



May 19, 2022

John deSteiguer  
President  
Oklahoma Christian University  
2501 E. Memorial Road  
Oklahoma City, Oklahoma 73013

*Sent via U.S. Mail and Electronic Mail (john.desteiguer@oc.edu)*

Dear President deSteiguer:

FIRE<sup>1</sup> writes to you again today out of continued concern for the state of free expression and academic freedom at Oklahoma Christian University, after OC told faculty librarian Chris Rosser he should have reported a guest speaker's presentation in professor Michael O'Keefe's class. As our previous letter explained, OC's punishment of O'Keefe for guest speaker Scott Hale's presentation violated O'Keefe's right to academic freedom under OC policy. OC now compounds that violation by reprimanding a professor who simply observed the presentation and declined to confront his colleague or report him to administrators for his protected exercise of academic freedom, and by suggesting Rosser has an obligation to report such speech in the future.

**I. OC Interrogates Rosser Over His Attendance at Guest Speaker Event**

The following is our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

Chris Rosser is a tenured faculty librarian at OC. On March 1, University of Central Oklahoma communications director Scott Hale, who is a friend of Rosser's, gave a presentation in professor Michael O'Keefe's class, "The Business of Branding Yourself." At Hale's invitation, Rosser attended the presentation "as a guest . . . to provide quiet support for a friend."<sup>2</sup>

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<sup>1</sup> As you will recall from prior correspondence, the Foundation for Individual Rights in Education is a nonpartisan nonprofit dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

<sup>2</sup> Email from Chris Rosser to Jeff McCormack, Chief Acad. Officer, Okla. Christian Univ., and Stephen Eck, Chief Legal Officer, Okla. Christian Univ. (Mar. 8, 2022, 4:57 PM) (on file with author).

As described in FIRE’s previous correspondence, on March 7, OC abruptly terminated O’Keefe without any process based on the content of Hale’s speech. In particular, OC punished O’Keefe for Hale’s story about being pressured to expose his genitals during a game of “truth or dare” as a child, and based on allegations that O’Keefe had later attempted to prevent students from complaining about Hale’s remarks.<sup>3</sup>

On March 8, OC’s Chief Academic Officer Jeff McCormack directed Rosser to meet with him and OC’s Chief Legal Officer Stephen Eck “regarding a class you attended where Scott Hale was the guest speaker.”<sup>4</sup> Rosser ultimately met with Eck, McCormack, and Dean of Library & Instructional Support Lee Anne Paris on March 21. In a letter to Rosser memorializing the meeting, Eck said Rosser was “asked to diagram the classroom setup in order to help Dr. McCormack and I better understand the classroom dynamics that day.”<sup>5</sup> Administrators asked Rosser why he was in the classroom, and about an “affirming” comment he allegedly made at the end of the presentation, which Rosser explained was not an “affirming” comment but simply a question.<sup>6</sup> Eck’s letter does not further elaborate on what Rosser said.

In the letter, Eck also told Rosser “you are clear on the University’s position, values, beliefs, and expected instruction for students regarding its Biblical perspectives on same-sex marriage,” referring to a 2018 incident in which OC instructed Rosser to rescind an invitation to a Safe at Home Chapel<sup>7</sup> speaker in a same-sex marriage, and a previous meeting between Rosser and administrators in January 2022, which “concerned clarification of a few of [OC’s] sincerely held religious beliefs as they pertain to certain campus life issues impacted by sexual orientation or gender identity.”<sup>8</sup>

Eck’s letter continued:

It would have been immeasurably helpful to Mr. O’Keefe, his guest speaker, the University, and President deSteiguer, if once you were invited to attend the Business of Branding Yourself session, and understood the nature of the presentation, to either explain the University position as you clearly understood it, to Mr. O’Keefe, or inform President deSteiguer so he could instruct Mr. O’Keefe. Considering your personal decision to drive to Dallas to uninvite the Safe at Home Chapel speaker face-to-face you cannot be unclear on this University Biblical belief and teaching. Chris, your mere presence in this class, without concern for the

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<sup>3</sup> Letter from Aaron Terr, Senior Program Officer, FIRE, to John deSteiguer, President, Okla. Christian Univ., Apr. 19, 2022 (on file with author).

<sup>4</sup> Email from Jeff McCormack to Chris Rosser and Stephen Eck (Mar. 8, 2022, 4:27 PM) (on file with author).

<sup>5</sup> Letter from Stephen Eck to Chris Rosser, Apr. 18, 2022 (on file with author).

<sup>6</sup> *Id.*

<sup>7</sup> Safe at Home Chapel is intended to provide “a safe space for conversations about gender, sexuality and the church.” *OC’s College of Humanities and Bible offers 10 chapel experiences this year*, EAGLE PR (Feb. 28, 2021), <https://www.eaglepr.org/cola/ocs-college-of-humanities-and-bible-offers-10-chapel-experiences-this-year>.

<sup>8</sup> *Id.*

University position or President deStieguer [*sic*], is deeply troubling.<sup>9</sup>

Eck concluded the letter by telling O’Keefe that if he becomes aware that a professor or guest speaker, regardless of their sexual orientation or gender identity, “has shared her or his childhood sexual past, using similarly explicit language, the University needs to address that issue. As a faculty member you should share those details with Dr. McCormack, immediately.”<sup>10</sup>

## **II. OC’s Commitment to Free Expression Precludes the University from Compelling Faculty Speech**

OC’s demand that Rosser report to the administration or otherwise intervene when others are merely exercising their expressive rights compels speech in contravention of university policy.

We remind you that OC’s Academic Policy Manual makes binding commitments to faculty members’ freedom of expression and academic freedom,<sup>11</sup> which the university affirms are consistent with its religious purpose. OC’s Statement of Academic Freedom and Responsibility promises that the “mission of the University *demand*s freedom of inquiry and expression.”<sup>12</sup> Although OC assumes the authority to limit expression that “seriously and adversely affects the University mission,” it commits that this limit “should be narrowly construed so as not to impede the interchange of ideas,”<sup>13</sup> and it cannot operate to nullify the specifically enumerated academic freedom rights guaranteed to OC faculty.

As we explained in our previous letter, O’Keefe’s hosting of a guest speaker was a protected exercise of his academic freedom, which encompasses faculty members’ rights to “discuss controversial subjects and viewpoints relevant to their academic area without undue restriction or fear of reprisal from sources inside the University,”<sup>14</sup> and to “invite speakers of all political ideologies to speak in their classes on topics relevant to their subject matter.”<sup>15</sup> Hale’s presentation about overcoming challenges in his youth, resisting conformity, and finding his identity was relevant to O’Keefe’s course, which brought in a variety of speakers to teach students the importance of knowing yourself before you “brand” yourself to the outside

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See *Tsotaddle v. Absentee Shawnee Hous. Auth.*, 20 P.3d 153, 158 (Okla. Civ. App. 2000) (recognizing employee manual may form the basis of contract between employer and employee); see also Letter from Terr to deSteiguer, *supra* note 3.

<sup>12</sup> OKLA. CHRISTIAN UNIV., 2021 ACADEMIC POLICY MANUAL Art. V, § 5.01(c) [“ACADEMIC POLICY MANUAL”] (emphasis added), [https://myocfiles.oc.edu/files/services/Faculty\\_Services/Academic\\_Policy\\_Manual.pdf](https://myocfiles.oc.edu/files/services/Faculty_Services/Academic_Policy_Manual.pdf) [<https://perma.cc/L7D5-L2UL>].

<sup>13</sup> ACADEMIC POLICY MANUAL § 5.02(f)(1).

<sup>14</sup> ACADEMIC POLICY MANUAL Art. V, § 5.02(a); accord *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671 (6th Cir. 2001) (under First Amendment, academic freedom protects even offensive classroom language when it is germane to the subject matter of the course); AM. ASS’N OF UNIV. PROFESSORS, 1940 STATEMENT OF PRINCIPLES ON ACADEMIC FREEDOM AND TENURE WITH 1970 INTERPRETIVE COMMENTS, <https://www.aaup.org/file/1940%20Statement.pdf> [<https://perma.cc/WR3D-986Q>] (“Controversy is at the heart of the free academic inquiry[.]”).

<sup>15</sup> *Id.* § 5.02(e).

world, as well as the skills of empathy and how to connect with people of different backgrounds. Hale's anecdote about being pressured to expose himself during a game of "truth or dare" as a young boy was intended to illustrate the peer pressure he experienced, not to glorify sexual activity. And his talk did not address the topic of same-sex marriage. Terminating O'Keefe was improper.

For his part, Rosser had no obligation to report this speech or to confront O'Keefe, and to the extent OC suggests otherwise, it violates Rosser's right against compelled speech inherent in OC's protection for freedom of expression.<sup>16</sup> Freedom of expression is not limited to the right to speak—it necessarily extends to the right *not* to speak. As the Supreme Court of the United States has observed, "The right to speak and the right to refrain from speaking are complementary components of the broader concept of individual freedom of mind."<sup>17</sup>

OC cannot promise its faculty freedom of expression and then enlist them as informants who must confront or report colleagues for exercising their academic freedom. In addition to compelled-speech concerns, such a regime would have a chilling effect on faculty who know their colleagues are policing their speech and are under administrative pressure to report anything potentially controversial, and that is to say nothing of the damage to trust and morale it would inflict.

To be sure, OC's promises of free speech and academic freedom do not preclude it from criticizing the protected speech (or silence) of faculty members. But OC must be careful to distinguish between criticism and demands. Administrators summoned Rosser to a meeting, interrogated him about his presence in O'Keefe's class, and told him what he "should" do when he encounters speech like Hale's. Such a request is likely to be received as a command when it comes from one's superiors at a mandatory meeting and is accompanied by pointed criticism. Rosser may reasonably believe OC is requiring him to confront or report any colleague who discusses controversial viewpoints or hosts a controversial guest speaker, despite OC's protections for free expression and academic freedom.

### **III. Conclusion**

Rosser had no obligation to confront or report O'Keefe for the content of his guest speaker's presentation, which was protected by OC's promises of academic freedom. Rosser must not face administrative repercussions merely for attending the presentation. Any other result impermissibly compels Rosser to speak and undermines OC's commitments to expressive freedom.

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<sup>16</sup> While Rosser also apparently asked a question at the end of Hale's presentation, OC's letter to Rosser does not further elaborate on the nature of what Rosser said or if, or how, it violated OC policy. Moreover, the letter expressly takes issue with Rosser's *failure* to speak.

<sup>17</sup> *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (cleaned up).

FIRE calls on OC to immediately clarify to Rosser that he has not and will not face any discipline due to his presence in O'Keefe's class and that he has no obligation to confront or report colleagues for protected speech. We request receipt of a response to this letter no later than the close of business on June 2, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Terr', with a long horizontal flourish extending to the right.

Aaron Terr  
Senior Program Officer, Individual Rights Defense Program

Cc: Stephen Eck, Chief Legal Officer  
Jeff McCormack, Ph.D., Chief Academic Officer

Encl.

## Authorization and Waiver for Release of Personal Information

I, Chris Rosser, do hereby authorize Oklahoma Christian University (the "Institution") to release to the Foundation for Individual Rights in Education ("FIRE") any and all information concerning my employment, status, or relationship with the Institution. This authorization and waiver extends to the release of any personnel files, investigative records, disciplinary history, or other records that would otherwise be protected by privacy rights of any source, including those arising from contract, statute, or regulation. I also authorize the Institution to engage FIRE and its staff members in a full discussion of all information pertaining to my employment and performance, and, in so doing, to disclose to FIRE all relevant information and documentation.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights in Education, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

If the Institution is located in the State of California, I request access to and a copy of all documents defined as my "personnel records" under Cal. Ed. Code § 87031 or Cal. Lab. Code § 1198.5, including without limitation: (1) a complete copy of any files kept in my name in any and all Institution or District offices; (2) any emails, notes, memoranda, video, audio, or other material maintained by any school employee in which I am personally identifiable; and (3) any and all phone, medical or other records in which I am personally identifiable.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights in Education, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.



5/13/2022

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Date