, or entity of the State of Louisiana whose mission or duties arise from, or relate to the function or

administration of a public postsecondary education institution, shall ensure its policies are consistent with R.S. 17:3399.31 *et seq*;

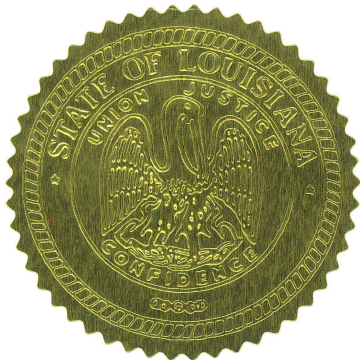
Section 3: The annual reports required by R.S. 17:3399.36 (B) shall be submitted to the Office of the Governor and posted on the institution's website no later than January 31 for the preceding year. Additionally, such annual reports should include all policies of the public postsecondary education institution regarding expressive activities as defined in R.S. 17:3391.31, including policies that allow for a student, administrators, faculty, staff, or student organization to be subject to punitive actions for expressive conduct;

Section 4: This Order shall serve as an official request from the Governor to the Board of Regents to review and provide advice and recommendations on how to improve the freedom of expression policies of public postsecondary education institutions, including but not limited to:

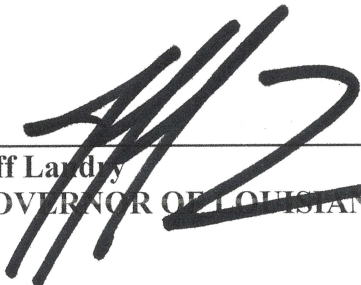
- A. Ensuring the areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas are available as traditional public forums and are open on the same terms to persons who engage in noncommercial expressive activity;
- B. Ensuring the areas that constitute traditional public forums are clearly identified; and
- C. Ensuring that policies for reporting bias or discrimination do not discipline conduct outside of the definition of "student-on-student discriminatory harassment."

Section 5: All state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 6: This Order is effective upon my signature and shall remain in effect until amended, modified, terminated, or rescinded.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of October, 2024.



Jeff Landry
GOVERNOR OF LOUISIANA

**ATTEST BY THE
SECRETARY OF STATE**

Nancy Landry
SECRETARY OF STATE