



The University of Oklahoma

OFFICE OF THE PRESIDENT

October 13, 2008

Mr. Adam Kissel
Director Individual Rights Defense Program
601 Walnut Street, Suite 510
Philadelphia, Pennsylvania 19106

Re: Letter to University of Oklahoma

Dear Mr. Kissel:

Thank you for your letter of September 26, 2008, reflecting your concerns over an email message sent by the University's Executive Vice President. The University welcomes this opportunity to clarify its position and appreciates your concerns over its contents. The University in no way intended for the email to reflect a stifling of any individual's rights to First Amendment or its freedoms. Rather, the email was distributed in response to a growing number of internal concerns over mass uses of the University's network systems endorsing/fundraising for political campaigns, rather than individual discussions of politics. For example, the email was an attempt to cease any mass use of the University's email system or University purchased computers for political endorsements or fundraising. It was not designed to inhibit an individual's right to discuss political views with other individuals.

The email about which you express concern reads as follows: "With the political season in full swing, the University wishes to remind you of certain regulations affecting state agencies and the use of the University's email/network systems for political campaigns. As a state agency, the University must ensure it respects the rights of all political candidates, their representatives and others. In furtherance of this, *the University may not endorse or oppose* a particular candidate for office. This includes the use by its faculty, staff and students of its email and network systems. Please be mindful that University email/network systems may not be used to endorse or oppose a candidate, including the forwarding of political humor/commentary. *The University's email/network system is a state resource and must be used for educational and business purposes, recognizing a limited personal use.* This personal use may not include political issues outside of the educational context as it places the University at risk of losing its tax exempt status. Thank you for your understanding and cooperation."

The above italicized language was intended to reflect that to the extent discussions are attributable to the University as endorsing or opposing a political candidate, those activities are prohibited. Moreover, to the extent individuals utilize either University owned computers or the University's email system to implement a political campaign to a mass audience, this likewise is problematic. As noted in the italicized language, it does not prohibit limited personal use or use of the systems/resources for educational purposes (e.g. free discussion of political viewpoints, etc.).

As I am sure you are aware, the Internal Revenue Service has specifically prohibited universities from directly or indirectly endorsing or opposing political candidates. Violation of these regulations could result in the loss of a donor's right to a tax deduction for any monies donated to the offending university. Because many members of the University community may have been unaware of these rules, the University was under an obligation to ensure no improper usage of University networks or resources occurs.

The University seeks to adhere to the guidelines set forth by the Internal Revenue Service, the Federal Election Commission regulations, and the Federal Election Campaign Act of 1971. These guidelines are provided for your convenience on the attached. As you will note, page 7 addresses the improper use of university resources. It is in accordance with these guidelines and the University's own email, network and computer use policy that the University seeks to adhere, nothing more. The University has taken no action against any individuals and does not intend to take action against anyone exercising their protected First Amendment freedoms. This has been made very clear to those in the University community who have expressed their concerns.

Again, thank you for this opportunity to clarify the University's position.

Sincerely,



David L. Boren
President